

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative(s) Stargel offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 1002.331, Florida Statutes, is created to read:

1002.331 High-performing charter schools.-

(1) A charter school is a high-performing charter school if it:

(a) Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

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17 (c) Did not receive a financial audit that revealed one or
18 more of the financial emergency conditions set forth in s.
19 218.503(1) in the most recent 3 fiscal years for which such
20 audits are available. However, this requirement is deemed met
21 for a charter school-in-the-workplace if there is a finding in
22 an audit that the school has the monetary resources available to
23 cover any reported deficiency or that the deficiency does not
24 result in a deteriorating financial condition pursuant to s.
25 1002.345(1) (a) 3.

26
27 A virtual charter school established under s. 1002.33 is not
28 eligible for designation as a high-performing charter school.

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

30 (a) Increase its student enrollment once per school year
31 by up to 15 percent more than the capacity identified in the
32 charter.

33 (b) Expand grade levels within kindergarten through grade
34 12 to add grade levels not already served if any annual
35 enrollment increase resulting from grade level expansion is
36 within the limit established in paragraph (a).

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

39 (d) Consolidate under a single charter the charters of
40 multiple high-performing charter schools operated in the same
41 school district by the charter schools' governing board
42 regardless of the renewal cycle.

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

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

50
51 A high-performing charter school shall notify its sponsor in
52 writing by March 1 if it intends to increase enrollment or
53 expand grade levels the following school year. The written
54 notice shall specify the amount of the enrollment increase and
55 the grade levels that will be added, as applicable.

56 (3)(a) A high-performing charter school may submit an
57 application pursuant to s. 1002.33(6) in any school district in
58 the state to establish and operate a new charter school that
59 will substantially replicate its educational program. An
60 application submitted by a high-performing charter school must
61 state that the application is being submitted pursuant to this
62 paragraph and must include the verification letter provided by
63 the Commissioner of Education pursuant to subsection (5). If the
64 sponsor fails to act on the application within 60 days after
65 receipt, the application is deemed approved and the procedure in
66 s. 1002.33(6)(h) applies. If the sponsor denies the application,
67 the high-performing charter school may appeal pursuant to s.
68 1002.33(6).

69 (b) A high-performing charter school may not establish
70 more than one charter school within the state under paragraph
71 (a) in any year. A subsequent application to establish a charter
72 school under paragraph (a) may not be submitted unless each

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73 charter school established in this manner achieves high-
74 performing charter school status.

75 (4) A high-performing charter school may not increase
76 enrollment or expand grade levels following any school year in
77 which it receives a school grade of "C" or below. If the charter
78 school receives a school grade of "C" or below in any 2 years
79 during the term of the charter awarded under subsection (2), the
80 term of the charter may be modified by the sponsor and the
81 charter school loses its high-performing charter school status
82 until it regains that status under subsection (1).

83 (5) The Commissioner of Education, upon request by a
84 charter school, shall verify that the charter school meets the
85 criteria in subsection (1) and provide a letter to the charter
86 school and the sponsor stating that the charter school is a
87 high-performing charter school pursuant to this section.

88 (6) A high-performing charter school replicated under this
89 section may not be replicated as a virtual charter school.

90 Section 2. Section 1002.332, Florida Statutes, is created
91 to read:

92 1002.332 High-performing charter school system.—

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

94 (a) "Entity" means a municipality or other public entity
95 that is authorized by law to operate a charter school; a
96 private, nonprofit corporation with tax-exempt status under s.
97 501(c)(3) of the Internal Revenue Code; or a private, for-profit
98 education management corporation.

99 (b) "High-performing charter school system" means an
100 entity that:

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101 1. Operates at least three high-performing charter schools
102 in the state;

103 2. Operates a system of charter schools in which at least
104 50 percent of the charter schools are high-performing charter
105 schools pursuant to s. 1002.331 and no charter school received a
106 school grade of "D" or "F" pursuant to s. 1008.34, except that:

107 a. If the entity has assumed operation of a public school
108 pursuant to s. 1008.33(5)(a)3. with a school grade of "D" or
109 "F," that school's grade shall not be considered in determining
110 high-performing charter school system status for a period of 3
111 years.

112 b. If the entity establishes a new charter school that
113 serves a student population the majority of which resides in a
114 school zone served by a public school that is identified as
115 lowest performing under s. 1008.33(4)(b), that charter school's
116 grade shall not be considered in determining high-performing
117 charter school system status if it attains and maintains a
118 school grade that is higher than that of the public school
119 serving that school zone within 3 years after establishment; and

120 3. Has not received a financial audit that revealed one or
121 more of the financial emergency conditions set forth in s.
122 218.503(1) for any charter school assumed or established by the
123 entity.

124 (2)(a) The Commissioner of Education, upon request by an
125 entity, shall verify that the entity meets the criteria in
126 subsection (1) for the prior school year and provide a letter to
127 the entity stating that it is a high-performing charter school
128 system.

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129 (b) A high-performing charter school system may replicate
130 its high-performing charter schools pursuant to s. 1002.331(3).

131 Section 3. Paragraphs (b), (c), (e), and (f) of subsection
132 (6), subsection (7), paragraphs (b), (c), and (d) of subsection
133 (8), paragraph (g) of subsection (9), paragraphs (d) and (h) of
134 subsection (10), paragraph (a) of subsection (18), subsections
135 (19) and (22), and paragraph (b) of subsection (25) of section
136 1002.33, Florida Statutes, are amended, paragraph (i) is added
137 to subsection (10), subsection (26) is renumbered as subsection
138 (27), and a new subsection (26) is added to that section, to
139 read:

140 1002.33 Charter schools.—

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

143 (b) A sponsor shall receive and review all applications
144 for a charter school using an evaluation instrument developed by
145 the Department of Education. ~~Beginning with the 2007-2008 school~~
146 ~~year,~~ A sponsor shall receive and consider charter school
147 applications received on or before August 1 of each calendar
148 year for charter schools to be opened at the beginning of the
149 school district's next school year, or to be opened at a time
150 agreed to by the applicant and the sponsor. A sponsor may
151 receive applications later than this date if it chooses. A
152 sponsor may not charge an applicant for a charter any fee for
153 the processing or consideration of an application, and a sponsor
154 may not base its consideration or approval of an application
155 upon the promise of future payment of any kind. Before approving
156 or denying any application, the sponsor shall allow the

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157 applicant, upon receipt of written notification, at least 7
158 calendar days to make technical or nonsubstantive corrections
159 and clarifications, including, but not limited to, corrections
160 of grammatical, typographical, and like errors or missing
161 signatures, if such errors are identified by the sponsor as
162 cause to deny the application.

163 1. In order to facilitate an accurate budget projection
164 process, a sponsor shall be held harmless for FTE students who
165 are not included in the FTE projection due to approval of
166 charter school applications after the FTE projection deadline.
167 In a further effort to facilitate an accurate budget projection,
168 within 15 calendar days after receipt of a charter school
169 application, a sponsor shall report to the Department of
170 Education the name of the applicant entity, the proposed charter
171 school location, and its projected FTE.

172 2. In order to ensure fiscal responsibility, an
173 application for a charter school shall include a full accounting
174 of expected assets, a projection of expected sources and amounts
175 of income, including income derived from projected student
176 enrollments and from community support, and an expense
177 projection that includes full accounting of the costs of
178 operation, including start-up costs.

179 3.a. A sponsor shall by a majority vote approve or deny an
180 application no later than 60 calendar days after the application
181 is received, unless the sponsor and the applicant mutually agree
182 in writing to temporarily postpone the vote to a specific date,
183 at which time the sponsor shall by a majority vote approve or
184 deny the application. If the sponsor fails to act on the

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185 application, an applicant may appeal to the State Board of
186 Education as provided in paragraph (c). If an application is
187 denied, the sponsor shall, within 10 calendar days after such
188 denial, articulate in writing the specific reasons, based upon
189 good cause, supporting its denial of the charter application and
190 shall provide the letter of denial and supporting documentation
191 to the applicant and to the Department of Education ~~supporting~~
192 ~~those reasons.~~

193 b. An application submitted by a high-performing charter
194 school identified pursuant to s. 1002.331 may be denied by the
195 sponsor only if the sponsor demonstrates by clear and convincing
196 evidence that:

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

199 (II) The charter school proposed in the application does
200 not materially comply with the requirements in paragraphs
201 (9) (a) - (f);

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

205 (IV) The applicant has made a material misrepresentation
206 or false statement or concealed an essential or material fact
207 during the application process; or

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

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212 Material noncompliance is a failure to follow requirements or a
213 violation of prohibitions applicable to charter school
214 applications, which failure is quantitatively or qualitatively
215 significant either individually or when aggregated with other
216 noncompliance. An applicant is considered to be replicating a
217 high-performing charter school if the proposed school is
218 substantially similar to at least one of the applicant's high-
219 performing charter schools and the organization or individuals
220 involved in the establishment and operation of the proposed
221 school are significantly involved in the operation of replicated
222 schools.

223 c. If the sponsor denies an application submitted by a
224 high-performing charter school, the sponsor must, within 10
225 calendar days after such denial, state in writing the specific
226 reasons, based upon the criteria in sub-subparagraph b.,
227 supporting its denial of the application and must provide the
228 letter of denial and supporting documentation to the applicant
229 and to the Department of Education. The applicant may appeal the
230 sponsor's denial of the application directly to the State Board
231 of Education pursuant to sub-subparagraph (c)3.b.

232 4. For budget projection purposes, the sponsor shall
233 report to the Department of Education the approval or denial of
234 a charter application within 10 calendar days after such
235 approval or denial. In the event of approval, the report to the
236 Department of Education shall include the final projected FTE
237 for the approved charter school.

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

242 (c)1. An applicant may appeal any denial of that
243 applicant's application or failure to act on an application to
244 the State Board of Education no later than 30 calendar days
245 after receipt of the sponsor's decision or failure to act and
246 shall notify the sponsor of its appeal. Any response of the
247 sponsor shall be submitted to the State Board of Education
248 within 30 calendar days after notification of the appeal. Upon
249 receipt of notification from the State Board of Education that a
250 charter school applicant is filing an appeal, the Commissioner
251 of Education shall convene a meeting of the Charter School
252 Appeal Commission to study and make recommendations to the State
253 Board of Education regarding its pending decision about the
254 appeal. The commission shall forward its recommendation to the
255 state board no later than 7 calendar days prior to the date on
256 which the appeal is to be heard.

257 2. The Charter School Appeal Commission may reject an
258 appeal submission for failure to comply with procedural rules
259 governing the appeals process. The rejection shall describe the
260 submission errors. The appellant shall have 15 calendar days
261 after notice of rejection in which to resubmit an appeal that
262 meets the requirements set forth in State Board of Education
263 rule. An appeal submitted subsequent to such rejection is
264 considered timely if the original appeal was filed within 30
265 calendar days after receipt of notice of the specific reasons
266 for the sponsor's denial of the charter application.

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267 3.a. The State Board of Education shall by majority vote
268 accept or reject the decision of the sponsor no later than 90
269 calendar days after an appeal is filed in accordance with State
270 Board of Education rule. ~~The Charter School Appeal Commission~~
271 ~~may reject an appeal submission for failure to comply with~~
272 ~~procedural rules governing the appeals process. The rejection~~
273 ~~shall describe the submission errors. The appellant may have up~~
274 ~~to 15 calendar days from notice of rejection to resubmit an~~
275 ~~appeal that meets requirements of State Board of Education rule.~~
276 ~~An application for appeal submitted subsequent to such rejection~~
277 ~~shall be considered timely if the original appeal was filed~~
278 ~~within 30 calendar days after receipt of notice of the specific~~
279 ~~reasons for the sponsor's denial of the charter application. The~~
280 State Board of Education shall remand the application to the
281 sponsor with its written decision that the sponsor approve or
282 deny the application. The sponsor shall implement the decision
283 of the State Board of Education. The decision of the State Board
284 of Education is not subject to the provisions of the
285 Administrative Procedure Act, chapter 120.

286 b. If an appeal concerns an application submitted by a
287 high-performing charter school identified pursuant to s.
288 1002.331, the State Board of Education shall determine whether
289 the sponsor has shown, by clear and convincing evidence, that:

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

292 (II) The charter school proposed in the application does
293 not materially comply with the requirements in paragraphs

294 (9) (a) - (f);

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

298 (IV) The applicant has made a material misrepresentation
299 or false statement or concealed an essential or material fact
300 during the application process; or

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

304
305 The State Board of Education shall approve or reject the
306 sponsor's denial of an application no later than 90 calendar
307 days after an appeal is filed in accordance with State Board of
308 Education rule. The State Board of Education shall remand the
309 application to the sponsor with its written decision that the
310 sponsor approve or deny the application. The sponsor shall
311 implement the decision of the State Board of Education. The
312 decision of the State Board of Education is not subject to the
313 Administrative Procedure Act, chapter 120.

314 (e)1. A Charter School Appeal Commission is established to
315 assist the commissioner and the State Board of Education with a
316 fair and impartial review of appeals by applicants whose charter
317 applications have been denied, whose charter contracts have not
318 been renewed, or whose charter contracts have been terminated by
319 their sponsors.

320 2. The Charter School Appeal Commission may receive copies
321 of the appeal documents forwarded to the State Board of
322 Education, review the documents, gather other applicable

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323 information regarding the appeal, and make a written
324 recommendation to the commissioner. The recommendation must
325 state whether the appeal should be upheld or denied and include
326 the reasons for the recommendation being offered. The
327 commissioner shall forward the recommendation to the State Board
328 of Education no later than 7 calendar days prior to the date on
329 which the appeal is to be heard. The state board must consider
330 the commission's recommendation in making its decision, but is
331 not bound by the recommendation. The decision of the Charter
332 School Appeal Commission is not subject to the provisions of the
333 Administrative Procedure Act, chapter 120.

334 3. The commissioner shall appoint a number of ~~the~~ members
335 to of the Charter School Appeal Commission sufficient to ensure
336 that no potential conflict of interest exists for any commission
337 appeal decision. Members shall serve without compensation but
338 may be reimbursed for travel and per diem expenses in
339 conjunction with their service. Of the members hearing the
340 appeal, one-half ~~of the members~~ must represent currently
341 operating charter schools, and one-half ~~of the members~~ must
342 represent sponsors. The commissioner or a named designee shall
343 chair the Charter School Appeal Commission.

344 4. The chair shall convene meetings of the commission and
345 shall ensure that the written recommendations are completed and
346 forwarded in a timely manner. In cases where the commission
347 cannot reach a decision, the chair shall make the written
348 recommendation with justification, noting that the decision was
349 rendered by the chair.

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350 5. Commission members shall thoroughly review the
351 materials presented to them from the appellant and the sponsor.
352 The commission may request information to clarify the
353 documentation presented to it. In the course of its review, the
354 commission may facilitate the postponement of an appeal in those
355 cases where additional time and communication may negate the
356 need for a formal appeal and both parties agree, in writing, to
357 postpone the appeal to the State Board of Education. A new date
358 certain for the appeal shall then be set based upon the rules
359 and procedures of the State Board of Education. Commission
360 members shall provide a written recommendation to the state
361 board as to whether the appeal should be upheld or denied. A
362 fact-based justification for the recommendation must be
363 included. The chair must ensure that the written recommendation
364 is submitted to the State Board of Education members no later
365 than 7 calendar days prior to the date on which the appeal is to
366 be heard. Both parties in the case shall also be provided a copy
367 of the recommendation.

368 (f)1. The Department of Education shall provide ~~offer~~ or
369 arrange for training and technical assistance to charter schools
370 ~~school applicants~~ in developing and adjusting business plans and
371 accounting for ~~estimating~~ costs and income. Training and
372 technical ~~This~~ assistance shall also address, at a minimum,
373 state and federal grant and student performance accountability
374 reporting requirements and provide assistance in ~~estimating~~
375 ~~startup costs, projecting enrollment, and identifying and~~
376 applying for the types and amounts of state and federal
377 financial assistance the charter school may be eligible to

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378 receive. The department may provide other technical assistance
379 to an applicant upon written request.

380 2. A charter school applicant must participate in the
381 training provided by the Department of Education after approval
382 of an application but at least 30 calendar days before the first
383 day of classes at the charter school ~~before filing an~~
384 ~~application~~. However, a sponsor may require the charter school
385 applicant to attend training provided by the sponsor in lieu of
386 the department's training if the sponsor's training standards
387 meet or exceed the standards developed by the department ~~of~~
388 ~~Education~~. In such case, the sponsor may not require the charter
389 school applicant to attend the training within 30 calendar days
390 before the first day of classes at the charter school. The
391 training must ~~shall~~ include instruction in accurate financial
392 planning and good business practices. If the applicant is a
393 management company or a ~~other~~ nonprofit organization, the
394 charter school principal and the chief financial officer or his
395 or her equivalent must also participate in the training. A
396 sponsor may not require a high-performing charter school or
397 high-performing charter school system applicant to participate
398 in the training described in this subparagraph more than once.

399 (7) CHARTER.—The major issues involving the operation of a
400 charter school shall be considered in advance and written into
401 the charter. The charter shall be signed by the governing board
402 ~~body~~ of the charter school and the sponsor, following a public
403 hearing to ensure community input.

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

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

408 2. The focus of the curriculum, the instructional methods
409 to be used, any distinctive instructional techniques to be
410 employed, and identification and acquisition of appropriate
411 technologies needed to improve educational and administrative
412 performance which include a means for promoting safe, ethical,
413 and appropriate uses of technology which comply with legal and
414 professional standards. The charter shall ensure that reading is
415 a primary focus of the curriculum and that resources are
416 provided to identify and provide specialized instruction for
417 students who are reading below grade level. The curriculum and
418 instructional strategies for reading must be consistent with the
419 Sunshine State Standards and grounded in scientifically based
420 reading research.

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

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

427 b. How these baseline rates will be compared to rates of
428 academic progress achieved by these same students while
429 attending the charter school.

430 c. To the extent possible, how these rates of progress
431 will be evaluated and compared with rates of progress of other
432 closely comparable student populations.

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434 The district school board is required to provide academic
435 student performance data to charter schools for each of their
436 students coming from the district school system, as well as
437 rates of academic progress of comparable student populations in
438 the district school system.

439 4. The methods used to identify the educational strengths
440 and needs of students and how well educational goals and
441 performance standards are met by students attending the charter
442 school. The methods shall provide a means for the charter school
443 to ensure accountability to its constituents by analyzing
444 student performance data and by evaluating the effectiveness and
445 efficiency of its major educational programs. Students in
446 charter schools shall, at a minimum, participate in the
447 statewide assessment program created under s. 1008.22.

448 5. In secondary charter schools, a method for determining
449 that a student has satisfied the requirements for graduation in
450 s. 1003.428, s. 1003.429, or s. 1003.43.

451 6. A method for resolving conflicts between the governing
452 board ~~body~~ of the charter school and the sponsor.

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

455 8. The ways by which the school will achieve a
456 racial/ethnic balance reflective of the community it serves or
457 within the racial/ethnic range of other public schools in the
458 same school district.

459 9. The financial and administrative management of the
460 school, including a reasonable demonstration of the professional
461 experience or competence of those individuals or organizations

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462 applying to operate the charter school or those hired or
463 retained to perform such professional services and the
464 description of clearly delineated responsibilities and the
465 policies and practices needed to effectively manage the charter
466 school. A description of internal audit procedures and
467 establishment of controls to ensure that financial resources are
468 properly managed must be included. Both public sector and
469 private sector professional experience shall be equally valid in
470 such a consideration.

471 10. The asset and liability projections required in the
472 application which are incorporated into the charter and shall be
473 compared with information provided in the annual report of the
474 charter school.

475 11. A description of procedures that identify various
476 risks and provide for a comprehensive approach to reduce the
477 impact of losses; plans to ensure the safety and security of
478 students and staff; plans to identify, minimize, and protect
479 others from violent or disruptive student behavior; and the
480 manner in which the school will be insured, including whether or
481 not the school will be required to have liability insurance,
482 and, if so, the terms and conditions thereof and the amounts of
483 coverage.

484 12. The term of the charter which shall provide for
485 cancellation of the charter if insufficient progress has been
486 made in attaining the student achievement objectives of the
487 charter and if it is not likely that such objectives can be
488 achieved before expiration of the charter. The initial term of a
489 charter shall be for 4 or 5 years. In order to facilitate access

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490 to long-term financial resources for charter school
491 construction, charter schools that are operated by a
492 municipality or other public entity as provided by law are
493 eligible for up to a 15-year charter, subject to approval by the
494 district school board. A charter lab school is eligible for a
495 charter for a term of up to 15 years. In addition, to facilitate
496 access to long-term financial resources for charter school
497 construction, charter schools that are operated by a private,
498 not-for-profit, s. 501(c)(3) status corporation are eligible for
499 up to a 15-year charter, subject to approval by the district
500 school board. Such long-term charters remain subject to annual
501 review and may be terminated during the term of the charter, but
502 only according to the provisions set forth in subsection (8).

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

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

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

510 16. A timetable for implementing the charter which
511 addresses the implementation of each element thereof and the
512 date by which the charter shall be awarded in order to meet this
513 timetable.

514 17. In the case of an existing public school that is being
515 converted to charter status, alternative arrangements for
516 current students who choose not to attend the charter school and
517 for current teachers who choose not to teach in the charter

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518 school after conversion in accordance with the existing
519 collective bargaining agreement or district school board rule in
520 the absence of a collective bargaining agreement. However,
521 alternative arrangements shall not be required for current
522 teachers who choose not to teach in a charter lab school, except
523 as authorized by the employment policies of the state university
524 which grants the charter to the lab school.

525 18. Full disclosure of the identity of all relatives
526 employed by the charter school who are related to the charter
527 school owner, president, chairperson of the governing board of
528 directors, superintendent, governing board member, principal,
529 assistant principal, or any other person employed by the charter
530 school who has equivalent decisionmaking authority. For the
531 purpose of this subparagraph, the term "relative" means father,
532 mother, son, daughter, brother, sister, uncle, aunt, first
533 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
534 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
535 stepfather, stepmother, stepson, stepdaughter, stepbrother,
536 stepsister, half brother, or half sister.

537 19. Implementation of the activities authorized under s.
538 1002.331 by the charter school when it satisfies the eligibility
539 requirements for a high-performing charter school. A high-
540 performing charter school shall notify its sponsor in writing by
541 March 1 if it intends to increase enrollment or expand grade
542 levels the following school year. The written notice shall
543 specify the amount of the enrollment increase and the grade
544 levels that will be added, as applicable.

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545 (b)1. A charter may be renewed provided that a program
546 review demonstrates that the criteria in paragraph (a) have been
547 successfully accomplished and that none of the grounds for
548 nonrenewal established by paragraph (8) (a) has been documented.
549 In order to facilitate long-term financing for charter school
550 construction, charter schools operating for a minimum of 3 years
551 and demonstrating exemplary academic programming and fiscal
552 management are eligible for a 15-year charter renewal. Such
553 long-term charter is subject to annual review and may be
554 terminated during the term of the charter.

555 2. The 15-year charter renewal that may be granted
556 pursuant to subparagraph 1. shall be granted to a charter school
557 that has received a school grade of "A" or "B" pursuant to s.
558 1008.34 in 3 of the past 4 years and is not in a state of
559 financial emergency or deficit position as defined by this
560 section. Such long-term charter is subject to annual review and
561 may be terminated during the term of the charter pursuant to
562 subsection (8).

563 (c) A charter may be modified during its initial term or
564 any renewal term upon the recommendation of the sponsor or the
565 charter school's ~~school~~ governing board and the approval of both
566 parties to the agreement.

567 (d)1. Each charter school's governing board must appoint a
568 representative to facilitate parental involvement, provide
569 access to information, assist parents and others with questions
570 and concerns, and resolve disputes. The representative must
571 reside in the school district in which the charter school is
572 located and may be a governing board member, charter school

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573 employee, or individual contracted to represent the governing
574 board. If the governing board oversees multiple charter schools
575 in the same school district, the governing board must appoint a
576 separate individual representative for each charter school in
577 the district. The representative's contact information must be
578 provided annually in writing to parents and posted prominently
579 on the charter school's website if a website is maintained by
580 the school. The sponsor may not require that governing board
581 members reside in the school district in which the charter
582 school is located if the charter school complies with this
583 paragraph.

584 2. Each charter school's governing board must hold at
585 least two public meetings per school year in the school
586 district. The meetings must be noticed, open, and accessible to
587 the public, and attendees must be provided an opportunity to
588 receive information and provide input regarding the charter
589 school's operations. The appointed representative and charter
590 school principal or director, or his or her equivalent, must be
591 physically present at each meeting.

592 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

593 (b) At least 90 days prior to renewing or terminating a
594 charter, the sponsor shall notify the governing board ~~body~~ of
595 the school of the proposed action in writing. The notice shall
596 state in reasonable detail the grounds for the proposed action
597 and stipulate that the school's governing board ~~body~~ may, within
598 14 calendar days after receiving the notice, request a ~~an~~
599 informal hearing. The hearing shall be conducted at the

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600 sponsor's election in accordance with one of the following
601 procedures:

602 1. A direct hearing conducted by the sponsor within 60
603 days after receipt of the request for a hearing. The hearing
604 shall be conducted in accordance with ss. 120.569 and 120.57.
605 The sponsor shall decide upon nonrenewal or termination by a
606 majority vote. The sponsor's decision shall be a final order; or

607 2. A hearing conducted by an administrative law judge
608 assigned by the Division of Administrative Hearings. The hearing
609 shall be conducted within 60 days after receipt of the request
610 for a hearing and in accordance with chapter 120. The
611 administrative law judge's recommended order shall be submitted
612 to the sponsor. A majority vote by the sponsor shall be required
613 to adopt or modify the administrative law judge's recommended
614 order. The sponsor shall issue a final order before the sponsor.
615 ~~The sponsor shall conduct the informal hearing within 30~~
616 ~~calendar days after receiving a written request.~~

617 (c) The final order shall state the specific reasons for
618 the sponsor's decision. The sponsor shall provide its final
619 order to the charter school's governing board and the Department
620 of Education no later than 10 calendar days after its issuance.
621 ~~If a charter is not renewed or is terminated pursuant to~~
622 ~~paragraph (b), the sponsor shall, within 10 calendar days,~~
623 ~~articulate in writing the specific reasons for its nonrenewal or~~
624 ~~termination of the charter and must provide the letter of~~
625 ~~nonrenewal or termination and documentation supporting the~~
626 ~~reasons to the charter school governing body, the charter school~~
627 ~~principal, and the Department of Education. The charter school's~~
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628 governing board ~~body~~ may, within 30 calendar days after
629 receiving the sponsor's final order ~~written decision to refuse~~
630 ~~to renew or to terminate the charter~~, appeal the decision
631 pursuant to s. 120.68 ~~the procedure established in subsection~~
632 ~~(6)~~.

633 (d) A charter may be terminated immediately if the sponsor
634 sets forth in writing the particular facts and circumstances
635 indicating that an immediate and serious danger to ~~determines~~
636 ~~that good cause has been shown or if the health, safety, or~~
637 ~~welfare of the charter school's students~~ exists is threatened.
638 The sponsor's determination is ~~not~~ subject to the procedures set
639 forth in paragraphs ~~an informal hearing under paragraph (b) and~~
640 (c), except that the hearing may take place after the charter
641 has been terminated ~~or pursuant to chapter 120~~. The sponsor
642 shall notify in writing the charter school's governing board
643 ~~body~~, the charter school principal, and the department if a
644 charter is ~~immediately~~ terminated immediately. The sponsor shall
645 clearly identify the specific issues that resulted in the
646 immediate termination and provide evidence of prior notification
647 of issues resulting in the immediate termination when
648 appropriate. Upon receiving written notice from the sponsor, the
649 charter school's governing board has 10 calendar days to request
650 a hearing. A requested hearing must be expedited and the final
651 order must be issued within 60 days after the date of request.
652 The sponsor shall assume operation of the charter school
653 throughout the pendency of the hearing under paragraphs (b) and
654 (c) unless the continued operation of the charter school would
655 materially threaten the health, safety, or welfare of the

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656 students. Failure by the sponsor to assume and continue
657 operation of the charter school shall result in the awarding of
658 reasonable costs and attorney's fees to the charter school if
659 the charter school prevails on appeal. ~~The school district in~~
660 ~~which the charter school is located shall assume operation of~~
661 ~~the school under these circumstances. The charter school's~~
662 ~~governing board may, within 30 days after receiving the~~
663 ~~sponsor's decision to terminate the charter, appeal the decision~~
664 ~~pursuant to the procedure established in subsection (6).~~

665 (9) CHARTER SCHOOL REQUIREMENTS.—

666 (g) In order to provide financial information that is
667 comparable to that reported for other public schools, charter
668 schools are to maintain all financial records that constitute
669 their accounting system:

670 1. In accordance with the accounts and codes prescribed in
671 the most recent issuance of the publication titled "Financial
672 and Program Cost Accounting and Reporting for Florida Schools";
673 or

674 2. At the discretion of the charter school's ~~school~~
675 governing board, a charter school may elect to follow generally
676 accepted accounting standards for not-for-profit organizations,
677 but must reformat this information for reporting according to
678 this paragraph.

679

680 Charter schools shall provide annual financial report and
681 program cost report information in the state-required formats
682 for inclusion in district reporting in compliance with s.
683 1011.60(1). Charter schools that are operated by a municipality
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684 or are a component unit of a parent nonprofit organization may
685 use the accounting system of the municipality or the parent but
686 must reformat this information for reporting according to this
687 paragraph. A charter school shall provide a monthly financial
688 statement to the sponsor unless the charter school is designated
689 as a high-performing charter school pursuant to s. 1002.331, in
690 which case the high-performing charter school may provide a
691 quarterly financial statement. The ~~monthly~~ financial statement
692 required under this paragraph shall be in a form prescribed by
693 the Department of Education.

694 (10) ELIGIBLE STUDENTS.—

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

697 1. Students who are siblings of a student enrolled in the
698 charter school.

699 2. Students who are the children of a member of the
700 governing board of the charter school.

701 3. Students who are the children of an employee of the
702 charter school.

703 4. Students who are the children of:

704 a. An employee of the business partner of a charter
705 school-in-the-workplace established under paragraph (15) (b) or a
706 resident of the municipality in which such charter school is
707 located; or

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

710 5. Students who have successfully completed a voluntary
711 prekindergarten education program under ss. 1002.51-1002.79

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712 provided by the charter school or the charter school's governing
713 board during the previous year.

714 6. Students who are the children of an active-duty member
715 of any branch of the United States Armed Forces.

716 (h) The capacity of the charter school shall be determined
717 annually by the governing board, in conjunction with the
718 sponsor, of the charter school in consideration of the factors
719 identified in this subsection unless the charter school is
720 designated as a high-performing charter school pursuant to s.
721 1002.331. A sponsor may not require a charter school to waive
722 the provisions of s. 1002.331 or require a student enrollment
723 cap that prohibits a high-performing charter school from
724 increasing enrollment in accordance with s. 1002.331(2) as a
725 condition of approval or renewal of a charter.

726 (i) The capacity of a high-performing charter school
727 identified pursuant to s. 1002.331 shall be determined annually
728 by the governing board of the charter school. The governing
729 board shall notify the sponsor of any increase in enrollment by
730 March 1 of the school year preceding the increase.

731 (18) FACILITIES.—

732 (a) A startup charter school shall utilize facilities
733 which comply with the Florida Building Code pursuant to chapter
734 553 except for the State Requirements for Educational
735 Facilities. Conversion charter schools shall utilize facilities
736 that comply with the State Requirements for Educational
737 Facilities provided that the school district and the charter
738 school have entered into a mutual management plan for the
739 reasonable maintenance of such facilities. The mutual management

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740 plan shall contain a provision by which the district school
741 board agrees to maintain charter school facilities in the same
742 manner as its other public schools within the district. Charter
743 schools, with the exception of conversion charter schools, are
744 not required to comply, but may choose to comply, with the State
745 Requirements for Educational Facilities of the Florida Building
746 Code adopted pursuant to s. 1013.37. The local governing
747 authority shall not adopt or impose any local building
748 requirements or site-development restrictions, such as parking
749 and site-size criteria, that are addressed by and more stringent
750 than those found in the State Requirements for Educational
751 Facilities of the Florida Building Code. Beginning July 1, 2011,
752 a local governing authority must treat charter schools equitably
753 in comparison to similar requirements, restrictions, and
754 processes imposed upon public schools that are not charter
755 schools. The agency having jurisdiction for inspection of a
756 facility and issuance of a certificate of occupancy or use shall
757 be the local municipality or, if in an unincorporated area, the
758 county governing authority.

759 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
760 for capital outlay funds pursuant to s. 1013.62. Capital outlay
761 funds authorized in ss. s. 1011.71(2) and 1013.62 that have been
762 shared with a charter school-in-the-workplace prior to July 1,
763 2010, are deemed to have met the authorized expenditure
764 requirements for such funds.

765 (22) FACILITIES SHARED BY CHARTER SCHOOLS ~~CHARTER SCHOOL~~
766 ~~REVIEW PANEL AND LEGISLATIVE REVIEW.~~—

767 (a) If a charter school moves out of a facility that is

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768 shared with another charter school having a separate Master
769 School Identification Number, the charter school must provide
770 for an audit of all equipment, educational materials and
771 supplies, curriculum materials, and other items purchased or
772 developed with federal charter school program grant funds, and
773 such items must be transferred to the charter school's new
774 location. The audit report must be submitted to the Department
775 of Education within 60 days after completion.

776 (b) A charter school may not transfer an enrolled student
777 to another charter school having a separate Master School
778 Identification Number without first obtaining the written
779 approval of the student's parent.

780 ~~(a) The Department of Education shall staff and regularly~~
781 ~~convene a Charter School Review Panel in order to review issues,~~
782 ~~practices, and policies regarding charter schools. The~~
783 ~~composition of the review panel shall include individuals with~~
784 ~~experience in finance, administration, law, education, and~~
785 ~~school governance, and individuals familiar with charter school~~
786 ~~construction and operation. The panel shall include two~~
787 ~~appointees each from the Commissioner of Education, the~~
788 ~~President of the Senate, and the Speaker of the House of~~
789 ~~Representatives. The Governor shall appoint three members of the~~
790 ~~panel and shall designate the chair. Each member of the panel~~
791 ~~shall serve a 1-year term, unless renewed by the office making~~
792 ~~the appointment. The panel shall make recommendations to the~~
793 ~~Legislature, to the Department of Education, to charter schools,~~
794 ~~and to school districts for improving charter school operations~~
795 ~~and oversight and for ensuring best business practices at and~~

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796 ~~fair business relationships with charter schools.~~

797 ~~(b) The Legislature shall review the operation of charter~~
798 ~~schools during the 2010 Regular Session of the Legislature.~~

799 (25) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

800 (b) A member of a governing board of a charter school
801 operated by a municipality or other public entity is subject to
802 s. 112.3145 ~~112.3144~~, which relates to the disclosure of
803 financial interests.

804 (26) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
805 SCHOOL SYSTEMS.—A charter school system shall be designated a
806 local educational agency solely for the purpose of receiving
807 federal funds, in the same manner as if the charter school
808 system were a school district, if the governing board of the
809 charter school system has adopted and filed a resolution with
810 its sponsoring district school board and the Department of
811 Education in which the governing board accepts full
812 responsibility for all local educational agency requirements and
813 if the charter school system meets all of the following:

814 (a) Includes both conversion charter schools and
815 nonconversion charter schools;

816 (b) Has all schools located in the same county;

817 (c) Has a total enrollment exceeding the total enrollment
818 of at least one school district in the state;

819 (d) Has the same governing board; and

820 (e) Does not contract with a for-profit service provider
821 for management of school operations.

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823 Such designation does not apply to other provisions of law
824 unless specifically provided by law.

825 Section 4. (1) For the 2011-2012 fiscal year, the
826 Department of Education shall:

827 (a) Identify the school districts that distribute funds or
828 provide facilities, renovation, or new construction with funds
829 generated by the capital improvement millage authorized under s.
830 1011.71(2), Florida Statutes, to charter schools and the use of
831 such funds by the charter schools.

832 (b) Examine the costs associated with supervising charter
833 schools and determine whether the 5-percent administrative fee
834 for administrative and educational services for charter schools
835 covers the costs associated with the provision of the services.

836 (c) Examine the distribution of federal education funding
837 to eligible students who are enrolled in charter schools,
838 including, without limitation, funding provided under Title I of
839 the Elementary and Secondary Education Act and the Individuals
840 with Disabilities Education Act.

841 (d) Examine the impacts of removing the discretion given
842 to school districts regarding the distribution of capital
843 improvement millage authorized under s. 1011.71(2), Florida
844 Statutes, to charter schools-in-a-municipality as set forth in
845 s. 1002.33(15)(c), Florida Statutes.

846 (2) The Department of Education shall report its findings
847 to the Governor, the President of the Senate, and the Speaker of
848 the House of Representatives no later than January 1, 2012.

849 Section 5. Section 1002.33(7)(d), Florida Statutes, as
850 created by this act, controls over s. 1002.33(7)(d), Florida

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851 Statutes, as created by CS/CS/HB 7197, if both acts are adopted
852 in the same legislative session or an extension thereof and
853 become law.

854 Section 6. This act shall take effect July 1, 2011.

855

856

857 -----

858 **T I T L E A M E N D M E N T**

859 Remove the entire title and insert:

860 A bill to be entitled

861 An act relating to school choice; creating s. 1002.331, F.S.;

862 establishing criteria for high-performing charter schools;

863 authorizing a high-performing charter school to increase

864 enrollment, expand grade levels served, submit a quarterly

865 financial statement, consolidate the charters of certain charter

866 schools, and receive certain modification or renewal of its

867 charter; authorizing a high-performing charter school to apply

868 to establish a charter school that replicates its educational

869 program; providing application requirements; limiting the number

870 of charter schools that may be established; requiring

871 eligibility verification by the Commissioner of Education;

872 creating s. 1002.332, F.S.; providing definitions; establishing

873 criteria for high-performing charter school systems; providing

874 for eligibility verification by the Commissioner of Education;

875 authorizing a high-performing charter school system to replicate

876 its high-performing charter schools; amending s. 1002.33, F.S.;

877 requiring a charter school sponsor to allow a charter school

878 applicant to correct technical deficiencies in its application

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879 before approval or denial; establishing standards for sponsor
880 review of a charter school application submitted by a high-
881 performing charter school; authorizing direct appeal to the
882 State Board of Education of a denial of an application;
883 establishing standards for reviewing such an appeal; revising
884 applicant training requirements; requiring inclusion in the
885 charter of procedures relating to high-performing charter
886 schools; requiring charter school governing boards to appoint
887 representatives; providing meeting requirements; revising the
888 procedure for nonrenewal or termination of a charter;
889 authorizing a charter school's governing board to request a
890 hearing regarding charter nonrenewal or termination, including
891 immediate termination; authorizing the sponsor to choose to
892 provide a direct hearing or a hearing before an administrative
893 law judge; authorizing the award of costs and attorney's fees to
894 a charter school if certain criteria are met; authorizing
895 quarterly financial reporting for certain charter schools;
896 establishing additional student enrollment preferences;
897 prohibiting a sponsor from limiting or requiring waiver of
898 certain high-performing charter school benefits as a condition
899 of charter approval or renewal; providing that student capacity
900 of a high-performing charter school shall be determined annually
901 by the governing board; requiring the governing board to provide
902 notice of enrollment increases to the sponsor; revising
903 requirements relating to the imposition of requirements and
904 restrictions on charter school facilities; revising provisions
905 relating to charter school capital outlay funding; providing
906 requirements for charter schools using shared facilities;

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907 deleting provisions relating to the Charter School Review Panel;
908 correcting a cross-reference relating to the disclosure of
909 financial interests; authorizing certain charter school systems
910 to be the local educational agency for administering federal
911 funding received by the system's schools; requiring the
912 Department of Education to examine certain charter school
913 funding and costs and report its findings to the Governor and
914 the Legislature; providing that certain provisions control with
915 respect to other legislation adopted in the same legislative
916 session or an extension thereof; providing an effective date.