

1                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           1002.33, F.S.; authorizing the Commissioner of  
4           Education, with the approval of the State Board of  
5           Education, to authorize a school district to apply to  
6           establish a charter school under certain  
7           circumstances; revising the duties of a sponsor and  
8           the charter school to require use of uniform model  
9           contracts developed by the Department of Education;  
10          providing that a sponsor is not liable for civil  
11          damages under state law for personal injury, property  
12          damage, or death resulting from an act or omission of  
13          the governing board, rather than the governing body,  
14          of the charter school; conforming terminology;  
15          revising the requirements for a charter school  
16          application; revising provisions relating to the  
17          timely submission of charter school applications;  
18          requiring a sponsor to annually report certain  
19          statistics regarding charter school applications;  
20          providing that an administrative law judge has final-  
21          order authority to rule on certain issues regarding a  
22          charter school; authorizing a charter school to  
23          provide virtual instruction without approval from the  
24          school district; providing a restriction relating to a  
25          required certificate of occupancy; conforming  
26          terminology; establishing student academic achievement  
27          as a priority in determining charter renewals and  
28          terminations; conforming terminology; revising the

29 | timeline for charter schools to submit waiver of  
30 | termination requests to the Department of Education;  
31 | providing that the random selection process for  
32 | admission to a charter school is public; requiring new  
33 | members of a governing board of a charter school to  
34 | attend the Florida Charter School Conference;  
35 | exempting members of a governing board of a high-  
36 | performing charter school from attending the  
37 | conference; revising provisions relating to  
38 | determination of a charter school's student  
39 | enrollment; authorizing teachers to take certain  
40 | online professional development courses; conforming  
41 | terminology; providing restrictions on the membership  
42 | of a governing board; prohibiting a charter school  
43 | from entering into a contract with a charter school  
44 | employee under certain circumstances; revising  
45 | provisions requiring charter school compliance with  
46 | statutes relating to education personnel compensation,  
47 | contracts, and performance evaluations and workforce  
48 | reductions; requiring that federal education funding  
49 | be paid directly to a charter school; specifying  
50 | additional administrative and educational services  
51 | provided through the administrative fee; requiring a  
52 | sponsor to provide information services to charter  
53 | schools, including electronic information systems  
54 | containing data that a charter school is required to  
55 | report to the school district; providing that only the  
56 | state board may adopt rules regarding charter schools;

57 prohibiting school districts from adopting rules or  
58 adding provisions into a charter contract; amending s.  
59 1002.331, F.S.; providing that a virtual charter  
60 school is eligible for designation as a high-  
61 performing charter school; revising the activities  
62 that a high-performing charter school may undertake;  
63 providing requirements for modification of the charter  
64 of a high-performing charter school; providing for  
65 withdrawal of a charter school's designation as a  
66 high-performing charter school; amending s. 1002.332,  
67 F.S.; requiring the commissioner to annually review a  
68 high-performing charter school system's eligibility  
69 for high-performing status; providing for withdrawal  
70 of a charter school system's designation as a high-  
71 performing charter school system; amending s. 1013.62,  
72 F.S.; requiring the Legislature to annually fund  
73 charter schools' allocations from the Florida  
74 Education Finance Program; providing an effective  
75 date.

76  
77 Be It Enacted by the Legislature of the State of Florida:

78  
79 Section 1. Paragraph (b) of subsection (5), paragraphs  
80 (a), (b), and (h) of subsection (6), paragraph (a) of subsection  
81 (7), paragraphs (a) and (f) of subsection (8), paragraphs (i),  
82 (j), (k), and (n) of subsection (9), paragraphs (b), (h), and  
83 (i) of subsection (10), paragraphs (f) and (h) of subsection  
84 (12), paragraph (b) of subsection (16), paragraph (c) of

85 subsection (17), paragraphs (a) and (c) of subsection (20),  
 86 paragraph (a) of subsection (24), and subsection (27) of section  
 87 1002.33, Florida Statutes, are amended, paragraph (c) is added  
 88 to subsection (3), paragraph (o) is added to subsection (9), and  
 89 paragraphs (j) and (k) are added to subsection (12) of that  
 90 section, to read:

91 1002.33 Charter schools.—

92 (3) APPLICATION FOR CHARTER STATUS.—

93 (c) Under extraordinary circumstances as specified in  
 94 department rule, the Commissioner of Education may, with the  
 95 approval of the State Board of Education, authorize a school  
 96 district to apply to establish a charter school if the proposed  
 97 charter school will be located in a geographic area that:

98 1. Has more than one school district; and

99 2. Serves an educationally disadvantaged community.

100 (5) SPONSOR; DUTIES.—

101 (b) Sponsor duties.—

102 1.a. The sponsor shall monitor and review the charter  
 103 school in its progress toward the goals established in the  
 104 charter.

105 b. The sponsor shall monitor the revenues and expenditures  
 106 of the charter school and perform the duties provided in s.  
 107 1002.345.

108 c. The sponsor may approve a charter for a charter school  
 109 before the applicant has identified space, equipment, or  
 110 personnel, if the applicant indicates approval is necessary for  
 111 it to raise working funds.

112 d. The sponsor's policies do ~~shall~~ not apply to a charter

HB 1267

2013

113 school unless mutually agreed to by both the sponsor and the  
114 charter school.

115 e. The sponsor shall ensure that the charter is innovative  
116 and consistent with the state education goals established by s.  
117 1000.03(5).

118 f. The sponsor shall ensure that the charter school  
119 participates in the state's education accountability system. If  
120 a charter school falls short of performance measures included in  
121 the approved charter, the sponsor shall report such shortcomings  
122 to the Department of Education.

123 g. The sponsor is not ~~shall not be~~ liable for civil  
124 damages under state law for personal injury, property damage, or  
125 death resulting from an act or omission of an officer, employee,  
126 agent, or governing board ~~body~~ of the charter school.

127 h. The sponsor is not ~~shall not be~~ liable for civil  
128 damages under state law for any employment actions taken by an  
129 officer, employee, agent, or governing board ~~body~~ of the charter  
130 school.

131 i. The sponsor's duties to monitor the charter school may  
132 ~~shall~~ not constitute the basis for a private cause of action.

133 j. The sponsor may ~~shall~~ not impose additional reporting  
134 requirements on a charter school without providing reasonable  
135 and specific justification in writing to the charter school.

136 2. Immunity for the sponsor of a charter school under  
137 subparagraph 1. applies only with respect to acts or omissions  
138 not under the sponsor's direct authority as described in this  
139 section.

140 3. This paragraph does not waive a district school board's

141 sovereign immunity.

142 4. A Florida College System institution may work with the  
 143 school district or school districts in its designated service  
 144 area to develop charter schools that offer secondary education.  
 145 These charter schools must include an option for students to  
 146 receive an associate degree upon high school graduation.  
 147 District school boards shall cooperate with and assist the  
 148 Florida College System institution on the charter application.  
 149 Florida College System institution applications for charter  
 150 schools are not subject to the time deadlines outlined in  
 151 subsection (6) and may be approved by the district school board  
 152 at any time during the year. Florida College System institutions  
 153 may not report FTE for any students who receive FTE funding  
 154 through the Florida Education Finance Program.

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

157 (a) A person or entity that wants ~~wishing~~ to open a  
 158 charter school must:

159 1. Provide one of the following:

160 a. A surety bond or letter of credit equivalent to 1 month  
 161 of the new charter school's projected budget;

162 b. Proof of accreditation by the Commission on Schools of  
 163 the Southern Association of Colleges and Schools;

164 c. Proof that an educational program at the new charter  
 165 school will substantially replicate the educational program at  
 166 an existing high-performing charter school as provided in s.  
 167 1002.331, notwithstanding that the grades served by the new  
 168 charter school may be different from those of the existing high-

169 performing charter school it seeks to replicate; or

170 d. Proof that the new charter school will be part of an  
171 existing high-performing charter school system as defined in s.  
172 1002.332; and

173 2. ~~shall~~ Prepare and submit an application on the ~~a~~ model  
174 application form prepared by the Department of Education which:

175 a.1. ~~Demonstrates~~ how the school will use the guiding  
176 principles and meet the statutorily defined purpose of a charter  
177 school.

178 b.2. ~~Provides~~ a detailed curriculum plan that illustrates  
179 how students will be provided services to attain the Sunshine  
180 State Standards.

181 c.3. ~~Contains~~ goals and objectives for improving student  
182 learning and measuring that improvement. These goals and  
183 objectives must indicate how much academic improvement students  
184 are expected to show each year, how success will be evaluated,  
185 and the specific results to be attained through instruction.

186 d.4. ~~Describes~~ the reading curriculum and differentiated  
187 strategies that will be used for students reading at grade level  
188 or higher and a separate curriculum and strategies for students  
189 who are reading below grade level. A sponsor shall deny a  
190 charter if the school does not propose a reading curriculum that  
191 is consistent with effective teaching strategies that are  
192 grounded in scientifically based reading research.

193 e.5. ~~Contains~~ an annual financial plan for each year  
194 requested by the charter for operation of the school for up to 5  
195 years. This plan must contain anticipated fund balances based on  
196 revenue projections, a spending plan based on projected revenues

197 and expenses, and a description of controls that will safeguard  
 198 finances and projected enrollment trends.

199 ~~f.6.~~ Documents that the applicant has participated in the  
 200 training required in subparagraph (f)2. A sponsor may require an  
 201 applicant to provide additional information as an addendum to  
 202 the charter school application described in this paragraph.

203 ~~g.7.~~ For the establishment of a virtual charter school,  
 204 documents that the applicant has contracted with a provider of  
 205 virtual instruction services pursuant to s. 1002.45(1)(d).

206 (b) A sponsor shall receive and review all applications  
 207 for a charter school using the ~~an~~ evaluation instrument  
 208 developed by the Department of Education. A sponsor shall  
 209 receive and consider charter school applications received on or  
 210 before August 1 of each calendar year for charter schools to be  
 211 opened at the beginning of the school district's next school  
 212 year, or to be opened at a time agreed to by the applicant and  
 213 the sponsor. A sponsor may not refuse to receive a charter  
 214 school application submitted before August 1 and may receive an  
 215 application submitted ~~applications~~ later than August 1 ~~this date~~  
 216 ~~if it chooses.~~ In order to facilitate greater collaboration in  
 217 the application process, an applicant may submit a draft charter  
 218 school application on or before May 1. If a draft application is  
 219 timely submitted, the sponsor shall review and provide feedback  
 220 as to potential grounds for denial within 60 days after receipt  
 221 of the draft application. The applicant has until August 1 to  
 222 resubmit a revised and final application. A sponsor may not  
 223 charge an applicant for a charter any fee for the processing or  
 224 consideration of an application, and a sponsor may not base its



HB 1267

2013

225 consideration or approval of an application upon the promise of  
226 future payment of any kind. Before approving or denying a ~~any~~  
227 final application, the sponsor shall allow the applicant, upon  
228 receipt of written notification, at least 7 calendar days to  
229 make technical or nonsubstantive corrections and clarifications,  
230 including, but not limited to, corrections of grammatical,  
231 typographical, and like errors or missing signatures, if such  
232 errors are identified by the sponsor as cause to deny the  
233 application. A sponsor shall annually and publicly report for  
234 the previous year the number of charter school applications it  
235 received, the number of applications it approved, the number of  
236 charter contracts it entered into, and the number of charter  
237 schools actually opened.

238 1. In order to facilitate an accurate budget projection  
239 process, a sponsor is ~~shall be~~ held harmless for FTE students  
240 who are not included in the FTE projection due to approval of  
241 charter school applications after the FTE projection deadline.  
242 In a further effort to facilitate an accurate budget projection,  
243 within 15 calendar days after receipt of a charter school  
244 application, a sponsor shall report to the Department of  
245 Education the name of the applicant entity, the proposed charter  
246 school location, and its projected FTE.

247 2. In order to ensure fiscal responsibility, an  
248 application for a charter school must ~~shall~~ include a full  
249 accounting of expected assets, a projection of expected sources  
250 and amounts of income, including income derived from projected  
251 student enrollments and from community support, and an expense  
252 projection that includes full accounting of the costs of

253 operation, including start-up costs.

254 3.a. A sponsor shall, by a majority vote, approve or deny  
 255 an application no later than 60 calendar days after the  
 256 application is received, unless the sponsor and the applicant  
 257 mutually agree in writing to temporarily postpone the vote to a  
 258 specific date, at which time the sponsor shall, by a majority  
 259 vote, approve or deny the application. If the sponsor fails to  
 260 act on the application in the absence of a mutual agreement to  
 261 extend the deadline, an applicant may appeal to the State Board  
 262 of Education as provided in paragraph (c). If an application is  
 263 denied, the sponsor shall, within 10 calendar days after such  
 264 denial, articulate in writing the specific reasons, based upon  
 265 good cause, supporting its denial of the charter application and  
 266 shall provide the letter of denial and supporting documentation  
 267 to the applicant and to the Department of Education.

268 b. An application submitted by a high-performing charter  
 269 school identified pursuant to s. 1002.331 may be denied by the  
 270 sponsor only if the sponsor demonstrates by clear and convincing  
 271 evidence that:

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

274 (II) The charter school proposed in the application does  
 275 not materially comply with the requirements in paragraphs  
 276 (9) (a) - (f);

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

280 (IV) The applicant has made a material misrepresentation

281 or false statement or concealed an essential or material fact  
 282 during the application process; or

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

286  
 287 Material noncompliance is a failure to follow requirements or a  
 288 violation of prohibitions applicable to charter school  
 289 applications, which failure is quantitatively or qualitatively  
 290 significant either individually or when aggregated with other  
 291 noncompliance. An applicant is considered to be replicating a  
 292 high-performing charter school if the proposed school is  
 293 substantially similar to at least one of the applicant's high-  
 294 performing charter schools and the organization or individuals  
 295 involved in the establishment and operation of the proposed  
 296 school are significantly involved in the operation of replicated  
 297 schools.

298 c. If the sponsor denies an application submitted by a  
 299 high-performing charter school, the sponsor must, within 10  
 300 calendar days after such denial, state in writing the specific  
 301 reasons, based upon the criteria in sub-subparagraph b.,  
 302 supporting ~~its~~ denial of the application and must provide the  
 303 letter of denial and supporting documentation to the applicant  
 304 and to the Department of Education. The applicant may appeal the  
 305 sponsor's denial of the application ~~directly~~ to the State Board  
 306 of Education pursuant to sub-subparagraph (c)3.b.

307 4. For budget projection purposes, the sponsor shall  
 308 report to the Department of Education the approval or denial of

309 a charter application within 10 calendar days after such  
 310 approval or denial. In the event of approval, the report to the  
 311 Department of Education shall include the final projected FTE  
 312 for the approved charter school.

313 5. Upon approval of a charter application, the initial  
 314 startup commences ~~shall commence~~ with the beginning of the  
 315 public school calendar for the district in which the charter is  
 316 granted unless the sponsor allows a waiver of this subparagraph  
 317 for good cause.

318 (h) The terms and conditions for the operation of a  
 319 charter school shall be established ~~set forth~~ by the sponsor and  
 320 the applicant in a written contractual agreement, called a  
 321 charter. The sponsor and the applicant shall use a uniform model  
 322 contractual agreement developed by the Department of Education.  
 323 The sponsor may ~~shall~~ not impose unreasonable rules or  
 324 regulations that violate the intent of giving charter schools  
 325 greater flexibility to meet educational goals. The sponsor has  
 326 ~~shall have~~ 60 days after approval of the application to provide  
 327 an initial proposed charter contract to the charter school. The  
 328 applicant and the sponsor ~~shall~~ have 75 days thereafter to  
 329 negotiate and notice the charter contract for final approval by  
 330 the sponsor unless both parties agree to an extension. The  
 331 proposed charter contract shall be provided to the charter  
 332 school at least 7 calendar days before ~~prior to~~ the date of the  
 333 meeting at which the charter is scheduled to be voted upon by  
 334 the sponsor. The Department of Education shall provide mediation  
 335 services for any dispute regarding this section subsequent to  
 336 the approval of a charter application and for any dispute

337 relating to the approved charter, except disputes regarding  
338 charter school application denials. If the Commissioner of  
339 Education determines that the dispute cannot be settled through  
340 mediation, the dispute may be appealed to an administrative law  
341 judge appointed by the Division of Administrative Hearings. The  
342 administrative law judge has final-order authority to ~~may~~ rule  
343 on issues of equitable treatment of the charter school as a  
344 public school, whether proposed provisions of the charter  
345 violate the intended flexibility granted charter schools by  
346 statute, or on any other matter regarding this section except a  
347 charter school application denial, a charter termination, or a  
348 charter nonrenewal and shall award the prevailing party  
349 reasonable attorney ~~attorney's~~ fees and costs incurred to be  
350 paid by the losing party. The costs of the administrative  
351 hearing shall be paid by the party whom the administrative law  
352 judge rules against.

353 (7) CHARTER.—The major issues involving the operation of a  
354 charter school shall be considered in advance and written into  
355 the charter. The charter shall be signed by the governing board  
356 of the charter school and the sponsor, following a public  
357 hearing to ensure community input.

358 (a) The charter must ~~shall~~ address and criteria for  
359 approval of the charter must ~~shall~~ be based on:

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

362 2. The focus of the curriculum, the instructional methods  
363 to be used, any distinctive instructional techniques to be  
364 employed, and identification and acquisition of appropriate

365 technologies needed to improve educational and administrative  
366 performance, which include a means for promoting safe, ethical,  
367 and appropriate uses of technology which comply with legal and  
368 professional standards.

369 a. The charter must ~~shall~~ ensure that reading is a primary  
370 focus of the curriculum and that resources are provided to  
371 identify and provide specialized instruction for students who  
372 are reading below grade level. The curriculum and instructional  
373 strategies for reading must be consistent with the Sunshine  
374 State Standards and grounded in scientifically based reading  
375 research.

376 b. In order to provide students with access to diverse  
377 instructional delivery models, to facilitate the integration of  
378 technology within traditional classroom instruction, and to  
379 provide students with the skills they need to compete in the  
380 21st century economy, the Legislature encourages instructional  
381 methods for blended learning courses consisting of both  
382 traditional classroom and online instructional techniques.  
383 Charter schools may implement blended learning courses that  
384 ~~which~~ combine traditional classroom instruction and virtual  
385 instruction. Students in a blended learning course must be full-  
386 time students of the charter school ~~and receive the online~~  
387 ~~instruction in a classroom setting at the charter school.~~  
388 Instructional personnel certified pursuant to s. 1012.55 who  
389 provide virtual instruction for blended learning courses may be  
390 employees of the charter school or may be under contract to  
391 provide instructional services to charter school students. At a  
392 minimum, such instructional personnel shall ~~must~~ hold an active

HB 1267

2013

393 state or school district adjunct certification under s. 1012.57  
394 for the subject area of the blended learning course. The funding  
395 and performance accountability requirements for blended learning  
396 courses are the same as those for traditional courses. A charter  
397 school may provide virtual instruction without approval from the  
398 school district.

399 3. The current incoming baseline standard of student  
400 academic achievement, the outcomes to be achieved, and the  
401 method of measurement that will be used. The criteria  
402 established ~~listed~~ in this subparagraph must ~~shall~~ include a  
403 detailed description of:

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

406 b. How these baseline rates will be compared to rates of  
407 academic progress achieved by these same students while  
408 attending the charter school.

409 c. To the extent possible, how these rates of progress  
410 will be evaluated and compared with rates of progress of other  
411 closely comparable student populations.

412  
413 The district school board is required to provide academic  
414 student performance data to charter schools for each of their  
415 students coming from the district school system, as well as  
416 rates of academic progress of comparable student populations in  
417 the district school system.

418 4. The methods used to identify the educational strengths  
419 and needs of students and how well educational goals and  
420 performance standards are met by students attending the charter

421 school. The methods must ~~shall~~ provide a means for the charter  
 422 school to ensure accountability to its constituents by analyzing  
 423 student performance data and by evaluating the effectiveness and  
 424 efficiency of its major educational programs. Students in  
 425 charter schools shall, at a minimum, participate in the  
 426 statewide assessment program created under s. 1008.22.

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

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

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

434 8. The ways by which the school will achieve a  
 435 racial/ethnic balance reflective of the community it serves or  
 436 within the racial/ethnic range of other public schools in the  
 437 same school district.

438 9. The financial and administrative management of the  
 439 school, including a reasonable demonstration of the professional  
 440 experience or competence of those individuals or organizations  
 441 applying to operate the charter school or those hired or  
 442 retained to perform such professional services and the  
 443 description of clearly delineated responsibilities and the  
 444 policies and practices needed to effectively manage the charter  
 445 school. A description of internal audit procedures and  
 446 establishment of controls to ensure that financial resources are  
 447 properly managed must be included. Public-sector ~~Both public~~  
 448 ~~sector~~ and private-sector ~~private-sector~~ professional experience



449 | are ~~shall be~~ equally valid in such a consideration.

450 |       10. The asset and liability projections required in the  
451 | application which are incorporated into the charter and must  
452 | ~~shall~~ be compared with information provided in the annual report  
453 | of the charter school.

454 |       11. A description of procedures that identify various  
455 | risks and provide for a comprehensive approach to reduce the  
456 | impact of losses; plans to ensure the safety and security of  
457 | students and staff; plans to identify, minimize, and protect  
458 | others from violent or disruptive student behavior; and the  
459 | manner in which the school will be insured, including whether or  
460 | not the school will be required to have liability insurance,  
461 | and, if so, the terms and conditions thereof and the amounts of  
462 | coverage.

463 |       12. The term of the charter, which must ~~shall~~ provide for  
464 | termination ~~cancellation~~ of the charter if insufficient progress  
465 | has been made in attaining the student achievement objectives of  
466 | the charter and if it is not likely that such objectives can be  
467 | achieved before expiration of the charter. The initial term of a  
468 | charter is ~~shall be~~ for 4 or 5 years. In order to facilitate  
469 | access to long-term financial resources for charter school  
470 | construction, charter schools that are operated by a  
471 | municipality or other public entity as provided by law are  
472 | eligible for up to a 15-year charter, subject to approval by the  
473 | district school board. A charter lab school is eligible for a  
474 | charter for a term of up to 15 years. In addition, to facilitate  
475 | access to long-term financial resources for charter school  
476 | construction, charter schools that are operated by a private,

HB 1267

2013

477 not-for-profit, s. 501(c)(3) status corporation are eligible for  
478 up to a 15-year charter, subject to approval by the district  
479 school board. Such long-term charters remain subject to annual  
480 review and may be terminated during the term of the charter, but  
481 only according to ~~the provisions set forth in~~ subsection (8).

482 13. The facilities to be used and their location. A  
483 temporary certificate of occupancy suffices for a charter school  
484 to occupy a new school building at the beginning of a school  
485 year, and a sponsor may not require that the contract include an  
486 automatic termination provision if the charter school fails to  
487 obtain more than a temporary certificate of occupancy within 15  
488 calendar days before the first day of school.

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

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

495 16. A timetable for implementing the charter which  
496 addresses the implementation of each element thereof and the  
497 date by which the charter must ~~shall~~ be awarded in order to meet  
498 this timetable.

499 17. In the case of an existing public school that is being  
500 converted to charter status, alternative arrangements for  
501 current students who choose not to attend the charter school and  
502 for current teachers who choose not to teach in the charter  
503 school after conversion in accordance with the existing  
504 collective bargaining agreement or district school board rule in

505 the absence of a collective bargaining agreement. However,  
 506 alternative arrangements may ~~shall~~ not be required for current  
 507 teachers who choose not to teach in a charter lab school, except  
 508 as authorized by the employment policies of the state university  
 509 which grants the charter to the lab school.

510 18. Full disclosure of the identity of all relatives  
 511 employed by the charter school who are related to the charter  
 512 school owner, president, chairperson of the governing board of  
 513 directors, superintendent, governing board member, principal,  
 514 assistant principal, or any other person employed by the charter  
 515 school who has equivalent decisionmaking authority. For the  
 516 purpose of this subparagraph, the term "relative" means father,  
 517 mother, son, daughter, brother, sister, uncle, aunt, first  
 518 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 519 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 520 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 521 stepsister, half brother, or half sister.

522 19. Implementation of the activities authorized under s.  
 523 1002.331 by the charter school when it satisfies the eligibility  
 524 requirements for a high-performing charter school. A high-  
 525 performing charter school shall notify its sponsor in writing by  
 526 March 1 if it intends to increase enrollment or expand grade  
 527 levels the following school year. The written notice must ~~shall~~  
 528 specify the amount of the enrollment increase and the grade  
 529 levels that will be added, as applicable.

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

531 (a) The sponsor shall make student academic achievement  
 532 for all students one of the most important factors in

533 | determining whether to renew or terminate the charter. The  
534 | sponsor may also choose not to renew or may terminate the  
535 | charter for any of the following grounds:

536 |       1. Failure to participate in the state's education  
537 | accountability system created in s. 1008.31, as required in this  
538 | section, or failure to meet the requirements for student  
539 | performance stated in the charter.

540 |       2. Failure to meet generally accepted standards of fiscal  
541 | management.

542 |       3. Violation of law.

543 |       4. Other good cause shown.

544 |       (f) If a charter is not renewed or is terminated, the  
545 | charter school is responsible for all debts of the charter  
546 | school. The district may not assume the debt from any contract  
547 | made between the governing board ~~body~~ of the school and a third  
548 | party, except for a debt that is previously detailed and agreed  
549 | upon in writing by both the district and the governing board  
550 | ~~body~~ of the school and that may not reasonably be assumed to  
551 | have been satisfied by the district.

552 |       (9) CHARTER SCHOOL REQUIREMENTS.—

553 |       (i) The governing board ~~body~~ of the charter school shall  
554 | exercise continuing oversight over charter school operations.

555 |       (j) The governing board ~~body~~ of the charter school is  
556 | ~~shall be~~ responsible for:

557 |       1. Ensuring that the charter school has retained the  
558 | services of a certified public accountant or auditor for the  
559 | annual financial audit, pursuant to s. 1002.345(2), who shall  
560 | submit the report to the governing board ~~body~~.

HB 1267

2013

561 2. Reviewing and approving the audit report, including  
562 audit findings and recommendations for the financial recovery  
563 plan.

564 3.a. Performing the duties in s. 1002.345, including  
565 monitoring a corrective action plan.

566 b. Monitoring a financial recovery plan in order to ensure  
567 compliance.

568 4. Participating in governance training approved by the  
569 department, which must include government in the sunshine,  
570 conflicts of interest, ethics, and financial responsibility.

571 (k) The governing board ~~body~~ of the charter school shall  
572 report its progress annually to its sponsor, which shall forward  
573 the report to the Commissioner of Education at the same time as  
574 other annual school accountability reports. The Department of  
575 Education shall develop a uniform, online annual accountability  
576 report to be completed by charter schools. This report must  
577 ~~shall~~ be easy to read and understand ~~utilize~~ and contain  
578 demographic information, student performance data, and financial  
579 accountability information. A charter school is ~~shall~~ not be  
580 required to provide information and data that are ~~is~~ duplicative  
581 and already in the possession of the department. The Department  
582 of Education shall include in its compilation a notation if a  
583 school failed to file its report by the deadline established by  
584 the department. The report must ~~shall~~ include at least the  
585 following components:

586 1. Student achievement performance data, including the  
587 information required for the annual school report and the  
588 education accountability system governed by ss. 1008.31 and

HB 1267

2013

589 1008.345. Charter schools are subject to the same accountability  
590 requirements as other public schools, including reports of  
591 student achievement information that links baseline student data  
592 to the school's performance projections identified in the  
593 charter. The charter school shall identify reasons for any  
594 difference between projected and actual student performance.

595 2. Financial status of the charter school which must  
596 include revenues and expenditures at a level of detail which  
597 ~~that~~ allows for analysis of the charter school's ability to meet  
598 financial obligations and timely repayment of debt.

599 3. Documentation of the facilities in current use and any  
600 planned facilities for use by the charter school for instruction  
601 of students, administrative functions, or investment purposes.

602 4. Descriptive information about the charter school's  
603 personnel, including salary and benefit levels of charter school  
604 employees, the proportion of instructional personnel who hold  
605 professional or temporary certificates, and the proportion of  
606 instructional personnel teaching in-field or out-of-field.

607 (n)1. The director and a representative of the governing  
608 board of a charter school that has earned a grade of "D" or "F"  
609 pursuant to s. 1008.34(2) shall appear before the sponsor to  
610 present information concerning each contract component having  
611 noted deficiencies. The director and a representative of the  
612 governing board shall submit to the sponsor for approval a  
613 school improvement plan to raise student achievement. Upon  
614 approval by the sponsor, the charter school shall begin  
615 implementation of the school improvement plan. The department  
616 shall offer technical assistance and training to the charter

HB 1267

2013

617 school and its governing board and establish guidelines for  
618 developing, submitting, and approving such plans.

619 2.a. If a charter school earns three consecutive grades of  
620 "D," two consecutive grades of "D" followed by a grade of "F,"  
621 or two nonconsecutive grades of "F" within a 3-year period, the  
622 charter school governing board shall choose one of the following  
623 corrective actions:

624 (I) Contract for educational services to be provided  
625 directly to students, instructional personnel, and school  
626 administrators, as prescribed in state board rule;

627 (II) Contract with an outside entity that has a  
628 demonstrated record of effectiveness to operate the school;

629 (III) Reorganize the school under a new director or  
630 principal who is authorized to hire new staff; or

631 (IV) Voluntarily close the charter school.

632 b. The charter school must implement the corrective action  
633 in the school year following receipt of a third consecutive  
634 grade of "D," a grade of "F" following two consecutive grades of  
635 "D," or a second nonconsecutive grade of "F" within a 3-year  
636 period.

637 c. The sponsor may annually waive a corrective action if  
638 it determines that the charter school is likely to improve a  
639 letter grade if additional time is provided to implement the  
640 intervention and support strategies prescribed by the school  
641 improvement plan. Notwithstanding this sub-subparagraph, a  
642 charter school that earns a second consecutive grade of "F" is  
643 subject to subparagraph 4.

644 d. A charter school is no longer required to implement a

645 corrective action if it improves by at least one letter grade.  
646 However, the charter school must continue to implement  
647 strategies identified in the school improvement plan. The  
648 sponsor must annually review implementation of the school  
649 improvement plan to monitor the school's continued improvement  
650 pursuant to subparagraph 5.

651 e. A charter school implementing a corrective action that  
652 does not improve by at least one letter grade after 2 full  
653 school years of implementing the corrective action must select a  
654 different corrective action. Implementation of the new  
655 corrective action must begin in the school year following the  
656 implementation period of the existing corrective action, unless  
657 the sponsor determines that the charter school is likely to  
658 improve a letter grade if additional time is provided to  
659 implement the existing corrective action. Notwithstanding this  
660 sub-subparagraph, a charter school that earns a second  
661 consecutive grade of "F" while implementing a corrective action  
662 is subject to subparagraph 4.

663 3. A charter school with a grade of "D" or "F" that  
664 improves by at least one letter grade must continue to implement  
665 the strategies identified in the school improvement plan. The  
666 sponsor must annually review implementation of the school  
667 improvement plan to monitor the school's continued improvement  
668 pursuant to subparagraph 5.

669 4. The sponsor shall terminate a charter if the charter  
670 school earns two consecutive grades of "F" unless:

671 a. The charter school is established to turn around the  
672 performance of a district public school pursuant to s.



673 1008.33(4)(b)3. Such charter schools are ~~shall be~~ governed by s.  
 674 1008.33;

675 b. The charter school serves a student population the  
 676 majority of which resides in a school zone served by a district  
 677 public school that earned a grade of "F" in the year before the  
 678 charter school opened and the charter school earns at least a  
 679 grade of "D" in its third year of operation. The exception  
 680 provided under this sub-subparagraph does not apply to a charter  
 681 school in its fourth year of operation and thereafter; or

682 c. The state board grants the charter school a waiver of  
 683 termination. The charter school must request the waiver within  
 684 15 ~~30~~ days after the department's official release ~~completion~~ of  
 685 school grades ~~grade appeals~~. The state board may waive  
 686 termination if the charter school demonstrates that the learning  
 687 gains of its students on statewide assessments are comparable to  
 688 or better than the learning gains of similarly situated students  
 689 enrolled in nearby district public schools. The waiver is valid  
 690 for 1 year and may only be granted once. Charter schools that  
 691 have been in operation for more than 5 years are not eligible  
 692 for a waiver under this sub-subparagraph.

693 5. The director and a representative of the governing  
 694 board of a graded charter school that has implemented a school  
 695 improvement plan under this paragraph shall appear before the  
 696 sponsor at least once a year to present information regarding  
 697 the progress of intervention and support strategies implemented  
 698 by the school pursuant to the school improvement plan and  
 699 corrective actions, if applicable. The sponsor shall communicate  
 700 at the meeting, and in writing to the director, the services

HB 1267

2013

701 provided to the school to help the school address its  
702 deficiencies.

703 6. Notwithstanding any provision of this paragraph except  
704 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter  
705 at any time pursuant to subsection (8).

706 (o) New members of a governing board of a charter school  
707 shall attend the Florida Charter School Conference. Members of  
708 the governing board of a high-performing charter school are  
709 exempt from this requirement.

710 (10) ELIGIBLE STUDENTS.—

711 (b) The charter school shall enroll an eligible student  
712 who submits a timely application, unless the number of  
713 applications exceeds the capacity of a program, class, grade  
714 level, or building. In such case, all applicants shall be  
715 afforded ~~have~~ an equal chance of being admitted through a  
716 public, random selection process.

717 (h) The capacity of the charter school shall be determined  
718 annually by its ~~the~~ governing board taking into consideration,  
719 ~~in conjunction with the sponsor, of the charter school in~~  
720 ~~consideration of the factors identified in this subsection~~  
721 ~~unless the charter school is designated as a high-performing~~  
722 ~~charter school pursuant to s. 1002.331. A sponsor may not~~  
723 require a charter school to waive its right to determine its own  
724 ~~the provisions of s. 1002.331 or require a student enrollment~~  
725 ~~cap that prohibits a high-performing charter school from~~  
726 ~~increasing enrollment in accordance with s. 1002.331(2) as a~~  
727 condition of approval or renewal of a charter.

728 ~~(i) The capacity of a high-performing charter school~~

HB 1267

2013

729 ~~identified pursuant to s. 1002.331 shall be determined annually~~  
730 ~~by the governing board of the charter school.~~ The governing  
731 board shall notify the sponsor of any increase in enrollment by  
732 March 1 of the school year preceding the increase. A sponsor may  
733 not require a charter school to identify the names of students  
734 to be enrolled or to enroll them before the start of the school  
735 year as a condition of approval or renewal of a charter.

736 (12) EMPLOYEES OF CHARTER SCHOOLS.—

737 (f) Teachers employed by or under contract to a charter  
738 school shall be certified as required by chapter 1012 and may  
739 take online professional development courses, approved by the  
740 Department of Education, that are directly aligned with the  
741 charter school's curriculum, vision, and mission and reflect the  
742 needs of the community served. A charter school governing board  
743 may employ or contract with skilled selected noncertified  
744 personnel to provide instructional services or to assist  
745 instructional staff members as education paraprofessionals in  
746 the same manner as defined in chapter 1012, and as provided by  
747 State Board of Education rule for charter school governing  
748 boards. A charter school may not knowingly employ an individual  
749 to provide instructional services or to serve as an education  
750 paraprofessional if the individual's certification or licensure  
751 as an educator is suspended or revoked by this or any other  
752 state. A charter school may not knowingly employ an individual  
753 who has resigned from a school district in lieu of disciplinary  
754 action with respect to child welfare or safety, or who has been  
755 dismissed for just cause by any school district with respect to  
756 child welfare or safety. The qualifications of teachers shall be

HB 1267

2013

757 disclosed to parents.

758 (h) For the purposes of tort liability, the governing  
759 board body and employees of a charter school are ~~shall be~~  
760 governed by s. 768.28.

761 (j) A charter school employee may not serve on the  
762 governing board of the charter school by which he or she is  
763 employed.

764 (k) A charter school may not enter into a contract with a  
765 charter school employee which extends beyond the term of the  
766 charter contract.

767 (16) EXEMPTION FROM STATUTES.—

768 (b) Additionally, a charter school shall be in compliance  
769 with the following statutes:

770 1. Section 286.011, relating to public meetings and  
771 records, public inspection, and criminal and civil penalties.

772 2. Chapter 119, relating to public records.

773 3. Section 1003.03, relating to the maximum class size,  
774 except that the calculation for compliance pursuant to s.  
775 1003.03 shall be the average at the school level.

776 4. Section 1012.22(1)(c)5.b. ~~1012.22(1)(e)~~, relating to  
777 the implementation of a compensation system that requires annual  
778 salary adjustments for instructional personnel to be based upon  
779 performance and salary schedules.

780 5. Section 1012.33(5), relating to workforce reductions,  
781 if the charter school awards contracts to instructional  
782 personnel and the term of a contract exceeds 1 year. This  
783 subparagraph does not apply to charter school instructional  
784 personnel who are at-will employees.

HB 1267

2013

785           6. Section 1012.335, relating to contracts with  
786 instructional personnel hired on or after July 1, 2011, if the  
787 charter school awards contracts to instructional personnel and  
788 the term of a contract exceeds 1 year. This subparagraph does  
789 not apply to charter school instructional personnel who are at-  
790 will employees.

791           7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to  
792 the substantive requirements for performance evaluations for  
793 instructional personnel and school administrators.

794           (17) FUNDING.—Students enrolled in a charter school,  
795 regardless of the sponsorship, shall be funded as if they are in  
796 a basic program or a special program, the same as students  
797 enrolled in other public schools in the school district. Funding  
798 for a charter lab school shall be as provided in s. 1002.32.

799           (c) If the district school board is providing programs or  
800 services to students funded by federal funds, any eligible  
801 students enrolled in charter schools in the school district  
802 shall be provided federal funds for the same level of service  
803 provided students in the schools operated by the district school  
804 board. All federal funding that is for the benefit of the  
805 charter school, the charter school's students, or the charter  
806 school's students as public school students in the school  
807 district, including, but not limited to, Title I, Title II, and  
808 IDEA funds, shall be paid directly to the charter school.

809 Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter  
810 schools shall receive all federal funding for which the school  
811 is otherwise eligible, including Title I funding, not later than  
812 5 months after the charter school first opens and within 5

HB 1267

2013

813 months after any subsequent expansion of enrollment.

814 (20) SERVICES.—

815 (a)1. A sponsor shall provide certain administrative and  
816 educational services to charter schools. These services must  
817 ~~shall~~ include contract management services; full-time equivalent  
818 and data reporting services; exceptional student education  
819 administration services, including services associated with a  
820 student's 504 accommodation plan issued under s. 504 of the  
821 Rehabilitation Act of 1973 with no additional fees; social work  
822 services with no additional fees; services related to  
823 eligibility and reporting duties required to ensure that school  
824 lunch services under the federal lunch program, consistent with  
825 the needs of the charter school, are provided by the school  
826 district at the request of the charter school, that any funds  
827 due to the charter school under the federal lunch program are ~~be~~  
828 paid to the charter school as soon as the charter school begins  
829 serving food under the federal lunch program, and that the  
830 charter school is paid at the same time and in the same manner  
831 under the federal lunch program as other public schools serviced  
832 by the sponsor or the school district; test administration  
833 services, including payment of the costs of state-required or  
834 district-required student assessments; processing of teacher  
835 certificate data services; ~~and~~ information services, including  
836 equal access to electronic student information systems that are  
837 used by public schools in the district in which the charter  
838 school is located and contain all data that the charter school  
839 is required to report to the school district; and the  
840 resubmission every 5 years of clearance documents for teachers.

841 Student performance data for each student in a charter school,  
842 including, but not limited to, FCAT scores, standardized test  
843 scores, previous public school student report cards, and student  
844 performance measures, shall be provided by the sponsor to a  
845 charter school in the same manner provided to other public  
846 schools in the district.

847 2. A total administrative fee for the provision of such  
848 services shall be calculated based upon up to 5 percent of the  
849 available funds defined in paragraph (17)(b) for all students,  
850 except that when 75 percent or more of the students enrolled in  
851 the charter school are exceptional students as defined in s.  
852 1003.01(3), the 5 percent of those available funds shall be  
853 calculated based on unweighted full-time equivalent students.  
854 However, a sponsor may only withhold up to a 5-percent  
855 administrative fee for enrollment for up to and including 250  
856 students. For charter schools with a population of 251 or more  
857 students, the difference between the total administrative fee  
858 calculation and the amount of the administrative fee withheld  
859 may only be used for capital outlay purposes specified in s.  
860 1013.62(2).

861 3. For high-performing charter schools, as defined in ch.  
862 2011-232, a sponsor may withhold a total administrative fee of  
863 up to 2 percent for enrollment up to and including 250 students  
864 per school.

865 4. In addition, a sponsor may withhold only up to a 5-  
866 percent administrative fee for enrollment for up to and  
867 including 500 students within a system of charter schools which  
868 meets all of the following:

HB 1267

2013

- 869 a. Includes both conversion charter schools and  
870 nonconversion charter schools;
- 871 b. Has all schools located in the same county;
- 872 c. Has a total enrollment exceeding the total enrollment  
873 of at least one school district in the state;
- 874 d. Has the same governing board; and
- 875 e. Does not contract with a for-profit service provider  
876 for management of school operations.

877 5. The difference between the total administrative fee  
878 calculation and the amount of the administrative fee withheld  
879 pursuant to subparagraph 4. may be used for instructional and  
880 administrative purposes as well as for capital outlay purposes  
881 specified in s. 1013.62(2).

882 6. For a high-performing charter school system that also  
883 meets the requirements in subparagraph 4., a sponsor may  
884 withhold a 2-percent administrative fee for enrollments up to  
885 and including 500 students per system.

886 7. Sponsors may ~~shall~~ not charge charter schools any  
887 additional fees or surcharges for administrative and educational  
888 services in addition to the maximum 5-percent administrative fee  
889 withheld pursuant to this paragraph.

890 8. The sponsor of a virtual charter school may withhold a  
891 fee of up to 5 percent. The funds shall be used to cover the  
892 cost of services provided under subparagraph 1. and for the  
893 school district's local instructional improvement system  
894 pursuant to s. 1006.281 or other technological tools that are  
895 required to access electronic and digital instructional  
896 materials.



HB 1267

2013

897 (c) Transportation of charter school students shall be  
898 provided by the charter school consistent with the requirements  
899 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
900 board ~~body~~ of the charter school may provide transportation  
901 through an agreement or contract with the district school board,  
902 a private provider, or parents. The charter school and the  
903 sponsor shall cooperate in making arrangements that ensure that  
904 transportation is not a barrier to equal access for all students  
905 residing within a reasonable distance of the charter school as  
906 determined in its charter.

907 (24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

908 (a) This subsection applies to charter school personnel in  
909 a charter school operated by a private entity. As used in this  
910 subsection, the term:

911 1. "Charter school personnel" means a charter school  
912 owner, president, chairperson of the governing board of  
913 directors, superintendent, governing board member, principal,  
914 assistant principal, or any other person employed by the charter  
915 school who has equivalent decisionmaking authority and in whom  
916 is vested the authority, or to whom the authority has been  
917 delegated, to appoint, employ, promote, or advance individuals  
918 or to recommend individuals for appointment, employment,  
919 promotion, or advancement in connection with employment in a  
920 charter school, including the authority as a member of a  
921 governing board ~~body~~ of a charter school to vote on the  
922 appointment, employment, promotion, or advancement of  
923 individuals.

924 2. "Relative" means father, mother, son, daughter,

925 | brother, sister, uncle, aunt, first cousin, nephew, niece,  
 926 | husband, wife, father-in-law, mother-in-law, son-in-law,  
 927 | daughter-in-law, brother-in-law, sister-in-law, stepfather,  
 928 | stepmother, stepson, stepdaughter, stepbrother, stepsister, half  
 929 | brother, or half sister.

930 |  
 931 | Charter school personnel in schools operated by a municipality  
 932 | or other public entity are subject to s. 112.3135.

933 | (27) RULEMAKING.—The Department of Education, after  
 934 | consultation with school districts and charter school directors,  
 935 | shall recommend that the State Board of Education adopt rules to  
 936 | implement specific subsections of this section. Such rules must  
 937 | ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter  
 938 | school flexibility authorized by statute. Only the State Board  
 939 | of Education may ~~shall~~ adopt rules, pursuant to this section and  
 940 | ss. 120.536(1) and 120.54, to implement a charter model  
 941 | application form, evaluation instrument, and charter and charter  
 942 | renewal contracts ~~formats~~ in accordance with this section.  
 943 | School districts may not regulate or adopt rules to add to,  
 944 | interpret, or change the provisions of this section, or to  
 945 | insert provisions into a charter contract which are not found in  
 946 | this section.

947 | Section 2. Subsections (1), (2), (4), and (5) of section  
 948 | 1002.331, Florida Statutes, are amended, to read:

949 | 1002.331 High-performing charter schools.—

950 | (1) A charter school is a high-performing charter school  
 951 | if it:

952 | (a) Received at least two school grades of "A" and no

953 school grade below "B," pursuant to s. 1008.34, during each of  
 954 the previous 3 school years.

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

958 (c) Did not receive a financial audit that revealed one or  
 959 more of the financial emergency conditions set forth in s.  
 960 218.503(1) in the most recent 3 fiscal years for which such  
 961 audits are available. However, this requirement is deemed met  
 962 for a charter school-in-the-workplace if there is a finding in  
 963 an audit that the school has the monetary resources available to  
 964 cover any reported deficiency or that the deficiency does not  
 965 result in a deteriorating financial condition pursuant to s.  
 966 1002.345(1) (a) 3.

967  
 968 A virtual charter school established under s. 1002.33 is ~~not~~  
 969 eligible for designation as a high-performing charter school.

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

971 (a) Increase or decrease its student capacity ~~enrollment~~  
 972 once per school year by up to 15 percent more or less than the  
 973 capacity identified in the charter.

974 (b) Expand grade levels within kindergarten through grade  
 975 12 to add grade levels not already served if any annual  
 976 enrollment increase resulting from grade level expansion is  
 977 within the limit established in paragraph (a).

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

980 (d) Consolidate under a single charter the charters of

981 multiple high-performing charter schools operated in the same  
 982 school district by the charter schools' governing board  
 983 regardless of the renewal cycle. If the sponsor fails to act on  
 984 the application within 60 days after receipt, the application to  
 985 consolidate the charters is deemed approved. If the sponsor  
 986 denies the application, the high-performing charter school may  
 987 appeal the denial pursuant to s. 1002.33(6).

988 (e) Receive a modification of its charter to a term of 15  
 989 years or a 15-year charter renewal. The charter may be modified  
 990 or renewed for a shorter term at the option of the high-  
 991 performing charter school. The charter must be consistent with  
 992 s. 1002.33(7) (a)19. and (10) (h) ~~and (i)~~, is subject to annual  
 993 review by the sponsor, and may be terminated during its term  
 994 pursuant to s. 1002.33(8).

995  
 996 A high-performing charter school shall notify its sponsor in  
 997 writing by March 1 if it intends to increase enrollment or  
 998 expand grade levels the following school year. The written  
 999 notice shall specify the amount of the enrollment increase and  
 1000 the grade levels that will be added, as applicable.

1001 (4) A high-performing charter school may not increase  
 1002 enrollment or expand grade levels following a ~~any~~ school year in  
 1003 which it receives a school grade of "C" or below. If the charter  
 1004 school receives a school grade of "C" or below in any 2 years  
 1005 during the term of the charter awarded under subsection (2), the  
 1006 term of the charter may be modified by the sponsor ~~and the~~  
 1007 ~~charter school loses its high-performing charter school status~~  
 1008 ~~until it regains that status under subsection (1).~~

HB 1267

2013

1009 (5) The Commissioner of Education, upon request by a  
1010 charter school, shall verify that the charter school meets the  
1011 criteria in subsection (1) and provide a letter to the charter  
1012 school and the sponsor stating that the charter school is a  
1013 high-performing charter school pursuant to this section. A high-  
1014 performing charter school may not be stripped of its designation  
1015 as a high-performing charter school unless the commissioner  
1016 determines that the charter school no longer meets the criteria  
1017 specified in subsection (1), at which time the commissioner  
1018 shall send a letter providing notification of the withdrawal of  
1019 its designation as a high-performing charter school.

1020 Section 3. Subsection (2) of section 1002.332, Florida  
1021 Statutes, is amended to read:

1022 1002.332 High-performing charter school system.—

1023 (2) (a) The Commissioner of Education, upon request by an  
1024 entity, shall annually verify that the entity meets the criteria  
1025 in subsection (1) for the previous ~~prior~~ school year and provide  
1026 a letter to the entity stating that it is a high-performing  
1027 charter school system. A charter school system that achieved  
1028 high-performing status the previous school year does not lose  
1029 its high-performing status simply by virtue of adding new  
1030 schools. However, if one of its new schools receives a grade of  
1031 C or lower in its first 3 years in existence, that grade may be  
1032 counted in determining whether the charter school system  
1033 maintains its high-performing status.

1034 (b) A high-performing charter school system may replicate  
1035 its high-performing charter schools pursuant to s. 1002.331(3).

1036 Section 4. Paragraph (c) of subsection (1) of section

1037 | 1013.62, Florida Statutes, is amended to read:

1038 |       1013.62 Charter schools capital outlay funding.—

1039 |       (1) In each year in which funds are appropriated for  
1040 | charter school capital outlay purposes, the Commissioner of  
1041 | Education shall allocate the funds among eligible charter  
1042 | schools.

1043 |       (c) A charter school's allocation may not exceed one-  
1044 | fifteenth of the cost per student station specified in s.  
1045 | 1013.64(6)(b), and the Legislature shall annually fund the full  
1046 | one-fifteenth amount from the Florida Education Finance Program  
1047 | as provided in s. 1011.62. Before releasing capital outlay funds  
1048 | to a school district on behalf of the charter school, the  
1049 | Department of Education must ensure that the district school  
1050 | board and the charter school governing board enter into a  
1051 | written agreement that provides for the reversion of ~~any~~  
1052 | unencumbered funds and all equipment and property purchased with  
1053 | public education funds to the ownership of the district school  
1054 | board, as provided for in subsection (3) if the school  
1055 | terminates operations. ~~Any~~ Funds recovered by the state shall be  
1056 | deposited in the General Revenue Fund.

1057 |       Section 5. This act shall take effect July 1, 2013.