

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; authorizing a
 5 charter school to assign its charter to another
 6 governing board that meets specified requirements upon
 7 approval of the sponsor; providing the circumstances
 8 under which the landlord of a charter school or
 9 certain other individuals may serve on a charter
 10 school governing board; requiring the State Board of
 11 Education to adopt rules to implement a standard
 12 monitoring tool; amending s. 1002.331, F.S.;
 13 conforming provisions to changes made by the act;
 14 amending s. 1013.62, F.S.; revising charter school
 15 capital outlay fund eligibility; amending s. 1012.57,
 16 F.S.; authorizing charter school governing boards to
 17 adopt rules to allow for issuing adjunct teaching
 18 certificates; requiring a charter school to post
 19 specified requirements on its websites and annually
 20 report specified information relating to adjunct
 21 teaching certificates to the Department of Education;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
 25

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

29 1002.33 Charter schools.—

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

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

50 1. The school's mission, the types of students to be

51 served, and, for a virtual charter school, the types of students
52 the school intends to serve who reside outside of the sponsoring
53 school district, and the ages and grades to be included.

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

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

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

76 combine traditional classroom instruction and virtual
77 instruction. Students in a blended learning course must be full-
78 time students of the charter school pursuant to s.

79 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
80 1012.55 who provide virtual instruction for blended learning
81 courses may be employees of the charter school or may be under
82 contract to provide instructional services to charter school
83 students. At a minimum, such instructional personnel must hold
84 an active state or school district adjunct certification under
85 s. 1012.57 for the subject area of the blended learning course.
86 The funding and performance accountability requirements for
87 blended learning courses are the same as those for traditional
88 courses.

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

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

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

98 c. To the extent possible, how these rates of progress
99 will be evaluated and compared with rates of progress of other
100 closely comparable student populations.

101
102 A district school board is required to provide academic student
103 performance data to charter schools for each of their students
104 coming from the district school system, as well as rates of
105 academic progress of comparable student populations in the
106 district school system.

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

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

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

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

125 8. The ways by which the school will achieve a

126 racial/ethnic balance reflective of the community it serves or
127 within the racial/ethnic range of other nearby public schools or
128 school districts.

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

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

145 11. A description of procedures that identify various
146 risks and provide for a comprehensive approach to reduce the
147 impact of losses; plans to ensure the safety and security of
148 students and staff; plans to identify, minimize, and protect
149 others from violent or disruptive student behavior; and the
150 manner in which the school will be insured, including whether or

151 not the school will be required to have liability insurance,
152 and, if so, the terms and conditions thereof and the amounts of
153 coverage.

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

173 13. The facilities to be used and their location. The
174 sponsor may not require a charter school to have a certificate
175 of occupancy or a temporary certificate of occupancy for such a

176 facility earlier than 15 calendar days before the first day of
 177 school.

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

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

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

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

199 18. Full disclosure of the identity of all relatives
 200 employed by the charter school who are related to the charter

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

211 19. Implementation of the activities authorized under s.
212 1002.331 by the charter school when it satisfies the eligibility
213 requirements for a high-performing charter school. A high-
214 performing charter school shall notify its sponsor in writing by
215 March 1 if it intends to increase enrollment or expand grade
216 levels the following school year. The written notice shall
217 specify the amount of the enrollment increase and the grade
218 levels that will be added, as applicable.

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

226 may include, but is not limited to, consolidation of multiple
227 charters into a single charter if the charters are operated
228 under the same governing board, regardless of the renewal cycle.
229 A charter school may assign its charter to another governing
230 board, subject to approval by the sponsor, if the proposed
231 governing board is a nonprofit entity or otherwise meets the
232 requirements of paragraph (12) (i). A charter school that is not
233 subject to a school improvement plan and that closes as part of
234 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 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

242 (d) The landlord of a charter school, or his or her
243 spouse, or an officer, director, or employee of an entity that
244 is a landlord of a charter school, or his or her spouse, may not
245 be a member of the governing board of the charter school unless:

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

248 2. The landlord is a not-for-profit entity and a two-
249 thirds majority vote of the charter school board, excluding the
250 vote of landlord-affiliated board members, approves the

251 landlord-affiliated board member to be elected to, or to remain
 252 on, the board.

253 (28) RULEMAKING.—The Department of Education, after
 254 consultation with sponsors and charter school directors, shall
 255 recommend that the State Board of Education adopt rules to
 256 implement specific subsections of this section. Such rules shall
 257 require minimum paperwork and shall not limit charter school
 258 flexibility authorized by statute. The State Board of Education
 259 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 260 implement a standard charter application form, standard
 261 application form for the replication of charter schools in a
 262 high-performing charter school system, standard evaluation
 263 instrument, standard monitoring tool, and standard charter and
 264 charter renewal contracts in accordance with this section.

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

267 1002.331 High-performing charter schools.—

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

269 (a) Increase its student enrollment once per school year
 270 to more than the capacity identified in the charter, but student
 271 enrollment may not exceed the capacity of the facility at the
 272 time the enrollment increase will take effect. Facility capacity
 273 for purposes of expansion must ~~shall~~ include any improvements to
 274 an existing facility or any new facility in which the students
 275 of the high-performing charter school will enroll.

276 (b) Expand grade levels within kindergarten through grade
 277 12 to add grade levels not already served if any annual
 278 enrollment increase resulting from grade level expansion is
 279 within the limit established in paragraph (a).

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

282 (d) Consolidate under a single charter the charters of
 283 multiple high-performing charter schools operated in the same
 284 school district by the charter schools' governing board
 285 regardless of the renewal cycle.

286 (e) Receive a modification of its charter to a term of 15
 287 years or a 15-year charter renewal. The charter may be modified
 288 or renewed for a shorter term at the option of the high-
 289 performing charter school. The charter must be consistent with
 290 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
 291 review by the sponsor, and may be terminated during its term
 292 pursuant to s. 1002.33(8).

293 (f) Assign its charter to another operator, subject to
 294 approval by the sponsor, provided that the proposed operator
 295 meets the requirements of s. 1002.33(12)(i).

296
 297 A high-performing charter school shall notify its sponsor in
 298 writing by March 1 if it intends to increase enrollment or
 299 expand grade levels the following school year. The written
 300 notice must ~~shall~~ specify the amount of the enrollment increase

301 and the grade levels that will be added, as applicable. If a
 302 charter school notifies the sponsor of its intent to expand, the
 303 sponsor must ~~shall~~ modify the charter within 90 days to include
 304 the new enrollment maximum and may not make any other changes.
 305 The sponsor may deny a request to increase the enrollment of a
 306 high-performing charter school if the commissioner has
 307 declassified the charter school as high-performing. If a high-
 308 performing charter school requests to consolidate multiple
 309 charters or assign an existing charter, the sponsor has ~~shall~~
 310 ~~have~~ 40 days after receipt of that request to provide an initial
 311 draft charter to the charter school. The sponsor and charter
 312 school ~~shall~~ have 50 days thereafter to negotiate and notice the
 313 charter contract for final approval by the sponsor.

314 Section 3. Paragraph (a) of subsection (1) of section
 315 1013.62, Florida Statutes, is amended to read:

316 1013.62 Charter schools capital outlay funding.—

317 (1) For the 2022-2023 fiscal year, charter school capital
 318 outlay funding shall consist of state funds appropriated in the
 319 2022-2023 General Appropriations Act. Beginning in fiscal year
 320 2023-2024, charter school capital outlay funding shall consist
 321 of state funds when such funds are appropriated in the General
 322 Appropriations Act and revenue resulting from the discretionary
 323 millage authorized in s. 1011.71(2) if the amount of state funds
 324 appropriated for charter school capital outlay in any fiscal
 325 year is less than the average charter school capital outlay

326 funds per unweighted full-time equivalent student for the 2018-
327 2019 fiscal year, multiplied by the estimated number of charter
328 school students for the applicable fiscal year, and adjusted by
329 changes in the Consumer Price Index issued by the United States
330 Department of Labor from the previous fiscal year. Nothing in
331 this subsection prohibits a school district from distributing to
332 charter schools funds resulting from the discretionary millage
333 authorized in s. 1011.71(2).

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

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

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

340 c. Be an expanded feeder chain of a charter school within
341 the same school district that is currently receiving charter
342 school capital outlay funds;

343 d. Have been accredited by a regional accrediting
344 association as defined by State Board of Education rule;

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

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

349 2. Have an annual audit that does not reveal any of the
350 financial emergency conditions provided in s. 218.503(1) for the

351 most recent fiscal year for which such audit results are
352 available.

353 3. Have not earned two consecutive grades of "F" or three
354 consecutive grades below a "C" ~~satisfactory student achievement~~
355 ~~based on state accountability standards applicable to the~~
356 ~~charter school.~~

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

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

361 Section 4. Section 1012.57, Florida Statutes, is amended
362 to read:

363 1012.57 Certification of adjunct educators.—

364 (1) Notwithstanding the provisions of ss. 1012.32,
365 1012.55, and 1012.56, or any other provision of law or rule to
366 the contrary, district school boards and charter school
367 governing boards shall adopt rules to allow for the issuance of
368 an adjunct teaching certificate to any applicant who fulfills
369 the requirements of s. 1012.56(2)(a)-(f) and (10) and who has
370 expertise in the subject area to be taught. An applicant shall
371 be considered to have expertise in the subject area to be taught
372 if the applicant demonstrates sufficient subject area mastery
373 through passage of a subject area test.

374 (2) The Legislature intends that this section allow school
375 districts and charter schools to tap the wealth of talent and

376 expertise represented in Florida's citizens who may wish to
377 teach in a Florida public school by permitting school districts
378 to issue adjunct certificates to qualified applicants.

379 (3) Adjunct certificateholders should be used primarily as
380 a strategy to enhance the diversity of course offerings offered
381 to all students. School districts may use the expertise of
382 individuals in the state who wish to provide online instruction
383 to students by issuing adjunct certificates to qualified
384 applicants.

385 (4) Each adjunct teaching certificate is valid through the
386 term of the annual contract between the educator and the school
387 district. An additional annual certification and an additional
388 annual contract may be awarded by the district or charter school
389 at the district's or charter school's discretion but only if the
390 applicant is rated effective or highly effective under s.
391 1012.34 during each year of teaching under adjunct teaching
392 certification. A school district and charter school may issue an
393 adjunct teaching certificate for a part-time or full-time
394 teaching position; however, an adjunct teaching certificate
395 issued for a full-time teaching position is valid for no more
396 than 3 years and is nonrenewable.

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

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

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401 (a) Post requirements on its website for the issuance of
402 an adjunct teaching certificate, which must specify the subject
403 area test through which an applicant demonstrates subject area
404 mastery.

405 (b) Annually report to the department the number of
406 adjunct teaching certificates issued for part-time teaching
407 positions and full-time teaching positions pursuant to this
408 section.

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