

HB 1255

2016

1 A bill to be entitled

2 An act relating to charter schools; amending s.
3 1002.33, F.S.; authorizing a municipal governing
4 authority to become a charter school sponsor in the
5 municipality over which the municipal governing
6 authority has jurisdiction; providing that certain
7 long-term charters are subject to the approval of the
8 municipal governing authority; requiring a municipal
9 governing authority to make timely and efficient
10 payment and reimbursement to charter schools;
11 authorizing a municipal governing authority to
12 distribute funds to a charter school for a specified
13 period of time under certain circumstances; requiring
14 a charter school sponsored by a municipal governing
15 authority to secure a surety bond; specifying the
16 amount of the bond; providing an exception for certain
17 high-performing charter schools; amending s. 1002.331,
18 F.S.; deleting a provision that prohibits high-
19 performing charter schools from establishing more than
20 one charter school in a given year; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (a) of subsection (5), paragraph (a)
26 of subsection (7), subsection (14), paragraph (c) of subsection

27 (15), paragraph (e) of subsection (17), and subsection (25) of
28 section 1002.33, Florida Statutes, are amended, and paragraph
29 (g) is added to subsection (17) of that section, to read:

30 1002.33 Charter schools.—

31 (5) SPONSOR; DUTIES.—

32 (a) Sponsoring entities.—

33 1. A district school board or a municipal governing
34 authority may sponsor a charter school in the county or the
35 municipality over which the district school board or the
36 municipal governing authority has jurisdiction.

37 2. A state university may grant a charter to a lab school
38 created under s. 1002.32 and shall be considered to be the
39 school's sponsor. Such school shall be considered a charter lab
40 school.

41 (7) CHARTER.—The major issues involving the operation of a
42 charter school shall be considered in advance and written into
43 the charter. The charter shall be signed by the governing board
44 of the charter school and the sponsor, following a public
45 hearing to ensure community input.

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

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

50 2. The focus of the curriculum, the instructional methods
51 to be used, any distinctive instructional techniques to be
52 employed, and identification and acquisition of appropriate

53 technologies needed to improve educational and administrative
54 performance which include a means for promoting safe, ethical,
55 and appropriate uses of technology which comply with legal and
56 professional standards.

57 a. The charter shall ensure that reading is a primary
58 focus of the curriculum and that resources are provided to
59 identify and provide specialized instruction for students who
60 are reading below grade level. The curriculum and instructional
61 strategies for reading must be consistent with the Next
62 Generation Sunshine State Standards and grounded in
63 scientifically based reading research.

64 b. In order to provide students with access to diverse
65 instructional delivery models, to facilitate the integration of
66 technology within traditional classroom instruction, and to
67 provide students with the skills they need to compete in the
68 21st century economy, the Legislature encourages instructional
69 methods for blended learning courses consisting of both
70 traditional classroom and online instructional techniques.
71 Charter schools may implement blended learning courses which
72 combine traditional classroom instruction and virtual
73 instruction. Students in a blended learning course must be full-
74 time students of the charter school and receive the online
75 instruction in a classroom setting at the charter school.
76 Instructional personnel certified pursuant to s. 1012.55 who
77 provide virtual instruction for blended learning courses may be
78 employees of the charter school or may be under contract to

79 provide instructional services to charter school students. At a
80 minimum, such instructional personnel must hold an active state
81 or school district adjunct certification under s. 1012.57 for
82 the subject area of the blended learning course. The funding and
83 performance accountability requirements for blended learning
84 courses are the same as those for traditional courses.

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

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

91 b. How these baseline rates will be compared to rates of
92 academic progress achieved by these same students while
93 attending the charter school.

94 c. To the extent possible, how these rates of progress
95 will be evaluated and compared with rates of progress of other
96 closely comparable student populations.

97
98 The district school board is required to provide academic
99 student performance data to charter schools for each of their
100 students coming from the district school system, as well as
101 rates of academic progress of comparable student populations in
102 the district school system.

103 4. The methods used to identify the educational strengths
104 and needs of students and how well educational goals and

105 performance standards are met by students attending the charter
106 school. The methods shall provide a means for the charter school
107 to ensure accountability to its constituents by analyzing
108 student performance data and by evaluating the effectiveness and
109 efficiency of its major educational programs. Students in
110 charter schools shall, at a minimum, participate in the
111 statewide assessment program created under s. 1008.22.

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

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

117 7. The admissions procedures and dismissal procedures,
118 including the school's code of student conduct.

119 8. The ways by which the school will achieve a
120 racial/ethnic balance reflective of the community it serves or
121 within the racial/ethnic range of other public schools in the
122 same school district.

123 9. The financial and administrative management of the
124 school, including a reasonable demonstration of the professional
125 experience or competence of those individuals or organizations
126 applying to operate the charter school or those hired or
127 retained to perform such professional services and the
128 description of clearly delineated responsibilities and the
129 policies and practices needed to effectively manage the charter
130 school. A description of internal audit procedures and

131 establishment of controls to ensure that financial resources are
132 properly managed must be included. Both public sector and
133 private sector professional experience shall be equally valid in
134 such a consideration.

135 10. The asset and liability projections required in the
136 application which are incorporated into the charter and shall be
137 compared with information provided in the annual report of the
138 charter school.

139 11. A description of procedures that identify various
140 risks and provide for a comprehensive approach to reduce the
141 impact of losses; plans to ensure the safety and security of
142 students and staff; plans to identify, minimize, and protect
143 others from violent or disruptive student behavior; and the
144 manner in which the school will be insured, including whether or
145 not the school will be required to have liability insurance,
146 and, if so, the terms and conditions thereof and the amounts of
147 coverage.

148 12. The term of the charter which shall provide for
149 cancellation of the charter if insufficient progress has been
150 made in attaining the student achievement objectives of the
151 charter and if it is not likely that such objectives can be
152 achieved before expiration of the charter. The initial term of a
153 charter shall be for 4 or 5 years. In order to facilitate access
154 to long-term financial resources for charter school
155 construction, charter schools that are operated by a
156 municipality or other public entity as provided by law are

157 eligible for up to a 15-year charter, subject to approval by the
158 district school board or the municipal governing authority. A
159 charter lab school is eligible for a charter for a term of up to
160 15 years. In addition, to facilitate access to long-term
161 financial resources for charter school construction, charter
162 schools that are operated by a private, not-for-profit, s.
163 501(c)(3) status corporation are eligible for up to a 15-year
164 charter, subject to approval by the district school board or the
165 municipal governing authority. Such long-term charters remain
166 subject to annual review and may be terminated during the term
167 of the charter, but only according to the provisions set forth
168 in subsection (8).

169 13. The facilities to be used and their location. The
170 sponsor may not require a charter school to have a certificate
171 of occupancy or a temporary certificate of occupancy for such a
172 facility earlier than 15 calendar days before the first day of
173 school.

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

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

180 16. A timetable for implementing the charter which
181 addresses the implementation of each element thereof and the
182 date by which the charter shall be awarded in order to meet this

183 timetable.

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

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

207 19. Implementation of the activities authorized under s.
208 1002.331 by the charter school when it satisfies the eligibility

209 requirements for a high-performing charter school. A high-
 210 performing charter school shall notify its sponsor in writing by
 211 March 1 if it intends to increase enrollment or expand grade
 212 levels the following school year. The written notice shall
 213 specify the amount of the enrollment increase and the grade
 214 levels that will be added, as applicable.

215 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
 216 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
 217 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to
 218 borrow or otherwise secure funds for a charter school authorized
 219 in this section from a source other than the state or a school
 220 district shall indemnify the state and the school district from
 221 any and all liability, including, but not limited to, financial
 222 responsibility for the payment of the principal or interest. Any
 223 loans, bonds, or other financial agreements are not obligations
 224 of the state or the school district but are obligations of the
 225 charter school authority and are payable solely from the sources
 226 of funds pledged by such agreement. The credit or taxing power
 227 of the state or the school district shall not be pledged and no
 228 debts shall be payable out of any moneys except those of the
 229 legal entity in possession of a valid charter approved by a
 230 district school board or a municipal governing authority
 231 pursuant to this section.

232 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
 233 A-MUNICIPALITY.—

234 (c) A charter school-in-a-municipality designation may be

235 granted to a municipality that possesses a charter; enrolls
236 students based upon a random lottery that involves all of the
237 children of the residents of that municipality who are seeking
238 enrollment, as provided for in subsection (10); and enrolls
239 students according to the racial/ethnic balance provisions
240 described in subparagraph (7)(a)8. When a municipality has
241 submitted charter applications for the establishment of a
242 charter school feeder pattern, consisting of elementary, middle,
243 and senior high schools, and each individual charter application
244 is approved by the district school board or the municipal
245 governing authority, such schools shall then be designated as
246 one charter school for all purposes listed pursuant to this
247 section. Any portion of the land and facility used for a public
248 charter school shall be exempt from ad valorem taxes, as
249 provided for in s. 1013.54, for the duration of its use as a
250 public school.

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

256 (e) District school boards and municipal governing
257 authorities shall make timely and efficient payment and
258 reimbursement to charter schools, including processing paperwork
259 required to access special state and federal funding for which
260 they may be eligible. The district school board or the municipal

261 governing authority may distribute funds to a charter school for
262 up to 3 months based on the projected full-time equivalent
263 student membership of the charter school. Thereafter, the
264 results of full-time equivalent student membership surveys shall
265 be used in adjusting the amount of funds distributed monthly to
266 the charter school for the remainder of the fiscal year. The
267 payment shall be issued no later than 10 working days after the
268 district school board or the municipal governing authority
269 receives a distribution of state or federal funds. If a warrant
270 for payment is not issued within 10 working days after receipt
271 of funding by the district school board or the municipal
272 governing authority, the school district or the municipality
273 shall pay to the charter school, in addition to the amount of
274 the scheduled disbursement, interest at a rate of 1 percent per
275 month calculated on a daily basis on the unpaid balance from the
276 expiration of the 10 working days until such time as the warrant
277 is issued.

278 (g) A charter school that is sponsored by a municipal
279 governing authority must secure a surety bond annually for the
280 first 3 years of operation, payable to the municipal governing
281 authority. The surety bond must be in an amount equal to the
282 amount of public funding that the charter school receives during
283 the fiscal year, but need not exceed \$500,000. A charter school
284 that is replicated from an existing high-performing charter
285 school operating within this state is exempt from this
286 paragraph.

287 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 288 SCHOOL SYSTEMS.—A charter school system's governing board shall
 289 be designated a local educational agency for the purpose of
 290 receiving federal funds, the same as though the charter school
 291 system were a school district, if the governing board of the
 292 charter school system has adopted and filed a resolution with
 293 its sponsoring district school board or municipal governing
 294 authority and the Department of Education in which the governing
 295 board of the charter school system accepts the full
 296 responsibility for all local education agency requirements and
 297 the charter school system meets all of the following:

- 298 (a) Includes both conversion charter schools and
- 299 nonconversion charter schools;
- 300 (b) Has all schools located in the same county;
- 301 (c) Has a total enrollment exceeding the total enrollment
- 302 of at least one school district in the state;
- 303 (d) Has the same governing board; and
- 304 (e) Does not contract with a for-profit service provider
- 305 for management of school operations.

306
 307 Such designation does not apply to other provisions unless
 308 specifically provided in law.

309 Section 2. Subsection (3) of section 1002.331, Florida
 310 Statutes, is amended to read:

311 1002.331 High-performing charter schools.—

312 (3)~~(a)~~ A high-performing charter school may submit an

313 application pursuant to s. 1002.33(6) in any school district in
314 the state to establish and operate a new charter school that
315 will substantially replicate its educational program. An
316 application submitted by a high-performing charter school must
317 state that the application is being submitted pursuant to this
318 subsection ~~paragraph~~ and must include the verification letter
319 provided by the Commissioner of Education pursuant to subsection
320 (5). If the sponsor fails to act on the application within 60
321 days after receipt, the application is deemed approved and the
322 procedure in s. 1002.33(6) (h) applies. If the sponsor denies the
323 application, the high-performing charter school may appeal
324 pursuant to s. 1002.33(6).

325 ~~(b) A high-performing charter school may not establish~~
326 ~~more than one charter school within the state under paragraph~~
327 ~~(a) in any year. A subsequent application to establish a charter~~
328 ~~school under paragraph (a) may not be submitted unless each~~
329 ~~charter school established in this manner achieves high-~~
330 ~~performing charter school status.~~

331 Section 3. This act shall take effect July 1, 2016.