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1 A bill to be entitled  
2 An act relating to charter schools; amending s.  
3 1002.33, F.S.; conforming provisions to changes made  
4 by the act relating to authorized activities of a  
5 high-performing charter school that is part of a high-  
6 performing charter school system; authorizing each  
7 district school board to share revenue generated by  
8 its capital outlay millage levy with charter schools  
9 on a per-student pro rata basis; providing for  
10 recalculation of a school district's Florida Education  
11 Finance Program allocation if the millage levy revenue  
12 is not shared; providing for distribution of  
13 recalculated funds; requiring payment to charter  
14 schools of certain federal funds received by a  
15 district school board; amending s. 1002.331, F.S.;  
16 revising requirements for designation as a high-  
17 performing charter school; revising the restriction on  
18 the establishment of new charter schools that  
19 replicate a high-performing charter school's  
20 educational program; amending s. 1002.332, F.S.;  
21 authorizing a high-performing charter school that is  
22 part of a high-performing charter school system to  
23 increase student enrollment, expand grade levels,  
24 submit quarterly financial statements, consolidate  
25 charters, and modify charter terms; providing an  
26 effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Paragraph (a) of subsection (7), paragraph (g)  
31 of subsection (9), paragraphs (h) and (i) of subsection (10),  
32 and subsection (17) of section 1002.33, Florida Statutes, are  
33 amended to read:

34 1002.33 Charter schools.—

35 (7) CHARTER.—The major issues involving the operation of a  
36 charter school shall be considered in advance and written into  
37 the charter. The charter shall be signed by the governing board  
38 of the charter school and the sponsor, following a public  
39 hearing to ensure community input.

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

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

44 2. The focus of the curriculum, the instructional methods  
45 to be used, any distinctive instructional techniques to be  
46 employed, and identification and acquisition of appropriate  
47 technologies needed to improve educational and administrative  
48 performance which include a means for promoting safe, ethical,  
49 and appropriate uses of technology which comply with legal and  
50 professional standards.

51 a. The charter shall ensure that reading is a primary  
52 focus of the curriculum and that resources are provided to  
53 identify and provide specialized instruction for students who  
54 are reading below grade level. The curriculum and instructional  
55 strategies for reading must be consistent with the Sunshine  
56 State Standards and grounded in scientifically based reading

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57 | research.

58 |       b. In order to provide students with access to diverse  
59 | instructional delivery models, to facilitate the integration of  
60 | technology within traditional classroom instruction, and to  
61 | provide students with the skills they need to compete in the  
62 | 21st century economy, the Legislature encourages instructional  
63 | methods for blended learning courses consisting of both  
64 | traditional classroom and online instructional techniques.  
65 | Charter schools may implement blended learning courses which  
66 | combine traditional classroom instruction and virtual  
67 | instruction. Students in a blended learning course must be full-  
68 | time students of the charter school and receive the online  
69 | instruction in a classroom setting at the charter school.  
70 | Instructional personnel certified pursuant to s. 1012.55 who  
71 | provide virtual instruction for blended learning courses may be  
72 | employees of the charter school or may be under contract to  
73 | provide instructional services to charter school students. At a  
74 | minimum, such instructional personnel must hold an active state  
75 | or school district adjunct certification under s. 1012.57 for  
76 | the subject area of the blended learning course. The funding and  
77 | performance accountability requirements for blended learning  
78 | courses are the same as those for traditional courses.

79 |       3. The current incoming baseline standard of student  
80 | academic achievement, the outcomes to be achieved, and the  
81 | method of measurement that will be used. The criteria listed in  
82 | this subparagraph shall include a detailed description of:

83 |       a. How the baseline student academic achievement levels  
84 | and prior rates of academic progress will be established.

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85           b. How these baseline rates will be compared to rates of  
86 academic progress achieved by these same students while  
87 attending the charter school.

88           c. To the extent possible, how these rates of progress  
89 will be evaluated and compared with rates of progress of other  
90 closely comparable student populations.

91  
92 The district school board is required to provide academic  
93 student performance data to charter schools for each of their  
94 students coming from the district school system, as well as  
95 rates of academic progress of comparable student populations in  
96 the district school system.

97           4. The methods used to identify the educational strengths  
98 and needs of students and how well educational goals and  
99 performance standards are met by students attending the charter  
100 school. The methods shall provide a means for the charter school  
101 to ensure accountability to its constituents by analyzing  
102 student performance data and by evaluating the effectiveness and  
103 efficiency of its major educational programs. Students in  
104 charter schools shall, at a minimum, participate in the  
105 statewide assessment program created under s. 1008.22.

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

109           6. A method for resolving conflicts between the governing  
110 board of the charter school and the sponsor.

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

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113           8. The ways by which the school will achieve a  
114 racial/ethnic balance reflective of the community it serves or  
115 within the racial/ethnic range of other public schools in the  
116 same school district.

117           9. The financial and administrative management of the  
118 school, including a reasonable demonstration of the professional  
119 experience or competence of those individuals or organizations  
120 applying to operate the charter school or those hired or  
121 retained to perform such professional services and the  
122 description of clearly delineated responsibilities and the  
123 policies and practices needed to effectively manage the charter  
124 school. A description of internal audit procedures and  
125 establishment of controls to ensure that financial resources are  
126 properly managed must be included. Both public sector and  
127 private sector professional experience shall be equally valid in  
128 such a consideration.

129           10. The asset and liability projections required in the  
130 application which are incorporated into the charter and shall be  
131 compared with information provided in the annual report of the  
132 charter school.

133           11. A description of procedures that identify various  
134 risks and provide for a comprehensive approach to reduce the  
135 impact of losses; plans to ensure the safety and security of  
136 students and staff; plans to identify, minimize, and protect  
137 others from violent or disruptive student behavior; and the  
138 manner in which the school will be insured, including whether or  
139 not the school will be required to have liability insurance,  
140 and, if so, the terms and conditions thereof and the amounts of

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141 coverage.

142 12. The term of the charter which shall provide for  
143 cancellation of the charter if insufficient progress has been  
144 made in attaining the student achievement objectives of the  
145 charter and if it is not likely that such objectives can be  
146 achieved before expiration of the charter. The initial term of a  
147 charter shall be for 4 or 5 years. In order to facilitate access  
148 to long-term financial resources for charter school  
149 construction, charter schools that are operated by a  
150 municipality or other public entity as provided by law are  
151 eligible for up to a 15-year charter, subject to approval by the  
152 district school board. A charter lab school is eligible for a  
153 charter for a term of up to 15 years. In addition, to facilitate  
154 access to long-term financial resources for charter school  
155 construction, charter schools that are operated by a private,  
156 not-for-profit, s. 501(c)(3) status corporation are eligible for  
157 up to a 15-year charter, subject to approval by the district  
158 school board. Such long-term charters remain subject to annual  
159 review and may be terminated during the term of the charter, but  
160 only according to the provisions set forth in subsection (8).

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

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

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

168 16. A timetable for implementing the charter which

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169 addresses the implementation of each element thereof and the  
170 date by which the charter shall be awarded in order to meet this  
171 timetable.

172 17. In the case of an existing public school that is being  
173 converted to charter status, alternative arrangements for  
174 current students who choose not to attend the charter school and  
175 for current teachers who choose not to teach in the charter  
176 school after conversion in accordance with the existing  
177 collective bargaining agreement or district school board rule in  
178 the absence of a collective bargaining agreement. However,  
179 alternative arrangements shall not be required for current  
180 teachers who choose not to teach in a charter lab school, except  
181 as authorized by the employment policies of the state university  
182 which grants the charter to the lab school.

183 18. Full disclosure of the identity of all relatives  
184 employed by the charter school who are related to the charter  
185 school owner, president, chairperson of the governing board of  
186 directors, superintendent, governing board member, principal,  
187 assistant principal, or any other person employed by the charter  
188 school who has equivalent decisionmaking authority. For the  
189 purpose of this subparagraph, the term "relative" means father,  
190 mother, son, daughter, brother, sister, uncle, aunt, first  
191 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
192 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
193 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
194 stepsister, half brother, or half sister.

195 19. Implementation of the activities authorized under s.  
196 1002.331 or s. 1002.332 by the charter school when it satisfies

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197 the eligibility requirements for a high-performing charter  
198 school. A high-performing charter school shall notify its  
199 sponsor in writing by March 1 if it intends to increase  
200 enrollment or expand grade levels the following school year. The  
201 written notice shall specify the amount of the enrollment  
202 increase and the grade levels that will be added, as applicable.

203 (9) CHARTER SCHOOL REQUIREMENTS.—

204 (g) In order to provide financial information that is  
205 comparable to that reported for other public schools, charter  
206 schools are to maintain all financial records that constitute  
207 their accounting system:

208 1. In accordance with the accounts and codes prescribed in  
209 the most recent issuance of the publication titled "Financial  
210 and Program Cost Accounting and Reporting for Florida Schools";  
211 or

212 2. At the discretion of the charter school's governing  
213 board, a charter school may elect to follow generally accepted  
214 accounting standards for not-for-profit organizations, but must  
215 reformat this information for reporting according to this  
216 paragraph.

217  
218 Charter schools shall provide annual financial report and  
219 program cost report information in the state-required formats  
220 for inclusion in district reporting in compliance with s.  
221 1011.60(1). Charter schools that are operated by a municipality  
222 or are a component unit of a parent nonprofit organization may  
223 use the accounting system of the municipality or the parent but  
224 must reformat this information for reporting according to this



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225 paragraph. A charter school shall provide a monthly financial  
226 statement to the sponsor unless the charter school is designated  
227 as a high-performing charter school pursuant to s. 1002.331 or  
228 s. 1002.332, in which case the high-performing charter school  
229 may provide a quarterly financial statement. The financial  
230 statement required under this paragraph shall be in a form  
231 prescribed by the Department of Education.

232 (10) ELIGIBLE STUDENTS.—

233 (h) The capacity of the charter school shall be determined  
234 annually by the governing board, in conjunction with the  
235 sponsor, of the charter school in consideration of the factors  
236 identified in this subsection unless the charter school is  
237 designated as a high-performing charter school pursuant to s.  
238 1002.331 or s. 1002.332. A sponsor may not require a charter  
239 school to waive the provisions of s. 1002.331 or s. 1002.332 or  
240 require a student enrollment cap that prohibits a high-  
241 performing charter school from increasing enrollment in  
242 accordance with s. 1002.331(2) or s. 1002.332(2)(c) as a  
243 condition of approval or renewal of a charter.

244 (i) The capacity of a high-performing charter school  
245 identified pursuant to s. 1002.331 or s. 1002.332 shall be  
246 determined annually by the governing board of the charter  
247 school. The governing board shall notify the sponsor of any  
248 increase in enrollment by March 1 of the school year preceding  
249 the increase.

250 (17) FUNDING.—Students enrolled in a charter school,  
251 regardless of the sponsorship, shall be funded as if they are in  
252 a basic program or a special program, the same as students

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253 enrolled in other public schools in the school district. Funding  
254 for a charter lab school shall be as provided in s. 1002.32.

255 (a) Each charter school shall report its student  
256 enrollment to the sponsor as required in s. 1011.62, and in  
257 accordance with the definitions in s. 1011.61. The sponsor shall  
258 include each charter school's enrollment in the district's  
259 report of student enrollment. All charter schools submitting  
260 student record information required by the Department of  
261 Education shall comply with the Department of Education's  
262 guidelines for electronic data formats for such data, and all  
263 districts shall accept electronic data that complies with the  
264 Department of Education's electronic format.

265 (b) The basis for the agreement for funding students  
266 enrolled in a charter school shall be the sum of the school  
267 district's operating funds from the Florida Education Finance  
268 Program as provided in s. 1011.62 and the General Appropriations  
269 Act, including gross state and local funds, discretionary  
270 lottery funds, and funds from the school district's current  
271 operating discretionary millage levy; divided by total funded  
272 weighted full-time equivalent students in the school district;  
273 multiplied by the weighted full-time equivalent students for the  
274 charter school. Charter schools whose students or programs meet  
275 the eligibility criteria in law shall be entitled to their  
276 proportionate share of categorical program funds included in the  
277 total funds available in the Florida Education Finance Program  
278 by the Legislature, including transportation. Total funding for  
279 each charter school shall be recalculated during the year to  
280 reflect the revised calculations under the Florida Education

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281 Finance Program by the state and the actual weighted full-time  
282 equivalent students reported by the charter school during the  
283 full-time equivalent student survey periods designated by the  
284 Commissioner of Education.

285 (c) Each district school board may annually  
286 proportionately share the revenue generated by the millage levy  
287 pursuant to s. 1011.71(2) with charter schools in the school  
288 district on a per-student basis. If a district school board does  
289 not proportionately share the revenue generated by the millage  
290 levy pursuant to s. 1011.71(2), the Florida Education Finance  
291 Program allocation for that school district shall be  
292 recalculated so that each charter school in the school district  
293 receives, on a per-student basis, the same amount of funds that  
294 it would have received if the district school board shared the  
295 millage levy revenue with charter schools on a per-student pro  
296 rata basis. The school district shall, within 30 days after  
297 receipt, distribute the recalculated funds to each charter  
298 school in the district. Charter schools may only use these  
299 recalculated funds for capital outlay purposes.

300 (d)(e) If the district school board is providing programs  
301 or services to students funded by federal funds, any eligible  
302 students enrolled in charter schools in the school district  
303 shall be provided federal funds for the same level of service  
304 provided students in the schools operated by the district school  
305 board. All federal funds received by a district school board for  
306 the benefit of charter schools, charter school students, or  
307 charter school students as public school students in the school  
308 district, including, but not limited to, Title I, Title II, and

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309 IDEA funds, shall be paid in total to charter schools within 60  
310 days after receipt by the district school board. Pursuant to  
311 provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall  
312 receive all federal funding for which the school is otherwise  
313 eligible, including Title I funding, not later than 5 months  
314 after the charter school first opens and within 5 months after  
315 any subsequent expansion of enrollment.

316 (e)~~(d)~~ Charter schools shall be included by the Department  
317 of Education and the district school board in requests for  
318 federal stimulus funds in the same manner as district school  
319 board-operated public schools, including Title I and IDEA funds  
320 and shall be entitled to receive such funds. Charter schools are  
321 eligible to participate in federal competitive grants that are  
322 available as part of the federal stimulus funds.

323 (f)~~(e)~~ District school boards shall make timely and  
324 efficient payment and reimbursement to charter schools,  
325 including processing paperwork required to access special state  
326 and federal funding for which they may be eligible. The district  
327 school board may distribute funds to a charter school for up to  
328 3 months based on the projected full-time equivalent student  
329 membership of the charter school. Thereafter, the results of  
330 full-time equivalent student membership surveys shall be used in  
331 adjusting the amount of funds distributed monthly to the charter  
332 school for the remainder of the fiscal year. The payment shall  
333 be issued no later than 10 working days after the district  
334 school board receives a distribution of state or federal funds.  
335 If a warrant for payment is not issued within 10 working days  
336 after receipt of funding by the district school board, the

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337 school district shall pay to the charter school, in addition to  
 338 the amount of the scheduled disbursement, interest at a rate of  
 339 1 percent per month calculated on a daily basis on the unpaid  
 340 balance from the expiration of the 10 working days until such  
 341 time as the warrant is issued.

342 (g)~~(f)~~ Funding for a virtual charter school shall be as  
 343 provided in s. 1002.45(7).

344 Section 2. Paragraph (c) of subsection (1) and paragraph  
 345 (b) of subsection (3) of section 1002.331, Florida Statutes, are  
 346 amended to read:

347 1002.331 High-performing charter schools.—

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

350 (c) Did not receive a financial audit that revealed one or  
 351 more of the financial emergency conditions set forth in s.  
 352 218.503(1) in the most recent 3 fiscal years for which such  
 353 audits are available. However, this requirement is deemed met  
 354 ~~for a charter school in the workplace~~ if there is a finding in  
 355 an audit that the school has the monetary resources available to  
 356 cover any reported deficiency or that the deficiency does not  
 357 result in a deteriorating financial condition pursuant to s.  
 358 1002.345(1) (a) 3.

359  
 360 A virtual charter school established under s. 1002.33 is not  
 361 eligible for designation as a high-performing charter school.

362 (3)

363 (b) A high-performing charter school may not establish  
 364 more than three ~~one~~ charter schools ~~school~~ within the state

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365 under paragraph (a) in any year. A subsequent application to  
366 establish a charter school under paragraph (a) may not be  
367 submitted unless each charter school established in this manner  
368 achieves high-performing charter school status.

369 Section 3. Paragraph (c) is added to subsection (2) of  
370 section 1002.332, Florida Statutes, to read:

371 1002.332 High-performing charter school system.—

372 (2)

373 (c) A high-performing charter school that is part of a  
374 high-performing charter school system may:

375 1. Increase its student enrollment once per school year by  
376 up to 15 percent more than the capacity identified in the  
377 charter.

378 2. Expand grade levels within kindergarten through grade  
379 12 to add grade levels not already served if any annual  
380 enrollment increase resulting from grade level expansion is  
381 within the limit established in subparagraph 1.

382 3. Submit a quarterly, rather than a monthly, financial  
383 statement to the sponsor pursuant to s. 1002.33(9)(g).

384 4. Consolidate under a single charter the charters of  
385 multiple high-performing charter schools operated in the same  
386 school district by the charter schools' governing boards  
387 regardless of the renewal cycle.

388 5. Receive a modification of its charter to a term of 15  
389 years or a 15-year charter renewal. The charter may be modified  
390 or renewed for a shorter term at the option of the high-  
391 performing charter school. The charter must be consistent with  
392 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual

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393 review by the sponsor, and may be terminated during its term  
394 pursuant to s. 1002.33(8).

395  
396 A high-performing charter school that is part of a high-  
397 performing charter school system shall notify its sponsor in  
398 writing by March 1 if it intends to increase enrollment or  
399 expand grade levels the following school year. The written  
400 notice shall specify the amount of the enrollment increase and  
401 the grade levels that will be added, as applicable.

402 Section 4. This act shall take effect July 1, 2012.