

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, submit a  
6           quarterly financial statement, consolidate the charters of  
7           certain charter schools, and receive certain modification  
8           or renewal of its charter; authorizing a high-performing  
9           charter school to apply to establish a charter school that  
10          replicates its educational program; providing application  
11          requirements; limiting the number of charter schools that  
12          may be established; requiring eligibility verification by  
13          the Commissioner of Education; creating s. 1002.332, F.S.;  
14          providing definitions; establishing criteria for high-  
15          performing charter school systems; providing for  
16          eligibility verification by the Commissioner of Education;  
17          authorizing a high-performing charter school system to  
18          replicate its high-performing charter schools; amending s.  
19          1002.33, F.S.; authorizing a charter school operated by a  
20          Florida College System institution to serve students in  
21          kindergarten through grade 12 if certain criteria are met;  
22          requiring a charter school sponsor to allow a charter  
23          school applicant to correct technical deficiencies in its  
24          application before approval or denial; establishing  
25          standards for sponsor review of a charter school  
26          application submitted by a high-performing charter school  
27          or high-performing charter school system; authorizing  
28          direct appeal to the State Board of Education of a denial

29 | of an application; establishing standards for reviewing  
30 | such an appeal; revising applicant training requirements;  
31 | requiring inclusion in the charter of procedures relating  
32 | to high-performing charter schools; requiring each charter  
33 | school's governing board to appoint a representative with  
34 | specified duties; requiring each governing board to hold  
35 | two public meetings per school year; providing meeting  
36 | requirements; revising the procedure for nonrenewal or  
37 | termination of a charter; authorizing a charter school's  
38 | governing board to request a hearing regarding charter  
39 | nonrenewal or termination, including immediate  
40 | termination; authorizing the sponsor to choose to provide  
41 | a direct hearing or a hearing before an administrative law  
42 | judge; authorizing the award of costs and attorney's fees  
43 | to a charter school if certain criteria are met;  
44 | authorizing quarterly financial reporting for certain  
45 | charter schools; establishing additional student  
46 | enrollment preferences; prohibiting a sponsor from  
47 | limiting or requiring waiver of certain high-performing  
48 | charter school benefits as a condition of charter approval  
49 | or renewal; providing that student capacity of a high-  
50 | performing charter school shall be determined annually by  
51 | the governing board; requiring the governing board to  
52 | provide notice of enrollment increases to the sponsor;  
53 | providing an exemption from certain local government  
54 | ordinances, resolutions, or regulations; revising  
55 | provisions relating to charter school capital outlay  
56 | funding; correcting a cross-reference relating to the

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57 disclosure of financial interests; providing requirements  
58 for charter schools using shared facilities; authorizing  
59 certain charter school systems to be the local education  
60 agency for administering federal funding received by the  
61 system's schools; requiring the Department of Education to  
62 examine certain charter school funding and costs and  
63 report its findings to the Governor and the Legislature;  
64 providing an effective date.

65  
66 Be It Enacted by the Legislature of the State of Florida:

67  
68 Section 1. Section 1002.331, Florida Statutes, is created  
69 to read:

70 1002.331 High-performing charter schools.-

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

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

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

79 (c) Did not receive a financial audit that revealed one or  
80 more of the financial emergency conditions set forth in s.  
81 218.503(1) in the most recent 3 fiscal years for which such  
82 audits are available. However, this requirement is deemed met  
83 for a charter school-in-the-workplace if there is a finding in  
84 an audit that the school has the monetary resources available to

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85 cover any reported deficiency or that the deficiency does not  
86 result in a deteriorating financial condition pursuant to s.  
87 1002.345(1)(a)3.

88  
89 A virtual charter school established under s. 1002.33 is not  
90 eligible for designation as a high-performing charter school.

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

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

95 (b) Expand grade levels within kindergarten through grade  
96 12 to add grade levels not already served if any annual  
97 enrollment increase resulting from grade level expansion is  
98 within the limit established in paragraph (a).

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

101 (d) Consolidate under a single charter the charters of  
102 multiple high-performing charter schools operated in the same  
103 school district by the charter schools' governing board  
104 regardless of the renewal cycle.

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

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

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

131 (b) A high-performing charter school may not establish  
132 more than one charter school within the state under paragraph  
133 (a) in any year. A subsequent application to establish a charter  
134 school under paragraph (a) may not be submitted unless each  
135 charter school established in this manner achieves high-  
136 performing charter school status. A charter school established  
137 under paragraph (a) must meet class size requirements  
138 established under s. 1003.03, calculated at the classroom level.

139 (4) A high-performing charter school may not increase  
140 enrollment or expand grade levels following any school year in

141 which it receives a school grade of "C" or below. If the charter  
 142 school receives a school grade of "C" or below in any 2 years  
 143 during the term of the charter awarded under subsection (2), the  
 144 term of the charter may be modified by the sponsor and the  
 145 charter school loses its high-performing charter school status  
 146 until it regains that status under subsection (1).

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

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

154 Section 2. Section 1002.332, Florida Statutes, is created  
 155 to read:

156 1002.332 High-performing charter school system.—

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

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

163 (b) "High-performing charter school system" means an  
 164 entity that:

165 1. Operates at least three high-performing charter schools  
 166 in the state;

167 2. Operates a system of charter schools in which at least  
 168 50 percent of the charter schools are high-performing charter

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169 schools pursuant to s. 1002.331 and no charter school received a  
170 school grade of "D" or "F" pursuant to s. 1008.34, except that:

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

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

184 3. Has not received a financial audit that revealed one or  
185 more of the financial emergency conditions set forth in s.  
186 218.503(1) for any charter school assumed or established by the  
187 entity.

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

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

195 Section 3. Paragraph (b) of subsection (5), paragraphs  
196 (b), (c), (e), and (f) of subsection (6), subsection (7),

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197 paragraphs (b), (c), and (d) of subsection (8), paragraph (g) of  
 198 subsection (9), paragraphs (d) and (h) of subsection (10),  
 199 subsection (19), and paragraph (b) of subsection (25) of section  
 200 1002.33, Florida Statutes, are amended, paragraph (i) is added  
 201 to subsection (10), paragraph (c) is added to subsection (16),  
 202 subsection (26) is renumbered as subsection (28), and new  
 203 subsections (26) and (27) are added to that section, to read:

204 1002.33 Charter schools.—

205 (5) SPONSOR; DUTIES.—

206 (b) Sponsor duties.—

207 1.a. The sponsor shall monitor and review the charter  
 208 school in its progress toward the goals established in the  
 209 charter.

210 b. The sponsor shall monitor the revenues and expenditures  
 211 of the charter school and perform the duties provided in s.  
 212 1002.345.

213 c. The sponsor may approve a charter for a charter school  
 214 before the applicant has identified space, equipment, or  
 215 personnel, if the applicant indicates approval is necessary for  
 216 it to raise working funds.

217 d. The sponsor's policies shall not apply to a charter  
 218 school unless mutually agreed to by both the sponsor and the  
 219 charter school.

220 e. The sponsor shall ensure that the charter is innovative  
 221 and consistent with the state education goals established by s.  
 222 1000.03(5).

223 f. The sponsor shall ensure that the charter school  
 224 participates in the state's education accountability system. If



225 a charter school falls short of performance measures included in  
 226 the approved charter, the sponsor shall report such shortcomings  
 227 to the Department of Education.

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

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

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

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

240 2. Immunity for the sponsor of a charter school under  
 241 subparagraph 1. applies only with respect to acts or omissions  
 242 not under the sponsor's direct authority as described in this  
 243 section.

244 3. This paragraph does not waive a district school board's  
 245 sovereign immunity.

246 4. A community college may work with the school district  
 247 or school districts in its designated service area to develop  
 248 charter schools that offer secondary education. These charter  
 249 schools must include an option for students to receive an  
 250 associate degree upon high school graduation. A Florida College  
 251 System institution may operate no more than one charter school  
 252 that serves students in kindergarten through grade 12 if the

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253 institution operates an approved teacher preparation program  
254 under s. 1004.04 or s. 1004.85. District school boards shall  
255 cooperate with and assist the community college on the charter  
256 application. Community college applications for charter schools  
257 are not subject to the time deadlines outlined in subsection (6)  
258 and may be approved by the district school board at any time  
259 during the year. Community colleges may not report FTE for any  
260 students who receive FTE funding through the Florida Education  
261 Finance Program.

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

264 (b) A sponsor shall receive and review all applications  
265 for a charter school using an evaluation instrument developed by  
266 the Department of Education. ~~Beginning with the 2007-2008 school~~  
267 ~~year,~~ A sponsor shall receive and consider charter school  
268 applications received on or before August 1 of each calendar  
269 year for charter schools to be opened at the beginning of the  
270 school district's next school year, or to be opened at a time  
271 agreed to by the applicant and the sponsor. A sponsor may  
272 receive applications later than this date if it chooses. A  
273 sponsor may not charge an applicant for a charter any fee for  
274 the processing or consideration of an application, and a sponsor  
275 may not base its consideration or approval of an application  
276 upon the promise of future payment of any kind. Before approving  
277 or denying any application, the sponsor shall allow the  
278 applicant, upon receipt of written notification, at least 7  
279 calendar days to make technical or nonsubstantive corrections  
280 and clarifications, including, but not limited to, corrections

281 of grammatical, typographical, and like errors or missing  
282 signatures, if such errors are identified by the sponsor as  
283 cause to deny the application.

284 1. In order to facilitate an accurate budget projection  
285 process, a sponsor shall be held harmless for FTE students who  
286 are not included in the FTE projection due to approval of  
287 charter school applications after the FTE projection deadline.  
288 In a further effort to facilitate an accurate budget projection,  
289 within 15 calendar days after receipt of a charter school  
290 application, a sponsor shall report to the Department of  
291 Education the name of the applicant entity, the proposed charter  
292 school location, and its projected FTE.

293 2. In order to ensure fiscal responsibility, an  
294 application for a charter school shall include a full accounting  
295 of expected assets, a projection of expected sources and amounts  
296 of income, including income derived from projected student  
297 enrollments and from community support, and an expense  
298 projection that includes full accounting of the costs of  
299 operation, including start-up costs.

300 3.a. A sponsor shall by a majority vote approve or deny an  
301 application no later than 60 calendar days after the application  
302 is received, unless the sponsor and the applicant mutually agree  
303 in writing to temporarily postpone the vote to a specific date,  
304 at which time the sponsor shall by a majority vote approve or  
305 deny the application. If the sponsor fails to act on the  
306 application, an applicant may appeal to the State Board of  
307 Education as provided in paragraph (c). If an application is  
308 denied, the sponsor shall, within 10 calendar days after such

309 denial, articulate in writing the specific reasons, based upon  
310 good cause, supporting its denial of the charter application and  
311 shall provide the letter of denial and supporting documentation  
312 to the applicant and to the Department of Education ~~supporting~~  
313 ~~those reasons.~~

314 b. An application submitted by a high-performing charter  
315 school identified pursuant to s. 1002.331 or a high-performing  
316 charter school system identified pursuant to s. 1002.332 may be  
317 denied by the sponsor only if the sponsor demonstrates by clear  
318 and convincing evidence that:

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

321 (II) The charter school proposed in the application does  
322 not materially comply with the requirements in paragraphs  
323 (9) (a) - (f);

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

327 (IV) The applicant has made a material misrepresentation  
328 or false statement or concealed an essential or material fact  
329 during the application process; or

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

333  
334 Material noncompliance is a failure to follow requirements or a  
335 violation of prohibitions applicable to charter school  
336 applications, which failure is quantitatively or qualitatively

337 significant either individually or when aggregated with other  
338 noncompliance. An applicant is considered to be replicating a  
339 high-performing charter school if the proposed school is  
340 substantially similar to at least one of the applicant's high-  
341 performing charter schools and the organization or individuals  
342 involved in the establishment and operation of the proposed  
343 school are significantly involved in the operation of replicated  
344 schools.

345 c. If the sponsor denies an application submitted by a  
346 high-performing charter school or a high-performing charter  
347 school system, the sponsor must, within 10 calendar days after  
348 such denial, state in writing the specific reasons, based upon  
349 the criteria in sub-subparagraph b., supporting its denial of  
350 the application and must provide the letter of denial and  
351 supporting documentation to the applicant and to the Department  
352 of Education. The applicant may appeal the sponsor's denial of  
353 the application directly to the State Board of Education  
354 pursuant to sub-subparagraph (c)3.b.

355 4. For budget projection purposes, the sponsor shall  
356 report to the Department of Education the approval or denial of  
357 a charter application within 10 calendar days after such  
358 approval or denial. In the event of approval, the report to the  
359 Department of Education shall include the final projected FTE  
360 for the approved charter school.

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

365 (c)1. An applicant may appeal any denial of that  
366 applicant's application or failure to act on an application to  
367 the State Board of Education no later than 30 calendar days  
368 after receipt of the sponsor's decision or failure to act and  
369 shall notify the sponsor of its appeal. Any response of the  
370 sponsor shall be submitted to the State Board of Education  
371 within 30 calendar days after notification of the appeal. Upon  
372 receipt of notification from the State Board of Education that a  
373 charter school applicant is filing an appeal, the Commissioner  
374 of Education shall convene a meeting of the Charter School  
375 Appeal Commission to study and make recommendations to the State  
376 Board of Education regarding its pending decision about the  
377 appeal. The commission shall forward its recommendation to the  
378 state board no later than 7 calendar days prior to the date on  
379 which the appeal is to be heard.

380 2. The Charter School Appeal Commission may reject an  
381 appeal submission for failure to comply with procedural rules  
382 governing the appeals process. The rejection shall describe the  
383 submission errors. The appellant shall have 15 calendar days  
384 after notice of rejection in which to resubmit an appeal that  
385 meets the requirements set forth in State Board of Education  
386 rule. An appeal submitted subsequent to such rejection is  
387 considered timely if the original appeal was filed within 30  
388 calendar days after receipt of notice of the specific reasons  
389 for the sponsor's denial of the charter application.

390 3.a. The State Board of Education shall by majority vote  
391 accept or reject the decision of the sponsor no later than 90  
392 calendar days after an appeal is filed in accordance with State

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393 Board of Education rule. ~~The Charter School Appeal Commission~~  
394 ~~may reject an appeal submission for failure to comply with~~  
395 ~~procedural rules governing the appeals process. The rejection~~  
396 ~~shall describe the submission errors. The appellant may have up~~  
397 ~~to 15 calendar days from notice of rejection to resubmit an~~  
398 ~~appeal that meets requirements of State Board of Education rule.~~  
399 ~~An application for appeal submitted subsequent to such rejection~~  
400 ~~shall be considered timely if the original appeal was filed~~  
401 ~~within 30 calendar days after receipt of notice of the specific~~  
402 ~~reasons for the sponsor's denial of the charter application. The~~  
403 State Board of Education shall remand the application to the  
404 sponsor with its written decision that the sponsor approve or  
405 deny the application. The sponsor shall implement the decision  
406 of the State Board of Education. The decision of the State Board  
407 of Education is not subject to the provisions of the  
408 Administrative Procedure Act, chapter 120.

409 b. If an appeal concerns an application submitted by a  
410 high-performing charter school identified pursuant to s.  
411 1002.331 or a high-performing charter school system identified  
412 pursuant to s. 1002.332, the State Board of Education shall  
413 determine whether the sponsor has shown, by clear and convincing  
414 evidence, that:

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

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

419 (9) (a) - (f);

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

423        (IV) The applicant has made a material misrepresentation  
424 or false statement or concealed an essential or material fact  
425 during the application process; or

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

429

430 The State Board of Education shall approve or reject the  
431 sponsor's denial of an application no later than 90 calendar  
432 days after an appeal is filed in accordance with State Board of  
433 Education rule. The State Board of Education shall remand the  
434 application to the sponsor with its written decision that the  
435 sponsor approve or deny the application. The sponsor shall  
436 implement the decision of the State Board of Education. The  
437 decision of the State Board of Education is not subject to the  
438 Administrative Procedure Act, chapter 120.

439        (e)1. A Charter School Appeal Commission is established to  
440 assist the commissioner and the State Board of Education with a  
441 fair and impartial review of appeals by applicants whose charter  
442 applications have been denied, whose charter contracts have not  
443 been renewed, or whose charter contracts have been terminated by  
444 their sponsors.

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



448 information regarding the appeal, and make a written  
449 recommendation to the commissioner. The recommendation must  
450 state whether the appeal should be upheld or denied and include  
451 the reasons for the recommendation being offered. The  
452 commissioner shall forward the recommendation to the State Board  
453 of Education no later than 7 calendar days prior to the date on  
454 which the appeal is to be heard. The state board must consider  
455 the commission's recommendation in making its decision, but is  
456 not bound by the recommendation. The decision of the Charter  
457 School Appeal Commission is not subject to the provisions of the  
458 Administrative Procedure Act, chapter 120.

459 3. The commissioner shall appoint a number of ~~the~~ members  
460 to ~~of~~ the Charter School Appeal Commission sufficient to ensure  
461 that no potential conflict of interest exists for any commission  
462 appeal decision. Members shall serve without compensation but  
463 may be reimbursed for travel and per diem expenses in  
464 conjunction with their service. Of the members hearing the  
465 appeal, one-half ~~of the members~~ must represent currently  
466 operating charter schools, and one-half ~~of the members~~ must  
467 represent sponsors. The commissioner or a named designee shall  
468 chair the Charter School Appeal Commission.

469 4. The chair shall convene meetings of the commission and  
470 shall ensure that the written recommendations are completed and  
471 forwarded in a timely manner. In cases where the commission  
472 cannot reach a decision, the chair shall make the written  
473 recommendation with justification, noting that the decision was  
474 rendered by the chair.

475           5. Commission members shall thoroughly review the  
 476 materials presented to them from the appellant and the sponsor.  
 477 The commission may request information to clarify the  
 478 documentation presented to it. In the course of its review, the  
 479 commission may facilitate the postponement of an appeal in those  
 480 cases where additional time and communication may negate the  
 481 need for a formal appeal and both parties agree, in writing, to  
 482 postpone the appeal to the State Board of Education. A new date  
 483 certain for the appeal shall then be set based upon the rules  
 484 and procedures of the State Board of Education. Commission  
 485 members shall provide a written recommendation to the state  
 486 board as to whether the appeal should be upheld or denied. A  
 487 fact-based justification for the recommendation must be  
 488 included. The chair must ensure that the written recommendation  
 489 is submitted to the State Board of Education members no later  
 490 than 7 calendar days prior to the date on which the appeal is to  
 491 be heard. Both parties in the case shall also be provided a copy  
 492 of the recommendation.

493           (f)1. The Department of Education shall provide ~~offer~~ or  
 494 arrange for training and technical assistance to charter schools  
 495 ~~school applicants~~ in developing and adjusting business plans and  
 496 accounting for ~~estimating~~ costs and income. Training and  
 497 technical ~~This~~ assistance shall also address, at a minimum,  
 498 state and federal grant and student performance accountability  
 499 reporting requirements and provide assistance in estimating  
 500 startup costs, projecting enrollment, and identifying and  
 501 applying for the types and amounts of state and federal  
 502 financial assistance the charter school may be eligible to

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503 receive. The department may provide other technical assistance  
504 to an applicant upon written request.

505 2. A charter school applicant must participate in the  
506 training provided by the Department of Education after approval  
507 of an application but at least 30 calendar days before the first  
508 day of classes at the charter school ~~before filing an~~  
509 ~~application.~~ However, a sponsor may require the charter school  
510 applicant to attend training provided by the sponsor in lieu of  
511 the department's training if the sponsor's training standards  
512 meet or exceed the standards developed by the department ~~of~~  
513 ~~Education.~~ In such case, the sponsor may not require the charter  
514 school applicant to attend the training within 30 calendar days  
515 before the first day of classes at the charter school. The  
516 training must ~~shall~~ include instruction in accurate financial  
517 planning and good business practices. If the applicant is a  
518 management company or a ~~other~~ nonprofit organization, the  
519 charter school principal and the chief financial officer or his  
520 or her equivalent must also participate in the training. A  
521 sponsor may not require a high-performing charter school or  
522 high-performing charter school system applicant to participate  
523 in the training described in this subparagraph more than once.

524 (7) CHARTER.—The major issues involving the operation of a  
525 charter school shall be considered in advance and written into  
526 the charter. The charter shall be signed by the governing board  
527 ~~body~~ of the charter school and the sponsor, following a public  
528 hearing to ensure community input.

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

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

533           2. The focus of the curriculum, the instructional methods  
534 to be used, any distinctive instructional techniques to be  
535 employed, and identification and acquisition of appropriate  
536 technologies needed to improve educational and administrative  
537 performance which include a means for promoting safe, ethical,  
538 and appropriate uses of technology which comply with legal and  
539 professional standards. The charter shall ensure that reading is  
540 a primary focus of the curriculum and that resources are  
541 provided to identify and provide specialized instruction for  
542 students who are reading below grade level. The curriculum and  
543 instructional strategies for reading must be consistent with the  
544 Sunshine State Standards and grounded in scientifically based  
545 reading research.

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

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

552           b. How these baseline rates will be compared to rates of  
553 academic progress achieved by these same students while  
554 attending the charter school.

555           c. To the extent possible, how these rates of progress  
556 will be evaluated and compared with rates of progress of other  
557 closely comparable student populations.

558

559 The district school board is required to provide academic  
560 student performance data to charter schools for each of their  
561 students coming from the district school system, as well as  
562 rates of academic progress of comparable student populations in  
563 the district school system.

564 4. The methods used to identify the educational strengths  
565 and needs of students and how well educational goals and  
566 performance standards are met by students attending the charter  
567 school. The methods shall provide a means for the charter school  
568 to ensure accountability to its constituents by analyzing  
569 student performance data and by evaluating the effectiveness and  
570 efficiency of its major educational programs. Students in  
571 charter schools shall, at a minimum, participate in the  
572 statewide assessment program created under s. 1008.22.

573 5. In secondary charter schools, a method for determining  
574 that a student has satisfied the requirements for graduation in  
575 s. 1003.43.

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

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

580 8. The ways by which the school will achieve a  
581 racial/ethnic balance reflective of the community it serves or  
582 within the racial/ethnic range of other public schools in the  
583 same school district.

584 9. The financial and administrative management of the  
585 school, including a reasonable demonstration of the professional  
586 experience or competence of those individuals or organizations

587 | applying to operate the charter school or those hired or  
588 | retained to perform such professional services and the  
589 | description of clearly delineated responsibilities and the  
590 | policies and practices needed to effectively manage the charter  
591 | school. A description of internal audit procedures and  
592 | establishment of controls to ensure that financial resources are  
593 | properly managed must be included. Both public sector and  
594 | private sector professional experience shall be equally valid in  
595 | such a consideration.

596 |         10. The asset and liability projections required in the  
597 | application which are incorporated into the charter and shall be  
598 | compared with information provided in the annual report of the  
599 | charter school.

600 |         11. A description of procedures that identify various  
601 | risks and provide for a comprehensive approach to reduce the  
602 | impact of losses; plans to ensure the safety and security of  
603 | students and staff; plans to identify, minimize, and protect  
604 | others from violent or disruptive student behavior; and the  
605 | manner in which the school will be insured, including whether or  
606 | not the school will be required to have liability insurance,  
607 | and, if so, the terms and conditions thereof and the amounts of  
608 | coverage.

609 |         12. The term of the charter which shall provide for  
610 | cancellation of the charter if insufficient progress has been  
611 | made in attaining the student achievement objectives of the  
612 | charter and if it is not likely that such objectives can be  
613 | achieved before expiration of the charter. The initial term of a  
614 | charter shall be for 4 or 5 years. In order to facilitate access

615 to long-term financial resources for charter school  
616 construction, charter schools that are operated by a  
617 municipality or other public entity as provided by law are  
618 eligible for up to a 15-year charter, subject to approval by the  
619 district school board. A charter lab school is eligible for a  
620 charter for a term of up to 15 years. In addition, to facilitate  
621 access to long-term financial resources for charter school  
622 construction, charter schools that are operated by a private,  
623 not-for-profit, s. 501(c)(3) status corporation are eligible for  
624 up to a 15-year charter, subject to approval by the district  
625 school board. Such long-term charters remain subject to annual  
626 review and may be terminated during the term of the charter, but  
627 only according to the provisions set forth in subsection (8).

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

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

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

635 16. A timetable for implementing the charter which  
636 addresses the implementation of each element thereof and the  
637 date by which the charter shall be awarded in order to meet this  
638 timetable.

639 17. In the case of an existing public school that is being  
640 converted to charter status, alternative arrangements for  
641 current students who choose not to attend the charter school and  
642 for current teachers who choose not to teach in the charter

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643 school after conversion in accordance with the existing  
644 collective bargaining agreement or district school board rule in  
645 the absence of a collective bargaining agreement. However,  
646 alternative arrangements shall not be required for current  
647 teachers who choose not to teach in a charter lab school, except  
648 as authorized by the employment policies of the state university  
649 which grants the charter to the lab school.

650 18. Full disclosure of the identity of all relatives  
651 employed by the charter school who are related to the charter  
652 school owner, president, chairperson of the governing board of  
653 directors, superintendent, governing board member, principal,  
654 assistant principal, or any other person employed by the charter  
655 school who has equivalent decisionmaking authority. For the  
656 purpose of this subparagraph, the term "relative" means father,  
657 mother, son, daughter, brother, sister, uncle, aunt, first  
658 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
659 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
660 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
661 stepsister, half brother, or half sister.

662 19. Implementation of the activities authorized under s.  
663 1002.331 by the charter school when it satisfies the eligibility  
664 requirements for a high-performing charter school. A high-  
665 performing charter school shall notify its sponsor in writing by  
666 March 1 if it intends to increase enrollment or expand grade  
667 levels the following school year. The written notice shall  
668 specify the amount of the enrollment increase and the grade  
669 levels that will be added, as applicable.



670 (b)1. A charter may be renewed provided that a program  
671 review demonstrates that the criteria in paragraph (a) have been  
672 successfully accomplished and that none of the grounds for  
673 nonrenewal established by paragraph (8)(a) has been documented.  
674 In order to facilitate long-term financing for charter school  
675 construction, charter schools operating for a minimum of 3 years  
676 and demonstrating exemplary academic programming and fiscal  
677 management are eligible for a 15-year charter renewal. Such  
678 long-term charter is subject to annual review and may be  
679 terminated during the term of the charter.

680 2. The 15-year charter renewal that may be granted  
681 pursuant to subparagraph 1. shall be granted to a charter school  
682 that has received a school grade of "A" or "B" pursuant to s.  
683 1008.34 in 3 of the past 4 years and is not in a state of  
684 financial emergency or deficit position as defined by this  
685 section. Such long-term charter is subject to annual review and  
686 may be terminated during the term of the charter pursuant to  
687 subsection (8).

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

692 (d)1. Each charter school's governing board must appoint a  
693 representative to facilitate parental involvement, provide  
694 access to information, assist parents and others with questions  
695 and concerns, and resolve disputes. The representative must  
696 reside in the school district in which the charter school is  
697 located and may be a governing board member, charter school

698 employee, or individual contracted to represent the governing  
 699 board. If the governing board oversees multiple charter schools  
 700 in the same school district, a single representative may be  
 701 appointed to serve all such schools. The representative's  
 702 contact information must be provided annually in writing to  
 703 parents and posted prominently on the charter school's website  
 704 if a website is maintained by the school. The sponsor may not  
 705 require that governing board members reside in the school  
 706 district in which the charter school is located if the charter  
 707 school complies with this paragraph.

708 2. Each charter school's governing board must hold at  
 709 least two public meetings per school year in the school  
 710 district. The meetings must be noticed, open, and accessible to  
 711 the public, and attendees must be provided an opportunity to  
 712 receive information and provide input regarding the charter  
 713 school's operations. The appointed representative and charter  
 714 school principal or director, or his or her equivalent, must be  
 715 physically present at each meeting.

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

717 (b) At least 90 days prior to renewing or terminating a  
 718 charter, the sponsor shall notify the governing board ~~body~~ of  
 719 the school of the proposed action in writing. The notice shall  
 720 state in reasonable detail the grounds for the proposed action  
 721 and stipulate that the school's governing board ~~body~~ may, within  
 722 14 calendar days after receiving the notice, request a ~~an~~  
 723 ~~informal~~ hearing. The hearing shall be conducted at the  
 724 sponsor's election in accordance with one of the following  
 725 procedures:

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

731 2. A hearing conducted by an administrative law judge  
732 assigned by the Division of Administrative Hearings. The hearing  
733 shall be conducted within 60 days after receipt of the request  
734 for a hearing and in accordance with chapter 120. The  
735 administrative law judge's recommended order shall be submitted  
736 to the sponsor. A majority vote by the sponsor shall be required  
737 to adopt or modify the administrative law judge's recommended  
738 order. The sponsor shall issue a final order before the sponsor.  
739 ~~The sponsor shall conduct the informal hearing within 30~~  
740 ~~calendar days after receiving a written request.~~

741 (c) The final order shall state the specific reasons for  
742 the sponsor's decision. The sponsor shall provide its final  
743 order to the charter school's governing board and the Department  
744 of Education no later than 10 calendar days after its issuance.  
745 ~~If a charter is not renewed or is terminated pursuant to~~  
746 ~~paragraph (b), the sponsor shall, within 10 calendar days,~~  
747 ~~articulate in writing the specific reasons for its nonrenewal or~~  
748 ~~termination of the charter and must provide the letter of~~  
749 ~~nonrenewal or termination and documentation supporting the~~  
750 ~~reasons to the charter school governing body, the charter school~~  
751 ~~principal, and the Department of Education. The charter school's~~  
752 ~~governing board ~~body~~ may, within 30 calendar days after~~  
753 ~~receiving the sponsor's final order ~~written decision to refuse~~~~

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754 ~~to renew or to terminate the charter,~~ appeal the decision  
755 pursuant to s. 120.68 ~~the procedure established in subsection~~  
756 ~~(6).~~

757 (d) A charter may be terminated immediately if the sponsor  
758 sets forth in writing the particular facts and circumstances  
759 indicating that an immediate and serious danger to ~~determines~~  
760 ~~that good cause has been shown or if the health, safety, or~~  
761 ~~welfare of the charter school's students exists is threatened.~~  
762 The sponsor's determination is ~~not~~ subject to the procedures set  
763 forth in paragraphs ~~an informal hearing under paragraph (b) and~~  
764 (c), except that the hearing may take place after the charter  
765 has been terminated or pursuant to chapter 120. The sponsor  
766 shall notify in writing the charter school's governing board  
767 ~~body,~~ the charter school principal, and the department if a  
768 charter is ~~immediately~~ terminated immediately. The sponsor shall  
769 clearly identify the specific issues that resulted in the  
770 immediate termination and provide evidence of prior notification  
771 of issues resulting in the immediate termination when  
772 appropriate. Upon receiving written notice from the sponsor, the  
773 charter school's governing board has 10 calendar days to request  
774 a hearing. A requested hearing must be expedited and the final  
775 order must be issued within 60 days after the date of request.  
776 The sponsor shall assume operation of the charter school  
777 throughout the pendency of the hearing under paragraphs (b) and  
778 (c) unless the continued operation of the charter school would  
779 materially threaten the health, safety, or welfare of the  
780 students. Failure by the sponsor to assume and continue  
781 operation of the charter school shall result in the awarding of

782 reasonable costs and attorney's fees to the charter school if  
 783 the charter school prevails on appeal. ~~The school district in~~  
 784 ~~which the charter school is located shall assume operation of~~  
 785 ~~the school under these circumstances. The charter school's~~  
 786 ~~governing board may, within 30 days after receiving the~~  
 787 ~~sponsor's decision to terminate the charter, appeal the decision~~  
 788 ~~pursuant to the procedure established in subsection (6).~~

789 (9) CHARTER SCHOOL REQUIREMENTS.—

790 (g) In order to provide financial information that is  
 791 comparable to that reported for other public schools, charter  
 792 schools are to maintain all financial records that constitute  
 793 their accounting system:

794 1. In accordance with the accounts and codes prescribed in  
 795 the most recent issuance of the publication titled "Financial  
 796 and Program Cost Accounting and Reporting for Florida Schools";  
 797 or

798 2. At the discretion of the charter school's ~~school~~  
 799 governing board, a charter school may elect to follow generally  
 800 accepted accounting standards for not-for-profit organizations,  
 801 but must reformat this information for reporting according to  
 802 this paragraph.

803  
 804 Charter schools shall provide annual financial report and  
 805 program cost report information in the state-required formats  
 806 for inclusion in district reporting in compliance with s.  
 807 1011.60(1). Charter schools that are operated by a municipality  
 808 or are a component unit of a parent nonprofit organization may  
 809 use the accounting system of the municipality or the parent but

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810 must reformat this information for reporting according to this  
811 paragraph. A charter school shall provide a monthly financial  
812 statement to the sponsor unless the charter school is designated  
813 as a high-performing charter school pursuant to s. 1002.331, in  
814 which case the high-performing charter school may provide a  
815 quarterly financial statement. The ~~monthly~~ financial statement  
816 required under this paragraph shall be in a form prescribed by  
817 the Department of Education.

818 (10) ELIGIBLE STUDENTS.—

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

821 1. Students who are siblings of a student enrolled in the  
822 charter school.

823 2. Students who are the children of a member of the  
824 governing board of the charter school.

825 3. Students who are the children of an employee of the  
826 charter school.

827 4. Students who are the children of:

828 a. An employee of the business partner of a charter  
829 school-in-the-workplace established under paragraph (15)(b) or a  
830 resident of the municipality in which such charter school is  
831 located; or

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

834 5. Students who have successfully completed a voluntary  
835 prekindergarten education program under ss. 1002.51-1002.79  
836 provided by the charter school or the charter school's governing  
837 board during the previous year.

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

840           (h) The capacity of the charter school shall be determined  
 841 annually by the governing board, in conjunction with the  
 842 sponsor, of the charter school in consideration of the factors  
 843 identified in this subsection unless the charter school is  
 844 designated as a high-performing charter school pursuant to s.  
 845 1002.331. A sponsor may not require a charter school to waive  
 846 the provisions of s. 1002.331 or require a student enrollment  
 847 cap that prohibits a high-performing charter school from  
 848 increasing enrollment in accordance with s. 1002.331(2) as a  
 849 condition of approval or renewal of a charter.

850           (i) The capacity of a high-performing charter school  
 851 identified pursuant to s. 1002.331 shall be determined annually  
 852 by the governing board of the charter school. The governing  
 853 board shall notify the sponsor of any increase in enrollment by  
 854 March 1 of the school year preceding the increase.

855           (16) EXEMPTION FROM STATUTES AND ORDINANCES.—

856           (c) A local government may not impose any ordinance,  
 857 resolution, or regulation, including a stipulation to a  
 858 development order as defined in s. 163.3164, upon a charter  
 859 school that is not imposed upon all public schools within the  
 860 local government's jurisdiction.

861           (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
 862 for capital outlay funds pursuant to s. 1013.62. Capital outlay  
 863 funds authorized in ss. s. 1011.71(2) and 1013.62 that have been  
 864 shared with a charter school-in-the-workplace prior to July 1,

865 2010, are deemed to have met the authorized expenditure  
 866 requirements for such funds.

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

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

872 (26) FACILITIES SHARED BY CHARTER SCHOOLS.—

873 (a) A charter school may not transfer an enrolled student  
 874 to another charter school having a separate Master School  
 875 Identification Number without first obtaining the written  
 876 approval of the student's parent.

877 (b) If a charter school moves out of a facility that is  
 878 shared with another charter school having a separate Master  
 879 School Identification Number, the charter school must provide  
 880 for an audit of all equipment, educational materials and  
 881 supplies, curriculum materials, and other items purchased or  
 882 developed with federal charter school program grant funds, and  
 883 such items must be transferred to the charter school's new  
 884 location. The audit report must be submitted to the Department  
 885 of Education within 60 days after completion.

886 (27) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 887 SCHOOL SYSTEMS.—A charter school system shall be designated a  
 888 local educational agency solely for the purpose of receiving  
 889 federal funds, in the same manner as if the charter school  
 890 system were a school district, if the governing board of the  
 891 charter school system has adopted and filed a resolution with  
 892 its sponsoring district school board and the Department of



893 Education in which the governing board accepts full  
 894 responsibility for all local educational agency requirements and  
 895 if the charter school system meets all of the following:

- 896 (a) Includes both conversion charter schools and  
 897 nonconversion charter schools;
- 898 (b) Has all schools located in the same county;
- 899 (c) Has a total enrollment exceeding the total enrollment  
 900 of at least one school district in the state;
- 901 (d) Has the same governing board; and
- 902 (e) Does not contract with a for-profit service provider  
 903 for management of school operations.

904  
 905 Such designation does not apply to other provisions of law  
 906 unless specifically provided by law.

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

909 (a) Identify the school districts that distribute funds or  
 910 provide facilities, renovation, or new construction with funds  
 911 generated by the capital improvement millage authorized under s.  
 912 1011.71(2), Florida Statutes, to charter schools and the use of  
 913 such funds by the charter schools.

914 (b) Examine the costs associated with supervising charter  
 915 schools and determine whether the 5-percent administrative fee  
 916 for administrative and educational services for charter schools  
 917 covers the costs associated with the provision of the services.

918 (c) Examine the distribution of federal education funding  
 919 to eligible students who are enrolled in charter schools,  
 920 including, without limitation, funding provided under Title I of

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921 the Elementary and Secondary Education Act and the Individuals  
922 with Disabilities Education Act.

923 (d) Examine the impacts of removing the discretion given  
924 to school districts regarding the distribution of capital  
925 improvement millage authorized under s. 1011.71(2), Florida  
926 Statutes, to charter schools-in-a-municipality as set forth in  
927 s. 1002.33(15)(c), Florida Statutes.

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

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