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27 Section 1. Paragraphs (a) and (d) of subsection (7),
28 paragraph (b) of subsection (17), and subsection (28) of section
29 1002.33, Florida Statutes, are amended and paragraph (d) is
30 added to subsection (26) of that section, to read:

31 1002.33 Charter schools.—

32 (7) CHARTER.—The terms and conditions for the operation of
33 a charter school, including a virtual charter school, shall be
34 set forth by the sponsor and the applicant in a written
35 contractual agreement, called a charter. The sponsor and the
36 governing board of the charter school or virtual charter school
37 shall use the standard charter contract or standard virtual
38 charter contract, respectively, pursuant to subsection (21),
39 which shall incorporate the approved application and any addenda
40 approved with the application. Any term or condition of a
41 proposed charter contract or proposed virtual charter contract
42 that differs from the standard charter or virtual charter
43 contract adopted by rule of the State Board of Education shall
44 be presumed a limitation on charter school flexibility. The
45 sponsor may not impose unreasonable rules or regulations that
46 violate the intent of giving charter schools greater flexibility
47 to meet educational goals. The charter shall be signed by the
48 governing board of the charter school and the sponsor, following
49 a public hearing to ensure community input.

50 (a) The charter shall address and criteria for approval of

51 | the charter shall be based on:

52 | 1. The school's mission, the types of students to be
53 | served, and, for a virtual charter school, the types of students
54 | the school intends to serve who reside outside of the sponsoring
55 | school district, and the ages and grades to be included.

56 | 2. The focus of the curriculum, the instructional methods
57 | to be used, any distinctive instructional techniques to be
58 | employed, and identification and acquisition of appropriate
59 | technologies needed to improve educational and administrative
60 | performance which include a means for promoting safe, ethical,
61 | and appropriate uses of technology which comply with legal and
62 | professional standards.

63 | a. The charter shall ensure that reading is a primary
64 | focus of the curriculum and that resources are provided to
65 | identify and provide specialized instruction for students who
66 | are reading below grade level. The curriculum and instructional
67 | strategies for reading must be consistent with the Next
68 | Generation Sunshine State Standards and grounded in
69 | scientifically based reading research.

70 | b. In order to provide students with access to diverse
71 | instructional delivery models, to facilitate the integration of
72 | technology within traditional classroom instruction, and to
73 | provide students with the skills they need to compete in the
74 | 21st century economy, the Legislature encourages instructional
75 | methods for blended learning courses consisting of both

76 | traditional classroom and online instructional techniques.
77 | Charter schools may implement blended learning courses which
78 | combine traditional classroom instruction and virtual
79 | instruction. Students in a blended learning course must be full-
80 | time students of the charter school pursuant to s.
81 | 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
82 | 1012.55 who provide virtual instruction for blended learning
83 | courses may be employees of the charter school or may be under
84 | contract to provide instructional services to charter school
85 | students. At a minimum, such instructional personnel must hold
86 | an active state or school district adjunct certification under
87 | s. 1012.57 for the subject area of the blended learning course.
88 | The funding and performance accountability requirements for
89 | blended learning courses are the same as those for traditional
90 | courses.

91 | 3. The current incoming baseline standard of student
92 | academic achievement, the outcomes to be achieved, and the
93 | method of measurement that will be used. The criteria listed in
94 | this subparagraph shall include a detailed description of:

95 | a. How the baseline student academic achievement levels
96 | and prior rates of academic progress will be established.

97 | b. How these baseline rates will be compared to rates of
98 | academic progress achieved by these same students while
99 | attending the charter school.

100 | c. To the extent possible, how these rates of progress

101 will be evaluated and compared with rates of progress of other
102 closely comparable student populations.

103

104 A district school board is required to provide academic student
105 performance data to charter schools for each of their students
106 coming from the district school system, as well as rates of
107 academic progress of comparable student populations in the
108 district school system.

109 4. The methods used to identify the educational strengths
110 and needs of students and how well educational goals and
111 performance standards are met by students attending the charter
112 school. The methods shall provide a means for the charter school
113 to ensure accountability to its constituents by analyzing
114 student performance data and by evaluating the effectiveness and
115 efficiency of its major educational programs. Students in
116 charter schools shall, at a minimum, participate in the
117 statewide assessment program created under s. 1008.22.

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

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

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

126 except as authorized under subparagraph (10)(e)5.

127 8. The ways by which the school will achieve a
128 racial/ethnic balance reflective of the community it serves or
129 within the racial/ethnic range of other nearby public schools or
130 school districts.

131 9. The financial and administrative management of the
132 school, including a reasonable demonstration of the professional
133 experience or competence of those individuals or organizations
134 applying to operate the charter school or those hired or
135 retained to perform such professional services and the
136 description of clearly delineated responsibilities and the
137 policies and practices needed to effectively manage the charter
138 school. A description of internal audit procedures and
139 establishment of controls to ensure that financial resources are
140 properly managed must be included. Both public sector and
141 private sector professional experience shall be equally valid in
142 such a consideration.

143 10. The asset and liability projections required in the
144 application which are incorporated into the charter and shall be
145 compared with information provided in the annual report of the
146 charter school.

147 11. A description of procedures that identify various
148 risks and provide for a comprehensive approach to reduce the
149 impact of losses; plans to ensure the safety and security of
150 students and staff; plans to identify, minimize, and protect

151 others from violent or disruptive student behavior; and the
152 manner in which the school will be insured, including whether or
153 not the school will be required to have liability insurance,
154 and, if so, the terms and conditions thereof and the amounts of
155 coverage.

156 12. The term of the charter which shall provide for
157 cancellation of the charter if insufficient progress has been
158 made in attaining the student achievement objectives of the
159 charter and if it is not likely that such objectives can be
160 achieved before expiration of the charter. The initial term of a
161 charter shall be for 5 years, excluding 2 planning years. In
162 order to facilitate access to long-term financial resources for
163 charter school construction, charter schools that are operated
164 by a municipality or other public entity as provided by law are
165 eligible for up to a 15-year charter, subject to approval by the
166 sponsor. A charter lab school is eligible for a charter for a
167 term of up to 15 years. In addition, to facilitate access to
168 long-term financial resources for charter school construction,
169 charter schools that are operated by a private, not-for-profit,
170 s. 501(c)(3) status corporation are eligible for up to a 15-year
171 charter, subject to approval by the sponsor. Such long-term
172 charters remain subject to annual review and may be terminated
173 during the term of the charter, but only according to the
174 provisions set forth in subsection (8).

175 13. The facilities to be used and their location. The

176 sponsor may not require a charter school to have a certificate
177 of occupancy or a temporary certificate of occupancy for such a
178 facility earlier than 15 calendar days before the first day of
179 school.

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

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

186 16. A timetable for implementing the charter which
187 addresses the implementation of each element thereof and the
188 date by which the charter shall be awarded in order to meet this
189 timetable.

190 17. In the case of an existing public school that is being
191 converted to charter status, alternative arrangements for
192 current students who choose not to attend the charter school and
193 for current teachers who choose not to teach in the charter
194 school after conversion in accordance with the existing
195 collective bargaining agreement or district school board rule in
196 the absence of a collective bargaining agreement. However,
197 alternative arrangements shall not be required for current
198 teachers who choose not to teach in a charter lab school, except
199 as authorized by the employment policies of the state university
200 which grants the charter to the lab school.

201 18. Full disclosure of the identity of all relatives
 202 employed by the charter school who are related to the charter
 203 school owner, president, chairperson of the governing board of
 204 directors, superintendent, governing board member, principal,
 205 assistant principal, or any other person employed by the charter
 206 school who has equivalent decisionmaking authority. For the
 207 purpose of this subparagraph, the term "relative" means father,
 208 mother, son, daughter, brother, sister, uncle, aunt, first
 209 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 210 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 211 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 212 stepsister, half brother, or half sister.

213 19. Implementation of the activities authorized under s.
 214 1002.331 by the charter school when it satisfies the eligibility
 215 requirements for a high-performing charter school. A high-
 216 performing charter school shall notify its sponsor in writing by
 217 March 1 if it intends to increase enrollment or expand grade
 218 levels the following school year. The written notice shall
 219 specify the amount of the enrollment increase and the grade
 220 levels that will be added, as applicable.

221 (d) A charter may be modified during its term upon the
 222 recommendation of the sponsor or the charter school's governing
 223 board and the approval of both parties to the agreement. Changes
 224 to curriculum which are consistent with state standards are
 225 ~~shall be~~ deemed approved unless the sponsor and the Department

226 of Education determine in writing that the curriculum is
227 inconsistent with state standards. Modification during any term
228 may include, but is not limited to, consolidation of multiple
229 charters into a single charter if the charters are operated
230 under the same governing board, regardless of the renewal cycle.
231 A charter school may assign its charter to a high-performing
232 charter school operating in the same district. A charter school
233 that is not subject to a school improvement plan and that closes
234 as part of a consolidation shall be reported by the sponsor as a
235 consolidation. A request for consolidation of multiple charters
236 must be approved or denied within 60 days after the submission
237 of the request. If the request is denied, the sponsor must ~~shall~~
238 notify the charter school's governing board of the denial and
239 must provide the specific reasons, in reasonable detail, for the
240 denial of the request for consolidation within 10 days.

241 (17) FUNDING.—Students enrolled in a charter school,
242 regardless of the sponsorship, shall be funded as if they are in
243 a basic program or a special program, the same as students
244 enrolled in other public schools in a school district. Funding
245 for a charter lab school shall be as provided in s. 1002.32.

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

251 lottery funds, and funds from the school district's current
252 operating discretionary millage levy; divided by total funded
253 weighted full-time equivalent students in the school district;
254 and multiplied by the weighted full-time equivalent students for
255 the charter school. Charter schools whose students or programs
256 meet the eligibility criteria in law are entitled to their
257 proportionate share of categorical program funds included in the
258 total funds available in the Florida Education Finance Program
259 by the Legislature, including transportation, and the evidence-
260 based reading allocation. Total funding for each charter school
261 shall be recalculated during the year to reflect the revised
262 calculations under the Florida Education Finance Program by the
263 state and the actual weighted full-time equivalent students
264 reported by the charter school during the full-time equivalent
265 student survey periods designated by the Commissioner of
266 Education. For charter schools operated by a not-for-profit or
267 municipal entity, any unrestricted current and capital assets
268 identified in the charter school's annual financial audit may be
269 used for other charter schools operated by the not-for-profit or
270 municipal entity within the school district. For charter schools
271 operated by a not-for-profit entity, any unrestricted current or
272 capital assets identified in the charter school's annual audit
273 may be used for other charter schools operated by the not-for-
274 profit entity that are located outside of the originating
275 charter school's school district but within the state through an

276 unforgiveable loan which must be repaid to the originating
277 charter school by the receiving charter school. Unrestricted
278 current assets shall be used in accordance with s. 1011.62, and
279 any unrestricted capital assets shall be used in accordance with
280 s. 1013.62(2).

281 2.a. Students enrolled in a charter school sponsored by a
282 state university or Florida College System institution pursuant
283 to paragraph (5)(a) shall be funded as if they are in a basic
284 program or a special program in the school district. The basis
285 for funding these students is the sum of the total operating
286 funds from the Florida Education Finance Program for the school
287 district in which the school is located as provided in s.
288 1011.62 and the General Appropriations Act, including gross
289 state and local funds, discretionary lottery funds, and funds
290 from each school district's current operating discretionary
291 millage levy, divided by total funded weighted full-time
292 equivalent students in the district, and multiplied by the full-
293 time equivalent membership of the charter school. The Department
294 of Education shall develop a tool that each state university or
295 Florida College System institution sponsoring a charter school
296 shall use for purposes of calculating the funding amount for
297 each eligible charter school student. The total amount obtained
298 from the calculation must be appropriated from state funds in
299 the General Appropriations Act to the charter school.

300 b. Capital outlay funding for a charter school sponsored

301 by a state university or Florida College System institution
 302 pursuant to paragraph (5) (a) is determined pursuant to s.
 303 1013.62 and the General Appropriations Act.

304 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

305 (d) The landlord of a charter school, or his or her
 306 spouse, or an officer, director, or employee of an entity that
 307 is a landlord of a charter school, or his or her spouse, may not
 308 be a member of the governing board of the charter school unless:

309 1. The charter school is established under paragraph
 310 (15) (c) and the landlord is a municipal entity; or

311 2. The landlord is a not-for-profit entity and a two-
 312 thirds majority vote of the charter school board, excluding the
 313 vote of landlord-affiliated board members, approves the
 314 landlord-affiliated board member to be elected to, or to remain
 315 on, the board.

316 (28) RULEMAKING.—The Department of Education, after
 317 consultation with sponsors and charter school directors, shall
 318 recommend that the State Board of Education adopt rules to
 319 implement specific subsections of this section. Such rules shall
 320 require minimum paperwork and shall not limit charter school
 321 flexibility authorized by statute. The State Board of Education
 322 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 323 implement a standard charter application form, standard
 324 application form for the replication of charter schools in a
 325 high-performing charter school system, standard evaluation

326 instrument, standard monitoring tool, and standard charter and
327 charter renewal contracts in accordance with this section.

328 Section 2. Subsection (2) of section 1002.331, Florida
329 Statutes, is amended to read:

330 1002.331 High-performing charter schools.—

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

332 (a) Increase its student enrollment once per school year
333 to more than the capacity identified in the charter, but student
334 enrollment may not exceed the capacity of the facility at the
335 time the enrollment increase will take effect. Facility capacity
336 for purposes of expansion must ~~shall~~ include any improvements to
337 an existing facility or any new facility in which the students
338 of the high-performing charter school will enroll.

339 (b) Expand grade levels within kindergarten through grade
340 12 to add grade levels not already served if any annual
341 enrollment increase resulting from grade level expansion is
342 within the limit established in paragraph (a).

343 (c) Submit a quarterly, rather than a monthly, financial
344 statement to the sponsor pursuant to s. 1002.33(9)(g).

345 (d) Consolidate under a single charter the charters of
346 multiple high-performing charter schools operated in the same
347 school district by the charter schools' governing board
348 regardless of the renewal cycle.

349 (e) Receive a modification of its charter to a term of 15
350 years or a 15-year charter renewal. The charter may be modified

351 or renewed for a shorter term at the option of the high-
352 performing charter school. The charter must be consistent with
353 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
354 review by the sponsor, and may be terminated during its term
355 pursuant to s. 1002.33(8).

356 (f) Assume the charter of another operator within the same
357 school district in which it operates.

358
359 A high-performing charter school shall notify its sponsor in
360 writing by March 1 if it intends to increase enrollment or
361 expand grade levels the following school year. The written
362 notice must ~~shall~~ specify the amount of the enrollment increase
363 and the grade levels that will be added, as applicable. If a
364 charter school notifies the sponsor of its intent to expand, the
365 sponsor must ~~shall~~ modify the charter within 90 days to include
366 the new enrollment maximum and may not make any other changes.
367 The sponsor may deny a request to increase the enrollment of a
368 high-performing charter school if the commissioner has
369 declassified the charter school as high-performing. If a high-
370 performing charter school requests to consolidate multiple
371 charters or assume an existing charter, the sponsor has ~~shall~~
372 ~~have~~ 40 days after receipt of that request to provide an initial
373 draft charter to the charter school. The sponsor and charter
374 school ~~shall~~ have 50 days thereafter to negotiate and notice the
375 charter contract for final approval by the sponsor.

376 Section 3. Paragraph (a) of subsection (1) of section
377 1013.62, Florida Statutes, is amended to read:

378 1013.62 Charter schools capital outlay funding.—

379 (1) For the 2022-2023 fiscal year, charter school capital
380 outlay funding shall consist of state funds appropriated in the
381 2022-2023 General Appropriations Act. Beginning in fiscal year
382 2023-2024, charter school capital outlay funding shall consist
383 of state funds when such funds are appropriated in the General
384 Appropriations Act and revenue resulting from the discretionary
385 millage authorized in s. 1011.71(2) if the amount of state funds
386 appropriated for charter school capital outlay in any fiscal
387 year is less than the average charter school capital outlay
388 funds per unweighted full-time equivalent student for the 2018-
389 2019 fiscal year, multiplied by the estimated number of charter
390 school students for the applicable fiscal year, and adjusted by
391 changes in the Consumer Price Index issued by the United States
392 Department of Labor from the previous fiscal year. Nothing in
393 this subsection prohibits a school district from distributing to
394 charter schools funds resulting from the discretionary millage
395 authorized in s. 1011.71(2).

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

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

399 b. Be governed by a governing board established in the
400 state for 2 or more years which operates both charter schools

401 and conversion charter schools within the state;

402 c. Be an expanded feeder chain of a charter school within

403 the same school district that is currently receiving charter

404 school capital outlay funds;

405 d. Have been accredited by a regional accrediting

406 association as defined by State Board of Education rule;

407 e. Serve students in facilities that are provided by a

408 business partner for a charter school-in-the-workplace pursuant

409 to s. 1002.33(15) (b); or

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

411 2. Have an annual audit that does not reveal any of the

412 financial emergency conditions provided in s. 218.503(1) for the

413 most recent fiscal year for which such audit results are

414 available.

415 3. Have not earned two consecutive grades of "F", three

416 consecutive grades below a "C", or two consecutive school

417 improvement ratings of "Unsatisfactory" ~~satisfactory student~~

418 ~~achievement based on state accountability standards applicable~~

419 ~~to the charter school.~~

420 4. Have received final approval from its sponsor pursuant

421 to s. 1002.33 for operation during that fiscal year.

422 5. Serve students in facilities that are not provided by

423 the charter school's sponsor.

424 Section 4. Section 1012.57, Florida Statutes, is amended

425 to read:

426 1012.57 Certification of adjunct educators.—

427 (1) Notwithstanding the provisions of ss. 1012.32,
 428 1012.55, and 1012.56, or any other provision of law or rule to
 429 the contrary, district school boards and charter school
 430 governing boards shall adopt rules to allow for the issuance of
 431 an adjunct teaching certificate to any applicant who fulfills
 432 the requirements of s. 1012.56(2)(a)-(f) and (10) and who has
 433 expertise in the subject area to be taught. An applicant shall
 434 be considered to have expertise in the subject area to be taught
 435 if the applicant demonstrates sufficient subject area mastery
 436 through passage of a subject area test.

437 (2) The Legislature intends that this section allow school
 438 districts and charter schools to tap the wealth of talent and
 439 expertise represented in Florida's citizens who may wish to
 440 teach in a Florida public school by permitting school districts
 441 and charter schools to issue adjunct certificates to qualified
 442 applicants.

443 (3) Adjunct certificateholders should be used primarily as
 444 a strategy to enhance the diversity of course offerings offered
 445 to all students. School districts and charter schools may use
 446 the expertise of individuals in the state who wish to provide
 447 online instruction to students by issuing adjunct certificates
 448 to qualified applicants.

449 (4) Each adjunct teaching certificate is valid through the
 450 term of the annual contract between the educator and the school

451 district or charter school. An additional annual certification
452 and an additional annual contract may be awarded by the district
453 or charter school at the district's or charter school's
454 discretion but only if the applicant is rated effective or
455 highly effective under s. 1012.34 during each year of teaching
456 under adjunct teaching certification. A school district and
457 charter school may issue an adjunct teaching certificate for a
458 part-time or full-time teaching position; however, an adjunct
459 teaching certificate issued for a full-time teaching position is
460 valid for no more than 3 years and is nonrenewable.

461 (5) Individuals who are certified and employed under this
462 section shall have the same rights and protection of laws as
463 teachers certified under s. 1012.56.

464 (6) Each school district and charter school shall:

465 (a) Post requirements on its website for the issuance of
466 an adjunct teaching certificate, which must specify the subject
467 area test through which an applicant demonstrates subject area
468 mastery.

469 (b) Annually report to the department the number of
470 adjunct teaching certificates issued for part-time teaching
471 positions and full-time teaching positions pursuant to this
472 section.

473 Section 5. This act shall take effect July 1, 2023.