

1                   A bill to be entitled  
2           An act relating to school choice; creating s. 1002.331,  
3           F.S.; establishing criteria for high-performing charter  
4           schools; authorizing a high-performing charter school to  
5           increase enrollment, expand grade levels served,  
6           consolidate the charters of certain charter schools,  
7           receive a 15-year charter renewal, and report financial  
8           statements on a quarterly basis; authorizing a high-  
9           performing charter school to apply to establish a charter  
10          school that replicates its educational program; providing  
11          application requirements; limiting the number of charter  
12          schools that may be established; requiring eligibility  
13          verification by the Commissioner of Education; creating s.  
14          1002.332, F.S.; providing definitions; establishing  
15          criteria for high-performing charter school systems;  
16          providing for eligibility verification by the Commissioner  
17          of Education; authorizing a high-performing charter school  
18          system to apply to establish a charter school that  
19          replicates the educational program of one or more of its  
20          existing high-performing charter schools; providing  
21          application requirements; limiting the number of charter  
22          schools that may be established; amending s. 1002.33,  
23          F.S.; authorizing a charter school operated by a Florida  
24          College System institution to serve students in  
25          kindergarten through grade 12 if certain criteria are met;  
26          requiring a charter school sponsor to allow a charter  
27          school applicant to correct technical deficiencies in its  
28          application before approval or denial; establishing

29 standards for sponsor review of a charter school  
30 application submitted by a high-performing charter school  
31 or high-performing charter school system; authorizing  
32 direct appeal to the State Board of Education of a denial  
33 of an application; establishing standards for reviewing  
34 such an appeal; revising applicant training requirements;  
35 requiring inclusion in the charter of procedures relating  
36 to high-performing charter schools; authorizing a sponsor  
37 to require certain governing board members to reside in  
38 the school district; revising the procedure for nonrenewal  
39 or termination of a charter; authorizing a charter  
40 school's governing board to request a hearing regarding  
41 charter nonrenewal or termination, including immediate  
42 termination; authorizing the sponsor to choose to provide  
43 a direct hearing or a hearing before an administrative law  
44 judge; authorizing the award of costs and attorney's fees  
45 to a charter school governing board if certain criteria  
46 are met; authorizing quarterly financial reporting for  
47 certain charter schools; establishing additional student  
48 enrollment preferences; correcting a cross-reference  
49 relating to the disclosure of financial interests;  
50 providing requirements for the shared use of charter  
51 school facilities; authorizing certain charter school  
52 systems to be the local education agency for administering  
53 federal funding received by the system's schools;  
54 requiring the Department of Education to examine certain  
55 charter school funding and costs and report its findings

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56 to the Governor and the Legislature; providing an  
57 effective date.  
58

59 Be It Enacted by the Legislature of the State of Florida:  
60

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

63 1002.331 High-performing charter schools.-

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

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

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

72 (c) Did not receive a financial audit that revealed one or  
73 more of the financial emergency conditions set forth in s.  
74 218.503(1) in the most recent 3 fiscal years for which such  
75 audits are available. However, the condition is deemed met for a  
76 charter school-in-the-workplace if there is a finding in an  
77 audit that the school has the monetary resources available to  
78 cover any reported deficiency or that the deficiency does not  
79 result in a deteriorating financial condition pursuant to s.  
80 1002.345(1)(a)3.

81  
82 A virtual charter school established under s. 1002.33 is not  
83 eligible for designation as a high-performing charter school.

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84 (2) A high-performing charter school may:

85 (a) Increase its student enrollment once per school year  
86 by up to 15 percent more than the capacity determined in the  
87 charter.

88 (b) Expand grade levels within kindergarten through grade  
89 12 to add grade levels not already served if any annual  
90 enrollment increase resulting from grade level expansion is  
91 within the limit established in paragraph (a).

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

94 (d) Consolidate under a single charter the charters of  
95 multiple high-performing charter schools operated in the same  
96 school district by the charter schools' governing board  
97 regardless of the renewal cycle.

98 (e) Receive a 15-year charter renewal. The charter may be  
99 renewed for a shorter term at the option of the high-performing  
100 charter school. The charter is subject to annual review by the  
101 sponsor and may be terminated during its term pursuant to s.  
102 1002.33(8).

103

104 A high-performing charter school shall notify its sponsor in  
105 writing by March 1 if it intends to increase enrollment or  
106 expand grade levels the following school year. The written  
107 notice shall specify the amount of the enrollment increase and  
108 the grade levels that will be added, as applicable.

109 (3) (a) A high-performing charter school may submit an  
110 application pursuant to s. 1002.33(6) in any school district in  
111 the state to establish and operate a new charter school that

112 will substantially replicate its educational program. An  
113 application submitted by a high-performing charter school must  
114 state that the application is being submitted pursuant to this  
115 paragraph and must include the verification letter provided by  
116 the Commissioner of Education pursuant to subsection (5). If the  
117 sponsor fails to act on the application within 60 days after  
118 receipt, the application is deemed approved and the procedure in  
119 s. 1002.33(6) (h) applies. If the sponsor denies the application,  
120 the high-performing charter school may appeal pursuant to s.  
121 1002.33(6).

122 (b) A high-performing charter school may not establish  
123 more than one charter school within the state under paragraph  
124 (a) in any year. A subsequent application to establish a charter  
125 school under paragraph (a) may not be submitted unless each  
126 charter school established in this manner achieves high-  
127 performing charter school status. A charter school established  
128 under paragraph (a) must meet class size requirements  
129 established under s. 1003.03, calculated at the classroom level.

130 (4) A high-performing charter school may not increase  
131 enrollment or expand grade levels following any school year in  
132 which it receives a school grade of "C" or below. If the charter  
133 school receives a school grade of "C" or below in any 2 years  
134 during the term of the charter awarded under subsection (2), the  
135 term of the charter may be modified by the sponsor and the  
136 charter school loses its high-performing charter school status  
137 until it regains that status under subsection (1).

138 (5) The Commissioner of Education, upon request by a  
139 charter school, shall verify that the charter school meets the

140 criteria in subsection (1) and provide a letter to the charter  
 141 school and the sponsor stating that the charter school is a  
 142 high-performing charter school pursuant to this section.

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

145 Section 2. Section 1002.332, Florida Statutes, is created  
 146 to read:

147 1002.332 High-performing charter school system.—

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

149 (a) "Entity" means a municipality or other public entity  
 150 that is authorized by law to operate a charter school or is a  
 151 private, nonprofit corporation with tax-exempt status under s.  
 152 501(c) (3) of the Internal Revenue Code.

153 (b) "High-performing charter school system" means an  
 154 entity that:

155 1. Operates at least three high-performing charter schools  
 156 in the state.

157 2. Operates a system of charter schools in which, during  
 158 each of the previous 3 school years, at least 50 percent of the  
 159 charter schools received a school grade of "A" and no charter  
 160 school received a school grade below "B," pursuant to s.  
 161 1008.34.

162 a. If the entity has assumed operation of a public school  
 163 with a school grade of "C," that school's grade shall not be  
 164 considered in determining high-performing charter school system  
 165 status if the school attains and maintains a school grade of "B"  
 166 or higher within 3 years after the entity assumes operation of  
 167 the school. The charter school's grade shall be considered for

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168 purposes of this sub-subparagraph beginning in year 4 after  
169 operations have been assumed.

170 b. If the entity has assumed operation of a public school  
171 with a school grade of "D" or "F," that school's grade shall not  
172 be considered in determining high-performing charter school  
173 system status if the school attains and maintains an increase in  
174 the school's grade within 3 years after the entity assumes  
175 operation of the school and attains and maintains a school grade  
176 of "B" or higher within 5 years after the entity assumes  
177 operation of the school. The charter school's grade shall be  
178 considered for purposes of this sub-subparagraph beginning in  
179 year 6 after operations have been assumed.

180 c. If the entity establishes a new charter school that  
181 serves a student population the majority of which resides in a  
182 school zone served by a public school that is identified as  
183 lowest performing under s. 1008.33(4)(b), that charter school's  
184 grade shall not be considered in determining high-performing  
185 charter school system status if it attains and maintains a  
186 school grade that is higher than that of the public school  
187 serving that school zone within 3 years after establishment and  
188 attains and maintains a school grade of "B" or higher within 5  
189 years after establishment. The charter school's grade shall be  
190 considered for purposes of this sub-subparagraph beginning in  
191 year 6 after operations have been assumed.

192 3. Has not received a financial audit that revealed one or  
193 more of the financial emergency conditions set forth in s.  
194 218.503(1) for any charter school assumed or established by the  
195 entity.

196       (2) (a) The Commissioner of Education, upon request by an  
197 entity, shall verify that the entity meets the criteria in  
198 subsection (1) and provide a letter to the entity stating that  
199 it is a high-performing charter school system.

200       (b) A high-performing charter school system may submit an  
201 application pursuant to s. 1002.33(6) in any school district in  
202 the state to establish and operate a new charter school that  
203 will substantially replicate the educational program of one or  
204 more of its existing high-performing charter schools. An  
205 application submitted by a high-performing charter school system  
206 must state that the application is being submitted pursuant to  
207 this paragraph and must include the verification letter provided  
208 by the Commissioner of Education pursuant to paragraph (a). If  
209 the sponsor fails to act on the application within 60 days after  
210 receipt, the application is deemed approved and the procedure in  
211 s. 1002.33(6) (h) applies. If the sponsor denies the application,  
212 the high-performing charter school system may appeal pursuant to  
213 s. 1002.33(6).

214       (c) A high-performing charter school system may not  
215 establish more than one charter school in a school district in  
216 any one year under paragraph (b). An application to establish a  
217 subsequent charter school under paragraph (b) in a school  
218 district may not be submitted unless each charter school  
219 established in the district in this manner achieves high-  
220 performing charter school status. A charter school established  
221 under paragraph (b) must meet class size requirements  
222 established under s. 1003.03, calculated at the classroom level.



223           (3) A high-performing charter school replicated under this  
 224 section may not be replicated as a virtual charter school.

225           Section 3. Paragraph (b) of subsection (5), paragraphs  
 226 (b), (c), (e), and (f) of subsection (6), subsection (7),  
 227 paragraphs (b), (c), and (d) of subsection (8), paragraph (g) of  
 228 subsection (9), paragraph (d) of subsection (10), and paragraph  
 229 (b) of subsection (25) of section 1002.33, Florida Statutes, are  
 230 amended, subsection (26) is renumbered as subsection (28), and  
 231 new subsections (26) and (27) are added to that section, to  
 232 read:

233           1002.33 Charter schools.—

234           (5) SPONSOR; DUTIES.—

235           (b) Sponsor duties.—

236           1.a. The sponsor shall monitor and review the charter  
 237 school in its progress toward the goals established in the  
 238 charter.

239           b. The sponsor shall monitor the revenues and expenditures  
 240 of the charter school and perform the duties provided in s.  
 241 1002.345.

242           c. The sponsor may approve a charter for a charter school  
 243 before the applicant has identified space, equipment, or  
 244 personnel, if the applicant indicates approval is necessary for  
 245 it to raise working funds.

246           d. The sponsor's policies shall not apply to a charter  
 247 school unless mutually agreed to by both the sponsor and the  
 248 charter school.

249 e. The sponsor shall ensure that the charter is innovative  
 250 and consistent with the state education goals established by s.  
 251 1000.03(5).

252 f. The sponsor shall ensure that the charter school  
 253 participates in the state's education accountability system. If  
 254 a charter school falls short of performance measures included in  
 255 the approved charter, the sponsor shall report such shortcomings  
 256 to the Department of Education.

257 g. The sponsor shall not be liable for civil damages under  
 258 state law for personal injury, property damage, or death  
 259 resulting from an act or omission of an officer, employee,  
 260 agent, or governing body of the charter school.

261 h. The sponsor shall not be liable for civil damages under  
 262 state law for any employment actions taken by an officer,  
 263 employee, agent, or governing body of the charter school.

264 i. The sponsor's duties to monitor the charter school  
 265 shall not constitute the basis for a private cause of action.

266 j. The sponsor shall not impose additional reporting  
 267 requirements on a charter school without providing reasonable  
 268 and specific justification in writing to the charter school.

269 2. Immunity for the sponsor of a charter school under  
 270 subparagraph 1. applies only with respect to acts or omissions  
 271 not under the sponsor's direct authority as described in this  
 272 section.

273 3. This paragraph does not waive a district school board's  
 274 sovereign immunity.

275 4. A community college may work with the school district  
 276 or school districts in its designated service area to develop

277 charter schools that offer secondary education. These charter  
278 schools must include an option for students to receive an  
279 associate degree upon high school graduation. A Florida College  
280 System institution may operate no more than one charter school  
281 that serves students in kindergarten through grade 12 if the  
282 institution operates an approved teacher preparation program  
283 under s. 1004.04 or s. 1004.85. District school boards shall  
284 cooperate with and assist the community college on the charter  
285 application. Community college applications for charter schools  
286 are not subject to the time deadlines outlined in subsection (6)  
287 and may be approved by the district school board at any time  
288 during the year. Community colleges may not report FTE for any  
289 students who receive FTE funding through the Florida Education  
290 Finance Program.

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

293 (b) A sponsor shall receive and review all applications  
294 for a charter school using an evaluation instrument developed by  
295 the Department of Education. ~~Beginning with the 2007-2008 school~~  
296 ~~year,~~ A sponsor shall receive and consider charter school  
297 applications received on or before August 1 of each calendar  
298 year for charter schools to be opened at the beginning of the  
299 school district's next school year, or to be opened at a time  
300 agreed to by the applicant and the sponsor. A sponsor may  
301 receive applications later than this date if it chooses. A  
302 sponsor may not charge an applicant for a charter any fee for  
303 the processing or consideration of an application, and a sponsor  
304 may not base its consideration or approval of an application

305 upon the promise of future payment of any kind. Before approving  
306 or denying any application, the sponsor shall allow the  
307 applicant, upon receipt of written notification, at least 7  
308 calendar days to make technical or nonsubstantive corrections  
309 and clarifications, including, but not limited to, corrections  
310 of grammatical, typographical, and like errors or missing  
311 signatures, if such errors are identified by the sponsor as  
312 cause to deny the application.

313 1. In order to facilitate an accurate budget projection  
314 process, a sponsor shall be held harmless for FTE students who  
315 are not included in the FTE projection due to approval of  
316 charter school applications after the FTE projection deadline.  
317 In a further effort to facilitate an accurate budget projection,  
318 within 15 calendar days after receipt of a charter school  
319 application, a sponsor shall report to the Department of  
320 Education the name of the applicant entity, the proposed charter  
321 school location, and its projected FTE.

322 2. In order to ensure fiscal responsibility, an  
323 application for a charter school shall include a full accounting  
324 of expected assets, a projection of expected sources and amounts  
325 of income, including income derived from projected student  
326 enrollments and from community support, and an expense  
327 projection that includes full accounting of the costs of  
328 operation, including start-up costs.

329 3.a. A sponsor shall by a majority vote approve or deny an  
330 application no later than 60 calendar days after the application  
331 is received, unless the sponsor and the applicant mutually agree  
332 in writing to temporarily postpone the vote to a specific date,

333 at which time the sponsor shall by a majority vote approve or  
334 deny the application. If the sponsor fails to act on the  
335 application, an applicant may appeal to the State Board of  
336 Education as provided in paragraph (c). If an application is  
337 denied, the sponsor shall, within 10 calendar days after such  
338 denial, articulate in writing the specific reasons, based upon  
339 good cause, supporting its denial of the charter application and  
340 shall provide the letter of denial and supporting documentation  
341 to the applicant and to the Department of Education ~~supporting~~  
342 ~~those reasons.~~

343 b. An application submitted by a high-performing charter  
344 school identified pursuant to s. 1002.331 or a high-performing  
345 charter school system identified pursuant to s. 1002.332 may be  
346 denied by the sponsor only if the sponsor demonstrates by clear  
347 and convincing evidence that:

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

350 (II) The charter school proposed in the application does  
351 not materially comply with the requirements in paragraphs  
352 (9) (a) - (f);

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

356 (IV) The applicant has made a material misrepresentation  
357 or false statement or concealed an essential or material fact  
358 during the application process; or

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

362  
363 Material noncompliance is a failure to follow requirements or a  
364 violation of prohibitions applicable to charter school  
365 applications, which failure is quantitatively or qualitatively  
366 significant either individually or when aggregated with other  
367 noncompliance. An applicant is considered to be replicating a  
368 high-performing charter school if the proposed school is  
369 substantially similar to at least one of the applicant's high-  
370 performing charter schools and the organization or individuals  
371 involved in the establishment and operation of the proposed  
372 school are significantly involved in the operation of replicated  
373 schools.

374       c. If the sponsor denies an application submitted by a  
375 high-performing charter school or a high-performing charter  
376 school system, the sponsor must, within 10 calendar days after  
377 such denial, state in writing the specific reasons, based upon  
378 the criteria in sub-subparagraph b., supporting its denial of  
379 the application and must provide the letter of denial and  
380 supporting documentation to the applicant and to the Department  
381 of Education. The applicant may appeal the sponsor's denial of  
382 the application directly to the State Board of Education for  
383 review pursuant to sub-subparagraph (c)3.b.

384       4. For budget projection purposes, the sponsor shall  
385 report to the Department of Education the approval or denial of  
386 a charter application within 10 calendar days after such

387 approval or denial. In the event of approval, the report to the  
388 Department of Education shall include the final projected FTE  
389 for the approved charter school.

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

394 (c)1. An applicant may appeal any denial of that  
395 applicant's application or failure to act on an application to  
396 the State Board of Education no later than 30 calendar days  
397 after receipt of the sponsor's decision or failure to act and  
398 shall notify the sponsor of its appeal. Any response of the  
399 sponsor shall be submitted to the State Board of Education  
400 within 30 calendar days after notification of the appeal. Upon  
401 receipt of notification from the State Board of Education that a  
402 charter school applicant is filing an appeal, the Commissioner  
403 of Education shall convene a meeting of the Charter School  
404 Appeal Commission to study and make recommendations to the State  
405 Board of Education regarding its pending decision about the  
406 appeal. The commission shall forward its recommendation to the  
407 state board no later than 7 calendar days prior to the date on  
408 which the appeal is to be heard.

409 2. The Charter School Appeal Commission may reject an  
410 appeal submission for failure to comply with procedural rules  
411 governing the appeals process. The rejection shall describe the  
412 submission errors. The appellant shall have 15 calendar days  
413 after notice of rejection in which to resubmit an appeal that  
414 meets the requirements set forth in State Board of Education

415 rule. An appeal submitted subsequent to such rejection is  
416 considered timely if the original appeal was filed within 30  
417 calendar days after receipt of notice of the specific reasons  
418 for the sponsor's denial of the charter application.

419 3.a. The State Board of Education shall by majority vote  
420 accept or reject the decision of the sponsor no later than 90  
421 calendar days after an appeal is filed in accordance with State  
422 Board of Education rule. ~~The Charter School Appeal Commission~~  
423 ~~may reject an appeal submission for failure to comply with~~  
424 ~~procedural rules governing the appeals process. The rejection~~  
425 ~~shall describe the submission errors. The appellant may have up~~  
426 ~~to 15 calendar days from notice of rejection to resubmit an~~  
427 ~~appeal that meets requirements of State Board of Education rule.~~  
428 ~~An application for appeal submitted subsequent to such rejection~~  
429 ~~shall be considered timely if the original appeal was filed~~  
430 ~~within 30 calendar days after receipt of notice of the specific~~  
431 ~~reasons for the sponsor's denial of the charter application. The~~  
432 State Board of Education shall remand the application to the  
433 sponsor with its written decision that the sponsor approve or  
434 deny the application. The sponsor shall implement the decision  
435 of the State Board of Education. The decision of the State Board  
436 of Education is not subject to the provisions of the  
437 Administrative Procedure Act, chapter 120.

438 b. If an appeal concerns an application submitted by a  
439 high-performing charter school identified pursuant to s.  
440 1002.331 or a high-performing charter school system identified  
441 pursuant to s. 1002.332, the State Board of Education shall



442 review the application denial to determine whether the sponsor  
443 has shown, by clear and convincing evidence, that:

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

446 (II) The charter school proposed in the application does  
447 not materially comply with the requirements in paragraphs  
448 (9) (a) - (f);

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

452 (IV) The applicant has made a material misrepresentation  
453 or false statement or concealed an essential or material fact  
454 during the application process; or

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

458  
459 The State Board of Education shall approve or reject the  
460 sponsor's denial of an application no later than 90 calendar  
461 days after an appeal is filed in accordance with State Board of  
462 Education rule. The State Board of Education shall remand the  
463 application to the sponsor with its written decision that the  
464 sponsor approve or deny the application. The sponsor shall  
465 implement the decision of the State Board of Education. The  
466 decision of the State Board of Education is not subject to the  
467 Administrative Procedure Act, chapter 120.

468 (e)1. A Charter School Appeal Commission is established to  
469 assist the commissioner and the State Board of Education with a

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470 fair and impartial review of appeals by applicants whose charter  
471 applications have been denied, whose charter contracts have not  
472 been renewed, or whose charter contracts have been terminated by  
473 their sponsors.

474 2. The Charter School Appeal Commission may receive copies  
475 of the appeal documents forwarded to the State Board of  
476 Education, review the documents, gather other applicable  
477 information regarding the appeal, and make a written  
478 recommendation to the commissioner. The recommendation must  
479 state whether the appeal should be upheld or denied and include  
480 the reasons for the recommendation being offered. The  
481 commissioner shall forward the recommendation to the State Board  
482 of Education no later than 7 calendar days prior to the date on  
483 which the appeal is to be heard. The state board must consider  
484 the commission's recommendation in making its decision, but is  
485 not bound by the recommendation. The decision of the Charter  
486 School Appeal Commission is not subject to the provisions of the  
487 Administrative Procedure Act, chapter 120.

488 3. The commissioner shall appoint a number of ~~the~~ members  
489 to ~~of~~ the Charter School Appeal Commission sufficient to ensure  
490 that no potential conflict of interest exists for any commission  
491 appeal decision. Members shall serve without compensation but  
492 may be reimbursed for travel and per diem expenses in  
493 conjunction with their service. Of the members present at the  
494 time of appeal decisions before the commission, one-half of the  
495 members must represent currently operating charter schools, and  
496 one-half of the members must represent sponsors. The

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497 commissioner or a named designee shall chair the Charter School  
498 Appeal Commission.

499 4. The chair shall convene meetings of the commission and  
500 shall ensure that the written recommendations are completed and  
501 forwarded in a timely manner. In cases where the commission  
502 cannot reach a decision, the chair shall make the written  
503 recommendation with justification, noting that the decision was  
504 rendered by the chair.

505 5. Commission members shall thoroughly review the  
506 materials presented to them from the appellant and the sponsor.  
507 The commission may request information to clarify the  
508 documentation presented to it. In the course of its review, the  
509 commission may facilitate the postponement of an appeal in those  
510 cases where additional time and communication may negate the  
511 need for a formal appeal and both parties agree, in writing, to  
512 postpone the appeal to the State Board of Education. A new date  
513 certain for the appeal shall then be set based upon the rules  
514 and procedures of the State Board of Education. Commission  
515 members shall provide a written recommendation to the state  
516 board as to whether the appeal should be upheld or denied. A  
517 fact-based justification for the recommendation must be  
518 included. The chair must ensure that the written recommendation  
519 is submitted to the State Board of Education members no later  
520 than 7 calendar days prior to the date on which the appeal is to  
521 be heard. Both parties in the case shall also be provided a copy  
522 of the recommendation.

523 (f)1. The Department of Education shall provide ~~offer~~ or  
524 arrange for training and technical assistance to charter schools

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525 ~~school applicants~~ in developing and adjusting business plans and  
526 accounting for ~~estimating~~ costs and income. Training and  
527 technical ~~This~~ assistance shall also address, at a minimum,  
528 state and federal grant and student performance accountability  
529 reporting requirements and provide assistance in estimating  
530 ~~startup costs, projecting enrollment, and identifying and~~  
531 applying for the types and amounts of state and federal  
532 financial assistance the charter school may be eligible to  
533 receive. The department may provide other technical assistance  
534 to an applicant upon written request.

535 2. A charter school applicant must participate in the  
536 training provided by the Department of Education after approval  
537 of an application but at least 30 calendar days before the first  
538 day of classes at the charter school ~~before filing an~~  
539 ~~application~~. However, a sponsor may require the charter school  
540 applicant to attend training provided by the sponsor in lieu of  
541 the department's training if the sponsor's training standards  
542 meet or exceed the standards developed by the department ~~of~~  
543 Education. In such case, the sponsor may not require the charter  
544 school applicant to attend the training within 30 calendar days  
545 before the first day of classes at the charter school. The  
546 training must ~~shall~~ include instruction in accurate financial  
547 planning and good business practices. If the applicant is a  
548 management company or a ~~other~~ nonprofit organization, the  
549 charter school principal and the chief financial officer or his  
550 or her equivalent must also participate in the training. A  
551 sponsor may not require a high-performing charter school or

552 high-performing charter school system applicant to participate  
 553 in the training described in this subparagraph more than once.

554 (7) CHARTER.—The major issues involving the operation of a  
 555 charter school shall be considered in advance and written into  
 556 the charter. The charter shall be signed by the governing board  
 557 ~~body~~ of the charter school and the sponsor, following a public  
 558 hearing to ensure community input.

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

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

563 2. The focus of the curriculum, the instructional methods  
 564 to be used, any distinctive instructional techniques to be  
 565 employed, and identification and acquisition of appropriate  
 566 technologies needed to improve educational and administrative  
 567 performance which include a means for promoting safe, ethical,  
 568 and appropriate uses of technology which comply with legal and  
 569 professional standards. The charter shall ensure that reading is  
 570 a primary focus of the curriculum and that resources are  
 571 provided to identify and provide specialized instruction for  
 572 students who are reading below grade level. The curriculum and  
 573 instructional strategies for reading must be consistent with the  
 574 Sunshine State Standards and grounded in scientifically based  
 575 reading research.

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

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

582 b. How these baseline rates will be compared to rates of  
583 academic progress achieved by these same students while  
584 attending the charter school.

585 c. To the extent possible, how these rates of progress  
586 will be evaluated and compared with rates of progress of other  
587 closely comparable student populations.

588  
589 The district school board is required to provide academic  
590 student performance data to charter schools for each of their  
591 students coming from the district school system, as well as  
592 rates of academic progress of comparable student populations in  
593 the district school system.

594 4. The methods used to identify the educational strengths  
595 and needs of students and how well educational goals and  
596 performance standards are met by students attending the charter  
597 school. The methods shall provide a means for the charter school  
598 to ensure accountability to its constituents by analyzing  
599 student performance data and by evaluating the effectiveness and  
600 efficiency of its major educational programs. Students in  
601 charter schools shall, at a minimum, participate in the  
602 statewide assessment program created under s. 1008.22.

603 5. In secondary charter schools, a method for determining  
604 that a student has satisfied the requirements for graduation in  
605 s. 1003.43.

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

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

610           8. The ways by which the school will achieve a  
611 racial/ethnic balance reflective of the community it serves or  
612 within the racial/ethnic range of other public schools in the  
613 same school district.

614           9. The financial and administrative management of the  
615 school, including a reasonable demonstration of the professional  
616 experience or competence of those individuals or organizations  
617 applying to operate the charter school or those hired or  
618 retained to perform such professional services and the  
619 description of clearly delineated responsibilities and the  
620 policies and practices needed to effectively manage the charter  
621 school. A description of internal audit procedures and  
622 establishment of controls to ensure that financial resources are  
623 properly managed must be included. Both public sector and  
624 private sector professional experience shall be equally valid in  
625 such a consideration.

626           10. The asset and liability projections required in the  
627 application which are incorporated into the charter and shall be  
628 compared with information provided in the annual report of the  
629 charter school.

630           11. A description of procedures that identify various  
631 risks and provide for a comprehensive approach to reduce the  
632 impact of losses; plans to ensure the safety and security of  
633 students and staff; plans to identify, minimize, and protect  
634 others from violent or disruptive student behavior; and the  
635 manner in which the school will be insured, including whether or

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636 not the school will be required to have liability insurance,  
637 and, if so, the terms and conditions thereof and the amounts of  
638 coverage.

639 12. The term of the charter which shall provide for  
640 cancellation of the charter if insufficient progress has been  
641 made in attaining the student achievement objectives of the  
642 charter and if it is not likely that such objectives can be  
643 achieved before expiration of the charter. The initial term of a  
644 charter shall be for 4 or 5 years. In order to facilitate access  
645 to long-term financial resources for charter school  
646 construction, charter schools that are operated by a  
647 municipality or other public entity as provided by law are  
648 eligible for up to a 15-year charter, subject to approval by the  
649 district school board. A charter lab school is eligible for a  
650 charter for a term of up to 15 years. In addition, to facilitate  
651 access to long-term financial resources for charter school  
652 construction, charter schools that are operated by a private,  
653 not-for-profit, s. 501(c)(3) status corporation are eligible for  
654 up to a 15-year charter, subject to approval by the district  
655 school board. Such long-term charters remain subject to annual  
656 review and may be terminated during the term of the charter, but  
657 only according to the provisions set forth in subsection (8).

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

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



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

665           16. A timetable for implementing the charter which  
666 addresses the implementation of each element thereof and the  
667 date by which the charter shall be awarded in order to meet this  
668 timetable.

669           17. In the case of an existing public school that is being  
670 converted to charter status, alternative arrangements for  
671 current students who choose not to attend the charter school and  
672 for current teachers who choose not to teach in the charter  
673 school after conversion in accordance with the existing  
674 collective bargaining agreement or district school board rule in  
675 the absence of a collective bargaining agreement. However,  
676 alternative arrangements shall not be required for current  
677 teachers who choose not to teach in a charter lab school, except  
678 as authorized by the employment policies of the state university  
679 which grants the charter to the lab school.

680           18. Full disclosure of the identity of all relatives  
681 employed by the charter school who are related to the charter  
682 school owner, president, chairperson of the governing board of  
683 directors, superintendent, governing board member, principal,  
684 assistant principal, or any other person employed by the charter  
685 school who has equivalent decisionmaking authority. For the  
686 purpose of this subparagraph, the term "relative" means father,  
687 mother, son, daughter, brother, sister, uncle, aunt, first  
688 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
689 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,

690 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
691 stepsister, half brother, or half sister.

692 19. Implementation of the activities authorized under s.  
693 1002.331 by the charter school when it satisfies the eligibility  
694 requirements for a high-performing charter school. A high-  
695 performing charter school shall notify its sponsor in writing by  
696 March 1 if it intends to increase enrollment or expand grade  
697 levels the following school year. The written notice shall  
698 specify the amount of the enrollment increase and the grade  
699 levels that will be added, as applicable.

700 (b)1. A charter may be renewed provided that a program  
701 review demonstrates that the criteria in paragraph (a) have been  
702 successfully accomplished and that none of the grounds for  
703 nonrenewal established by paragraph (8) (a) has been documented.  
704 In order to facilitate long-term financing for charter school  
705 construction, charter schools operating for a minimum of 3 years  
706 and demonstrating exemplary academic programming and fiscal  
707 management are eligible for a 15-year charter renewal. Such  
708 long-term charter is subject to annual review and may be  
709 terminated during the term of the charter.

710 2. The 15-year charter renewal that may be granted  
711 pursuant to subparagraph 1. shall be granted to a charter school  
712 that has received a school grade of "A" or "B" pursuant to s.  
713 1008.34 in 3 of the past 4 years and is not in a state of  
714 financial emergency or deficit position as defined by this  
715 section. Such long-term charter is subject to annual review and  
716 may be terminated during the term of the charter pursuant to  
717 subsection (8).

718 (c) A charter may be modified during its initial term or  
 719 any renewal term upon the recommendation of the sponsor or the  
 720 charter school governing board and the approval of both parties  
 721 to the agreement.

722 (d) A school district may require that up to 50 percent of  
 723 a charter school's governing board members reside in the school  
 724 district in which the charter school is located. Each charter  
 725 school's governing board must annually hold at least three  
 726 public meetings in the school district. Such meetings must be  
 727 open and accessible to the public, and attendees must be  
 728 provided an opportunity to receive information and provide input  
 729 regarding the charter school's affairs. A quorum of the  
 730 governing board members must be physically present at each  
 731 meeting.

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

733 (b) At least 90 days prior to renewing or terminating a  
 734 charter, the sponsor shall notify the governing board ~~body~~ of  
 735 the school of the proposed action in writing. The notice shall  
 736 state in reasonable detail the grounds for the proposed action  
 737 and stipulate that the school's governing board ~~body~~ may, within  
 738 14 calendar days after receiving the notice, request a ~~an~~  
 739 informal hearing. The hearing shall be conducted at the  
 740 sponsor's election in accordance with one of the following  
 741 procedures:

742 1. A direct hearing conducted by the sponsor within 60  
 743 days after receipt of the request for a hearing. The hearing  
 744 shall be conducted in accordance with ss. 120.569 and 120.57.

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745 The sponsor shall decide upon nonrenewal or termination by a  
746 majority vote. The sponsor's decision shall be a final order; or  
747 2. A hearing conducted by an administrative law judge  
748 assigned by the Division of Administrative Hearings. The hearing  
749 shall be conducted within 60 days after receipt of the request  
750 for a hearing in accordance with chapter 120. The recommendation  
751 of the administrative law judge shall be made to the sponsor. A  
752 majority vote by the sponsor shall be required to sustain or  
753 change the administrative law judge's recommendation. The  
754 determination of the sponsor shall be a final order ~~before the~~  
755 ~~sponsor. The sponsor shall conduct the informal hearing within~~  
756 ~~30 calendar days after receiving a written request.~~

757 (c) The final order shall include the specific reasons for  
758 nonrenewal or termination of the charter and shall be provided  
759 to the charter school governing board and the Department of  
760 Education within 10 calendar days after the final order is  
761 issued. ~~If a charter is not renewed or is terminated pursuant to~~  
762 ~~paragraph (b), the sponsor shall, within 10 calendar days,~~  
763 ~~articulate in writing the specific reasons for its nonrenewal or~~  
764 ~~termination of the charter and must provide the letter of~~  
765 ~~nonrenewal or termination and documentation supporting the~~  
766 ~~reasons to the charter school governing body, the charter school~~  
767 ~~principal, and the Department of Education. The charter school's~~  
768 ~~governing board ~~body~~ may, within 30 calendar days after~~  
769 ~~receiving the sponsor's final order ~~written decision to refuse~~~~  
770 ~~to renew or to terminate the charter, appeal the decision~~  
771 ~~pursuant to s. 120.68 the procedure established in subsection~~  
772 ~~(6).~~

773 (d) A charter may be terminated immediately if the sponsor  
774 sets forth in writing the particular facts and circumstances  
775 indicating that an immediate and serious danger to ~~determines~~  
776 ~~that good cause has been shown or if the health, safety, or~~  
777 ~~welfare of the charter school's students exists is threatened.~~  
778 The sponsor's determination is ~~not~~ subject to the procedures set  
779 forth in paragraphs ~~an informal hearing under paragraph~~ (b) ~~and~~  
780 (c), except that the hearing may take place after the charter  
781 has been terminated ~~or pursuant to chapter 120.~~ The sponsor  
782 shall notify in writing the charter school's governing board  
783 ~~body~~, the charter school principal, and the department if a  
784 charter is ~~immediately~~ terminated immediately. The sponsor shall  
785 clearly identify the specific issues that resulted in the  
786 immediate termination and provide evidence of prior notification  
787 of issues resulting in the immediate termination when  
788 appropriate. Upon receiving written notice from the sponsor, the  
789 charter school's governing board has 10 calendar days to request  
790 a hearing. A requested hearing must be expedited and the final  
791 order must be issued within 60 days after the date of request.  
792 The sponsor shall assume operation of the charter school  
793 throughout the pendency of the hearing under paragraphs (b) and  
794 (c) unless the continued operation of the charter school would  
795 materially threaten the health, safety, or welfare of the  
796 students. Failure by the sponsor to assume and continue  
797 operation of the charter school shall result in the awarding of  
798 costs and attorney's fees to the charter school if the charter  
799 school prevails on appeal. ~~The school district in which the~~  
800 ~~charter school is located shall assume operation of the school~~

801 ~~under these circumstances. The charter school's governing board~~  
 802 ~~may, within 30 days after receiving the sponsor's decision to~~  
 803 ~~terminate the charter, appeal the decision pursuant to the~~  
 804 ~~procedure established in subsection (6).~~

805 (9) CHARTER SCHOOL REQUIREMENTS.—

806 (g) In order to provide financial information that is  
 807 comparable to that reported for other public schools, charter  
 808 schools are to maintain all financial records that constitute  
 809 their accounting system:

810 1. In accordance with the accounts and codes prescribed in  
 811 the most recent issuance of the publication titled "Financial  
 812 and Program Cost Accounting and Reporting for Florida Schools";  
 813 or

814 2. At the discretion of the charter school governing  
 815 board, a charter school may elect to follow generally accepted  
 816 accounting standards for not-for-profit organizations, but must  
 817 reformat this information for reporting according to this  
 818 paragraph.

819  
 820 Charter schools shall provide annual financial report and  
 821 program cost report information in the state-required formats  
 822 for inclusion in district reporting in compliance with s.  
 823 1011.60(1). Charter schools that are operated by a municipality  
 824 or are a component unit of a parent nonprofit organization may  
 825 use the accounting system of the municipality or the parent but  
 826 must reformat this information for reporting according to this  
 827 paragraph. A charter school shall provide a monthly financial  
 828 statement to the sponsor unless the charter school is designated

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829 as a high-performing charter school pursuant to s. 1002.331, in  
830 which case the high-performing charter school may provide a  
831 quarterly financial statement. The ~~monthly~~ financial statement  
832 required under this paragraph shall be in a form prescribed by  
833 the Department of Education.

834 (10) ELIGIBLE STUDENTS.—

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

837 1. Students who are siblings of a student enrolled in the  
838 charter school.

839 2. Students who are the children of a member of the  
840 governing board of the charter school.

841 3. Students who are the children of an employee of the  
842 charter school.

843 4. Students who are the children of:

844 a. An employee of the business partner of a charter  
845 school-in-the-workplace established under paragraph (15)(b) or a  
846 resident of the municipality in which such charter school is  
847 located; or

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

850 5. Students who have successfully completed a voluntary  
851 prekindergarten education program under ss. 1002.51-1002.79  
852 provided by the charter school or the charter school's nonprofit  
853 governing board during the previous year.

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

855 (b) A member of a governing board of a charter school  
856 operated by a municipality or other public entity is subject to

857 s. 112.3145 ~~112.3144~~, which relates to the disclosure of  
 858 financial interests.

859 (26) SHARED USE OF FACILITIES BY CHARTER SCHOOLS.—

860 (a) A charter school may not transfer an enrolled student  
 861 to another charter school having a separate Master School  
 862 Identification Number without first obtaining the written  
 863 approval of the student's parent.

864 (b) A charter school is ineligible for federal charter  
 865 school program grant funds during any period of time during  
 866 which it:

867 1. Shares an educational facility with an existing charter  
 868 school having a separate Master School Identification Number and  
 869 serving students in any of the grades offered by that charter  
 870 school; or

871 2. Shares administrative, instructional, or support staff  
 872 with another charter school having a separate Master School  
 873 Identification Number and operating within the same educational  
 874 facility.

875 (27) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 876 SCHOOL SYSTEMS.—A charter school system shall be designated a  
 877 local educational agency solely for the purpose of receiving  
 878 federal funds, in the same manner as if the charter school  
 879 system were a school district, if the governing board of the  
 880 charter school system has adopted and filed a resolution with  
 881 its sponsoring district school board and the Department of  
 882 Education in which the governing board accepts full  
 883 responsibility for all local educational agency requirements and  
 884 if the charter school system meets all of the following:



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

893

894 Such designation does not apply to other provisions of law

895 unless specifically provided by law.

896 Section 4. (1) For the 2011-2012 fiscal year, the

897 Department of Education shall:

898 (a) Identify the school districts that distribute funds or

899 provide facilities, renovation, or new construction with funds

900 generated by the capital improvement millage authorized under s.

901 1011.71(2), Florida Statutes, to charter schools and the use of

902 such funds by the charter schools.

903 (b) Examine the costs associated with supervising charter

904 schools and determine whether the 5-percent administrative fee

905 for administrative and educational services for charter schools

906 covers the costs associated with the provision of the services.

907 (c) Examine the distribution of federal education funding

908 to eligible students who are enrolled in charter schools,

909 including, without limitation, funding provided under Title I of

910 the Elementary and Secondary Education Act and the Individuals

911 with Disabilities Education Act.

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912        (d) Examine the impacts of removing the discretion given  
913 to school districts regarding the distribution of capital  
914 improvement millage authorized under s. 1011.71(2), Florida  
915 Statutes, to charter schools-in-a-municipality as set forth in  
916 s. 1002.33(15)(c), Florida Statutes.

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

920        Section 5. This act shall take effect July 1, 2011.