

By Senator Stargel

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1 A bill to be entitled
2 An act relating to school choice; amending s. 1002.33,
3 F.S.; revising the required contents of a charter
4 school application; providing for the automatic
5 termination of a charter under certain conditions;
6 requiring a sponsor to notify certain parties when a
7 charter is automatically terminated; prohibiting a
8 charter school from denying the application or
9 continued enrollment of certain students; revising
10 enrollment preferences; specifying that the reading
11 curriculum and instructional strategies in a charter
12 school's charter satisfy the research-based reading
13 plan requirement and that charter schools are eligible
14 for the research-based reading allocation; revising
15 requirements for payments to charter schools;
16 prohibiting a school board from delaying payment for
17 specified reasons; amending s. 1002.331, F.S.;
18 specifying that certain limits on the number of
19 charter schools established do not apply under certain
20 circumstances; deleting provisions relating to charter
21 schools that receive certain school grades; creating
22 s. 1002.333, F.S.; defining terms; authorizing certain
23 entities to apply for status as a High-Impact Charter
24 Network; requiring the State Board of Education to
25 adopt rules to prescribe a specified review process;
26 prohibiting certain school grades from being used to
27 determine critical need areas; providing funding for
28 charter schools under certain circumstances; waiving
29 certain fees; providing that the High-Impact Charter

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30 Network status is valid for only a specified time;
31 providing for rulemaking; amending s. 1002.45, F.S.;
32 revising approved provider's contract termination
33 requirements for a virtual instruction program;
34 amending s. 1013.62, F.S.; revising charter school
35 eligibility requirements for funding allocations;
36 providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Paragraphs (a) and (b) of subsection (6),
41 paragraph (n) of subsection (9), paragraphs (b) and (d) of
42 subsection (10), and paragraphs (b) and (e) of subsection (17)
43 of section 1002.33, Florida Statutes, are amended to read:

44 1002.33 Charter schools.—

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

47 (a) A person or entity wishing to open a charter school
48 shall prepare and submit an application on a model application
49 form prepared by the Department of Education which:

50 1. Demonstrates how the school will use the guiding
51 principles and meet the statutorily defined purpose of a charter
52 school.

53 2. Provides a detailed curriculum plan that illustrates how
54 students will be provided services to attain the Sunshine State
55 Standards.

56 3. Contains goals and objectives for improving student
57 learning and measuring that improvement. These goals and
58 objectives must indicate how much academic improvement students

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59 are expected to show each year, how success will be evaluated,
60 and the specific results to be attained through instruction.

61 4. Describes the reading curriculum and differentiated
62 strategies that will be used for students reading at grade level
63 or higher and a separate curriculum and strategies for students
64 who are reading below grade level. A sponsor shall deny a
65 charter if the school does not propose a reading curriculum that
66 is consistent with effective teaching strategies that are
67 grounded in scientifically based reading research.

68 5. Contains an annual financial plan for each year
69 requested by the charter for operation of the school for up to 5
70 years. This plan must contain anticipated fund balances based on
71 revenue projections, a spending plan based on projected revenues
72 and expenses, and a description of controls that will safeguard
73 finances and projected enrollment trends.

74 6. Contains additional information a sponsor may require,
75 which shall be attached as an addendum to the charter school
76 application described in this paragraph.

77 7. Contains a list and school grades of all charter schools
78 currently or previously operated by the applicant, applicant
79 group, or proposed management company.

80 ~~8.7.~~ For the establishment of a virtual charter school,
81 documents that the applicant has contracted with a provider of
82 virtual instruction services pursuant to s. 1002.45(1)(d).

83 (b) A sponsor shall receive and review all applications for
84 a charter school using an evaluation instrument developed by the
85 Department of Education and shall consider the performance of
86 all charter schools currently or previously operated by the
87 applicant, applicant group, or proposed management company. A

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88 sponsor shall receive and consider charter school applications
89 received on or before August 1 of each calendar year for charter
90 schools to be opened at the beginning of the school district's
91 next school year, or to be opened at a time agreed to by the
92 applicant and the sponsor. A sponsor may not refuse to receive a
93 charter school application submitted before August 1 and may
94 receive an application submitted later than August 1 if it
95 chooses. In order to facilitate greater collaboration in the
96 application process, an applicant may submit a draft charter
97 school application on or before May 1 with an application fee of
98 \$500. If a draft application is timely submitted, the sponsor
99 shall review and provide feedback as to material deficiencies in
100 the application by July 1. The applicant shall then have until
101 August 1 to resubmit a revised and final application. The
102 sponsor may approve the draft application. A sponsor may not
103 charge an applicant for a charter any fee for the processing or
104 consideration of an application, and a sponsor may not base its
105 consideration or approval of a final application upon the
106 promise of future payment of any kind. Before approving or
107 denying any final application, the sponsor shall allow the
108 applicant, upon receipt of written notification, at least 7
109 calendar days to make technical or nonsubstantive corrections
110 and clarifications, including, but not limited to, corrections
111 of grammatical, typographical, and like errors or missing
112 signatures, if such errors are identified by the sponsor as
113 cause to deny the final application.

114 1. In order to facilitate an accurate budget projection
115 process, a sponsor shall be held harmless for FTE students who
116 are not included in the FTE projection due to approval of

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117 charter school applications after the FTE projection deadline.
118 In a further effort to facilitate an accurate budget projection,
119 within 15 calendar days after receipt of a charter school
120 application, a sponsor shall report to the Department of
121 Education the name of the applicant entity, the proposed charter
122 school location, and its projected FTE.

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

130 3.a. A sponsor shall by a majority vote approve or deny an
131 application no later than 60 calendar days after the application
132 is received, unless the sponsor and the applicant mutually agree
133 in writing to temporarily postpone the vote to a specific date,
134 at which time the sponsor shall by a majority vote approve or
135 deny the application. If the sponsor fails to act on the
136 application, an applicant may appeal to the State Board of
137 Education as provided in paragraph (c). If an application is
138 denied, the sponsor shall, within 10 calendar days after such
139 denial, articulate in writing the specific reasons, based upon
140 good cause, supporting its denial of the charter application and
141 shall provide the letter of denial and supporting documentation
142 to the applicant and to the Department of Education.

143 b. An application submitted by a high-performing charter
144 school identified pursuant to s. 1002.331 may be denied by the
145 sponsor only if the sponsor demonstrates by clear and convincing

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146 evidence that:

147 (I) The application does not materially comply with the
148 requirements in paragraph (a);

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

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

155 (IV) The applicant has made a material misrepresentation or
156 false statement or concealed an essential or material fact
157 during the application process; or

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

161
162 Material noncompliance is a failure to follow requirements or a
163 violation of prohibitions applicable to charter school
164 applications, which failure is quantitatively or qualitatively
165 significant either individually or when aggregated with other
166 noncompliance. An applicant is considered to be replicating a
167 high-performing charter school if the proposed school is
168 substantially similar to at least one of the applicant's high-
169 performing charter schools and the organization or individuals
170 involved in the establishment and operation of the proposed
171 school are significantly involved in the operation of replicated
172 schools.

173 c. If the sponsor denies an application submitted by a
174 high-performing charter school, the sponsor must, within 10

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175 calendar days after such denial, state in writing the specific
176 reasons, based upon the criteria in sub-subparagraph b.,
177 supporting its denial of the application and must provide the
178 letter of denial and supporting documentation to the applicant
179 and to the Department of Education. The applicant may appeal the
180 sponsor's denial of the application directly to the State Board
181 of Education pursuant to sub-subparagraph (c)3.b.

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

188 5. Upon approval of a charter application, the initial
189 startup shall commence with the beginning of the public school
190 calendar for the district in which the charter is granted unless
191 the sponsor allows a waiver of this subparagraph for good cause.

192 (9) CHARTER SCHOOL REQUIREMENTS.—

193 (n)1. The director and a representative of the governing
194 board of a charter school that has earned a grade of "D" or "F"
195 pursuant to s. 1008.34 shall appear before the sponsor to
196 present information concerning each contract component having
197 noted deficiencies. The director and a representative of the
198 governing board shall submit to the sponsor for approval a
199 school improvement plan to raise student performance. Upon
200 approval by the sponsor, the charter school shall begin
201 implementation of the school improvement plan. The department
202 shall offer technical assistance and training to the charter
203 school and its governing board and establish guidelines for

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204 developing, submitting, and approving such plans.

205 2.a. If a charter school earns three consecutive grades of
206 "D," two consecutive grades of "D" followed by a grade of "F,"
207 or two nonconsecutive grades of "F" within a 3-year period, the
208 charter school governing board shall choose one of the following
209 corrective actions:

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

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

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

217 (IV) Voluntarily close the charter school.

218 b. The charter school must implement the corrective action
219 in the school year following receipt of a third consecutive
220 grade of "D," a grade of "F" following two consecutive grades of
221 "D," or a second nonconsecutive grade of "F" within a 3-year
222 period.

223 c. The sponsor may annually waive a corrective action if it
224 determines that the charter school is likely to improve a letter
225 grade if additional time is provided to implement the
226 intervention and support strategies prescribed by the school
227 improvement plan. Notwithstanding this sub-subparagraph, a
228 charter school that earns a second consecutive grade of "F" is
229 subject to subparagraph 4.

230 d. A charter school is no longer required to implement a
231 corrective action if it improves by at least one letter grade.
232 However, the charter school must continue to implement

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233 strategies identified in the school improvement plan. The
234 sponsor must annually review implementation of the school
235 improvement plan to monitor the school's continued improvement
236 pursuant to subparagraph 5.

237 e. A charter school implementing a corrective action that
238 does not improve by at least one letter grade after 2 full
239 school years of implementing the corrective action must select a
240 different corrective action. Implementation of the new
241 corrective action must begin in the school year following the
242 implementation period of the existing corrective action, unless
243 the sponsor determines that the charter school is likely to
244 improve a letter grade if additional time is provided to
245 implement the existing corrective action. Notwithstanding this
246 sub-subparagraph, a charter school that earns a second
247 consecutive grade of "F" while implementing a corrective action
248 is subject to subparagraph 4.

249 3. A charter school with a grade of "D" or "F" that
250 improves by at least one letter grade must continue to implement
251 the strategies identified in the school improvement plan. The
252 sponsor must annually review implementation of the school
253 improvement plan to monitor the school's continued improvement
254 pursuant to subparagraph 5.

255 4.a. A charter school's charter is automatically terminated
256 if the school earns ~~The sponsor shall terminate a charter if the~~
257 ~~charter school earns~~ two consecutive grades of "F" after all
258 school grade appeals are final, unless:

259 (I)a. The charter school is established to turn around the
260 performance of a district public school pursuant to s.
261 1008.33(4)(b)3. Such charter schools shall be governed by s.

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262 1008.33;

263 (II)~~b.~~ The charter school serves a student population the
264 majority of which resides in a school zone served by a district
265 public school that earned a grade of "F" in the year before the
266 charter school opened and the charter school earns at least a
267 grade of "D" in its third year of operation. The exception
268 provided under this sub-sub-subparagraph does not apply to a
269 charter school in its fourth year of operation and thereafter;
270 or

271 (III)~~e.~~ The state board grants the charter school a waiver
272 of termination. The charter school must request the waiver
273 within 15 days after the department's official release of school
274 grades. The state board may waive termination if the charter
275 school demonstrates that the Learning Gains of its students on
276 statewide assessments are comparable to or better than the
277 Learning Gains of similarly situated students enrolled in nearby
278 district public schools. The waiver is valid for 1 year and may
279 only be granted once. Charter schools that have been in
280 operation for more than 5 years are not eligible for a waiver
281 under this sub-sub-subparagraph.

282 b. The sponsor shall notify in writing the charter school's
283 governing board, the charter school principal, and the
284 department when a charter is terminated under this subparagraph.
285 The school district's letter of termination shall be governed by
286 the requirements of paragraph (8)(c). If a charter is terminated
287 under this subparagraph, the charter school is governed by the
288 requirements of paragraph (o) and paragraphs (8)(e)-(g).

289 5. The director and a representative of the governing board
290 of a graded charter school that has implemented a school

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291 improvement plan under this paragraph shall appear before the
292 sponsor at least once a year to present information regarding
293 the progress of intervention and support strategies implemented
294 by the school pursuant to the school improvement plan and
295 corrective actions, if applicable. The sponsor shall communicate
296 at the meeting, and in writing to the director, the services
297 provided to the school to help the school address its
298 deficiencies.

299 6. Notwithstanding any provision of this paragraph except
300 sub-subparagraph 4.a. ~~sub-subparagraphs 4.a.-c.~~, the sponsor may
301 terminate the charter at any time pursuant to subsection (8).

302 (10) ELIGIBLE STUDENTS.—

303 (b) The charter school shall enroll an eligible student who
304 submits a timely application, unless the number of applications
305 exceeds the capacity of a program, class, grade level, or
306 building. In such case, all applicants shall have an equal
307 chance of being admitted through a random selection process. A
308 charter school may not deny the application or continued
309 enrollment of a student based on the student's current or prior
310 academic performance, including grade retention.

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

313 1. Students who are siblings of a student enrolled in the
314 charter school.

315 2. Students who are the children of a member of the
316 governing board of the charter school.

317 3. Students who are the children of an employee of the
318 charter school.

319 4. Students who are the children of:

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320 a. An employee of the business partner of a charter school-
321 in-the-workplace established under paragraph (15) (b) or a
322 resident of the municipality in which such charter school is
323 located; or

324 b. A resident of a municipality that operates a charter
325 school-in-a-municipality pursuant to paragraph (15) (c).

326 5. Students who have successfully completed a voluntary
327 prekindergarten education program under ss. 1002.51-1002.79
328 provided by the charter school or the charter school's governing
329 board during the previous year.

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

332 7. Students who are currently enrolled or were enrolled
333 during the prior school year in a public school that earned a
334 grade of "F" or that earned three consecutive grades of "D" or
335 who are zoned for such school.

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

341 (b) The basis for the agreement for funding students
342 enrolled in a charter school shall be the sum of the school
343 district's operating funds from the Florida Education Finance
344 Program as provided in s. 1011.62 and the General Appropriations
345 Act, including gross state and local funds, discretionary
346 lottery funds, and funds from the school district's current
347 operating discretionary millage levy; divided by total funded
348 weighted full-time equivalent students in the school district;

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349 multiplied by the weighted full-time equivalent students for the
350 charter school. Charter schools whose students or programs meet
351 the eligibility criteria in law are entitled to their
352 proportionate share of categorical program funds included in the
353 total funds available in the Florida Education Finance Program
354 by the Legislature, including transportation, research-based
355 reading allocation, and the Florida digital classrooms
356 allocation. Total funding for each charter school shall be
357 recalculated during the year to reflect the revised calculations
358 under the Florida Education Finance Program by the state and the
359 actual weighted full-time equivalent students reported by the
360 charter school during the full-time equivalent student survey
361 periods designated by the Commissioner of Education.

362 (e) District school boards shall make timely and efficient
363 payment and reimbursement to charter schools, including
364 processing paperwork required to access special state and
365 federal funding for which they may be eligible. Payments of the
366 funds in paragraph (b) shall be made monthly or bimonthly,
367 beginning with the start of the district school board's fiscal
368 year. Each payment must be one-twelfth or one-twenty-fourth, as
369 applicable, of the total state and local funds described in
370 paragraph (b). The district school board may distribute such
371 funds to a charter school for up to 3 months based on the
372 projected full-time equivalent student membership of the charter
373 school. Thereafter, the results of full-time equivalent student
374 membership surveys shall be used in adjusting the amount of
375 funds distributed monthly to the charter school for the
376 remainder of the fiscal year. The payments ~~payment~~ shall be
377 issued no later than 10 working days after the district school

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378 board receives a distribution of state or federal funds or the
379 date the payment is due as specified in this subsection. If a
380 warrant for payment is not issued within 10 working days after
381 receipt of funding by the district school board, the school
382 district shall pay to the charter school, in addition to the
383 amount of the scheduled disbursement, interest at a rate of 1
384 percent per month calculated on a daily basis on the unpaid
385 balance from the expiration of the 10 working days until such
386 time as the warrant is issued. The district school board may not
387 delay payment of any portion of the funds set forth in paragraph
388 (b) to a charter school if receipt of local funds is delayed.

389 Section 2. Paragraph (b) of subsection (3) and subsection
390 (4) of section 1002.331, Florida Statutes, are amended to read:

391 1002.331 High-performing charter schools.—

392 (3)

393 (b) A high-performing charter school may not establish more
394 than one charter school within the state under paragraph (a) in
395 any year. A subsequent application to establish a charter school
396 under paragraph (a) may not be submitted unless each charter
397 school established in this manner achieves high-performing
398 charter school status. The limits specified in this paragraph do
399 not apply to a charter school established by a high-performing
400 charter school in the attendance zone of a school identified as
401 in need of intervention and support pursuant to s. 1008.33(3)(b)
402 or to meet capacity needs or needs for innovative choice options
403 identified by the district school board.

404 ~~(4) A high-performing charter school may not increase~~
405 ~~enrollment or expand grade levels following any school year in~~
406 ~~which it receives a school grade of "C" or below. If the charter~~

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407 ~~school receives a school grade of "C" or below in any 2 years~~
408 ~~during the term of the charter awarded under subsection (2), the~~
409 ~~term of the charter may be modified by the sponsor and the~~
410 ~~charter school loses its high-performing charter school status~~
411 ~~until it regains that status under subsection (1).~~

412 Section 3. Section 1002.333, Florida Statutes, is created
413 to read:

414 1002.333 High-Impact Charter Network.-

415 (1) For the purposes of this section, the term:

416 (a) "Critical need area" means an area that is served by
417 one or more traditional public schools that meet at least one of
418 the following criteria:

419 1. Received a school grade of "D" or "F" pursuant to s.
420 1008.34 in 4 of the preceding 5 years; or

421 2. Had fewer than 25 percent of students passing statewide,
422 standardized assessments in English Language Arts under s.
423 1008.22(3) in the most recent year for which assessment scores
424 are available.

425 (b) "Entity" means a nonprofit organization with tax-exempt
426 status under s. 501(c)(3) of the Internal Revenue Code which is
427 authorized by law to operate a public charter school.

428 (2) An entity that successfully operates a system of
429 charter schools that serve primarily educationally disadvantaged
430 students, as provided in the federal Elementary and Secondary
431 Education Act, 20 U.S.C. s. 1115(b)(2), may apply to the State
432 Board of Education for status as a High-Impact Charter Network.

433 (a) The state board shall adopt rules prescribing a process
434 to review the entity's application. The process must include a
435 review of the following:

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436 1. Statewide assessments of all charter schools currently
437 and previously operated by the entity, including schoolwide and
438 subgroup performance, for the 3 most recent years as compared to
439 all students in other schools at the same grade level, and as
440 compared with other schools serving similar student
441 demographics. The review may also include performance on
442 nationally norm-referenced assessments, student attendance and
443 retention rates, graduation rates, college attendance rates,
444 college persistence rates, and other outcome measures as
445 determined by the state board.

446 2. School-level financial performance.

447 (b) An entity that is designated as a High-Impact Charter
448 Network may submit a charter school application pursuant to s.
449 1002.33 to establish and operate charter schools in critical
450 need areas. For purposes of determining critical need areas,
451 school grades issued for the 2014-2015 school year may not be
452 considered.

453 (c) Notwithstanding s. 1013.62(1)(a), a charter school
454 operated by a High-Impact Charter Network in a critical need
455 area is eligible to receive charter school capital outlay
456 funding. The administrative fee required under s.
457 1002.33(20)(a)2. shall be waived for a charter school
458 established by a High-Impact Charter Network in a critical need
459 area as long as the network maintains its status as a High-
460 Impact Charter Network.

461 (3) The High-Impact Charter Network status is valid for up
462 to 4 years. If an entity seeks status renewal, the state board
463 shall review, pursuant to subsection (2), the academic and
464 financial performance of the charter schools established in

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465 critical need areas and operated by the entity.

466 (4) The State Board of Education shall adopt rules to
467 administer this section.

468 Section 4. Paragraphs (c) and (d) of subsection (8) of
469 section 1002.45, Florida Statutes, are amended to read:

470 1002.45 Virtual instruction programs.—

471 (8) ASSESSMENT AND ACCOUNTABILITY.—

472 (c) An approved provider that receives a school grade of
473 "D" or "F" under s. 1008.34 or a school improvement rating of
474 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
475 school improvement plan with the department for consultation to
476 determine the causes for low performance and to develop a plan
477 for correction and improvement.

478 (d) An approved provider's contract is automatically ~~must~~
479 ~~be~~ terminated if the provider earns two consecutive school
480 grades of ~~receives a school grade of "D" or "F" under s.~~
481 ~~1008.34, receives two consecutive~~ or a school improvement
482 ratings rating of "Unsatisfactory" ~~"Declining"~~ under s.
483 ~~1008.341, for 2 years during any consecutive 4-year period or~~
484 has violated any qualification requirement pursuant to
485 subsection (2). A provider that has a contract terminated under
486 this paragraph may not be an approved provider for ~~a period of~~
487 at least 1 year after the date upon which the contract was
488 terminated and until the department determines that the provider
489 is in compliance with subsection (2) and has corrected each
490 cause of the provider's low performance.

491 Section 5. Paragraph (a) of subsection (1) of section
492 1013.62, Florida Statutes, is amended to read:

493 1013.62 Charter schools capital outlay funding.—

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494 (1) In each year in which funds are appropriated for
495 charter school capital outlay purposes, the Commissioner of
496 Education shall allocate the funds among eligible charter
497 schools.

498 (a) To be eligible for a funding allocation, a charter
499 school must:

500 1.a. Have been in operation for 3 or more years;

501 b. Be governed by a governing board established in the
502 state for 3 or more years which operates both charter schools
503 and conversion charter schools within the state;

504 c. Be an expanded feeder chain of a charter school within
505 the same school district that is currently receiving charter
506 school capital outlay funds;

507 d. Have been accredited by the Commission on Schools of the
508 Southern Association of Colleges and Schools; or

509 e. Serve students in facilities that are provided by a
510 business partner for a charter school-in-the-workplace pursuant
511 to s. 1002.33(15)(b).

512 2. Have an annual audit that does not reveal one or more of
513 the financial emergency conditions specified in s. 218.503(1)
514 for the most recent fiscal year for which such audit is
515 available ~~stability for future operation as a charter school.~~

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

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

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

522 Section 6. This act shall take effect July 1, 2016.