

20111546er

1
2 An act relating to school choice; creating s.
3 1002.331, F.S.; establishing criteria for high-
4 performing charter schools; authorizing a high-
5 performing charter school to increase enrollment,
6 expand grade levels served, submit a quarterly
7 financial statement, consolidate the charters of
8 certain charter schools, and receive certain
9 modification or renewal of its charter; authorizing a
10 high-performing charter school to apply to establish a
11 charter school that replicates its educational
12 program; providing application requirements; limiting
13 the number of charter schools that may be established;
14 requiring eligibility verification by the Commissioner
15 of Education; creating s. 1002.332, F.S.; providing
16 definitions; establishing criteria for high-performing
17 charter school systems; providing for eligibility
18 verification by the Commissioner of Education;
19 authorizing a high-performing charter school system to
20 replicate its high-performing charter schools;
21 amending s. 1002.33, F.S.; requiring a charter school
22 sponsor to allow a charter school applicant to correct
23 technical deficiencies in its application before
24 approval or denial; establishing standards for sponsor
25 review of a charter school application submitted by a
26 high-performing charter school; authorizing direct
27 appeal to the State Board of Education of a denial of
28 an application; establishing standards for reviewing
29 such an appeal; revising applicant training

20111546er

30 requirements; requiring inclusion in the charter of
31 procedures relating to high-performing charter
32 schools; requiring charter school governing boards to
33 appoint representatives; providing meeting
34 requirements; revising the procedure for nonrenewal or
35 termination of a charter; authorizing a charter
36 school's governing board to request a hearing
37 regarding charter nonrenewal or termination, including
38 immediate termination; authorizing the sponsor to
39 choose to provide a direct hearing or a hearing before
40 an administrative law judge; authorizing the award of
41 costs and attorney's fees to a charter school if
42 certain criteria are met; authorizing quarterly
43 financial reporting for certain charter schools;
44 establishing additional student enrollment
45 preferences; prohibiting a sponsor from limiting or
46 requiring waiver of certain high-performing charter
47 school benefits as a condition of charter approval or
48 renewal; providing that student capacity of a high-
49 performing charter school shall be determined annually
50 by the governing board; requiring the governing board
51 to provide notice of enrollment increases to the
52 sponsor; revising requirements relating to the
53 imposition of requirements and restrictions on charter
54 school facilities; revising provisions relating to
55 charter school capital outlay funding; providing
56 requirements for charter schools using shared
57 facilities; deleting provisions relating to the
58 Charter School Review Panel; correcting a cross-

20111546er

59 reference relating to the disclosure of financial
60 interests; authorizing certain charter school systems
61 to be the local educational agency for administering
62 federal funding received by the system's schools;
63 requiring the Department of Education to examine
64 certain charter school funding and costs and report
65 its findings to the Governor and the Legislature;
66 providing that certain provisions control with respect
67 to other legislation adopted in the same legislative
68 session or an extension thereof; providing an
69 effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Section 1002.331, Florida Statutes, is created
74 to read:

75 1002.331 High-performing charter schools.-

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

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

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

84 (c) Did not receive a financial audit that revealed one or
85 more of the financial emergency conditions set forth in s.
86 218.503(1) in the most recent 3 fiscal years for which such
87 audits are available. However, this requirement is deemed met

20111546er

88 for a charter school-in-the-workplace if there is a finding in
89 an audit that the school has the monetary resources available to
90 cover any reported deficiency or that the deficiency does not
91 result in a deteriorating financial condition pursuant to s.
92 1002.345(1)(a)3.

93
94 A virtual charter school established under s. 1002.33 is not
95 eligible for designation as a high-performing charter school.

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

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

100 (b) Expand grade levels within kindergarten through grade
101 12 to add grade levels not already served if any annual
102 enrollment increase resulting from grade level expansion is
103 within the limit established in paragraph (a).

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

106 (d) Consolidate under a single charter the charters of
107 multiple high-performing charter schools operated in the same
108 school district by the charter schools' governing board
109 regardless of the renewal cycle.

110 (e) Receive a modification of its charter to a term of 15
111 years or a 15-year charter renewal. The charter may be modified
112 or renewed for a shorter term at the option of the high-
113 performing charter school. The charter must be consistent with
114 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
115 review by the sponsor, and may be terminated during its term
116 pursuant to s. 1002.33(8).

20111546er

117
118 A high-performing charter school shall notify its sponsor in
119 writing by March 1 if it intends to increase enrollment or
120 expand grade levels the following school year. The written
121 notice shall specify the amount of the enrollment increase and
122 the grade levels that will be added, as applicable.

123 (3) (a) A high-performing charter school may submit an
124 application pursuant to s. 1002.33(6) in any school district in
125 the state to establish and operate a new charter school that
126 will substantially replicate its educational program. An
127 application submitted by a high-performing charter school must
128 state that the application is being submitted pursuant to this
129 paragraph and must include the verification letter provided by
130 the Commissioner of Education pursuant to subsection (5). If the
131 sponsor fails to act on the application within 60 days after
132 receipt, the application is deemed approved and the procedure in
133 s. 1002.33(6) (h) applies. If the sponsor denies the application,
134 the high-performing charter school may appeal pursuant to s.
135 1002.33(6).

136 (b) A high-performing charter school may not establish more
137 than one charter school within the state under paragraph (a) in
138 any year. A subsequent application to establish a charter school
139 under paragraph (a) may not be submitted unless each charter
140 school established in this manner achieves high-performing
141 charter school status.

142 (4) A high-performing charter school may not increase
143 enrollment or expand grade levels following any school year in
144 which it receives a school grade of "C" or below. If the charter
145 school receives a school grade of "C" or below in any 2 years

20111546er

146 during the term of the charter awarded under subsection (2), the
147 term of the charter may be modified by the sponsor and the
148 charter school loses its high-performing charter school status
149 until it regains that status under subsection (1).

150 (5) The Commissioner of Education, upon request by a
151 charter school, shall verify that the charter school meets the
152 criteria in subsection (1) and provide a letter to the charter
153 school and the sponsor stating that the charter school is a
154 high-performing charter school pursuant to this section.

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

157 Section 2. Section 1002.332, Florida Statutes, is created
158 to read:

159 1002.332 High-performing charter school system.—

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

161 (a) "Entity" means a municipality or other public entity
162 that is authorized by law to operate a charter school; a
163 private, nonprofit corporation with tax-exempt status under s.
164 501(c)(3) of the Internal Revenue Code; or a private, for-profit
165 education management corporation.

166 (b) "High-performing charter school system" means an entity
167 that:

168 1. Operates at least three high-performing charter schools
169 in the state;

170 2. Operates a system of charter schools in which at least
171 50 percent of the charter schools are high-performing charter
172 schools pursuant to s. 1002.331 and no charter school received a
173 school grade of "D" or "F" pursuant to s. 1008.34, except that:

174 a. If the entity has assumed operation of a public school

20111546er

175 pursuant to s. 1008.33(5)(a)3. with a school grade of "D" or
176 "F," that school's grade shall not be considered in determining
177 high-performing charter school system status for a period of 3
178 years.

179 b. If the entity establishes a new charter school that
180 serves a student population the majority of which resides in a
181 school zone served by a public school that is identified as
182 lowest performing under s. 1008.33(4)(b), that charter school's
183 grade shall not be considered in determining high-performing
184 charter school system status if it attains and maintains a
185 school grade that is higher than that of the public school
186 serving that school zone within 3 years after establishment; and

187 3. Has not received a financial audit that revealed one or
188 more of the financial emergency conditions set forth in s.
189 218.503(1) for any charter school assumed or established by the
190 entity.

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

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

198 Section 3. Paragraphs (b), (c), (e), and (f) of subsection
199 (6), subsection (7), paragraphs (b), (c), and (d) of subsection
200 (8), paragraph (g) of subsection (9), paragraphs (d) and (h) of
201 subsection (10), paragraph (a) of subsection (18), subsections
202 (19) and (22), and paragraph (b) of subsection (25) of section
203 1002.33, Florida Statutes, are amended, paragraph (i) is added

20111546er

204 to subsection (10), subsection (26) is renumbered as subsection
205 (27), and a new subsection (26) is added to that section, to
206 read:

207 1002.33 Charter schools.—

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

210 (b) A sponsor shall receive and review all applications for
211 a charter school using an evaluation instrument developed by the
212 Department of Education. ~~Beginning with the 2007-2008 school~~
213 ~~year,~~ A sponsor shall receive and consider charter school
214 applications received on or before August 1 of each calendar
215 year for charter schools to be opened at the beginning of the
216 school district's next school year, or to be opened at a time
217 agreed to by the applicant and the sponsor. A sponsor may
218 receive applications later than this date if it chooses. A
219 sponsor may not charge an applicant for a charter any fee for
220 the processing or consideration of an application, and a sponsor
221 may not base its consideration or approval of an application
222 upon the promise of future payment of any kind. Before approving
223 or denying any application, the sponsor shall allow the
224 applicant, upon receipt of written notification, at least 7
225 calendar days to make technical or nonsubstantive corrections
226 and clarifications, including, but not limited to, corrections
227 of grammatical, typographical, and like errors or missing
228 signatures, if such errors are identified by the sponsor as
229 cause to deny the application.

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

20111546er

233 charter school applications after the FTE projection deadline.
234 In a further effort to facilitate an accurate budget projection,
235 within 15 calendar days after receipt of a charter school
236 application, a sponsor shall report to the Department of
237 Education the name of the applicant entity, the proposed charter
238 school location, and its projected FTE.

239 2. In order to ensure fiscal responsibility, an application
240 for a charter school shall include a full accounting of expected
241 assets, a projection of expected sources and amounts of income,
242 including income derived from projected student enrollments and
243 from community support, and an expense projection that includes
244 full accounting of the costs of operation, including start-up
245 costs.

246 3.a. A sponsor shall by a majority vote approve or deny an
247 application no later than 60 calendar days after the application
248 is received, unless the sponsor and the applicant mutually agree
249 in writing to temporarily postpone the vote to a specific date,
250 at which time the sponsor shall by a majority vote approve or
251 deny the application. If the sponsor fails to act on the
252 application, an applicant may appeal to the State Board of
253 Education as provided in paragraph (c). If an application is
254 denied, the sponsor shall, within 10 calendar days after such
255 denial, articulate in writing the specific reasons, based upon
256 good cause, supporting its denial of the charter application and
257 shall provide the letter of denial and supporting documentation
258 to the applicant and to the Department of Education ~~supporting~~
259 ~~those reasons.~~

260 b. An application submitted by a high-performing charter
261 school identified pursuant to s. 1002.331 may be denied by the

20111546er

262 sponsor only if the sponsor demonstrates by clear and convincing
263 evidence that:

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

266 (II) The charter school proposed in the application does
267 not materially comply with the requirements in paragraphs
268 (9) (a) - (f);

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

272 (IV) The applicant has made a material misrepresentation or
273 false statement or concealed an essential or material fact
274 during the application process; or

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

278
279 Material noncompliance is a failure to follow requirements or a
280 violation of prohibitions applicable to charter school
281 applications, which failure is quantitatively or qualitatively
282 significant either individually or when aggregated with other
283 noncompliance. An applicant is considered to be replicating a
284 high-performing charter school if the proposed school is
285 substantially similar to at least one of the applicant's high-
286 performing charter schools and the organization or individuals
287 involved in the establishment and operation of the proposed
288 school are significantly involved in the operation of replicated
289 schools.

290 c. If the sponsor denies an application submitted by a

20111546er

291 high-performing charter school, the sponsor must, within 10
292 calendar days after such denial, state in writing the specific
293 reasons, based upon the criteria in sub-subparagraph b.,
294 supporting its denial of the application and must provide the
295 letter of denial and supporting documentation to the applicant
296 and to the Department of Education. The applicant may appeal the
297 sponsor's denial of the application directly to the State Board
298 of Education pursuant to sub-subparagraph (c)3.b.

299 4. For budget projection purposes, the sponsor shall report
300 to the Department of Education the approval or denial of a
301 charter application within 10 calendar days after such approval
302 or denial. In the event of approval, the report to the
303 Department of Education shall include the final projected FTE
304 for the approved charter school.

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

309 (c)1. An applicant may appeal any denial of that
310 applicant's application or failure to act on an application to
311 the State Board of Education no later than 30 calendar days
312 after receipt of the sponsor's decision or failure to act and
313 shall notify the sponsor of its appeal. Any response of the
314 sponsor shall be submitted to the State Board of Education
315 within 30 calendar days after notification of the appeal. Upon
316 receipt of notification from the State Board of Education that a
317 charter school applicant is filing an appeal, the Commissioner
318 of Education shall convene a meeting of the Charter School
319 Appeal Commission to study and make recommendations to the State

20111546er

320 Board of Education regarding its pending decision about the
321 appeal. The commission shall forward its recommendation to the
322 state board no later than 7 calendar days prior to the date on
323 which the appeal is to be heard.

324 2. The Charter School Appeal Commission may reject an
325 appeal submission for failure to comply with procedural rules
326 governing the appeals process. The rejection shall describe the
327 submission errors. The appellant shall have 15 calendar days
328 after notice of rejection in which to resubmit an appeal that
329 meets the requirements set forth in State Board of Education
330 rule. An appeal submitted subsequent to such rejection is
331 considered timely if the original appeal was filed within 30
332 calendar days after receipt of notice of the specific reasons
333 for the sponsor's denial of the charter application.

334 3.a. The State Board of Education shall by majority vote
335 accept or reject the decision of the sponsor no later than 90
336 calendar days after an appeal is filed in accordance with State
337 Board of Education rule. ~~The Charter School Appeal Commission~~
338 ~~may reject an appeal submission for failure to comply with~~
339 ~~procedural rules governing the appeals process. The rejection~~
340 ~~shall describe the submission errors. The appellant may have up~~
341 ~~to 15 calendar days from notice of rejection to resubmit an~~
342 ~~appeal that meets requirements of State Board of Education rule.~~
343 ~~An application for appeal submitted subsequent to such rejection~~
344 ~~shall be considered timely if the original appeal was filed~~
345 ~~within 30 calendar days after receipt of notice of the specific~~
346 ~~reasons for the sponsor's denial of the charter application. The~~
347 State Board of Education shall remand the application to the
348 sponsor with its written decision that the sponsor approve or

20111546er

349 deny the application. The sponsor shall implement the decision
350 of the State Board of Education. The decision of the State Board
351 of Education is not subject to the provisions of the
352 Administrative Procedure Act, chapter 120.

353 b. If an appeal concerns an application submitted by a
354 high-performing charter school identified pursuant to s.
355 1002.331, the State Board of Education shall determine whether
356 the sponsor has shown, by clear and convincing evidence, that:

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

359 (II) The charter school proposed in the application does
360 not materially comply with the requirements in paragraphs
361 (9) (a) - (f);

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

365 (IV) The applicant has made a material misrepresentation or
366 false statement or concealed an essential or material fact
367 during the application process; or

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

371
372 The State Board of Education shall approve or reject the
373 sponsor's denial of an application no later than 90 calendar
374 days after an appeal is filed in accordance with State Board of
375 Education rule. The State Board of Education shall remand the
376 application to the sponsor with its written decision that the
377 sponsor approve or deny the application. The sponsor shall

20111546er

378 implement the decision of the State Board of Education. The
379 decision of the State Board of Education is not subject to the
380 Administrative Procedure Act, chapter 120.

381 (e)1. A Charter School Appeal Commission is established to
382 assist the commissioner and the State Board of Education with a
383 fair and impartial review of appeals by applicants whose charter
384 applications have been denied, whose charter contracts have not
385 been renewed, or whose charter contracts have been terminated by
386 their sponsors.

387 2. The Charter School Appeal Commission may receive copies
388 of the appeal documents forwarded to the State Board of
389 Education, review the documents, gather other applicable
390 information regarding the appeal, and make a written
391 recommendation to the commissioner. The recommendation must
392 state whether the appeal should be upheld or denied and include
393 the reasons for the recommendation being offered. The
394 commissioner shall forward the recommendation to the State Board
395 of Education no later than 7 calendar days prior to the date on
396 which the appeal is to be heard. The state board must consider
397 the commission's recommendation in making its decision, but is
398 not bound by the recommendation. The decision of the Charter
399 School Appeal Commission is not subject to the provisions of the
400 Administrative Procedure Act, chapter 120.

401 3. The commissioner shall appoint a number of ~~the~~ members
402 to ~~of~~ the Charter School Appeal Commission sufficient to ensure
403 that no potential conflict of interest exists for any commission
404 appeal decision. Members shall serve without compensation but
405 may be reimbursed for travel and per diem expenses in
406 conjunction with their service. Of the members hearing the

20111546er

407 appeal, one-half ~~of the members~~ must represent currently
408 operating charter schools, and one-half ~~of the members~~ must
409 represent sponsors. The commissioner or a named designee shall
410 chair the Charter School Appeal Commission.

411 4. The chair shall convene meetings of the commission and
412 shall ensure that the written recommendations are completed and
413 forwarded in a timely manner. In cases where the commission
414 cannot reach a decision, the chair shall make the written
415 recommendation with justification, noting that the decision was
416 rendered by the chair.

417 5. Commission members shall thoroughly review the materials
418 presented to them from the appellant and the sponsor. The
419 commission may request information to clarify the documentation
420 presented to it. In the course of its review, the commission may
421 facilitate the postponement of an appeal in those cases where
422 additional time and communication may negate the need for a
423 formal appeal and both parties agree, in writing, to postpone
424 the appeal to the State Board of Education. A new date certain
425 for the appeal shall then be set based upon the rules and
426 procedures of the State Board of Education. Commission members
427 shall provide a written recommendation to the state board as to
428 whether the appeal should be upheld or denied. A fact-based
429 justification for the recommendation must be included. The chair
430 must ensure that the written recommendation is submitted to the
431 State Board of Education members no later than 7 calendar days
432 prior to the date on which the appeal is to be heard. Both
433 parties in the case shall also be provided a copy of the
434 recommendation.

435 (f)1. The Department of Education shall provide ~~offer~~ or

20111546er

436 arrange for training and technical assistance to charter schools
437 ~~school applicants~~ in developing and adjusting business plans and
438 accounting for ~~estimating~~ costs and income. Training and
439 technical ~~This~~ assistance shall also address, at a minimum,
440 state and federal grant and student performance accountability
441 reporting requirements and provide assistance in ~~estimating~~
442 ~~startup costs, projecting enrollment, and~~ identifying and
443 applying for the types and amounts of state and federal
444 financial assistance the charter school may be eligible to
445 receive. The department may provide other technical assistance
446 to an applicant upon written request.

447 2. A charter school applicant must participate in the
448 training provided by the Department of Education after approval
449 of an application but at least 30 calendar days before the first
450 day of classes at the charter school ~~before filing an~~
451 ~~application~~. However, a sponsor may require the charter school
452 applicant to attend training provided by the sponsor in lieu of
453 the department's training if the sponsor's training standards
454 meet or exceed the standards developed by the department ~~of~~
455 Education. In such case, the sponsor may not require the charter
456 school applicant to attend the training within 30 calendar days
457 before the first day of classes at the charter school. The
458 training must ~~shall~~ include instruction in accurate financial
459 planning and good business practices. If the applicant is a
460 management company or a ~~other~~ nonprofit organization, the
461 charter school principal and the chief financial officer or his
462 or her equivalent must also participate in the training. A
463 sponsor may not require a high-performing charter school or
464 high-performing charter school system applicant to participate

20111546er

465 in the training described in this subparagraph more than once.

466 (7) CHARTER.—The major issues involving the operation of a
467 charter school shall be considered in advance and written into
468 the charter. The charter shall be signed by the governing board
469 ~~body~~ of the charter school and the sponsor, following a public
470 hearing to ensure community input.

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

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

475 2. The focus of the curriculum, the instructional methods
476 to be used, any distinctive instructional techniques to be
477 employed, and identification and acquisition of appropriate
478 technologies needed to improve educational and administrative
479 performance which include a means for promoting safe, ethical,
480 and appropriate uses of technology which comply with legal and
481 professional standards. The charter shall ensure that reading is
482 a primary focus of the curriculum and that resources are
483 provided to identify and provide specialized instruction for
484 students who are reading below grade level. The curriculum and
485 instructional strategies for reading must be consistent with the
486 Sunshine State Standards and grounded in scientifically based
487 reading research.

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

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

20111546er

494 b. How these baseline rates will be compared to rates of
495 academic progress achieved by these same students while
496 attending the charter school.

497 c. To the extent possible, how these rates of progress will
498 be evaluated and compared with rates of progress of other
499 closely comparable student populations.

500

501 The district school board is required to provide academic
502 student performance data to charter schools for each of their
503 students coming from the district school system, as well as
504 rates of academic progress of comparable student populations in
505 the district school system.

506 4. The methods used to identify the educational strengths
507 and needs of students and how well educational goals and
508 performance standards are met by students attending the charter
509 school. The methods shall provide a means for the charter school
510 to ensure accountability to its constituents by analyzing
511 student performance data and by evaluating the effectiveness and
512 efficiency of its major educational programs. Students in
513 charter schools shall, at a minimum, participate in the
514 statewide assessment program created under s. 1008.22.

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

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

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

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

20111546er

523 racial/ethnic balance reflective of the community it serves or
524 within the racial/ethnic range of other public schools in the
525 same school district.

526 9. The financial and administrative management of the
527 school, including a reasonable demonstration of the professional
528 experience or competence of those individuals or organizations
529 applying to operate the charter school or those hired or
530 retained to perform such professional services and the
531 description of clearly delineated responsibilities and the
532 policies and practices needed to effectively manage the charter
533 school. A description of internal audit procedures and
534 establishment of controls to ensure that financial resources are
535 properly managed must be included. Both public sector and
536 private sector professional experience shall be equally valid in
537 such a consideration.

538 10. The asset and liability projections required in the
539 application which are incorporated into the charter and shall be
540 compared with information provided in the annual report of the
541 charter school.

542 11. A description of procedures that identify various risks
543 and provide for a comprehensive approach to reduce the impact of
544 losses; plans to ensure the safety and security of students and
545 staff; plans to identify, minimize, and protect others from
546 violent or disruptive student behavior; and the manner in which
547 the school will be insured, including whether or not the school
548 will be required to have liability insurance, and, if so, the
549 terms and conditions thereof and the amounts of coverage.

550 12. The term of the charter which shall provide for
551 cancellation of the charter if insufficient progress has been

20111546er

552 made in attaining the student achievement objectives of the
553 charter and if it is not likely that such objectives can be
554 achieved before expiration of the charter. The initial term of a
555 charter shall be for 4 or 5 years. In order to facilitate access
556 to long-term financial resources for charter school
557 construction, charter schools that are operated by a
558 municipality or other public entity as provided by law are
559 eligible for up to a 15-year charter, subject to approval by the
560 district school board. A charter lab school is eligible for a
561 charter for a term of up to 15 years. In addition, to facilitate
562 access to long-term financial resources for charter school
563 construction, charter schools that are operated by a private,
564 not-for-profit, s. 501(c)(3) status corporation are eligible for
565 up to a 15-year charter, subject to approval by the district
566 school board. Such long-term charters remain subject to annual
567 review and may be terminated during the term of the charter, but
568 only according to the provisions set forth in subsection (8).

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

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

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

576 16. A timetable for implementing the charter which
577 addresses the implementation of each element thereof and the
578 date by which the charter shall be awarded in order to meet this
579 timetable.

580 17. In the case of an existing public school that is being

20111546er

581 converted to charter status, alternative arrangements for
582 current students who choose not to attend the charter school and
583 for current teachers who choose not to teach in the charter
584 school after conversion in accordance with the existing
585 collective bargaining agreement or district school board rule in
586 the absence of a collective bargaining agreement. However,
587 alternative arrangements shall not be required for current
588 teachers who choose not to teach in a charter lab school, except
589 as authorized by the employment policies of the state university
590 which grants the charter to the lab school.

591 18. Full disclosure of the identity of all relatives
592 employed by the charter school who are related to the charter
593 school owner, president, chairperson of the governing board of
594 directors, superintendent, governing board member, principal,
595 assistant principal, or any other person employed by the charter
596 school who has equivalent decisionmaking authority. For the
597 purpose of this subparagraph, the term "relative" means father,
598 mother, son, daughter, brother, sister, uncle, aunt, first
599 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
600 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
601 stepfather, stepmother, stepson, stepdaughter, stepbrother,
602 stepsister, half brother, or half sister.

603 19. Implementation of the activities authorized under s.
604 1002.331 by the charter school when it satisfies the eligibility
605 requirements for a high-performing charter school. A high-
606 performing charter school shall notify its sponsor in writing by
607 March 1 if it intends to increase enrollment or expand grade
608 levels the following school year. The written notice shall
609 specify the amount of the enrollment increase and the grade

20111546er

610 levels that will be added, as applicable.

611 (b)1. A charter may be renewed provided that a program
612 review demonstrates that the criteria in paragraph (a) have been
613 successfully accomplished and that none of the grounds for
614 nonrenewal established by paragraph (8)(a) has been documented.
615 In order to facilitate long-term financing for charter school
616 construction, charter schools operating for a minimum of 3 years
617 and demonstrating exemplary academic programming and fiscal
618 management are eligible for a 15-year charter renewal. Such
619 long-term charter is subject to annual review and may be
620 terminated during the term of the charter.

621 2. The 15-year charter renewal that may be granted pursuant
622 to subparagraph 1. shall be granted to a charter school that has
623 received a school grade of "A" or "B" pursuant to s. 1008.34 in
624 3 of the past 4 years and is not in a state of financial
625 emergency or deficit position as defined by this section. Such
626 long-term charter is subject to annual review and may be
627 terminated during the term of the charter pursuant to subsection
628 (8).

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

633 (d)1. Each charter school's governing board must appoint a
634 representative to facilitate parental involvement, provide
635 access to information, assist parents and others with questions
636 and concerns, and resolve disputes. The representative must
637 reside in the school district in which the charter school is
638 located and may be a governing board member, charter school

20111546er

639 employee, or individual contracted to represent the governing
640 board. If the governing board oversees multiple charter schools
641 in the same school district, the governing board must appoint a
642 separate individual representative for each charter school in
643 the district. The representative's contact information must be
644 provided annually in writing to parents and posted prominently
645 on the charter school's website if a website is maintained by
646 the school. The sponsor may not require that governing board
647 members reside in the school district in which the charter
648 school is located if the charter school complies with this
649 paragraph.

650 2. Each charter school's governing board must hold at least
651 two public meetings per school year in the school district. The
652 meetings must be noticed, open, and accessible to the public,
653 and attendees must be provided an opportunity to receive
654 information and provide input regarding the charter school's
655 operations. The appointed representative and charter school
656 principal or director, or his or her equivalent, must be
657 physically present at each meeting.

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

659 (b) At least 90 days prior to renewing or terminating a
660 charter, the sponsor shall notify the governing board ~~body~~ of
661 the school of the proposed action in writing. The notice shall
662 state in reasonable detail the grounds for the proposed action
663 and stipulate that the school's governing board ~~body~~ may, within
664 14 calendar days after receiving the notice, request a ~~an~~
665 informal hearing. The hearing shall be conducted at the
666 sponsor's election in accordance with one of the following
667 procedures:

20111546er

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

673 2. A hearing conducted by an administrative law judge
674 assigned by the Division of Administrative Hearings. The hearing
675 shall be conducted within 60 days after receipt of the request
676 for a hearing and in accordance with chapter 120. The
677 administrative law judge's recommended order shall be submitted
678 to the sponsor. A majority vote by the sponsor shall be required
679 to adopt or modify the administrative law judge's recommended
680 order. The sponsor shall issue a final order before the sponsor.
681 ~~The sponsor shall conduct the informal hearing within 30~~
682 ~~calendar days after receiving a written request.~~

683 (c) The final order shall state the specific reasons for
684 the sponsor's decision. The sponsor shall provide its final
685 order to the charter school's governing board and the Department
686 of Education no later than 10 calendar days after its issuance.
687 ~~If a charter is not renewed or is terminated pursuant to~~
688 ~~paragraph (b), the sponsor shall, within 10 calendar days,~~
689 ~~articulate in writing the specific reasons for its nonrenewal or~~
690 ~~termination of the charter and must provide the letter of~~
691 ~~nonrenewal or termination and documentation supporting the~~
692 ~~reasons to the charter school governing body, the charter school~~
693 ~~principal, and the Department of Education. The charter school's~~
694 ~~governing board ~~body~~ may, within 30 calendar days after~~
695 ~~receiving the sponsor's final order ~~written decision to refuse~~~~
696 ~~to renew or to terminate the charter, appeal the decision~~

20111546er

697 pursuant to s. 120.68 ~~the procedure established in subsection~~
698 ~~(6)~~.

699 (d) A charter may be terminated immediately if the sponsor
700 sets forth in writing the particular facts and circumstances
701 indicating that an immediate and serious danger to ~~determines~~
702 ~~that good cause has been shown or if the health, safety, or~~
703 ~~welfare of the~~ charter school's ~~students~~ exists ~~is threatened~~.
704 The sponsor's determination is ~~not~~ subject to the procedures set
705 forth in paragraphs ~~an informal hearing under paragraph (b) and~~
706 (c), except that the hearing may take place after the charter
707 has been terminated ~~or pursuant to chapter 120~~. The sponsor
708 shall notify in writing the charter school's governing board
709 ~~body~~, the charter school principal, and the department if a
710 charter is ~~immediately~~ terminated immediately. The sponsor shall
711 clearly identify the specific issues that resulted in the
712 immediate termination and provide evidence of prior notification
713 of issues resulting in the immediate termination when
714 appropriate. Upon receiving written notice from the sponsor, the
715 charter school's governing board has 10 calendar days to request
716 a hearing. A requested hearing must be expedited and the final
717 order must be issued within 60 days after the date of request.
718 The sponsor shall assume operation of the charter school
719 throughout the pendency of the hearing under paragraphs (b) and
720 (c) unless the continued operation of the charter school would
721 materially threaten the health, safety, or welfare of the
722 students. Failure by the sponsor to assume and continue
723 operation of the charter school shall result in the awarding of
724 reasonable costs and attorney's fees to the charter school if
725 the charter school prevails on appeal. ~~The school district in~~

20111546er

726 ~~which the charter school is located shall assume operation of~~
727 ~~the school under these circumstances. The charter school's~~
728 ~~governing board may, within 30 days after receiving the~~
729 ~~sponsor's decision to terminate the charter, appeal the decision~~
730 ~~pursuant to the procedure established in subsection (6).~~

731 (9) CHARTER SCHOOL REQUIREMENTS.—

732 (g) In order to provide financial information that is
733 comparable to that reported for other public schools, charter
734 schools are to maintain all financial records that constitute
735 their accounting system:

736 1. In accordance with the accounts and codes prescribed in
737 the most recent issuance of the publication titled "Financial
738 and Program Cost Accounting and Reporting for Florida Schools";
739 or

740 2. At the discretion of the charter school's ~~school~~
741 governing board, a charter school may elect to follow generally
742 accepted accounting standards for not-for-profit organizations,
743 but must reformat this information for reporting according to
744 this paragraph.

745
746 Charter schools shall provide annual financial report and
747 program cost report information in the state-required formats
748 for inclusion in district reporting in compliance with s.
749 1011.60(1). Charter schools that are operated by a municipality
750 or are a component unit of a parent nonprofit organization may
751 use the accounting system of the municipality or the parent but
752 must reformat this information for reporting according to this
753 paragraph. A charter school shall provide a monthly financial
754 statement to the sponsor unless the charter school is designated

20111546er

755 as a high-performing charter school pursuant to s. 1002.331, in
756 which case the high-performing charter school may provide a
757 quarterly financial statement. The ~~monthly~~ financial statement
758 required under this paragraph shall be in a form prescribed by
759 the Department of Education.

760 (10) ELIGIBLE STUDENTS.—

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

763 1. Students who are siblings of a student enrolled in the
764 charter school.

765 2. Students who are the children of a member of the
766 governing board of the charter school.

767 3. Students who are the children of an employee of the
768 charter school.

769 4. Students who are the children of:

770 a. An employee of the business partner of a charter school-
771 in-the-workplace established under paragraph (15) (b) or a
772 resident of the municipality in which such charter school is
773 located; or

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

776 5. Students who have successfully completed a voluntary
777 prekindergarten education program under ss. 1002.51-1002.79
778 provided by the charter school or the charter school's governing
779 board during the previous year.

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

782 (h) The capacity of the charter school shall be determined
783 annually by the governing board, in conjunction with the

20111546er

784 sponsor, of the charter school in consideration of the factors
785 identified in this subsection unless the charter school is
786 designated as a high-performing charter school pursuant to s.
787 1002.331. A sponsor may not require a charter school to waive
788 the provisions of s. 1002.331 or require a student enrollment
789 cap that prohibits a high-performing charter school from
790 increasing enrollment in accordance with s. 1002.331(2) as a
791 condition of approval or renewal of a charter.

792 (i) The capacity of a high-performing charter school
793 identified pursuant to s. 1002.331 shall be determined annually
794 by the governing board of the charter school. The governing
795 board shall notify the sponsor of any increase in enrollment by
796 March 1 of the school year preceding the increase.

797 (18) FACILITIES.—

798 (a) A startup charter school shall utilize facilities which
799 comply with the Florida Building Code pursuant to chapter 553
800 except for the State Requirements for Educational Facilities.
801 Conversion charter schools shall utilize facilities that comply
802 with the State Requirements for Educational Facilities provided
803 that the school district and the charter school have entered
804 into a mutual management plan for the reasonable maintenance of
805 such facilities. The mutual management plan shall contain a
806 provision by which the district school board agrees to maintain
807 charter school facilities in the same manner as its other public
808 schools within the district. Charter schools, with the exception
809 of conversion charter schools, are not required to comply, but
810 may choose to comply, with the State Requirements for
811 Educational Facilities of the Florida Building Code adopted
812 pursuant to s. 1013.37. The local governing authority shall not

20111546er

813 adopt or impose any local building requirements or site-
814 development restrictions, such as parking and site-size
815 criteria, that are addressed by and more stringent than those
816 found in the State Requirements for Educational Facilities of
817 the Florida Building Code. Beginning July 1, 2011, a local
818 governing authority must treat charter schools equitably in
819 comparison to similar requirements, restrictions, and processes
820 imposed upon public schools that are not charter schools. The
821 agency having jurisdiction for inspection of a facility and
822 issuance of a certificate of occupancy or use shall be the local
823 municipality or, if in an unincorporated area, the county
824 governing authority.

825 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
826 for capital outlay funds pursuant to s. 1013.62. Capital outlay
827 funds authorized in ss. s. 1011.71(2) and 1013.62 that have been
828 shared with a charter school-in-the-workplace prior to July 1,
829 2010, are deemed to have met the authorized expenditure
830 requirements for such funds.

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

833 (a) If a charter school moves out of a facility that is
834 shared with another charter school having a separate Master
835 School Identification Number, the charter school must provide
836 for an audit of all equipment, educational materials and
837 supplies, curriculum materials, and other items purchased or
838 developed with federal charter school program grant funds, and
839 such items must be transferred to the charter school's new
840 location. The audit report must be submitted to the Department
841 of Education within 60 days after completion.

20111546er

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

846 ~~(a) The Department of Education shall staff and regularly~~
847 ~~convene a Charter School Review Panel in order to review issues,~~
848 ~~practices, and policies regarding charter schools. The~~
849 ~~composition of the review panel shall include individuals with~~
850 ~~experience in finance, administration, law, education, and~~
851 ~~school governance, and individuals familiar with charter school~~
852 ~~construction and operation. The panel shall include two~~
853 ~~appointees each from the Commissioner of Education, the~~
854 ~~President of the Senate, and the Speaker of the House of~~
855 ~~Representatives. The Governor shall appoint three members of the~~
856 ~~panel and shall designate the chair. Each member of the panel~~
857 ~~shall serve a 1 year term, unless renewed by the office making~~
858 ~~the appointment. The panel shall make recommendations to the~~
859 ~~Legislature, to the Department of Education, to charter schools,~~
860 ~~and to school districts for improving charter school operations~~
861 ~~and oversight and for ensuring best business practices at and~~
862 ~~fair business relationships with charter schools.~~

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

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

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

870 (26) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER

20111546er

871 SCHOOL SYSTEMS.—A charter school system shall be designated a
872 local educational agency solely for the purpose of receiving
873 federal funds, in the same manner as if the charter school
874 system were a school district, if the governing board of the
875 charter school system has adopted and filed a resolution with
876 its sponsoring district school board and the Department of
877 Education in which the governing board accepts full
878 responsibility for all local educational agency requirements and
879 if the charter school system meets all of the following:

- 880 (a) Includes both conversion charter schools and
881 nonconversion charter schools;
882 (b) Has all schools located in the same county;
883 (c) Has a total enrollment exceeding the total enrollment
884 of at least one school district in the state;
885 (d) Has the same governing board; and
886 (e) Does not contract with a for-profit service provider
887 for management of school operations.

888
889 Such designation does not apply to other provisions of law
890 unless specifically provided by law.

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

893 (a) Identify the school districts that distribute funds or
894 provide facilities, renovation, or new construction with funds
895 generated by the capital improvement millage authorized under s.
896 1011.71(2), Florida Statutes, to charter schools and the use of
897 such funds by the charter schools.

898 (b) Examine the costs associated with supervising charter
899 schools and determine whether the 5-percent administrative fee

20111546er

900 for administrative and educational services for charter schools
901 covers the costs associated with the provision of the services.

902 (c) Examine the distribution of federal education funding
903 to eligible students who are enrolled in charter schools,
904 including, without limitation, funding provided under Title I of
905 the Elementary and Secondary Education Act and the Individuals
906 with Disabilities Education Act.

907 (d) Examine the impacts of removing the discretion given to
908 school districts regarding the distribution of capital
909 improvement millage authorized under s. 1011.71(2), Florida
910 Statutes, to charter schools-in-a-municipality as set forth in
911 s. 1002.33(15)(c), Florida Statutes.

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

915 Section 5. Section 1002.33(7)(d), Florida Statutes, as
916 created by this act, controls over s. 1002.33(7)(d), Florida
917 Statutes, as created by CS/CS/HB 7197, if both acts are adopted
918 in the same legislative session or an extension thereof and
919 become law.

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