

1 A bill to be entitled
2 An act relating to education; amending s. 1001.35,
3 F.S.; providing district school board member term
4 limits; prohibiting certain service from counting
5 toward the limit; amending s. 1002.32, F.S.; revising
6 the charter lab schools exempted from a certain
7 limitation; providing that the limitation on lab
8 schools does not apply certain schools serving a
9 military installation; revising a limitation on lab
10 schools receiving specified funds; amending s.
11 1002.321, F.S.; conforming a provision to changes made
12 by the act; amending s. 1002.33, F.S.; authorizing
13 state universities and Florida College System
14 institutions to solicit applications for and sponsor
15 charter schools under certain circumstances;
16 authorizing a state university or Florida College
17 System institution to, at its discretion, deny an
18 application for a charter school; prohibiting certain
19 interlocal agreements; revising the contents of an
20 annual report that charter school sponsors must
21 provide to the Department of Education; revising the
22 date by which the department must post a specified
23 annual report; requiring certain school districts to
24 reduce administrative fees withheld; requiring such
25 school districts to file certain monthly reports;

26 | authorizing such school districts to resume
27 | withholding full amount of administrative fees under
28 | specified circumstance; authorizing certain charter
29 | schools to recover attorney fees and costs;
30 | authorizing parties to appeal without first mediating
31 | in certain circumstances; providing that certain
32 | changes to curriculum are deemed approved; providing
33 | an exception; revising the circumstances in which a
34 | charter may be immediately terminated; providing that
35 | certain information must be provided to specified
36 | entities upon immediate termination; authorizing the
37 | of award specified fees and costs in certain
38 | circumstances; authorizing a sponsor to seek an
39 | injunction in certain circumstances; revising
40 | provisions related to sponsor assumption of operation;
41 | revising provisions relating to Florida College System
42 | institutions that are operating charter schools;
43 | requiring the board of trustees of a state university
44 | or Florida College System institution that is
45 | sponsoring a charter school to serve as the local
46 | educational agency for such school; prohibiting
47 | certain charter school students from being included in
48 | specified school district grade calculations;
49 | requiring the department to develop a sponsor
50 | evaluation framework; providing requirements for the

51 framework; deleting obsolete language; revising the
52 student populations for which a charter school is
53 authorized to give enrollment preference and limit the
54 enrollment process; providing a calculation for the
55 operational funding for a charter school sponsored by
56 a state university or Florida College System
57 institution; requiring the department to develop a
58 tool for state universities and Florida College System
59 institutions for specified purposes relating to
60 certain funding calculations; providing that such
61 funding must be appropriated to the charter school;
62 providing for capital outlay funding for such schools;
63 specifying an administrative fee for certain schools;
64 conforming provisions to changes made by the act;
65 amending s. 1002.331, F.S.; revising requirements for
66 a charter school to be a high-performing charter
67 school; revising a limitation on the expansion of
68 high-performing charter schools; revising a limitation
69 on the establishment of charter schools by a high-
70 performing charter school; amending s. 1002.333, F.S.;
71 revising the definition of the term "persistently low-
72 performing school"; authorizing certain entities to be
73 designated as a local education agency by the
74 department; authorizing such entities to report
75 students in a specified manner; providing requirements

76 for nonprofit entities operating schools of hope;
77 revising procedures for the reporting of certain
78 surplus facilities; authorizing certain nonprofit
79 entities to use specified funds within the same school
80 district; providing how such funds may be used;
81 revising the length of time certain funds may be
82 carried forward; amending s. 1002.45, F.S.;
83 authorizing virtual charter schools to provide part-
84 time instruction; revising requirements for contact;
85 amending s. 1002.455, F.S.; conforming a provision to
86 changes made by the act; amending s. 1003.493, F.S.;
87 authorizing a career and professional academy to be
88 offered by a charter school; amending s. 1008.3415,
89 F.S.; authorizing certain exceptional student
90 education centers to replicate their educational
91 programs; requiring the Commissioner of Education to
92 verify certain information and provide a letter to
93 specified entities; amending s. 1012.32, F.S.;
94 specifying that existing background screening
95 requirements do not apply to schools of hope;
96 providing background screening requirements for
97 schools of hope; amending s. 1013.62, F.S.;
98 authorizing certain schools of hope to receive capital
99 outlay funding; providing an effective date.

100

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

102

103 Section 1. Section 1001.35, Florida Statutes, is amended
104 to read:

105 1001.35 Term of office.—District school board members
106 shall be elected at the general election in November for terms
107 of 4 years except that a person may not appear on the ballot for
108 reelection to the office of school board member if, by the end
109 of his or her current term of office, the person will have
110 served, or but for resignation would have served, in that office
111 for 8 consecutive years. Service of a term of office which
112 commenced before November 8, 2022, will not be counted toward
113 the limitation imposed by this section.

114 Section 2. Subsection (2) and paragraph (a) of subsection
115 (9) of section 1002.32, Florida Statutes, are amended to read:

116 1002.32 Developmental research (laboratory) schools.—

117 (2) ESTABLISHMENT.—There is established a category of
118 public schools to be known as developmental research
119 (laboratory) schools (lab schools). Each lab school shall
120 provide sequential instruction and shall be affiliated with the
121 college of education within the state university of closest
122 geographic proximity. A lab school to which a charter has been
123 issued under s. 1002.33(5)(a) 2. must be affiliated with the
124 college of education within the state university that issued the
125 charter, but is not subject to the requirement that the state

126 university be of closest geographic proximity. For the purpose
 127 of state funding, Florida Agricultural and Mechanical
 128 University, Florida Atlantic University, Florida State
 129 University, the University of Florida, and other universities
 130 approved by the State Board of Education and the Legislature are
 131 authorized to sponsor a lab school. The limitation of one lab
 132 school per university shall not apply to the following
 133 legislatively allowed charter lab schools ~~authorized prior to~~
 134 ~~June 1, 2003~~: Florida State University Charter Lab K-12 School
 135 in Broward County, Florida Atlantic University Charter Lab K-12
 136 ~~9-12 High~~ School in Palm Beach County, and Florida Atlantic
 137 University Charter Lab K-12 School in St. Lucie County. The
 138 limitation of one lab school per university shall not apply to a
 139 university that establishes a lab school to serve families of a
 140 military installation that is within the same county as a branch
 141 campus that offers programs from the university's college of
 142 education.

143 (9) FUNDING.—Funding for a lab school, including a charter
 144 lab school, shall be provided as follows:

145 (a) Each lab school shall be allocated its proportional
 146 share of operating funds from the Florida Education Finance
 147 Program as provided in s. 1011.62 based on the county in which
 148 the lab school is located and the General Appropriations Act.
 149 The nonvoted ad valorem millage that would otherwise be required
 150 for lab schools shall be allocated from state funds. The

151 required local effort funds calculated pursuant to s. 1011.62
152 shall be allocated from state funds to the schools as a part of
153 the allocation of operating funds pursuant to s. 1011.62. Each
154 eligible lab school ~~in operation as of September 1, 2013,~~ with a
155 permanent high school center shall also receive a proportional
156 share of the sparsity supplement as calculated pursuant to s.
157 1011.62. In addition, each lab school shall receive its
158 proportional share of all categorical funds, with the exception
159 of s. 1011.68, and new categorical funds enacted after July 1,
160 1994, for the purpose of elementary or secondary academic
161 program enhancement. The sum of funds available as provided in
162 this paragraph shall be included annually in the Florida
163 Education Finance Program and appropriate categorical programs
164 funded in the General Appropriations Act.

165 Section 3. Paragraph (d) of subsection (4) of section
166 1002.321, Florida Statutes, is amended to read:

167 1002.321 Digital learning.—

168 (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district
169 must establish multiple opportunities for student participation
170 in part-time and full-time kindergarten through grade 12 virtual
171 instruction. Options include, but are not limited to:

172 (d) ~~Full-time~~ Virtual charter school instruction
173 authorized under s. 1002.33.

174 Section 4. Subsection (1), paragraph (c) of subsection
175 (2), subsection (5), paragraphs (b) and (d) of subsection (6),

176 paragraphs (a), (b), and (d) of subsection (7), paragraphs (c),
177 (d) and (e) of subsection (8), paragraphs (g) and (n) of
178 subsection (9), paragraphs (d) and (e) of subsection (10),
179 subsection (14), paragraph (c) of subsection (15), subsection
180 (17), paragraph (e) of subsection (18), subsections (20) and
181 (21), paragraph (a) of subsection (25), and subsection (28) of
182 section 1002.33, Florida Statutes, are amended to read:

183 1002.33 Charter schools.—

184 (1) AUTHORIZATION.—All charter schools in Florida are
185 public schools and shall be part of the state's program of
186 public education. A charter school may be formed by creating a
187 new school or converting an existing public school to charter
188 status. A charter school may operate a virtual charter school
189 pursuant to s. 1002.45(1)(d) to provide ~~full-time~~ online
190 instruction to students, pursuant to s. 1002.455, in
191 kindergarten through grade 12. The school district in which the
192 student enrolls in the virtual charter school shall report the
193 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and
194 the home school district shall not report the student for
195 funding. An existing charter school that is seeking to become a
196 virtual charter school must amend its charter or submit a new
197 application pursuant to subsection (6) to become a virtual
198 charter school. A virtual charter school is subject to the
199 requirements of this section; however, a virtual charter school
200 is exempt from subsections (18) and (19), paragraph (20)(c), and

201 s. 1003.03. A public school may not use the term charter in its
 202 name unless it has been approved under this section.

203 (2) GUIDING PRINCIPLES; PURPOSE.—

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

205 1. Create innovative measurement tools.

206 2. Provide rigorous competition within the public school
 207 system ~~district~~ to stimulate continual improvement in all public
 208 schools.

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

210 4. Mitigate the educational impact created by the
 211 development of new residential dwelling units.

212 5. Create new professional opportunities for teachers,
 213 including ownership of the learning program at the school site.

214 (5) SPONSOR; DUTIES.—

215 (a) Sponsoring entities.—

216 1. A district school board may sponsor a charter school in
 217 the county over which the district school board has
 218 jurisdiction.

219 2. A state university may grant a charter to a lab school
 220 created under s. 1002.32 and shall be considered to be the
 221 school's sponsor. Such school shall be considered a charter lab
 222 school.

223 3. Because needs relating to educational capacity,
 224 workforce qualifications, and career education opportunities are
 225 constantly changing and extend beyond school district

226 boundaries:

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

231 b. A Florida College System institution may, upon approval
 232 by the Department of Education, solicit applications and sponsor
 233 a charter school in any county within its service area to meet
 234 workforce demands and may offer postsecondary programs leading
 235 to industry certifications to eligible charter school students.
 236 A charter school established under subparagraph (b)4. may not be
 237 sponsored by a Florida College System institution until its
 238 existing charter with the school district expires as provided
 239 under subsection (7).

240 c. Notwithstanding paragraph (6)(b), a state university or
 241 Florida College System institution may, at its discretion, deny
 242 an application for a charter school.

243 (b) Sponsor duties.—

244 1.a. The sponsor shall monitor and review the charter
 245 school in its progress toward the goals established in the
 246 charter.

247 b. The sponsor shall monitor the revenues and expenditures
 248 of the charter school and perform the duties provided in s.
 249 1002.345.

250 c. The sponsor may approve a charter for a charter school

251 before the applicant has identified space, equipment, or
252 personnel, if the applicant indicates approval is necessary for
253 it to raise working funds.

254 d. The sponsor shall not apply its policies to a charter
255 school unless mutually agreed to by both the sponsor and the
256 charter school. If the sponsor subsequently amends any agreed-
257 upon sponsor policy, the version of the policy in effect at the
258 time of the execution of the charter, or any subsequent
259 modification thereof, shall remain in effect and the sponsor may
260 not hold the charter school responsible for any provision of a
261 newly revised policy until the revised policy is mutually agreed
262 upon.

263 e. The sponsor shall ensure that the charter is innovative
264 and consistent with the state education goals established by s.
265 1000.03(5).

266 f. The sponsor shall ensure that the charter school
267 participates in the state's education accountability system. If
268 a charter school falls short of performance measures included in
269 the approved charter, the sponsor shall report such shortcomings
270 to the Department of Education.

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

275 h. The sponsor shall not be liable for civil damages under

276 state law for any employment actions taken by an officer,
277 employee, agent, or governing body of the charter school.

278 i. The sponsor's duties to monitor the charter school
279 shall not constitute the basis for a private cause of action.

280 j. The sponsor shall not impose additional reporting
281 requirements on a charter school without providing reasonable
282 and specific justification in writing to the charter school.

283 k. The sponsor shall submit an annual report to the
284 Department of Education in a web-based format to be determined
285 by the department.

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

287 ~~(A) The number of draft applications received on or before~~
288 ~~May 1 and each applicant's contact information.~~

289 (A) ~~(B)~~ The number of ~~final~~ applications received on or
290 before February ~~August~~ 1 and each applicant's contact
291 information.

292 (B) ~~(C)~~ The date each application was approved, denied, or
293 withdrawn.

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

295 (II) Annually, by November 1 ~~Beginning August 31, 2013,~~
296 ~~and each year thereafter,~~ the sponsor shall submit to the
297 department the information for the applications submitted the
298 previous year.

299 (III) The department shall compile an annual report, by
300 sponsor ~~district~~, and post the report on its website by January

301 ~~15 November 1~~ of each year.

302 2. Immunity for the sponsor of a charter school under
303 subparagraph 1. applies only with respect to acts or omissions
304 not under the sponsor's direct authority as described in this
305 section.

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

308 4. A Florida College System institution may work with the
309 school district or school districts in its designated service
310 area to develop charter schools that offer secondary education.
311 These charter schools must include an option for students to
312 receive an associate degree upon high school graduation. If a
313 Florida College System institution operates an approved teacher
314 preparation program under s. 1004.04 or s. 1004.85, the
315 institution may operate ~~no more than one~~ charter schools ~~school~~
316 that serve ~~serves~~ students in kindergarten through grade 12 in
317 any school district within the service area of the institution.
318 ~~In kindergarten through grade 8, the charter school shall~~
319 ~~implement innovative blended learning instructional models in~~
320 ~~which, for a given course, a student learns in part through~~
321 ~~online delivery of content and instruction with some element of~~
322 ~~student control over time, place, path, or pace and in part at a~~
323 ~~supervised brick-and-mortar location away from home. A student~~
324 ~~in a blended learning course must be a full-time student of the~~
325 ~~charter school and receive the online instruction in a classroom~~

326 ~~setting at the charter school.~~ District school boards shall
327 cooperate with and assist the Florida College System institution
328 on the charter application. Florida College System institution
329 applications for charter schools are not subject to the time
330 deadlines outlined in subsection (6) and may be approved by the
331 district school board at any time during the year. Florida
332 College System institutions may not report FTE for any students
333 participating under this subparagraph who receive FTE funding
334 through the Florida Education Finance Program.

335 5. For purposes of assisting the development of a charter
336 school, a school district may enter into nonexclusive interlocal
337 agreements with federal and state agencies, counties,
338 municipalities, and other governmental entities that operate
339 within the geographical borders of the school district to act on
340 behalf of such governmental entities in the inspection,
341 issuance, and other necessary activities for all necessary
342 permits, licenses, and other permissions that a charter school
343 needs in order for development, construction, or operation. A
344 charter school may use, but may not be required to use, a school
345 district for these services. The interlocal agreement must
346 include, but need not be limited to, the identification of fees
347 that charter schools will be charged for such services. The fees
348 must consist of the governmental entity's fees plus a fee for
349 the school district to recover no more than actual costs for
350 providing such services. These services and fees are not

351 included within the services to be provided pursuant to
352 subsection (20). Notwithstanding any other provision of law, an
353 interlocal agreement between a school district and a federal or
354 state agency, county, municipality, or other governmental entity
355 that prohibits or limits the creation of a charter school within
356 the geographical borders of the school district is void and
357 unenforceable.

358 6. The board of trustees of a sponsoring state university
359 or Florida College System institution under paragraph (a) is the
360 local educational agency for all charter schools it sponsors for
361 purposes of receiving federal funds and accepts full
362 responsibility for all local educational agency requirements and
363 the schools for which it will perform local educational agency
364 responsibilities. A student enrolled in a charter school that is
365 sponsored by a state university or Florida College System
366 institution may not be included in the calculation of the school
367 district's grade under s. 1008.34(5) for the school district in
368 which he or she resides.

369 (c) Sponsor accountability.—

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

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

375 b. The alignment of the sponsor's policies and practices

376 | to best practices for charter school authorizing.

377 | c. The academic and financial performance of all operating

378 | charter schools overseen by the sponsor.

379 | d. The status of charter schools authorized by the

380 | sponsor, including approved, operating, and closed schools.

381 | 2. The department shall compile the results, by sponsor,

382 | and include the results in the report required under sub-sub-

383 | subparagraph (b)1.k.(III).

384 | (6) APPLICATION PROCESS AND REVIEW.—Charter school

385 | applications are subject to the following requirements:

386 | (b) A sponsor shall receive and review all applications

387 | for a charter school using the evaluation instrument developed

388 | by the Department of Education. ~~A sponsor shall receive and~~

389 | ~~consider charter school applications received on or before~~

390 | ~~August 1 of each calendar year for charter schools to be opened~~

391 | ~~at the beginning of the school district's next school year, or~~

392 | ~~to be opened at a time agreed to by the applicant and the~~

393 | ~~sponsor. A sponsor may not refuse to receive a charter school~~

394 | ~~application submitted before August 1 and may receive an~~

395 | ~~application submitted later than August 1 if it chooses.~~

396 | ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and

397 | consider charter school applications received on or before

398 | February 1 of each calendar year for charter schools to be

399 | opened 18 months later at the beginning of the ~~school district's~~

400 | school year, or to be opened at a time determined by the

401 applicant. A sponsor may not refuse to receive a charter school
402 application submitted before February 1 and may receive an
403 application submitted later than February 1 if it chooses. A
404 sponsor may not charge an applicant for a charter any fee for
405 the processing or consideration of an application, and a sponsor
406 may not base its consideration or approval of a final
407 application upon the promise of future payment of any kind.
408 Before approving or denying any application, the sponsor shall
409 allow the applicant, upon receipt of written notification, at
410 least 7 calendar days to make technical or nonsubstantive
411 corrections and clarifications, including, but not limited to,
412 corrections of grammatical, typographical, and like errors or
413 missing signatures, if such errors are identified by the sponsor
414 as cause to deny the final application.

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

424 2. In order to ensure fiscal responsibility, an
425 application for a charter school shall include a full accounting

426 of expected assets, a projection of expected sources and amounts
427 of income, including income derived from projected student
428 enrollments and from community support, and an expense
429 projection that includes full accounting of the costs of
430 operation, including start-up costs.

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

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

449 (I) The application of a high-performing charter school
450 does not materially comply with the requirements in paragraph

451 (a) or, for a high-performing charter school system, the
 452 application does not materially comply with s. 1002.332(2)(b);

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

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

459 (IV) The applicant has made a material misrepresentation
 460 or false statement or concealed an essential or material fact
 461 during the application process; or

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

465
 466 Material noncompliance is a failure to follow requirements or a
 467 violation of prohibitions applicable to charter school
 468 applications, which failure is quantitatively or qualitatively
 469 significant either individually or when aggregated with other
 470 noncompliance. An applicant is considered to be replicating a
 471 high-performing charter school if the proposed school is
 472 substantially similar to at least one of the applicant's high-
 473 performing charter schools and the organization or individuals
 474 involved in the establishment and operation of the proposed
 475 school are significantly involved in the operation of replicated

476 schools.

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

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

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

500 (d) The sponsor shall act upon the decision of the State

501 Board of Education within 30 calendar days after it is received.
502 The State Board of Education's decision is a final action
503 subject to judicial review in the district court of appeal. A
504 school district that fails to implement the decision affirmed by
505 a district court of appeal shall reduce the administrative fees
506 withheld pursuant to subsection (20) to 1 percent for all
507 charter schools operating in the school district. Such school
508 districts shall file a monthly report detailing the reduction in
509 the amount of administrative fees withheld. Upon execution of
510 the charter, the sponsor may resume withholding the full amount
511 of administrative fees but may not recover any fees that would
512 have otherwise accrued during the period of noncompliance. Any
513 charter school that had administrative fees withheld in
514 violation of this paragraph may recover attorney fees and costs
515 to enforce the requirements of this paragraph.

516 (7) CHARTER.—The terms and conditions for the operation of
517 a charter school shall be set forth by the sponsor and the
518 applicant in a written contractual agreement, called a charter.
519 The sponsor and the governing board of the charter school shall
520 use the standard charter contract pursuant to subsection (21),
521 which shall incorporate the approved application and any addenda
522 approved with the application. Any term or condition of a
523 proposed charter contract that differs from the standard charter
524 contract adopted by rule of the State Board of Education shall
525 be presumed a limitation on charter school flexibility. The

526 sponsor may not impose unreasonable rules or regulations that
527 violate the intent of giving charter schools greater flexibility
528 to meet educational goals. The charter shall be signed by the
529 governing board of the charter school and the sponsor, following
530 a public hearing to ensure community input.

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

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

535 2. The focus of the curriculum, the instructional methods
536 to be used, any distinctive instructional techniques to be
537 employed, and identification and acquisition of appropriate
538 technologies needed to improve educational and administrative
539 performance which include a means for promoting safe, ethical,
540 and appropriate uses of technology which comply with legal and
541 professional standards.

542 a. The charter shall ensure that reading is a primary
543 focus of the curriculum and that resources are provided to
544 identify and provide specialized instruction for students who
545 are reading below grade level. The curriculum and instructional
546 strategies for reading must be consistent with the Next
547 Generation Sunshine State Standards and grounded in
548 scientifically based reading research.

549 b. In order to provide students with access to diverse
550 instructional delivery models, to facilitate the integration of

551 technology within traditional classroom instruction, and to
552 provide students with the skills they need to compete in the
553 21st century economy, the Legislature encourages instructional
554 methods for blended learning courses consisting of both
555 traditional classroom and online instructional techniques.
556 Charter schools may implement blended learning courses which
557 combine traditional classroom instruction and virtual
558 instruction. Students in a blended learning course must be full-
559 time students of the charter school pursuant to s.
560 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
561 1012.55 who provide virtual instruction for blended learning
562 courses may be employees of the charter school or may be under
563 contract to provide instructional services to charter school
564 students. At a minimum, such instructional personnel must hold
565 an active state or school district adjunct certification under
566 s. 1012.57 for the subject area of the blended learning course.
567 The funding and performance accountability requirements for
568 blended learning courses are the same as those for traditional
569 courses.

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

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

576 b. How these baseline rates will be compared to rates of
577 academic progress achieved by these same students while
578 attending the charter school.

579 c. To the extent possible, how these rates of progress
580 will be evaluated and compared with rates of progress of other
581 closely comparable student populations.

582

583 A ~~The~~ district school board is required to provide academic
584 student performance data to charter schools for each of their
585 students coming from the district school system, as well as
586 rates of academic progress of comparable student populations in
587 the district school system.

588 4. The methods used to identify the educational strengths
589 and needs of students and how well educational goals and
590 performance standards are met by students attending the charter
591 school. The methods shall provide a means for the charter school
592 to ensure accountability to its constituents by analyzing
593 student performance data and by evaluating the effectiveness and
594 efficiency of its major educational programs. Students in
595 charter schools shall, at a minimum, participate in the
596 statewide assessment program created under s. 1008.22.

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

600 6. A method for resolving conflicts between the governing

601 board of the charter school and the sponsor.

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

605 8. The ways by which the school will achieve a
606 racial/ethnic balance reflective of the community it serves or
607 within the racial/ethnic range of other nearby public schools ~~in~~
608 ~~the same school district.~~

609 9. The financial and administrative management of the
610 school, including a reasonable demonstration of the professional
611 experience or competence of those individuals or organizations
612 applying to operate the charter school or those hired or
613 retained to perform such professional services and the
614 description of clearly delineated responsibilities and the
615 policies and practices needed to effectively manage the charter
616 school. A description of internal audit procedures and
617 establishment of controls to ensure that financial resources are
618 properly managed must be included. Both public sector and
619 private sector professional experience shall be equally valid in
620 such a consideration.

621 10. The asset and liability projections required in the
622 application which are incorporated into the charter and shall be
623 compared with information provided in the annual report of the
624 charter school.

625 11. A description of procedures that identify various

626 risks and provide for a comprehensive approach to reduce the
627 impact of losses; plans to ensure the safety and security of
628 students and staff; plans to identify, minimize, and protect
629 others from violent or disruptive student behavior; and the
630 manner in which the school will be insured, including whether or
631 not the school will be required to have liability insurance,
632 and, if so, the terms and conditions thereof and the amounts of
633 coverage.

634 12. The term of the charter which shall provide for
635 cancellation of the charter if insufficient progress has been
636 made in attaining the student achievement objectives of the
637 charter and if it is not likely that such objectives can be
638 achieved before expiration of the charter. The initial term of a
639 charter shall be for 5 years, excluding 2 planning years. In
640 order to facilitate access to long-term financial resources for
641 charter school construction, charter schools that are operated
642 by a municipality or other public entity as provided by law are
643 eligible for up to a 15-year charter, subject to approval by the
644 sponsor ~~district school board~~. A charter lab school is eligible
645 for a charter for a term of up to 15 years. In addition, to
646 facilitate access to long-term financial resources for charter
647 school construction, charter schools that are operated by a
648 private, not-for-profit, s. 501(c)(3) status corporation are
649 eligible for up to a 15-year charter, subject to approval by the
650 sponsor ~~district school board~~. Such long-term charters remain

651 subject to annual review and may be terminated during the term
652 of the charter, but only according to the provisions set forth
653 in subsection (8).

654 13. The facilities to be used and their location. The
655 sponsor may not require a charter school to have a certificate
656 of occupancy or a temporary certificate of occupancy for such a
657 facility earlier than 15 calendar days before the first day of
658 school.

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

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

665 16. A timetable for implementing the charter which
666 addresses the implementation of each element thereof and the
667 date by which the charter shall be awarded in order to meet this
668 timetable.

669 17. In the case of an existing public school that is being
670 converted to charter status, alternative arrangements for
671 current students who choose not to attend the charter school and
672 for current teachers who choose not to teach in the charter
673 school after conversion in accordance with the existing
674 collective bargaining agreement or district school board rule in
675 the absence of a collective bargaining agreement. However,

676 alternative arrangements shall not be required for current
677 teachers who choose not to teach in a charter lab school, except
678 as authorized by the employment policies of the state university
679 which grants the charter to the lab school.

680 18. Full disclosure of the identity of all relatives
681 employed by the charter school who are related to the charter
682 school owner, president, chairperson of the governing board of
683 directors, superintendent, governing board member, principal,
684 assistant principal, or any other person employed by the charter
685 school who has equivalent decisionmaking authority. For the
686 purpose of this subparagraph, the term "relative" means father,
687 mother, son, daughter, brother, sister, uncle, aunt, first
688 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
689 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
690 stepfather, stepmother, stepson, stepdaughter, stepbrother,
691 stepsister, half brother, or half sister.

692 19. Implementation of the activities authorized under s.
693 1002.331 by the charter school when it satisfies the eligibility
694 requirements for a high-performing charter school. A high-
695 performing charter school shall notify its sponsor in writing by
696 March 1 if it intends to increase enrollment or expand grade
697 levels the following school year. The written notice shall
698 specify the amount of the enrollment increase and the grade
699 levels that will be added, as applicable.

700 (b) The sponsor has 30 days after approval of the

701 application to provide an initial proposed charter contract to
702 the charter school. The applicant and the sponsor have 40 days
703 thereafter to negotiate and notice the charter contract for
704 final approval by the sponsor unless both parties agree to an
705 extension. The proposed charter contract shall be provided to
706 the charter school at least 7 calendar days before the date of
707 the meeting at which the charter is scheduled to be voted upon
708 by the sponsor. The Department of Education shall provide
709 mediation services for any dispute regarding this section
710 subsequent to the approval of a charter application and for any
711 dispute relating to the approved charter, except a dispute
712 regarding a charter school application denial. If either the
713 charter school or the sponsor indicates in writing that the
714 party does not desire to settle any dispute arising under this
715 section through mediation procedures offered by the Department
716 of Education, a charter school may immediately appeal any formal
717 or informal decision by the sponsor to an administrative law
718 judge appointed by the Division of Administrative Hearings. If
719 the Commissioner of Education determines that the dispute cannot
720 be settled through mediation, the dispute may also be appealed
721 to an administrative law judge appointed by the Division of
722 Administrative Hearings. The administrative law judge has final
723 order authority to rule on issues of equitable treatment of the
724 charter school as a public school, whether proposed provisions
725 of the charter violate the intended flexibility granted charter

726 schools by statute, or any other matter regarding this section,
727 except a dispute regarding charter school application denial, a
728 charter termination, or a charter nonrenewal. The administrative
729 law judge shall award the prevailing party reasonable attorney
730 fees and costs incurred during the mediation process,
731 administrative proceeding, and any appeals, to be paid by the
732 party whom the administrative law judge rules against.

733 (d) A charter may be modified during its initial term or
734 any renewal term upon the recommendation of the sponsor or the
735 charter school's governing board and the approval of both
736 parties to the agreement. Changes to curriculum that are
737 consistent with state standards and are necessary to implement
738 blended learning shall be deemed approved unless the sponsor and
739 the Department of Education determines in writing that the
740 curriculum is inconsistent with state standards. Modification
741 during any term may include, but is not limited to,
742 consolidation of multiple charters into a single charter if the
743 charters are operated under the same governing board, regardless
744 of the renewal cycle. A charter school that is not subject to a
745 school improvement plan and that closes as part of a
746 consolidation shall be reported by the sponsor ~~school district~~
747 as a consolidation.

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

749 (c) A charter may be terminated immediately if the sponsor
750 sets forth in writing the particular facts and circumstances

751 demonstrating ~~indicating~~ that an immediate and serious danger to
752 the health, safety, or welfare of the charter school's students
753 exists, that the immediate and serious danger is likely to
754 continue, and that an immediate termination of the charter is
755 necessary. The sponsor's determination is subject to the
756 procedures set forth in paragraph (b), except that the hearing
757 may take place after the charter has been terminated. The
758 sponsor shall notify in writing the charter school's governing
759 board, the charter school principal, and the department of the
760 facts and circumstances supporting the immediate termination ~~if~~
761 ~~a charter is terminated immediately~~. The sponsor shall clearly
762 identify the specific issues that resulted in the immediate
763 termination and provide evidence of prior notification of issues
764 resulting in the immediate termination, if applicable ~~when~~
765 ~~appropriate~~. Upon receiving written notice from the sponsor, the
766 charter school's governing board has 10 calendar days to request
767 a hearing. A requested hearing must be expedited and the final
768 order must be issued within 60 days after the date of request.
769 The administrative law judge shall award reasonable attorney
770 fees and costs to the prevailing party of any injunction,
771 administrative proceeding, or appeal. The sponsor may seek an
772 injunction in the circuit court in which the charter school is
773 located to enjoin continued operation of the charter school if
774 ~~shall assume operation of the charter school throughout the~~
775 ~~pendency of the hearing under paragraph (b) unless the continued~~

776 operation ~~of the charter school~~ would materially threaten the
777 health, safety, or welfare of the students. ~~Failure by the~~
778 ~~sponsor to assume and continue operation of the charter school~~
779 ~~shall result in the awarding of reasonable costs and attorney's~~
780 ~~fees to the charter school if the charter school prevails on~~
781 ~~appeal.~~

782 (d) When a charter is not renewed or is terminated, the
783 school shall be dissolved under the provisions of law under
784 which the school was organized, and any unencumbered public
785 funds, except for capital outlay funds and federal charter
786 school program grant funds, from the charter school shall revert
787 to the sponsor. Capital outlay funds provided pursuant to s.
788 1013.62 and federal charter school program grant funds that are
789 unencumbered shall revert to the department to be redistributed
790 among eligible charter schools. In the event a charter school is
791 dissolved or is otherwise terminated, all sponsor ~~district~~
792 ~~school board~~ property and improvements, furnishings, and
793 equipment purchased with public funds shall automatically revert
794 to full ownership by the sponsor ~~district school board~~, subject
795 to complete satisfaction of any lawful liens or encumbrances.
796 Any unencumbered public funds from the charter school, ~~district~~
797 ~~school board~~ property and improvements, furnishings, and
798 equipment purchased with public funds, or financial or other
799 records pertaining to the charter school, in the possession of
800 any person, entity, or holding company, other than the charter

801 school, shall be held in trust upon the sponsor's ~~district~~
802 ~~school board's~~ request, until any appeal status is resolved.

803 (e) If a charter is not renewed or is terminated, the
804 charter school is responsible for all debts of the charter
805 school. The sponsor ~~district~~ may not assume the debt from any
806 contract made between the governing body of the school and a
807 third party, except for a debt that is previously detailed and
808 agreed upon in writing by both the sponsor ~~district~~ and the
809 governing body of the school and that may not reasonably be
810 assumed to have been satisfied by the sponsor ~~district~~.

811 (9) CHARTER SCHOOL REQUIREMENTS.—

812 (g)1. In order to provide financial information that is
813 comparable to that reported for other public schools, charter
814 schools are to maintain all financial records that constitute
815 their accounting system:

816 a. In accordance with the accounts and codes prescribed in
817 the most recent issuance of the publication titled "Financial
818 and Program Cost Accounting and Reporting for Florida Schools";
819 or

820 b. At the discretion of the charter school's governing
821 board, a charter school may elect to follow generally accepted
822 accounting standards for not-for-profit organizations, but must
823 reformat this information for reporting according to this
824 paragraph.

825 2. Charter schools shall provide annual financial report

826 and program cost report information in the state-required
827 formats for inclusion in sponsor ~~district~~ reporting in
828 compliance with s. 1011.60(1). Charter schools that are operated
829 by a municipality or are a component unit of a parent nonprofit
830 organization may use the accounting system of the municipality
831 or the parent but must reformat this information for reporting
832 according to this paragraph.

833 3. A charter school shall, upon approval of the charter
834 contract, provide the sponsor with a concise, uniform, monthly
835 financial statement summary sheet that contains a balance sheet
836 and a statement of revenue, expenditures, and changes in fund
837 balance. The balance sheet and the statement of revenue,
838 expenditures, and changes in fund balance shall be in the
839 governmental funds format prescribed by the Governmental
840 Accounting Standards Board. A high-performing charter school
841 pursuant to s. 1002.331 may provide a quarterly financial
842 statement in the same format and requirements as the uniform
843 monthly financial statement summary sheet. The sponsor shall
844 review each monthly or quarterly financial statement to identify
845 the existence of any conditions identified in s. 1002.345(1)(a).

846 4. A charter school shall maintain and provide financial
847 information as required in this paragraph. The financial
848 statement required in subparagraph 3. must be in a form
849 prescribed by the Department of Education.

850 (n)1. The director and a representative of the governing

851 board of a charter school that has earned a grade of "D" or "F"
852 pursuant to s. 1008.34 shall appear before the sponsor to
853 present information concerning each contract component having
854 noted deficiencies. The director and a representative of the
855 governing board shall submit to the sponsor for approval a
856 school improvement plan to raise student performance. Upon
857 approval by the sponsor, the charter school shall begin
858 implementation of the school improvement plan. The department
859 shall offer technical assistance and training to the charter
860 school and its governing board and establish guidelines for
861 developing, submitting, and approving such plans.

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

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

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

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

872 (IV) Voluntarily close the charter school.

873 b. The charter school must implement the corrective action
874 in the school year following receipt of a third consecutive
875 grade below a "C."

876 c. The sponsor may annually waive a corrective action if
877 it determines that the charter school is likely to improve a
878 letter grade if additional time is provided to implement the
879 intervention and support strategies prescribed by the school
880 improvement plan. Notwithstanding this sub-subparagraph, a
881 charter school that earns a second consecutive grade of "F" is
882 subject to subparagraph 3.

883 d. A charter school is no longer required to implement a
884 corrective action if it improves to a "C" or higher. However,
885 the charter school must continue to implement strategies
886 identified in the school improvement plan. The sponsor must
887 annually review implementation of the school improvement plan to
888 monitor the school's continued improvement pursuant to
889 subparagraph 4.

890 e. A charter school implementing a corrective action that
891 does not improve to a "C" or higher after 2 full school years of
892 implementing the corrective action must select a different
893 corrective action. Implementation of the new corrective action
894 must begin in the school year following the implementation
895 period of the existing corrective action, unless the sponsor
896 determines that the charter school is likely to improve to a "C"
897 or higher if additional time is provided to implement the
898 existing corrective action. Notwithstanding this sub-
899 subparagraph, a charter school that earns a second consecutive
900 grade of "F" while implementing a corrective action is subject

901 to subparagraph 3.

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

905 a. The charter school is established to turn around the
906 performance of a district public school pursuant to s.
907 1008.33(4)(b)2. Such charter schools shall be governed by s.
908 1008.33;

909 b. The charter school serves a student population the
910 majority of which resides in a school zone served by a district
911 public school subject to s. 1008.33(4) and the charter school
912 earns at least a grade of "D" in its third year of operation.
913 The exception provided under this sub-subparagraph does not
914 apply to a charter school in its fourth year of operation and
915 thereafter; or

916 c. The state board grants the charter school a waiver of
917 termination. The charter school must request the waiver within
918 15 days after the department's official release of school
919 grades. The state board may waive termination if the charter
920 school demonstrates that the Learning Gains of its students on
921 statewide assessments are comparable to or better than the
922 Learning Gains of similarly situated students enrolled in nearby
923 ~~district~~ public schools. The waiver is valid for 1 year and may
924 only be granted once. Charter schools that have been in
925 operation for more than 5 years are not eligible for a waiver

926 | under this sub-subparagraph.

927 |

928 | The sponsor shall notify the charter school's governing board,
929 | the charter school principal, and the department in writing when
930 | a charter contract is terminated under this subparagraph. A
931 | charter terminated under this subparagraph must follow the
932 | procedures for dissolution and reversion of public funds
933 | pursuant to paragraphs (8) (d)-(f) and (9) (o).

934 | 4. The director and a representative of the governing
935 | board of a graded charter school that has implemented a school
936 | improvement plan under this paragraph shall appear before the
937 | sponsor at least once a year to present information regarding
938 | the progress of intervention and support strategies implemented
939 | by the school pursuant to the school improvement plan and
940 | corrective actions, if applicable. The sponsor shall communicate
941 | at the meeting, and in writing to the director, the services
942 | provided to the school to help the school address its
943 | deficiencies.

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

947 | (10) ELIGIBLE STUDENTS.—

948 | (d) A charter school may give enrollment preference to the
949 | following student populations:

950 | 1. Students who are siblings of a student enrolled in the

951 charter school.

952 2. Students who are the children of a member of the
953 governing board of the charter school.

954 3. Students who are the children of an employee of the
955 charter school.

956 4. Students who are the children of:

957 a. An employee of the business partner of a charter
958 school-in-the-workplace established under paragraph (15)(b) or a
959 resident of the municipality in which such charter school is
960 located; or

961 b. A resident or employee of a municipality that operates
962 a charter school-in-a-municipality pursuant to paragraph (15)(c)
963 or allows a charter school to use a school facility or portion
964 of land provided by the municipality for the operation of the
965 charter school.

966 5. Students who have successfully completed, during the
967 previous year, a voluntary prekindergarten education program
968 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the
969 charter school's governing board, or a voluntary prekindergarten
970 provider that has a written agreement with the governing board
971 ~~during the previous year.~~

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

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

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

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

979 2. Students considered at risk of dropping out of school
980 or academic failure. Such students shall include exceptional
981 education students.

982 3. Students enrolling in a charter school-in-the-workplace
983 or charter school-in-a-municipality established pursuant to
984 subsection (15).

985 4. Students residing within a reasonable distance of the
986 charter school, as described in paragraph (20)(c). Such students
987 shall be subject to a random lottery and to the racial/ethnic
988 balance provisions described in subparagraph (7)(a)8. or any
989 federal provisions that require a school to achieve a
990 racial/ethnic balance reflective of the community it serves or
991 within the racial/ethnic range of other nearby public schools ~~in~~
992 ~~the same school district.~~

993 5. Students who meet reasonable academic, artistic, or
994 other eligibility standards established by the charter school
995 and included in the charter school application and charter or,
996 in the case of existing charter schools, standards that are
997 consistent with the school's mission and purpose. Such standards
998 shall be in accordance with current state law and practice in
999 public schools and may not discriminate against otherwise
1000 qualified individuals.

1001 6. Students articulating from one charter school to
 1002 another pursuant to an articulation agreement between the
 1003 charter schools that has been approved by the sponsor.

1004 7. Students living in a development in which a developer,
 1005 including any affiliated business entity or charitable
 1006 foundation, contributes to the formation, acquisition,
 1007 construction, or operation of one or more charter schools or
 1008 charter ~~provides the school facilities facility~~ and related
 1009 property in an amount equal to or having a total ~~an~~ appraised
 1010 value of at least \$5 million to be used as a charter schools
 1011 ~~school~~ to mitigate the educational impact created by the
 1012 development of new residential dwelling units. Students living
 1013 in the development are ~~shall be~~ entitled to ~~no more than~~ 50
 1014 percent of the student stations in the charter schools ~~school~~.
 1015 The students who are eligible for enrollment are subject to a
 1016 random lottery, the racial/ethnic balance provisions, or any
 1017 federal provisions, as described in subparagraph 4. The
 1018 remainder of the student stations must ~~shall~~ be filled in
 1019 accordance with subparagraph 4.

1020 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
 1021 INDEMNIFICATION OF THE STATE AND SPONSOR ~~SCHOOL-DISTRICT~~; CREDIT
 1022 OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into
 1023 to borrow or otherwise secure funds for a charter school
 1024 authorized in this section from a source other than the state or
 1025 a sponsor ~~school-district~~ shall indemnify the state and the

1026 sponsor ~~school district~~ from any and all liability, including,
1027 but not limited to, financial responsibility for the payment of
1028 the principal or interest. Any loans, bonds, or other financial
1029 agreements are not obligations of the state or the sponsor
1030 ~~school district~~ but are obligations of the charter school
1031 authority and are payable solely from the sources of funds
1032 pledged by such agreement. The credit or taxing power of the
1033 state or the sponsor ~~school district~~ shall not be pledged and no
1034 debts shall be payable out of any moneys except those of the
1035 legal entity in possession of a valid charter approved by a
1036 sponsor ~~district school board~~ pursuant to this section.

1037 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
1038 A-MUNICIPALITY.—

1039 (c) A charter school-in-a-municipality designation may be
1040 granted to a municipality that possesses a charter; enrolls
1041 students based upon a random lottery that involves all of the
1042 children of the residents of that municipality who are seeking
1043 enrollment, as provided for in subsection (10); and enrolls
1044 students according to the racial/ethnic balance provisions
1045 described in subparagraph (7)(a)8. When a municipality has
1046 submitted charter applications for the establishment of a
1047 charter school feeder pattern, consisting of elementary, middle,
1048 and senior high schools, and each individual charter application
1049 is approved by the sponsor ~~district school board~~, such schools
1050 shall then be designated as one charter school for all purposes

1051 listed pursuant to this section. Any portion of the land and
1052 facility used for a public charter school shall be exempt from
1053 ad valorem taxes, as provided for in s. 1013.54, for the
1054 duration of its use as a public school.

1055 (17) FUNDING.—Students enrolled in a charter school,
1056 regardless of the sponsorship, shall be funded as if they are in
1057 a basic program or a special program, the same as students
1058 enrolled in other public schools in a ~~the~~ school district.
1059 Funding for a charter lab school shall be as provided in s.
1060 1002.32.

1061 (a) Each charter school shall report its student
1062 enrollment to the sponsor as required in s. 1011.62, and in
1063 accordance with the definitions in s. 1011.61. The sponsor shall
1064 include each charter school's enrollment in the sponsor's
1065 ~~district's~~ report of student enrollment. All charter schools
1066 submitting student record information required by the Department
1067 of Education shall comply with the Department of Education's
1068 guidelines for electronic data formats for such data, and all
1069 sponsors ~~districts~~ shall accept electronic data that complies
1070 with the Department of Education's electronic format.

1071 (b)1. The basis for the agreement for funding students
1072 enrolled in a charter school shall be the sum of the school
1073 district's operating funds from the Florida Education Finance
1074 Program as provided in s. 1011.62 and the General Appropriations
1075 Act, including gross state and local funds, discretionary

1076 lottery funds, and funds from the school district's current
1077 operating discretionary millage levy; divided by total funded
1078 weighted full-time equivalent students in the school district;
1079 and multiplied by the weighted full-time equivalent students for
1080 the charter school. Charter schools whose students or programs
1081 meet the eligibility criteria in law are entitled to their
1082 proportionate share of categorical program funds included in the
1083 total funds available in the Florida Education Finance Program
1084 by the Legislature, including transportation, the research-based
1085 reading allocation, and the Florida digital classrooms
1086 allocation. Total funding for each charter school shall be
1087 recalculated during the year to reflect the revised calculations
1088 under the Florida Education Finance Program by the state and the
1089 actual weighted full-time equivalent students reported by the
1090 charter school during the full-time equivalent student survey
1091 periods designated by the Commissioner of Education. For charter
1092 schools operated by a not-for-profit or municipal entity, any
1093 unrestricted current and capital assets identified in the
1094 charter school's annual financial audit may be used for other
1095 charter schools operated by the not-for-profit or municipal
1096 entity within the school district. Unrestricted current assets
1097 shall be used in accordance with s. 1011.62, and any
1098 unrestricted capital assets shall be used in accordance with s.
1099 1013.62(2).

1100 2.a. Students enrolled in a charter school sponsored by a

1101 state university or Florida College System institution pursuant
1102 to paragraph (5) (a) shall be funded as if they are in a basic
1103 program or a special program in the school district. The basis
1104 for funding these students is the sum of the total operating
1105 funds from the Florida Education Finance Program for the school
1106 district in which the school is located as provided in s.
1107 1011.62 and the General Appropriations Act, including gross
1108 state and local funds, discretionary lottery funds, and funds
1109 from each school district's current operating discretionary
1110 millage levy; divided by total funded weighted full-time
1111 equivalent students in the district; and multiplied by the full-
1112 time equivalent membership of the charter school. The Department
1113 of Education shall develop a tool that each state university or
1114 Florida College System institution sponsoring a charter school
1115 shall use for purposes of calculating the funding amount for
1116 each eligible charter school student. The total amount obtained
1117 from the calculation must be appropriated from state funds in
1118 the General Appropriations Act to the charter school.

1119 b. Capital outlay funding for a charter school sponsored
1120 by a state university or Florida College System institution
1121 pursuant to paragraph (5) (a) is determined pursuant to s.
1122 1013.62 and the General Appropriations Act.

1123 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter
1124 schools shall receive all federal funding for which the school
1125 is otherwise eligible, including Title I funding, not later than

1126 | 5 months after the charter school first opens and within 5
1127 | months after any subsequent expansion of enrollment. Unless
1128 | otherwise mutually agreed to by the charter school and its
1129 | sponsor, and consistent with state and federal rules and
1130 | regulations governing the use and disbursement of federal funds,
1131 | the sponsor shall reimburse the charter school on a monthly
1132 | basis for all invoices submitted by the charter school for
1133 | federal funds available to the sponsor for the benefit of the
1134 | charter school, the charter school's students, and the charter
1135 | school's students as public school students in the school
1136 | district. Such federal funds include, but are not limited to,
1137 | Title I, Title II, and Individuals with Disabilities Education
1138 | Act (IDEA) funds. To receive timely reimbursement for an
1139 | invoice, the charter school must submit the invoice to the
1140 | sponsor at least 30 days before the monthly date of
1141 | reimbursement set by the sponsor. In order to be reimbursed, any
1142 | expenditures made by the charter school must comply with all
1143 | applicable state rules and federal regulations, including, but
1144 | not limited to, the applicable federal Office of Management and
1145 | Budget Circulars; the federal Education Department General
1146 | Administrative Regulations; and program-specific statutes,
1147 | rules, and regulations. Such funds may not be made available to
1148 | the charter school until a plan is submitted to the sponsor for
1149 | approval of the use of the funds in accordance with applicable
1150 | federal requirements. The sponsor has 30 days to review and

1151 approve any plan submitted pursuant to this paragraph.

1152 (d) Charter schools shall be included by the Department of
 1153 Education and the district school board in requests for federal
 1154 stimulus funds in the same manner as district school board-
 1155 operated public schools, including Title I and IDEA funds and
 1156 shall be entitled to receive such funds. Charter schools are
 1157 eligible to participate in federal competitive grants that are
 1158 available as part of the federal stimulus funds.

1159 (e) Sponsors ~~District school boards~~ shall make timely and
 1160 efficient payment and reimbursement to charter schools,
 1161 including processing paperwork required to access special state
 1162 and federal funding for which they may be eligible. Payments of
 1163 funds under paragraph (b) shall be made monthly or twice a
 1164 month, beginning with the start of the sponsor's ~~district school~~
 1165 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one
 1166 twenty-fourth, as applicable, of the total state and local funds
 1167 described in paragraph (b) and adjusted as set forth therein.
 1168 For the first 2 years of a charter school's operation, if a
 1169 minimum of 75 percent of the projected enrollment is entered
 1170 into the sponsor's student information system by the first day
 1171 of the current month, the sponsor ~~district school board~~ shall
 1172 distribute funds to the school for the months of July through
 1173 October based on the projected full-time equivalent student
 1174 membership of the charter school as submitted in the approved
 1175 application. If less than 75 percent of the projected enrollment

1176 is entered into the sponsor's student information system by the
1177 first day of the current month, the sponsor shall base payments
1178 on the actual number of student enrollment entered into the
1179 sponsor's student information system. Thereafter, the results of
1180 full-time equivalent student membership surveys shall be used in
1181 adjusting the amount of funds distributed monthly to the charter
1182 school for the remainder of the fiscal year. The payments shall
1183 be issued no later than 10 working days after the sponsor
1184 ~~district school board~~ receives a distribution of state or
1185 federal funds or the date the payment is due pursuant to this
1186 subsection. If a warrant for payment is not issued within 10
1187 working days after receipt of funding by the sponsor ~~district~~
1188 ~~school board~~, the sponsor ~~school district~~ shall pay to the
1189 charter school, in addition to the amount of the scheduled
1190 disbursement, interest at a rate of 1 percent per month
1191 calculated on a daily basis on the unpaid balance from the
1192 expiration of the 10 working days until such time as the warrant
1193 is issued. The district school board may not delay payment to a
1194 charter school of any portion of the funds provided in paragraph
1195 (b) based on the timing of receipt of local funds by the
1196 district school board.

1197 (f) Funding for a virtual charter school shall be as
1198 provided in s. 1002.45(7).

1199 (g) To be eligible for public education capital outlay
1200 (PECO) funds, a charter school must be located in the State of

1201 Florida.

1202 (h) A charter school that implements a schoolwide standard
 1203 student attire policy pursuant to s. 1011.78 is eligible to
 1204 receive incentive payments.

1205 (18) FACILITIES.—

1206 (e) If a district school board facility or property is
 1207 available because it is surplus, marked for disposal, or
 1208 otherwise unused, it shall be provided for a charter school's
 1209 use on the same basis as it is made available to other public
 1210 schools in the district. A charter school receiving property
 1211 from the sponsor school ~~district~~ may not sell or dispose of such
 1212 property without written permission of the sponsor school
 1213 ~~district~~. Similarly, for an existing public school converting to
 1214 charter status, no rental or leasing fee for the existing
 1215 facility or for the property normally inventoried to the
 1216 conversion school may be charged by the district school board to
 1217 the parents and teachers organizing the charter school. The
 1218 charter school shall agree to reasonable maintenance provisions
 1219 in order to maintain the facility in a manner similar to
 1220 district school board standards. The Public Education Capital
 1221 Outlay maintenance funds or any other maintenance funds
 1222 generated by the facility operated as a conversion school shall
 1223 remain with the conversion school.

1224 (20) SERVICES.—

1225 (a)1. A sponsor shall provide certain administrative and

1226 educational services to charter schools. These services shall
1227 include contract management services; full-time equivalent and
1228 data reporting services; exceptional student education
1229 administration services; services related to eligibility and
1230 reporting duties required to ensure that school lunch services
1231 under the National School Lunch Program, consistent with the
1232 needs of the charter school, are provided by the sponsor ~~school~~
1233 ~~district~~ at the request of the charter school, that any funds
1234 due to the charter school under the National School Lunch
1235 Program be paid to the charter school as soon as the charter
1236 school begins serving food under the National School Lunch
1237 Program, and that the charter school is paid at the same time
1238 and in the same manner under the National School Lunch Program
1239 as other public schools serviced by the sponsor or the school
1240 district; test administration services, including payment of the
1241 costs of state-required or district-required student
1242 assessments; processing of teacher certificate data services;
1243 and information services, including equal access to the
1244 sponsor's student information systems that are used by public
1245 schools in the district in which the charter school is located
1246 or by schools in the sponsor's portfolio of charter schools if
1247 the sponsor is not a school district. Student performance data
1248 for each student in a charter school, including, but not limited
1249 to, FCAT scores, standardized test scores, previous public
1250 school student report cards, and student performance measures,

1251 shall be provided by the sponsor to a charter school in the same
1252 manner provided to other public schools in the district or by
1253 schools in the sponsor's portfolio of charter schools if the
1254 sponsor is not a school district.

1255 2. A sponsor may withhold an administrative fee for the
1256 provision of such services which shall be a percentage of the
1257 available funds defined in paragraph (17)(b) calculated based on
1258 weighted full-time equivalent students. If the charter school
1259 serves 75 percent or more exceptional education students as
1260 defined in s. 1003.01(3), the percentage shall be calculated
1261 based on unweighted full-time equivalent students. The
1262 administrative fee shall be calculated as follows:

1263 a. Up to 5 percent for:

1264 (I) Enrollment of up to and including 250 students in a
1265 charter school as defined in this section.

1266 (II) Enrollment of up to and including 500 students within
1267 a charter school system which meets all of the following:

1268 (A) Includes conversion charter schools and nonconversion
1269 charter schools.

1270 (B) Has all of its schools located in the same county.

1271 (C) Has a total enrollment exceeding the total enrollment
1272 of at least one school district in the state.

1273 (D) Has the same governing board for all of its schools.

1274 (E) Does not contract with a for-profit service provider
1275 for management of school operations.

1276 (III) Enrollment of up to and including 250 students in a
1277 virtual charter school.

1278 b. Up to 2 percent for enrollment of up to and including
1279 250 students in a high-performing charter school as defined in
1280 s. 1002.331.

1281 c. Up to 2 percent for enrollment of up to and including
1282 250 students in an exceptional student education center that
1283 meets the requirements of s. 1008.3415(3).

1284 3. A sponsor may not charge charter schools any additional
1285 fees or surcharges for administrative and educational services
1286 in addition to the maximum percentage of administrative fees
1287 withheld pursuant to this paragraph.

1288 4. A sponsor shall provide to the department by September
1289 15 of each year the total amount of funding withheld from
1290 charter schools pursuant to this subsection for the prior fiscal
1291 year. The department must include the information in the report
1292 required under sub-sub-subparagraph (5) (b) 1.k. (III).

1293 (b) If goods and services are made available to the
1294 charter school through the contract with the sponsor ~~school~~
1295 ~~district~~, they shall be provided to the charter school at a rate
1296 no greater than the sponsor's ~~district's~~ actual cost unless
1297 mutually agreed upon by the charter school and the sponsor in a
1298 contract negotiated separately from the charter. When mediation
1299 has failed to resolve disputes over contracted services or
1300 contractual matters not included in the charter, an appeal may

1301 be made to an administrative law judge appointed by the Division
1302 of Administrative Hearings. The administrative law judge has
1303 final order authority to rule on the dispute. The administrative
1304 law judge shall award the prevailing party reasonable attorney
1305 fees and costs incurred during the mediation process,
1306 administrative proceeding, and any appeals, to be paid by the
1307 party whom the administrative law judge rules against. To
1308 maximize the use of state funds, sponsors ~~school districts~~ shall
1309 allow charter schools to participate in the sponsor's bulk
1310 purchasing program if applicable.

1311 (c) Transportation of charter school students shall be
1312 provided by the charter school consistent with the requirements
1313 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1314 body of the charter school may provide transportation through an
1315 agreement or contract with the sponsor ~~district school board~~, a
1316 private provider, or parents. The charter school and the sponsor
1317 shall cooperate in making arrangements that ensure that
1318 transportation is not a barrier to equal access for all students
1319 residing within a reasonable distance of the charter school as
1320 determined in its charter.

1321 (d) Each charter school shall annually complete and submit
1322 a survey, provided in a format specified by the Department of
1323 Education, to rate the timeliness and quality of services
1324 provided by the sponsor ~~district~~ in accordance with this
1325 section. The department shall compile the results, by sponsor

1326 ~~district~~, and include the results in the report required under
 1327 sub-sub-subparagraph (5) (b)1.k.(III).

1328 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1329 (a) The Department of Education shall provide information
 1330 to the public, directly and through sponsors, on how to form and
 1331 operate a charter school and how to enroll in a charter school
 1332 once it is created. This information shall include the standard
 1333 application form, standard charter contract, standard evaluation
 1334 instrument, and standard charter renewal contract, which shall
 1335 include the information specified in subsection (7) and shall be
 1336 developed by consulting and negotiating with both sponsors
 1337 ~~school districts~~ and charter schools before implementation. The
 1338 charter and charter renewal contracts shall be used by charter
 1339 school sponsors.

1340 (b)1. The Department of Education shall report to each
 1341 charter school receiving a school grade pursuant to s. 1008.34
 1342 or a school improvement rating pursuant to s. 1008.341 the
 1343 school's student assessment data.

1344 2. The charter school shall report the information in
 1345 subparagraph 1. to each parent of a student at the charter
 1346 school, the parent of a child on a waiting list for the charter
 1347 school, the sponsor ~~district in which the charter school is~~
 1348 ~~located~~, and the governing board of the charter school. This
 1349 paragraph does not abrogate the provisions of s. 1002.22,
 1350 relating to student records, or the requirements of 20 U.S.C. s.

1351 1232g, the Family Educational Rights and Privacy Act.

1352 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
1353 SCHOOL SYSTEMS.—

1354 (a) A charter school system's governing board shall be
1355 designated a local educational agency for the purpose of
1356 receiving federal funds, the same as though the charter school
1357 system were a school district, if the governing board of the
1358 charter school system has adopted and filed a resolution with
1359 its sponsor ~~sponsoring district school board~~ and the Department
1360 of Education in which the governing board of the charter school
1361 system accepts the full responsibility for all local education
1362 agency requirements and the charter school system meets all of
1363 the following:

- 1364 1. Has all schools located in the same county;
- 1365 2. Has a total enrollment exceeding the total enrollment
1366 of at least one school district in the state; and
- 1367 3. Has the same governing board.

1368
1369 Such designation does not apply to other provisions unless
1370 specifically provided in law.

1371 (28) RULEMAKING.—The Department of Education, after
1372 consultation with sponsors ~~school districts~~ and charter school
1373 directors, shall recommend that the State Board of Education
1374 adopt rules to implement specific subsections of this section.
1375 Such rules shall require minimum paperwork and shall not limit

1376 charter school flexibility authorized by statute. The State
1377 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
1378 and 120.54, to implement a standard charter application form,
1379 standard application form for the replication of charter schools
1380 in a high-performing charter school system, standard evaluation
1381 instrument, and standard charter and charter renewal contracts
1382 in accordance with this section.

1383 Section 5. Paragraph (a) of subsection (1), paragraph (a)
1384 of subsection (2), and paragraph (b) of subsection (3) of
1385 section 1002.331, Florida Statutes, are amended to read:

1386 1002.331 High-performing charter schools.—

1387 (1) A charter school is a high-performing charter school
1388 if it:

1389 (a) 1. Received at least two school grades of "A" and no
1390 school grade below "B," pursuant to s. 1008.34, during each of
1391 the previous 3 school years or received at least two consecutive
1392 school grades of "A" in the most recent 2 school years for the
1393 years that the school received a grade; or

1394 2. Receives, during its first 3 years of operation,
1395 funding through the National Fund of the Charter School Growth
1396 Fund.

1397
1398 For purposes of determining initial eligibility, the
1399 requirements of paragraphs (b) and (c) only apply for the most
1400 recent 2 fiscal years if the charter school earns two

1401 consecutive grades of "A." A virtual charter school established
1402 under s. 1002.33 is not eligible for designation as a high-
1403 performing charter school.

1404 (2) A high-performing charter school is authorized to:

1405 (a) Increase its student enrollment once per school year
1406 to more than the capacity identified in the charter, but student
1407 enrollment may not exceed the capacity of the facility at the
1408 time the enrollment increase will take effect. Facility capacity
1409 for purposes of ~~grade-level~~ expansion shall include any
1410 improvements to an existing facility or any new facility in
1411 which ~~a majority of~~ the students of the high-performing charter
1412 school will enroll.

1413
1414 A high-performing charter school shall notify its sponsor in
1415 writing by March 1 if it intends to increase enrollment or
1416 expand grade levels the following school year. The written
1417 notice shall specify the amount of the enrollment increase and
1418 the grade levels that will be added, as applicable. If a charter
1419 school notifies the sponsor of its intent to expand, the sponsor
1420 shall modify the charter within 90 days to include the new
1421 enrollment maximum and may not make any other changes. The
1422 sponsor may deny a request to increase the enrollment of a high-
1423 performing charter school if the commissioner has declassified
1424 the charter school as high-performing. If a high-performing
1425 charter school requests to consolidate multiple charters, the

1426 sponsor shall have 40 days after receipt of that request to
1427 provide an initial draft charter to the charter school. The
1428 sponsor and charter school shall have 50 days thereafter to
1429 negotiate and notice the charter contract for final approval by
1430 the sponsor.

1431 (3)

1432 (b) A high-performing charter school may submit not
1433 ~~establish more than two~~ applications for a charter school to be
1434 opened, at a time determined by the high-performing charter
1435 school, schools within this the state under paragraph (a) ~~in any~~
1436 ~~year~~. A subsequent application to establish a charter school
1437 under paragraph (a) may not be submitted unless each charter
1438 school applicant commences operations or an application is
1439 otherwise withdrawn ~~established in this manner achieves high-~~
1440 ~~performing charter school status~~. However, a high-performing
1441 charter school may establish more than one charter school within
1442 this the state under paragraph (a) in any year if it operates in
1443 the area of a persistently low-performing school and serves
1444 students from that school. This paragraph applies to any high-
1445 performing charter school with an existing approved application.

1446 Section 6. Paragraph (c) of subsection (1), paragraphs
1447 (a), (g), and (h) of subsection (6), paragraph (d) of subsection
1448 (7), and paragraph (b) of subsection (10) of section 1002.333,
1449 Florida Statutes, are amended, and paragraph (e) is added to
1450 subsection (9) of that section, to read:

1451 1002.333 Persistently low-performing schools.—

1452 (1) DEFINITIONS.—As used in this section, the term:

1453 (c) "Persistently low-performing school" means a school
1454 that has earned three grades lower than a "C," pursuant to s.
1455 1008.34, in at least 3 of the previous 5 years that the school
1456 received a grade and has not earned a grade of "B" or higher in
1457 the most recent 2 school years, and a school that was closed
1458 pursuant to s. 1008.33(4) within 2 years after the submission of
1459 a notice of intent.

1460 (6) STATUTORY AUTHORITY.—

1461 (a) A school of hope or a nonprofit entity that operates
1462 more than one school of hope through a performance-based
1463 agreement with a school district may be designated as a local
1464 education agency by the Department of Education, if requested,
1465 for the purposes of receiving federal funds and, in doing so,
1466 accepts the full responsibility for all local education agency
1467 requirements and the schools for which it will perform local
1468 education agency responsibilities.

1469 1. A nonprofit entity designated as a local education
1470 agency may report its students to the Department of Education in
1471 accordance with the definitions in s. 1011.61 and pursuant to
1472 the department's procedures and timelines.

1473 2. Students enrolled in a school established by a hope
1474 operator designated as a local educational agency are not
1475 eligible students for purposes of calculating the district grade

1476 pursuant to s. 1008.34(5).

1477 (g) Each school of hope that has not been designated as a
1478 local education agency shall report its students to the school
1479 district as required in s. 1011.62, and in accordance with the
1480 definitions in s. 1011.61. The school district shall include
1481 each charter school's enrollment in the district's report of
1482 student enrollment. All charter schools submitting student
1483 record information required by the department shall comply with
1484 the department's guidelines for electronic data formats for such
1485 data, and all districts shall accept electronic data that
1486 complies with the department's electronic format.

1487 (h)1. A school of hope shall provide the school district
1488 with a concise, uniform, quarterly financial statement summary
1489 sheet that contains a balance sheet and a statement of revenue,
1490 expenditures, and changes in fund balance. The balance sheet and
1491 the statement of revenue, expenditures, and changes in fund
1492 balance shall be in the governmental fund format prescribed by
1493 the Governmental Accounting Standards Board. Additionally, a
1494 school of hope shall comply with the annual audit requirement
1495 for charter schools in s. 218.39.

1496 2. A school of hope is in compliance with subparagraph 1.
1497 if it is operated by a nonprofit entity designated as a local
1498 education agency and if the nonprofit entity submits to each
1499 school district in which it operates a school of hope:

1500 a. A concise, uniform, quarterly financial statement

1501 summary sheet that contains a balance sheet summarizing the
1502 revenue, expenditures, and changes in fund balance for the
1503 nonprofit entity and for its schools of hope within the school
1504 district.

1505 b. An annual financial audit of the nonprofit entity that
1506 includes all schools of hope it operates within this state and
1507 that complies with s. 218.39 regarding audits of a school board.

1508 (7) FACILITIES.—

1509 (d) No later than January ~~October~~ 1, the department ~~each~~
1510 ~~school district~~ shall annually provide to school districts ~~the~~
1511 ~~Department of Education~~ a list of all underused, vacant, or
1512 surplus facilities owned or operated by the school district as
1513 reported in the Florida Inventory of School Houses. A school
1514 district may provide evidence to the Department of Education
1515 that the list contains errors or omissions within 30 days after
1516 receipt of the list. By each April 1, the Department of
1517 Education shall update and publish a final list of all
1518 underused, vacant, or surplus facilities owned or operated by
1519 each school district, based upon updated information provided by
1520 each school district. A hope operator establishing a school of
1521 hope may use an educational facility identified in this
1522 paragraph at no cost or at a mutually agreeable cost not to
1523 exceed \$600 per student. A hope operator using a facility
1524 pursuant to this paragraph may not sell or dispose of such
1525 facility without the written permission of the school district.

1526 For purposes of this paragraph, the term "underused, vacant, or
 1527 surplus facility" means an entire facility or portion thereof
 1528 which is not fully used or is used irregularly or intermittently
 1529 by the school district for instructional or program use.

1530 (9) FUNDING.—

1531 (e) For a nonprofit entity designated as a local education
 1532 agency by the Department of Education pursuant to paragraph
 1533 (6) (a), any unrestricted current and capital assets identified
 1534 in the annual financial audit required by sub-subparagraph
 1535 (6) (h)2.b. may be used by any other school of hope operated by
 1536 the local education agency within the same district.

1537 Unrestricted current assets shall be used in accordance with s.
 1538 1011.62, and any unrestricted capital assets shall be used in
 1539 accordance with s. 1013.62(2).

1540 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
 1541 is created within the Department of Education.

1542 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 1543 funds allocated for the purpose of this subsection which are not
 1544 disbursed by June 30 of the fiscal year in which the funds are
 1545 allocated may be carried forward for up to 7 ~~5~~ years after the
 1546 effective date of the original appropriation.

1547 Section 7. Paragraph (d) of subsection (1) and paragraph
 1548 (a) of subsection (2) of section 1002.45, Florida Statutes, are
 1549 amended to read:

1550 1002.45 Virtual instruction programs.—

1551 (1) PROGRAM.—

1552 (d) A virtual charter school may provide full-time or
 1553 part-time virtual instruction for students in kindergarten
 1554 through grade 12 if the virtual charter school has a charter
 1555 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~
 1556 ~~instruction~~. A virtual charter school may:

- 1557 1. Contract with the Florida Virtual School.
- 1558 2. Contract with an approved provider under subsection
- 1559 (2).
- 1560 3. Enter into an agreement with a school district to allow
- 1561 the participation of the virtual charter school's students in
- 1562 the school district's virtual instruction program. The agreement
- 1563 must indicate a process for reporting of student enrollment and
- 1564 the transfer of funds required by paragraph (7) (e).

1565 (2) PROVIDER QUALIFICATIONS.—

1566 (a) The department shall annually publish online a list of
 1567 providers approved to offer virtual instruction programs. To be
 1568 approved by the department, a provider must document that it:

- 1569 1. Is nonsectarian in its programs, admission policies,
 1570 employment practices, and operations;
- 1571 2. Complies with the antidiscrimination provisions of s.
 1572 1000.05;
- 1573 3. Locates an administrative office or offices in this
 1574 state, requires its administrative staff to be state residents,
 1575 requires all instructional staff to be Florida-certified

1576 teachers under chapter 1012 and conducts background screenings
1577 for all employees or contracted personnel, as required by s.
1578 1012.32, using state and national criminal history records;

1579 4. Provides to parents and students specific information
1580 posted and accessible online that includes, but is not limited
1581 to, the following teacher-parent and teacher-student contact
1582 information for each course:

1583 a. How to contact the instructor via phone, e-mail, or
1584 online messaging tools.

1585 b. How to contact technical support via phone, e-mail, or
1586 online messaging tools.

1587 c. How to contact the administration office via phone, e-
1588 mail, or online messaging tools.

1589 d. Any requirement for regular contact with the instructor
1590 for the course and clear expectations for meeting the
1591 requirement.

1592 e. The requirement that the instructor in each course
1593 must, at a minimum, conduct one contact ~~via phone~~ with the
1594 parent and the student each month;

1595 5. Possesses prior, successful experience offering online
1596 courses to elementary, middle, or high school students as
1597 demonstrated by quantified student learning gains in each
1598 subject area and grade level provided for consideration as an
1599 instructional program option. However, for a provider without
1600 sufficient prior, successful experience offering online courses,

1601 the department may conditionally approve the provider to offer
1602 courses measured pursuant to subparagraph (8)(a)2. Conditional
1603 approval shall be valid for 1 school year only and, based on the
1604 provider's experience in offering the courses, the department
1605 shall determine whether to grant approval to offer a virtual
1606 instruction program;

1607 6. Is accredited by a regional accrediting association as
1608 defined by State Board of Education rule;

1609 7. Ensures instructional and curricular quality through a
1610 detailed curriculum and student performance accountability plan
1611 that addresses every subject and grade level it intends to
1612 provide through contract with the school district, including:

1613 a. Courses and programs that meet the standards of the
1614 International Association for K-12 Online Learning and the
1615 Southern Regional Education Board.

1616 b. Instructional content and services that align with, and
1617 measure student attainment of, student proficiency in the Next
1618 Generation Sunshine State Standards.

1619 c. Mechanisms that determine and ensure that a student has
1620 satisfied requirements for grade level promotion and high school
1621 graduation with a standard diploma, as appropriate;

1622 8. Publishes for the general public, in accordance with
1623 disclosure requirements adopted in rule by the State Board of
1624 Education, as part of its application as a provider and in all
1625 contracts negotiated pursuant to this section:

1626 a. Information and data about the curriculum of each full-
 1627 time and part-time program.

1628 b. School policies and procedures.

1629 c. Certification status and physical location of all
 1630 administrative and instructional personnel.

1631 d. Hours and times of availability of instructional
 1632 personnel.

1633 e. Student-teacher ratios.

1634 f. Student completion and promotion rates.

1635 g. Student, educator, and school performance
 1636 accountability outcomes;

1637 9. If the provider is a Florida College System
 1638 institution, employs instructors who meet the certification
 1639 requirements for instructional staff under chapter 1012; and

1640 10. Performs an annual financial audit of its accounts and
 1641 records conducted by an independent certified public accountant
 1642 which is in accordance with rules adopted by the Auditor
 1643 General, is conducted in compliance with generally accepted
 1644 auditing standards, and includes a report on financial
 1645 statements presented in accordance with generally accepted
 1646 accounting principles.

1647 Section 8. Subsection (2) of section 1002.455, Florida
 1648 Statutes, is amended to read:

1649 1002.455 Student eligibility for K-12 virtual
 1650 instruction.—All students, including home education and private

1651 school students, are eligible to participate in any of the
1652 following virtual instruction options:

1653 (2) Part-time or full-time virtual charter school
1654 instruction authorized under s. 1002.33 to students within the
1655 school district or to students in other school districts
1656 throughout the state pursuant to s. 1002.31.

1657 Section 9. Paragraph (a) of subsection (1) of section
1658 1003.493, Florida Statutes, is amended to read:

1659 1003.493 Career and professional academies and career-
1660 themed courses.—

1661 (1) (a) A "career and professional academy" is a research-
1662 based program that integrates a rigorous academic curriculum
1663 with an industry-specific curriculum aligned directly to
1664 priority workforce needs established by the local workforce
1665 development board or the Department of Economic Opportunity.
1666 Career and professional academies shall be offered by public
1667 schools and school districts. Career and professional academies
1668 may be offered by charter schools. The Florida Virtual School is
1669 encouraged to develop and offer rigorous career and professional
1670 courses as appropriate. Students completing career and
1671 professional academy programs must receive a standard high
1672 school diploma, the highest available industry certification,
1673 and opportunities to earn postsecondary credit if the academy
1674 partners with a postsecondary institution approved to operate in
1675 the state.

1676 Section 10. Subsection (3) of section 1008.3415, Florida
1677 Statutes, is renumbered as subsection (4), and a new subsection
1678 (3) is added to that section to read:

1679 1008.3415 School grade or school improvement rating for
1680 exceptional student education centers.—

1681 (3) A charter school that is an exceptional student
1682 education center and that receives two consecutive ratings of
1683 "maintaining" or higher may replicate its educational program
1684 under s. 1002.331(3). The Commissioner of Education, upon
1685 request by the charter school, shall verify that the charter
1686 school meets the requirements of this subsection and provide a
1687 letter to the charter school and the sponsor stating that the
1688 charter school may replicate its educational program in the same
1689 manner as a high-performing charter school under s. 1002.331(3).

1690 Section 11. Subsection (2) of section 1012.32, Florida
1691 Statutes, is amended to read:

1692 1012.32 Qualifications of personnel.—

1693 (2) (a) Instructional and noninstructional personnel who
1694 are hired or contracted to fill positions that require direct
1695 contact with students in any district school system or
1696 university lab school must, upon employment or engagement to
1697 provide services, undergo background screening as required under
1698 s. 1012.465 or s. 1012.56, whichever is applicable.

1699 (b) 1. Instructional and noninstructional personnel who are
1700 hired or contracted to fill positions in a ~~any~~ charter school,

1701 other than a school of hope as defined in s. 1002.333, and
1702 members of the governing board of ~~such any~~ charter school, in
1703 compliance with s. 1002.33(12)(g), ~~must,~~ upon employment,
1704 engagement of services, or appointment, shall undergo background
1705 screening as required under s. 1012.465 or s. 1012.56, whichever
1706 is applicable, by filing with the district school board for the
1707 school district in which the charter school is located a
1708 complete set of fingerprints taken by an authorized law
1709 enforcement agency or an employee of the school or school
1710 district who is trained to take fingerprints.

1711 2. Instructional and noninstructional personnel who are
1712 hired or contracted to fill positions in a school of hope as
1713 defined in s. 1002.333, and members of the governing board of
1714 such school of hope, shall file with the school of hope a
1715 complete set of fingerprints taken by an authorized law
1716 enforcement agency, by an employee of the school of hope or
1717 school district who is trained to take fingerprints, or by any
1718 other entity recognized by the Department of Law Enforcement to
1719 take fingerprints.

1720 (c) Instructional and noninstructional personnel who are
1721 hired or contracted to fill positions that require direct
1722 contact with students in an alternative school that operates
1723 under contract with a district school system must, upon
1724 employment or engagement to provide services, undergo background
1725 screening as required under s. 1012.465 or s. 1012.56, whichever

1726 is applicable, by filing with the district school board for the
1727 school district to which the alternative school is under
1728 contract a complete set of fingerprints taken by an authorized
1729 law enforcement agency or an employee of the school or school
1730 district who is trained to take fingerprints.

1731 (d) Student teachers and persons participating in a field
1732 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
1733 district school system, lab school, or charter school must, upon
1734 engagement to provide services, undergo background screening as
1735 required under s. 1012.56.

1736
1737 Required fingerprints must ~~shall~~ be submitted to the Department
1738 of Law Enforcement for statewide criminal and juvenile records
1739 checks and to the Federal Bureau of Investigation for federal
1740 criminal records checks. A person subject to this subsection who
1741 is found ineligible for employment under s. 1012.315, or
1742 otherwise found through background screening to have been
1743 convicted of any crime involving moral turpitude as defined by
1744 rule of the State Board of Education, shall not be employed,
1745 engaged to provide services, or serve in any position that
1746 requires direct contact with students. Probationary persons
1747 subject to this subsection terminated because of their criminal
1748 record have the right to appeal such decisions. The cost of the
1749 background screening may be borne by the district school board,
1750 the charter school, the employee, the contractor, or a person

1751 subject to this subsection. A district school board shall
1752 reimburse a charter school the cost of background screening if
1753 it does not notify the charter school of the eligibility of a
1754 governing board member or instructional or noninstructional
1755 personnel within the earlier of 14 days after receipt of the
1756 background screening results from the Florida Department of Law
1757 Enforcement or 30 days of submission of fingerprints by the
1758 governing board member or instructional or noninstructional
1759 personnel.

1760 Section 12. Paragraph (a) of subsection (1) of section
1761 1013.62, Florida Statutes, is amended to read:

1762 1013.62 Charter schools capital outlay funding.—

1763 (1) For the 2020-2021 fiscal year, charter school capital
1764 outlay funding shall consist of state funds appropriated in the
1765 2020-2021 General Appropriations Act. Beginning in fiscal year
1766 2021-2022, charter school capital outlay funding shall consist
1767 of state funds when such funds are appropriated in the General
1768 Appropriations Act and revenue resulting from the discretionary
1769 millage authorized in s. 1011.71(2) if the amount of state funds
1770 appropriated for charter school capital outlay in any fiscal
1771 year is less than the average charter school capital outlay
1772 funds per unweighted full-time equivalent student for the 2018-
1773 2019 fiscal year, multiplied by the estimated number of charter
1774 school students for the applicable fiscal year, and adjusted by
1775 changes in the Consumer Price Index issued by the United States

1776 Department of Labor from the previous fiscal year. Nothing in
 1777 this subsection prohibits a school district from distributing to
 1778 charter schools funds resulting from the discretionary millage
 1779 authorized in s. 1011.71(2).

1780 (a) To be eligible to receive capital outlay funds, a
 1781 charter school must:

1782 1.a. Have been in operation for 2 or more years;

1783 b. Be governed by a governing board established in the
 1784 state for 2 or more years which operates both charter schools
 1785 and conversion charter schools within the state;

1786 c. Be an expanded feeder chain of a charter school within
 1787 the same school district that is currently receiving charter
 1788 school capital outlay funds;

1789 d. Have been accredited by a regional accrediting
 1790 association as defined by State Board of Education rule; ~~or~~

1791 e. Serve students in facilities that are provided by a
 1792 business partner for a charter school-in-the-workplace pursuant
 1793 to s. 1002.33(15) (b); or

1794 f. Be operated by a hope operator pursuant to s. 1002.333.

1795 2. Have an annual audit that does not reveal any of the
 1796 financial emergency conditions provided in s. 218.503(1) for the
 1797 most recent fiscal year for which such audit results are
 1798 available.

1799 3. Have satisfactory student achievement based on state
 1800 accountability standards applicable to the charter school.

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1801 4. Have received final approval from its sponsor pursuant
1802 to s. 1002.33 for operation during that fiscal year.

1803 5. Serve students in facilities that are not provided by
1804 the charter school's sponsor.

1805 Section 13. This act shall take effect July 1, 2021.