

1                                   A bill to be entitled  
 2           An act relating to charter schools; amending s.  
 3           1002.33, F.S.; providing clarifying language relating  
 4           to admission and dismissal procedures; requiring a  
 5           nonprofit entity designated as a local education  
 6           agency report students for specified funding;  
 7           providing an effective date.

8

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

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11           Section 1. Paragraph (a) of subsection (7) of section  
 12           1002.33, Florida Statutes, is amended and paragraph (c) is added  
 13           to subsection (25) to read:

14           1002.33 Charter schools.—

15           (7) CHARTER.—The terms and conditions for the operation of  
 16           a charter school, including a virtual charter school, shall be  
 17           set forth by the sponsor and the applicant in a written  
 18           contractual agreement, called a charter. The sponsor and the  
 19           governing board of the charter school or virtual charter school  
 20           shall use the standard charter contract or standard virtual  
 21           charter contract, respectively, pursuant to subsection (21),  
 22           which shall incorporate the approved application and any addenda  
 23           approved with the application. Any term or condition of a  
 24           proposed charter contract or proposed virtual charter contract  
 25           that differs from the standard charter or virtual charter

26 | contract adopted by rule of the State Board of Education shall  
27 | be presumed a limitation on charter school flexibility. The  
28 | sponsor may not impose unreasonable rules or regulations that  
29 | violate the intent of giving charter schools greater flexibility  
30 | to meet educational goals. The charter shall be signed by the  
31 | governing board of the charter school and the sponsor, following  
32 | a public hearing to ensure community input.

33 |       (a) The charter shall address and criteria for approval of  
34 | the charter shall be based on:

35 |           1. The school's mission, the types of students to be  
36 | served, and, for a virtual charter school, the types of students  
37 | the school intends to serve who reside outside of the sponsoring  
38 | school district, and the ages and grades to be included.

39 |           2. The focus of the curriculum, the instructional methods  
40 | to be used, any distinctive instructional techniques to be  
41 | employed, and identification and acquisition of appropriate  
42 | technologies needed to improve educational and administrative  
43 | performance which include a means for promoting safe, ethical,  
44 | and appropriate uses of technology which comply with legal and  
45 | professional standards.

46 |           a. The charter shall ensure that reading is a primary  
47 | focus of the curriculum and that resources are provided to  
48 | identify and provide specialized instruction for students who  
49 | are reading below grade level. The curriculum and instructional  
50 | strategies for reading must be consistent with the Next

51 Generation Sunshine State Standards and grounded in  
52 scientifically based reading research.

53       b. In order to provide students with access to diverse  
54 instructional delivery models, to facilitate the integration of  
55 technology within traditional classroom instruction, and to  
56 provide students with the skills they need to compete in the  
57 21st century economy, the Legislature encourages instructional  
58 methods for blended learning courses consisting of both  
59 traditional classroom and online instructional techniques.  
60 Charter schools may implement blended learning courses which  
61 combine traditional classroom instruction and virtual  
62 instruction. Students in a blended learning course must be full-  
63 time students of the charter school pursuant to s.  
64 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
65 1012.55 who provide virtual instruction for blended learning  
66 courses may be employees of the charter school or may be under  
67 contract to provide instructional services to charter school  
68 students. At a minimum, such instructional personnel must hold  
69 an active state or school district adjunct certification under  
70 s. 1012.57 for the subject area of the blended learning course.  
71 The funding and performance accountability requirements for  
72 blended learning courses are the same as those for traditional  
73 courses.

74       3. The current incoming baseline standard of student  
75 academic achievement, the outcomes to be achieved, and the

76 method of measurement that will be used. The criteria listed in  
 77 this subparagraph shall include a detailed description of:

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

80 b. How these baseline rates will be compared to rates of  
 81 academic progress achieved by these same students while  
 82 attending the charter school.

83 c. To the extent possible, how these rates of progress  
 84 will be evaluated and compared with rates of progress of other  
 85 closely comparable student populations.

86  
 87 A district school board is required to provide academic student  
 88 performance data to charter schools for each of their students  
 89 coming from the district school system, as well as rates of  
 90 academic progress of comparable student populations in the  
 91 district school system.

92 4. The methods used to identify the educational strengths  
 93 and needs of students and how well educational goals and  
 94 performance standards are met by students attending the charter  
 95 school. The methods shall provide a means for the charter school  
 96 to ensure accountability to its constituents by analyzing  
 97 student performance data and by evaluating the effectiveness and  
 98 efficiency of its major educational programs. Students in  
 99 charter schools shall, at a minimum, participate in the  
 100 statewide assessment program created under s. 1008.22.

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

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

106           7. The admissions procedures and dismissal procedures,  
 107 including the school's code of student conduct. Admission or  
 108 dismissal must not be based on a student's academic performance,  
 109 except as authorized under subparagraph (10)(e)5.

110           8. The ways by which the school will achieve a  
 111 racial/ethnic balance reflective of the community it serves or  
 112 within the racial/ethnic range of other nearby public schools or  
 113 school districts.

114           9. The financial and administrative management of the  
 115 school, including a reasonable demonstration of the professional  
 116 experience or competence of those individuals or organizations  
 117 applying to operate the charter school or those hired or  
 118 retained to perform such professional services and the  
 119 description of clearly delineated responsibilities and the  
 120 policies and practices needed to effectively manage the charter  
 121 school. A description of internal audit procedures and  
 122 establishment of controls to ensure that financial resources are  
 123 properly managed must be included. Both public sector and  
 124 private sector professional experience shall be equally valid in  
 125 such a consideration.

126           10. The asset and liability projections required in the  
 127 application which are incorporated into the charter and shall be  
 128 compared with information provided in the annual report of the  
 129 charter school.

130           11. A description of procedures that identify various  
 131 risks and provide for a comprehensive approach to reduce the  
 132 impact of losses; plans to ensure the safety and security of  
 133 students and staff; plans to identify, minimize, and protect  
 134 others from violent or disruptive student behavior; and the  
 135 manner in which the school will be insured, including whether or  
 136 not the school will be required to have liability insurance,  
 137 and, if so, the terms and conditions thereof and the amounts of  
 138 coverage.

139           12. The term of the charter which shall provide for  
 140 cancellation of the charter if insufficient progress has been  
 141 made in attaining the student achievement objectives of the  
 142 charter and if it is not likely that such objectives can be  
 143 achieved before expiration of the charter. The initial term of a  
 144 charter shall be for 5 years, excluding 2 planning years. In  
 145 order to facilitate access to long-term financial resources for  
 146 charter school construction, charter schools that are operated  
 147 by a municipality or other public entity as provided by law are  
 148 eligible for up to a 15-year charter, subject to approval by the  
 149 sponsor. A charter lab school is eligible for a charter for a  
 150 term of up to 15 years. In addition, to facilitate access to

151 long-term financial resources for charter school construction,  
152 charter schools that are operated by a private, not-for-profit,  
153 s. 501(c) (3) status corporation are eligible for up to a 15-year  
154 charter, subject to approval by the sponsor. Such long-term  
155 charters remain subject to annual review and may be terminated  
156 during the term of the charter, but only according to the  
157 provisions set forth in subsection (8).

158 13. The facilities to be used and their location. The  
159 sponsor may not require a charter school to have a certificate  
160 of occupancy or a temporary certificate of occupancy for such a  
161 facility earlier than 15 calendar days before the first day of  
162 school.

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

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

169 16. A timetable for implementing the charter which  
170 addresses the implementation of each element thereof and the  
171 date by which the charter shall be awarded in order to meet this  
172 timetable.

173 17. In the case of an existing public school that is being  
174 converted to charter status, alternative arrangements for  
175 current students who choose not to attend the charter school and

176 | for current teachers who choose not to teach in the charter  
 177 | school after conversion in accordance with the existing  
 178 | collective bargaining agreement or district school board rule in  
 179 | the absence of a collective bargaining agreement. However,  
 180 | alternative arrangements shall not be required for current  
 181 | teachers who choose not to teach in a charter lab school, except  
 182 | as authorized by the employment policies of the state university  
 183 | which grants the charter to the lab school.

184 |         18. Full disclosure of the identity of all relatives  
 185 | employed by the charter school who are related to the charter  
 186 | school owner, president, chairperson of the governing board of  
 187 | directors, superintendent, governing board member, principal,  
 188 | assistant principal, or any other person employed by the charter  
 189 | school who has equivalent decisionmaking authority. For the  
 190 | purpose of this subparagraph, the term "relative" means father,  
 191 | mother, son, daughter, brother, sister, uncle, aunt, first  
 192 | cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 193 | law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 194 | stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 195 | stepsister, half brother, or half sister.

196 |         19. Implementation of the activities authorized under s.  
 197 | 1002.331 by the charter school when it satisfies the eligibility  
 198 | requirements for a high-performing charter school. A high-  
 199 | performing charter school shall notify its sponsor in writing by  
 200 | March 1 if it intends to increase enrollment or expand grade



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201 | levels the following school year. The written notice shall  
202 | specify the amount of the enrollment increase and the grade  
203 | levels that will be added, as applicable.

204 | (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
205 | SCHOOL SYSTEMS.—

206 | (c) Notwithstanding any other provision of law to the  
207 | contrary, a nonprofit entity shall be designated a local  
208 | educational agency for the purpose of receiving federal and  
209 | state funds, the same as if the nonprofit entity were a school  
210 | district, and may report its student enrollment to the  
211 | department pursuant to the department's procedures and timelines  
212 | and in accordance with the definitions in s. 1011.61.

213 |  
214 | Such designation does not apply to other provisions unless  
215 | specifically provided in law.

216 | Section 2. This act shall take effect July 1, 2023.