

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Adkins offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Between lines 96 and 97, insert:

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

9 (b) A sponsor shall receive and review all applications
10 for a charter school using an evaluation instrument developed by
11 the Department of Education. A sponsor shall receive and
12 consider charter school applications received on or before
13 August 1 of each calendar year for charter schools to be opened
14 at the beginning of the school district's next school year, or
15 to be opened at a time agreed to by the applicant and the
16 sponsor. A sponsor may receive applications later than this date
17 if it chooses. A sponsor may not charge an applicant for a
18 charter any fee for the processing or consideration of an
19 application, and a sponsor may not base its consideration or

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20 approval of an application upon the promise of future payment of
21 any kind. Before approving or denying any application, the
22 sponsor shall allow the applicant, upon receipt of written
23 notification, at least 7 calendar days to make technical or
24 nonsubstantive corrections and clarifications, including, but
25 not limited to, corrections of grammatical, typographical, and
26 like errors or missing signatures, if such errors are identified
27 by the sponsor as cause to deny the application.

28 1. In order to facilitate an accurate budget projection
29 process, a sponsor shall be held harmless for FTE students who
30 are not included in the FTE projection due to approval of
31 charter school applications after the FTE projection deadline.
32 In a further effort to facilitate an accurate budget projection,
33 within 15 calendar days after receipt of a charter school
34 application, a sponsor shall report to the department ~~Department~~
35 ~~of Education~~ the name of the applicant entity, the proposed
36 charter school location, and its projected FTE.

37 2. In order to ensure fiscal responsibility, an
38 application for a charter school shall include a full accounting
39 of expected assets, a projection of expected sources and amounts
40 of income, including income derived from projected student
41 enrollments and from community support, and an expense
42 projection that includes full accounting of the costs of
43 operation, including start-up costs.

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

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48 at which time the sponsor shall by a majority vote approve or
49 deny the application. If the sponsor fails to act on the
50 application, an applicant may appeal to the State Board of
51 Education as provided in paragraph (c). If an application is
52 denied, the sponsor shall, within 10 calendar days after such
53 denial, articulate in writing the specific reasons, based upon
54 good cause, supporting its denial of the charter application and
55 shall provide the letter of denial and supporting documentation
56 to the applicant and to the department ~~Department of Education~~.

57 b. An application submitted by a high-performing charter
58 school identified pursuant to s. 1002.331 may be denied by the
59 sponsor only if the sponsor demonstrates by clear and convincing
60 evidence that:

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

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

65 (9) (a) - (f);

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

69 (IV) The applicant has made a material misrepresentation
70 or false statement or concealed an essential or material fact
71 during the application process; or

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

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76 Material noncompliance is a failure to follow requirements or a
77 violation of prohibitions applicable to charter school
78 applications, which failure is quantitatively or qualitatively
79 significant either individually or when aggregated with other
80 noncompliance. An applicant is considered to be replicating a
81 high-performing charter school if the proposed school is
82 substantially similar to at least one of the applicant's high-
83 performing charter schools and the organization or individuals
84 involved in the establishment and operation of the proposed
85 school are significantly involved in the operation of replicated
86 schools.

87 c. If the sponsor denies an application submitted by a
88 high-performing charter school, the sponsor must, within 10
89 calendar days after such denial, state in writing the specific
90 reasons, based upon the criteria in sub-subparagraph b.,
91 supporting its denial of the application and must provide the
92 letter of denial and supporting documentation to the applicant
93 and to the department ~~Department of Education~~. The applicant may
94 appeal the sponsor's denial of the application ~~directly~~ to the
95 state board ~~State Board of Education~~ pursuant to paragraph sub-
96 subparagraph (c) ~~3.b.~~

97 4. For budget projection purposes, the sponsor shall
98 report to the department ~~Department of Education~~ the approval or
99 denial of a charter application within 10 calendar days after
100 such approval or denial. In the event of approval, the report to
101 the department ~~Department of Education~~ shall include the final
102 projected FTE for the approved charter school.

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

107 (c)1. An applicant may appeal any denial of that
108 applicant's application or failure to act on an application to
109 the state board ~~State Board of Education~~ no later than 30
110 calendar days after receipt of the sponsor's decision or failure
111 to act and shall notify the sponsor of its appeal. Any response
112 of the sponsor shall be submitted to the state board ~~State Board~~
113 ~~of Education~~ within 30 calendar days after notification of the
114 appeal. Upon receipt of notification from the state board ~~State~~
115 ~~Board of Education~~ that a charter school applicant is filing an
116 appeal, the Commissioner of Education shall convene a meeting of
117 the Charter School Appeal Commission to study and make
118 recommendations to the state board ~~State Board of Education~~
119 regarding its pending decision about the appeal. The commission
120 shall forward its recommendation to the state board no later
121 than 7 calendar days prior to the date on which the appeal is to
122 be heard. An appeal regarding the denial of an application
123 submitted by a high-performing charter school pursuant to s.
124 1002.331 shall be conducted by the state board in accordance
125 with this paragraph and paragraph (d), except that the
126 commission is not convened to make recommendations regarding the
127 appeal.

128 2. The Charter School Appeal Commission or, in the case of
129 an appeal regarding an application submitted by a high-
130 performing charter school, the state board may reject an appeal

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131 submission for failure to comply with procedural rules governing
132 the appeals process. The rejection shall describe the submission
133 errors. The appellant shall have 15 calendar days after notice
134 of rejection in which to resubmit an appeal that meets the
135 requirements set forth in state board ~~State Board of Education~~
136 rule. An appeal submitted subsequent to such rejection is
137 considered timely if the original appeal was filed within 30
138 calendar days after receipt of notice of the specific reasons
139 for the sponsor's denial of the charter application.

140 3.a. The state board ~~State Board of Education~~ shall by
141 majority vote accept or reject the decision of the sponsor no
142 later than 90 calendar days after an appeal is filed in
143 accordance with state board ~~State Board of Education~~ rule. The
144 state board ~~State Board of Education~~ shall remand the
145 application to the sponsor with its written decision that the
146 sponsor approve or deny the application. The sponsor shall
147 implement the decision of the state board ~~State Board of~~
148 ~~Education~~. The decision of the state board ~~State Board of~~
149 ~~Education~~ is not subject to the provisions of the Administrative
150 Procedure Act, chapter 120.

151 b. If an appeal concerns an application submitted by a
152 high-performing charter school identified pursuant to s.
153 1002.331, the state board ~~State Board of Education~~ shall
154 determine whether the sponsor's denial of the application is in
155 conformance with the requirements in sub-subparagraph (b)3.b.
156 ~~sponsor has shown, by clear and convincing evidence, that:~~

157 (I) ~~The application does not materially comply with the~~
158 ~~requirements in paragraph (a);~~

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159 ~~(II) The charter school proposed in the application does~~
160 ~~not materially comply with the requirements in paragraphs~~
161 ~~(9) (a) - (f);~~

162 ~~(III) The proposed charter school's educational program~~
163 ~~does not substantially replicate that of the applicant or one of~~
164 ~~the applicant's high-performing charter schools;~~

165 ~~(IV) The applicant has made a material misrepresentation~~
166 ~~or false statement or concealed an essential or material fact~~
167 ~~during the application process; or~~

168 ~~(V) The proposed charter school's educational program and~~
169 ~~financial management practices do not materially comply with the~~
170 ~~requirements of this section.~~

171
172 The state board ~~State Board of Education~~ shall approve or reject
173 the sponsor's denial of an application no later than 90 calendar
174 days after an appeal is filed in accordance with state board
175 ~~State Board of Education~~ rule. The state board ~~State Board of~~
176 ~~Education~~ shall remand the application to the sponsor with its
177 written decision that the sponsor approve or deny the
178 application. The sponsor shall implement the decision of the
179 state board ~~State Board of Education~~. The decision of the state
180 board ~~State Board of Education~~ is not subject to the
181 Administrative Procedure Act, chapter 120.

182 (d) The sponsor shall act upon the decision of the state
183 board ~~State Board of Education~~ within 30 calendar days after it
184 is received. The state board's ~~State Board of Education's~~
185 decision is a final action subject to judicial review in the
186 district court of appeal.

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D I R E C T O R Y A M E N D M E N T

Remove line 34 and insert:

Section 1. Paragraph (b) of subsection (5), paragraphs (b), (c),
and (d) of subsection (6), paragraph (a)

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

Remove line 6 and insert:

criteria are met; clarifying that the Charter School Appeal
Commission shall not be convened when denial of an application
submitted by a high-performing charter school is appealed;
requiring a sponsor to not renew or