

By Senator Stargel

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1                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           1002.33, F.S.; requiring policies agreed to by the  
4           sponsor and charter school to be incorporated into the  
5           charter contract; authorizing a charter school  
6           operated by a Florida College System institution to  
7           serve students in kindergarten through grade 12 if  
8           certain criteria are met; prohibiting the governing  
9           board or other related entity of a charter school  
10          subject to a corrective action plan or financial  
11          recovery plan from applying to open an additional  
12          charter school; providing disclosure requirements;  
13          revising provisions relating to the timely submission  
14          of charter school applications; providing requirements  
15          relating to the appeal of a denied application  
16          submitted by a high-performing charter school;  
17          requiring the use of a standard charter contract;  
18          reducing the amount of time for negotiation of a  
19          charter; revising provisions relating to the issuance  
20          of a final order in contract dispute cases; providing  
21          a restriction relating to a required certificate of  
22          occupancy; authorizing the consolidation of multiple  
23          charters into a single charter in certain  
24          circumstances; revising the timeline for charter  
25          schools to submit waiver of termination requests to  
26          the Department of Education; restricting expenditures  
27          upon nonrenewal or termination of a charter school;  
28          requiring a charter school to maintain specified  
29          information on a website; revising provisions relating

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30 to determination of a charter school's student  
31 enrollment; revising provisions requiring charter  
32 school compliance with statutes relating to education  
33 personnel compensation, contracts, and performance  
34 evaluations and workforce reductions; providing  
35 requirements for the reimbursement of federal funds to  
36 charter schools; requiring that certain unused school  
37 district facilities be made available to, or shared  
38 with, charter schools at no cost until the beginning  
39 of the fourth fiscal year the school is open, at which  
40 time the charter school shall pay the sponsor a  
41 negotiated rent for the facility; restricting capital  
42 outlay funding; requiring the use of standard charter  
43 and charter renewal contracts and a standard  
44 evaluation instrument; providing restrictions on the  
45 employment of governing board members; amending s.  
46 1002.331, F.S.; clarifying the definition of a high-  
47 performing charter school; providing requirements for  
48 modification of a charter; requiring the Commissioner  
49 of Education to annually review a high-performing  
50 charter school's eligibility for high-performing  
51 status; authorizing declassification as a high-  
52 performing charter school; amending s. 1002.332, F.S.;  
53 revising requirements for classification as a high-  
54 performing charter school system; providing for an  
55 entity that operates outside this state to obtain  
56 high-performing charter school system status;  
57 establishing requirements to obtain such status;  
58 requiring the State Board of Education to adopt by

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59 rule a process for reviewing student demographic and  
60 performance data in determining such status; requiring  
61 the commissioner to annually review a high-performing  
62 charter school system's eligibility for high-  
63 performing status; authorizing declassification as a  
64 high-performing charter school system; providing an  
65 effective date.  
66

67 Be It Enacted by the Legislature of the State of Florida:  
68

69 Section 1. Paragraph (b) of subsection (5), paragraphs (a),  
70 (b), (c), and (h) of subsection (6), paragraphs (a) and (c) of  
71 subsection (7), paragraph (n) of subsection (9), paragraphs (b),  
72 (h), and (i) of subsection (10), paragraph (b) of subsection  
73 (16), paragraph (c) of subsection (17), paragraph (e) of  
74 subsection (18), paragraph (a) of subsection (21), and  
75 subsection (27) of section 1002.33, Florida Statutes, are  
76 amended, and paragraphs (o) and (p) are added to subsection (9)  
77 and paragraph (c) is added to subsection (26) of that section,  
78 to read:

79 1002.33 Charter schools.—

80 (5) SPONSOR; DUTIES.—

81 (b) *Sponsor duties*.—

82 1.a. The sponsor shall monitor and review the charter  
83 school in its progress toward the goals established in the  
84 charter.

85 b. The sponsor shall monitor the revenues and expenditures  
86 of the charter school and perform the duties provided in s.  
87 1002.345.

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88 c. The sponsor may approve a charter for a charter school  
89 before the applicant has identified space, equipment, or  
90 personnel, if the applicant indicates approval is necessary for  
91 it to raise working funds.

92 d. The sponsor may ~~sponsor's policies shall~~ not apply  
93 policies to a charter school unless mutually agreed to by both  
94 the sponsor and the charter school. Each policy agreed to by the  
95 sponsor and the charter school must be incorporated into the  
96 final charter contract. If the sponsor subsequently amends any  
97 policy that affects charter schools, the sponsor and the charter  
98 school must mutually agree to the newly revised policy and  
99 incorporate the agreed-to terms into the contract through the  
100 contract amendment process. The sponsor may not hold the charter  
101 school responsible for any provision of a newly revised policy  
102 until the policy is mutually agreed to and adopted through the  
103 amendment process.

104 e. The sponsor shall ensure that the charter is innovative  
105 and consistent with the state education goals established by s.  
106 1000.03(5).

107 f. The sponsor shall ensure that the charter school  
108 participates in the state's education accountability system. If  
109 a charter school falls short of performance measures included in  
110 the approved charter, the sponsor shall report such shortcomings  
111 to the Department of Education.

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

116 h. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages

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117 under state law for any employment actions taken by an officer,  
118 employee, agent, or governing board ~~body~~ of the charter school.

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

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

124 2. Immunity for the sponsor of a charter school under  
125 subparagraph 1. applies only with respect to acts or omissions  
126 not under the sponsor's direct authority as described in this  
127 section.

128 3. This paragraph does not waive a district school board's  
129 sovereign immunity.

130 4. A Florida College System institution may work with the  
131 school district or school districts in its designated service  
132 area to develop charter schools that offer secondary education.  
133 These charter schools must include an option for students to  
134 receive an associate degree upon high school graduation. If a  
135 Florida College System institution operates an approved teacher  
136 preparation program under s. 1004.04 or s. 1004.85, the  
137 institution may operate no more than one charter school that  
138 serves students in kindergarten through grade 12. In  
139 kindergarten through grade 8, the charter school shall implement  
140 innovative blended learning instructional models in which, for a  
141 given course, a student learns in part through online delivery  
142 of content and instruction with some element of student control  
143 over time, place, path, or pace and in part at a supervised  
144 physical location away from home. A student in a blended-  
145 learning course must be a full-time student of the charter

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146 school and receive a portion of the online instruction in a  
147 classroom setting at the charter school. District school boards  
148 shall cooperate with and assist the Florida College System  
149 institution on the charter application. Florida College System  
150 institution applications for charter schools are not subject to  
151 the time deadlines outlined in subsection (6) and may be  
152 approved by the district school board at any time during the  
153 year. Florida College System institutions may not report FTE for  
154 any students who receive FTE funding through the Florida  
155 Education Finance Program.

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

158 (a) A person or entity that wants ~~wishing~~ to open a charter  
159 school shall prepare and submit an application on the ~~a~~ model  
160 application form prepared by the Department of Education which:

161 1. Demonstrates how the school will use the guiding  
162 principles and meet the statutorily defined purpose of a charter  
163 school.

164 2. Provides a detailed curriculum plan that illustrates how  
165 students will be provided instruction on ~~services to attain~~ the  
166 Next Generation Sunshine State Standards.

167 3. Contains goals and objectives for improving student  
168 learning and measuring that improvement. These goals and  
169 objectives must indicate how much academic improvement students  
170 are expected to show each year, how success will be evaluated,  
171 and the specific results to be attained through instruction.

172 4. Describes the reading curriculum and differentiated  
173 strategies that will be used for students reading at grade level  
174 or higher and a separate curriculum and strategies for students

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175 who are reading below grade level. A sponsor shall deny a  
176 charter if the school does not propose a reading curriculum that  
177 is consistent with effective teaching strategies that are  
178 grounded in scientifically based reading research.

179       5. Contains an annual financial plan for each year that the  
180 applicant intends to operate ~~requested by the charter for~~  
181 ~~operation of~~ the school for up to 5 years. This plan must  
182 contain anticipated fund balances based on revenue projections,  
183 a spending plan based on projected revenues and expenses, and a  
184 description of controls that will safeguard finances and  
185 projected enrollment trends.

186       6. Discloses whether the applicant was a member of a  
187 charter school governing board or was a person with  
188 decisionmaking authority for a charter school that was subject  
189 to corrective action pursuant to subparagraph (9) (n)2., a  
190 corrective action plan pursuant to s. 1002.345(1) (c), or a  
191 financial recovery plan pursuant to s. 1002.345(2) (a). The  
192 applicant must include a detailed explanation of the  
193 circumstances requiring a corrective action plan or financial  
194 recovery plan and the resolution of the plan. However, a  
195 governing board member or other related entity of a charter  
196 school under a current corrective action plan or financial  
197 recovery plan is not eligible to apply to open an additional  
198 charter school. ~~Documents that the applicant has participated in~~  
199 ~~the training required in subparagraph (f)2. A sponsor may~~  
200 ~~require an applicant to provide additional information as an~~  
201 ~~addendum to the charter school application described in this~~  
202 ~~paragraph.~~

203       7. For the establishment of a virtual charter school,

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204 documents that the applicant has contracted with a provider of  
205 virtual instruction services pursuant to s. 1002.45(1)(d).

206

207 A sponsor may require an applicant to provide additional  
208 information as an addendum to the charter school application  
209 described in this paragraph.

210 (b) A sponsor shall receive and review all applications for  
211 a charter school using the ~~an~~ evaluation instrument developed by  
212 the Department of Education. A sponsor shall receive and  
213 consider charter school applications received on or before  
214 August 1 of each calendar year for charter schools to be opened  
215 at the beginning of the school district's next school year, or  
216 to be opened at a time agreed to by the applicant and the  
217 sponsor. A sponsor may not refuse to receive a charter school  
218 application submitted before August 1 and may receive an  
219 application submitted ~~applications~~ later than August 1 ~~this date~~  
220 if it chooses. In order to facilitate greater collaboration in  
221 the application process, an applicant may submit a draft charter  
222 school application on or before May 1. If a draft application is  
223 timely submitted, the sponsor shall review and provide feedback  
224 as to any potential grounds for denial before July 1. The  
225 applicant shall then have until August 1 to resubmit a revised  
226 and final application. A sponsor may not charge an applicant for  
227 a charter any fee for the processing or consideration of an  
228 application, and a sponsor may not base its consideration or  
229 approval of an application upon the promise of future payment of  
230 any kind. Before approving or denying any final application, the  
231 sponsor shall allow the applicant, upon receipt of written  
232 notification, at least 7 calendar days to make technical or

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233 nonsubstantive corrections and clarifications, including, but  
234 not limited to, corrections of grammatical, typographical, and  
235 like errors or missing signatures, if such errors are identified  
236 by the sponsor as cause to deny the application.

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

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

253 3.a. A sponsor shall by a majority vote approve or deny an  
254 application within ~~no later than~~ 60 calendar days after the  
255 application is received, unless the sponsor and the applicant  
256 mutually agree in writing to temporarily postpone the vote to a  
257 specific date, at which time the sponsor shall by a majority  
258 vote approve or deny the application. If the sponsor fails to  
259 act on the application, an applicant may appeal to the State  
260 Board of Education as provided in paragraph (c). If an  
261 application is denied, the sponsor shall, within 10 calendar

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262 days after such denial, articulate in writing the specific  
263 reasons, based upon good cause, supporting its denial of the  
264 charter application and shall provide the letter of denial and  
265 supporting documentation to the applicant and to the Department  
266 of Education.

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

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

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

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

279 (IV) The applicant has made a material misrepresentation or  
280 false statement or concealed an essential or material fact  
281 during the application process; or

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

285  
286 Material noncompliance is a failure to follow requirements or a  
287 violation of prohibitions applicable to charter school  
288 applications, which failure is quantitatively or qualitatively  
289 significant either individually or when aggregated with other  
290 noncompliance. An applicant is considered to be replicating a

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291 high-performing charter school if the proposed school is  
292 substantially similar to at least one of the applicant's high-  
293 performing charter schools and the organization or individuals  
294 involved in the establishment and operation of the proposed  
295 school are significantly involved in the operation of replicated  
296 schools.

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

307 4. For budget projection purposes, the sponsor shall report  
308 to the Department of Education the approval or denial of a  
309 charter application within 10 calendar days after such approval  
310 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 shall commence with the beginning of the public school  
315 calendar for the district in which the charter is granted unless  
316 the sponsor allows a waiver of this subparagraph for good cause.

317 (c)1. An applicant may appeal any denial of that  
318 applicant's application or failure to act on an application to  
319 the State Board of Education within ~~no later than~~ 30 calendar

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320 days after receipt of the sponsor's decision or failure to act  
321 and shall notify the sponsor of its appeal. Any response of the  
322 sponsor shall be submitted to the State Board of Education  
323 within 30 calendar days after notification of the appeal. Upon  
324 receipt of notification from the State Board of Education that a  
325 charter school applicant is filing an appeal, the Commissioner  
326 of Education shall convene a meeting of the Charter School  
327 Appeal Commission to study and make recommendations to the State  
328 Board of Education regarding its pending decision about the  
329 appeal. The commission shall forward its recommendation to the  
330 state board within no later than 7 calendar days before ~~prior to~~  
331 the date on which the appeal is to be heard. An appeal regarding  
332 the denial of an application submitted by a high-performing  
333 charter school pursuant to s. 1002.331 shall be conducted by the  
334 State Board of Education in accordance with this paragraph,  
335 except that the commission shall not convene to make  
336 recommendations regarding the appeal. However, the Commissioner  
337 of Education shall review the appeal and make a recommendation  
338 to the state board.

339 2. The Charter School Appeal Commission or, in the case of  
340 an appeal regarding an application submitted by a high-  
341 performing charter school, the State Board of Education may  
342 reject an appeal submission for failure to comply with  
343 procedural rules governing the appeals process. The rejection  
344 shall describe the submission errors. The appellant shall have  
345 15 calendar days after notice of rejection in which to resubmit  
346 an appeal that meets the requirements set forth in State Board  
347 of Education rule. An appeal submitted subsequent to such  
348 rejection is considered timely if the original appeal was filed

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349 within 30 calendar days after receipt of notice of the specific  
350 reasons for the sponsor's denial of the charter application.

351 3.a. The State Board of Education shall by majority vote  
352 accept or reject the decision of the sponsor within ~~no later~~  
353 ~~than~~ 90 calendar days after an appeal is filed in accordance  
354 with State Board of Education rule. The State Board of Education  
355 shall remand the application to the sponsor with its written  
356 decision that the sponsor approve or deny the application. The  
357 sponsor shall implement the decision of the State Board of  
358 Education. The decision of the State Board of Education is not  
359 subject to ~~the provisions of~~ the Administrative Procedure Act,  
360 chapter 120.

361 b. If an appeal concerns an application submitted by a  
362 high-performing charter school identified pursuant to s.  
363 1002.331, the State Board of Education shall determine whether  
364 the sponsor's denial of the application complies with the  
365 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~  
366 ~~clear and convincing evidence, that:~~

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

369 ~~(II) The charter school proposed in the application does~~  
370 ~~not materially comply with the requirements in paragraphs~~  
371 ~~(9)(a)-(f);~~

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

375 ~~(IV) The applicant has made a material misrepresentation or~~  
376 ~~false statement or concealed an essential or material fact~~  
377 ~~during the application process; or~~

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

381  
382 The State Board of Education shall approve or reject the  
383 sponsor's denial of an application no later than 90 calendar  
384 days after an appeal is filed in accordance with State Board of  
385 Education rule. The State Board of Education shall remand the  
386 application to the sponsor with its written decision that the  
387 sponsor approve or deny the application. The sponsor shall  
388 implement the decision of the State Board of Education. The  
389 decision of the State Board of Education is not subject to the  
390 Administrative Procedure Act, chapter 120.

391 (h) The terms and conditions for the operation of a charter  
392 school shall be set forth by the sponsor and the applicant in a  
393 written contractual agreement, called a charter. Unless the  
394 applicant requests in writing that the sponsor use a nonstandard  
395 charter contract, the applicant shall use the standard charter  
396 adopted in state board rule pursuant to subsection (27) and the  
397 application submitted by the applicant. The sponsor may not  
398 omit, supplement, or amend any provision of the standard charter  
399 agreement. In addition, the sponsor may not insert or append  
400 attachments, addenda, or exhibits to the standard charter  
401 contract. The sponsor may ~~shall~~ not impose unreasonable rules or  
402 regulations that violate the intent of giving charter schools  
403 greater flexibility to meet educational goals. The sponsor shall  
404 have 30 ~~60~~ days after approval of the application to provide an  
405 initial proposed charter contract to the charter school. The  
406 applicant and the sponsor shall have 40 ~~75~~ days thereafter to

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407 negotiate and notice the charter contract for final approval by  
408 the sponsor unless both parties agree to an extension. The  
409 proposed charter contract shall be provided to the charter  
410 school at least 7 calendar days before ~~prior to~~ the date of the  
411 meeting at which the charter is scheduled to be voted upon by  
412 the sponsor. The Department of Education shall provide mediation  
413 services for any dispute regarding this section subsequent to  
414 the approval of a charter application and for any dispute  
415 relating to the approved charter, except disputes regarding  
416 charter school application denials. If the Commissioner of  
417 Education determines that the dispute cannot be settled through  
418 mediation, the dispute may be appealed to an administrative law  
419 judge appointed by the Division of Administrative Hearings. The  
420 administrative law judge has final-order authority to ~~may~~ rule  
421 on issues of equitable treatment of the charter school as a  
422 public school, whether proposed provisions of the charter  
423 violate the intended flexibility granted charter schools by  
424 statute, or on any other matter regarding this section except a  
425 charter school application denial, a charter termination, or a  
426 charter nonrenewal and shall award the prevailing party  
427 reasonable attorney ~~attorney's~~ fees and costs incurred to be  
428 paid by the losing party. The costs of the administrative  
429 hearing shall be paid by the party whom the administrative law  
430 judge rules against.

431 (7) CHARTER.—The major issues involving the operation of a  
432 charter school shall be considered in advance and written into  
433 the charter. The charter shall be signed by the governing board  
434 of the charter school and the sponsor, following a public  
435 hearing to ensure community input.

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

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

440 2. The focus of the curriculum, the instructional methods  
441 to be used, any distinctive instructional techniques to be  
442 employed, and identification and acquisition of appropriate  
443 technologies needed to improve educational and administrative  
444 performance, which include a means for promoting safe, ethical,  
445 and appropriate uses of technology which comply with legal and  
446 professional standards.

447 a. The charter shall ensure that reading is a primary focus  
448 of the curriculum and that resources are provided to identify  
449 and provide specialized instruction for students who are reading  
450 below grade level. The curriculum and instructional strategies  
451 for reading must be consistent with the Next Generation Sunshine  
452 State Standards and grounded in scientifically based reading  
453 research.

454 b. In order to provide students with access to diverse  
455 instructional delivery models, to facilitate the integration of  
456 technology within traditional classroom instruction, and to  
457 provide students with the skills they need to compete in the  
458 21st century economy, the Legislature encourages instructional  
459 methods for blended learning courses in which a student learns  
460 in part through online delivery of content and instruction with  
461 some element of student control over time, place, path, or pace  
462 and in part at a supervised physical location away from home  
463 ~~consisting of both traditional classroom and online~~  
464 ~~instructional techniques~~. Charter schools may implement blended

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465 learning courses that ~~which~~ combine traditional classroom  
466 instruction and virtual instruction. Students in a blended  
467 learning course must be full-time students of the charter school  
468 and receive the online instruction in a classroom setting at the  
469 charter school. Instructional personnel certified pursuant to s.  
470 1012.55 who provide virtual instruction for blended learning  
471 courses may be employees of the charter school or may be under  
472 contract to provide instructional services to charter school  
473 students. At a minimum, such instructional personnel must hold  
474 an active state or school district adjunct certification under  
475 s. 1012.57 for the subject area of the blended learning course.  
476 The funding and performance accountability requirements for  
477 blended learning courses are the same as those for traditional  
478 courses.

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

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

485 b. How these baseline rates will be compared to rates of  
486 academic progress achieved by these same students while  
487 attending the charter school.

488 c. To the extent possible, how these rates of progress will  
489 be evaluated and compared with rates of progress of other  
490 closely comparable student populations.

491

492 The district school board is required to provide academic  
493 student performance data to charter schools for each of their

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494 students coming from the district school system, as well as  
495 rates of academic progress of comparable student populations in  
496 the district school system.

497 4. The methods used to identify the educational strengths  
498 and needs of students and how well educational goals and  
499 performance standards are met by students attending the charter  
500 school. The methods shall provide a means for the charter school  
501 to ensure accountability to its constituents by analyzing  
502 student performance data and by evaluating the effectiveness and  
503 efficiency of its major educational programs. Students in  
504 charter schools shall, at a minimum, participate in the  
505 statewide assessment program created under s. 1008.22.

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

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

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

513 8. The ways by which the school will achieve a  
514 racial/ethnic balance reflective of the community it serves or  
515 within the racial/ethnic range of other public schools in the  
516 same school district.

517 9. The financial and administrative management of the  
518 school, including a reasonable demonstration of the professional  
519 experience or competence of those individuals or organizations  
520 applying to operate the charter school or those hired or  
521 retained to perform such professional services and the  
522 description of clearly delineated responsibilities and the

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523 policies and practices needed to effectively manage the charter  
524 school. A description of internal audit procedures and  
525 establishment of controls to ensure that financial resources are  
526 properly managed must be included. Both public sector and  
527 private sector professional experience shall be equally valid in  
528 such a consideration.

529 10. The asset and liability projections required in the  
530 application which are incorporated into the charter and shall be  
531 compared with information provided in the annual report of the  
532 charter school.

533 11. A description of procedures that identify various risks  
534 and provide for a comprehensive approach to reduce the impact of  
535 losses; plans to ensure the safety and security of students and  
536 staff; plans to identify, minimize, and protect others from  
537 violent or disruptive student behavior; and the manner in which  
538 the school will be insured, including whether or not the school  
539 will be required to have liability insurance, and, if so, the  
540 terms and conditions thereof and the amounts of coverage.

541 12. The term of the charter, which shall provide for  
542 termination ~~cancellation~~ of the charter if insufficient progress  
543 has been made in attaining the student achievement objectives of  
544 the charter and if it is not likely that such objectives can be  
545 achieved before expiration of the charter. The initial term of a  
546 charter shall be for 4 or 5 years. ~~In order to facilitate access~~  
547 ~~to long-term financial resources for charter school~~  
548 ~~construction,~~ Charter schools that are operated by a  
549 municipality or other public entity as provided by law are  
550 eligible for up to a 15-year charter, subject to approval by the  
551 district school board. A charter lab school is eligible for a

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552 charter for a term of up to 15 years. In addition, ~~to facilitate~~  
553 ~~access to long-term financial resources for charter school~~  
554 ~~construction~~, charter schools that are operated by a private,  
555 not-for-profit, s. 501(c)(3) status corporation are eligible for  
556 up to a 15-year charter, subject to approval by the district  
557 school board. Such long-term charters remain subject to annual  
558 review and may be terminated during the term of the charter, but  
559 only according to ~~the provisions set forth in~~ subsection (8).

560 13. The facilities to be used and their location. The  
561 sponsor may not require a charter school to have a certificate  
562 of occupancy for such a facility earlier than 15 calendar days  
563 before the first day of school.

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

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

570 16. A timetable for implementing the charter which  
571 addresses the implementation of each element thereof and the  
572 date by which the charter shall be awarded in order to meet this  
573 timetable.

574 17. In the case of an existing public school that is being  
575 converted to charter status, alternative arrangements for  
576 current students who choose not to attend the charter school and  
577 for current teachers who choose not to teach in the charter  
578 school after conversion in accordance with the existing  
579 collective bargaining agreement or district school board rule in  
580 the absence of a collective bargaining agreement. However,

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581 alternative arrangements shall not be required for current  
582 teachers who choose not to teach in a charter lab school, except  
583 as authorized by the employment policies of the state university  
584 which grants the charter to the lab school.

585 18. Full disclosure of the identity of all relatives  
586 employed by the charter school who are related to the charter  
587 school owner, president, chairperson of the governing board of  
588 directors, superintendent, governing board member, principal,  
589 assistant principal, or any other person employed by the charter  
590 school who has equivalent decisionmaking authority. For the  
591 purpose of this subparagraph, the term "relative" means father,  
592 mother, son, daughter, brother, sister, uncle, aunt, first  
593 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
594 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
595 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
596 stepsister, half brother, or half sister.

597 19. Implementation of the activities authorized under s.  
598 1002.331 by the charter school when it satisfies the eligibility  
599 requirements for a high-performing charter school. A high-  
600 performing charter school shall notify its sponsor in writing by  
601 March 1 if it intends to increase enrollment or expand grade  
602 levels the following school year. The written notice shall  
603 specify the amount of the enrollment increase and the grade  
604 levels that will be added, as applicable.

605 (c) A charter may be modified during its initial term or  
606 any renewal term upon the recommendation of the sponsor or the  
607 charter school's governing board and the approval of both  
608 parties to the agreement. Modification may include, but is not  
609 limited to, consolidation of multiple charters into a single

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610 charter if the charters are operated under the same governing  
611 board and physically located on the same campus, regardless of  
612 the renewal cycle.

613 (9) CHARTER SCHOOL REQUIREMENTS.—

614 (n)1. The director and a representative of the governing  
615 board of a charter school that has earned a grade of "D" or "F"  
616 pursuant to s. 1008.34(2) shall appear before the sponsor to  
617 present information concerning each contract component having  
618 noted deficiencies. The director and a representative of the  
619 governing board shall submit to the sponsor for approval a  
620 school improvement plan to raise student achievement. Upon  
621 approval by the sponsor, the charter school shall begin  
622 implementation of the school improvement plan. The department  
623 shall offer technical assistance and training to the charter  
624 school and its governing board and establish guidelines for  
625 developing, submitting, and approving such plans.

626 2.a. If a charter school earns three consecutive grades of  
627 "D," two consecutive grades of "D" followed by a grade of "F,"  
628 or two nonconsecutive grades of "F" within a 3-year period, the  
629 charter school governing board shall choose one of the following  
630 corrective actions:

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

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

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

638 (IV) Voluntarily close the charter school.

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639           b. The charter school must implement the corrective action  
640 in the school year following receipt of a third consecutive  
641 grade of "D," a grade of "F" following two consecutive grades of  
642 "D," or a second nonconsecutive grade of "F" within a 3-year  
643 period.

644           c. The sponsor may annually waive a corrective action if it  
645 determines that the charter school is likely to improve a letter  
646 grade if additional time is provided to implement the  
647 intervention and support strategies prescribed by the school  
648 improvement plan. Notwithstanding this sub-subparagraph, a  
649 charter school that earns a second consecutive grade of "F" is  
650 subject to subparagraph 4.

651           d. A charter school is no longer required to implement a  
652 corrective action if it improves by at least one letter grade.  
653 However, the charter school must continue to implement  
654 strategies identified in the school improvement plan. The  
655 sponsor must annually review implementation of the school  
656 improvement plan to monitor the school's continued improvement  
657 pursuant to subparagraph 5.

658           e. A charter school implementing a corrective action that  
659 does not improve by at least one letter grade after 2 full  
660 school years of implementing the corrective action must select a  
661 different corrective action. Implementation of the new  
662 corrective action must begin in the school year following the  
663 implementation period of the existing corrective action, unless  
664 the sponsor determines that the charter school is likely to  
665 improve a letter grade if additional time is provided to  
666 implement the existing corrective action. Notwithstanding this  
667 sub-subparagraph, a charter school that earns a second

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668 consecutive grade of "F" while implementing a corrective action  
669 is subject to subparagraph 4.

670 3. A charter school with a grade of "D" or "F" that  
671 improves by at least one letter grade must continue to implement  
672 the strategies identified in the school improvement plan. The  
673 sponsor must annually review implementation of the school  
674 improvement plan to monitor the school's continued improvement  
675 pursuant to subparagraph 5.

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

678 a. The charter school is established to turn around the  
679 performance of a district public school pursuant to s.  
680 1008.33(4)(b)3. Such charter schools shall be governed by s.  
681 1008.33;

682 b. The charter school serves a student population the  
683 majority of which resides in a school zone served by a district  
684 public school that earned a grade of "F" in the year before the  
685 charter school opened and the charter school earns at least a  
686 grade of "D" in its third year of operation. The exception  
687 provided under this sub-subparagraph does not apply to a charter  
688 school in its fourth year of operation and thereafter; or

689 c. The state board grants the charter school a waiver of  
690 termination. The charter school must request the waiver within  
691 15 ~~30~~ days after the department's official release ~~completion~~ of  
692 school grades ~~grade~~ ~~appeals~~. The state board may waive  
693 termination if the charter school demonstrates that the learning  
694 gains of its students on statewide assessments are comparable to  
695 or better than the learning gains of similarly situated students  
696 enrolled in nearby district public schools. The waiver is valid

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697 for 1 year and may only be granted once. Charter schools that  
698 have been in operation for more than 5 years are not eligible  
699 for a waiver under this sub-subparagraph.

700 5. The director and a representative of the governing board  
701 of a graded charter school that has implemented a school  
702 improvement plan under this paragraph shall appear before the  
703 sponsor at least once a year to present information regarding  
704 the progress of intervention and support strategies implemented  
705 by the school pursuant to the school improvement plan and  
706 corrective actions, if applicable. The sponsor shall communicate  
707 at the meeting, and in writing to the director, the services  
708 provided to the school to help the school address its  
709 deficiencies.

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

713 (o) Upon notification of nonrenewal or termination of its  
714 charter, a charter school may not expend more than \$10,000  
715 without prior written approval from the sponsor, unless such  
716 expenditure was included within the annual budget submitted to  
717 the sponsor pursuant to the charter contract or such expenditure  
718 is for reasonable attorney fees and costs during the pendency of  
719 any appeal.

720 (p) Each charter school shall maintain a website that  
721 enables the public to obtain information regarding the school,  
722 its personnel, and its programs. The website shall include  
723 information or online links to information regarding any entity  
724 that owns, operates, or manages the school, including any  
725 nonprofit or for-profit entity; the names of all governing

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726 officers and administrative personnel of the entity; and any  
727 fees the school pays to the entity. The information or online  
728 links must be prominently displayed and easily accessible to  
729 visitors of the website.

730 (10) ELIGIBLE STUDENTS.—

731 (b) The charter school shall enroll an eligible student who  
732 submits a timely application, unless the number of applications  
733 exceeds the capacity of a program, class, grade level, or  
734 building. In such case, all applicants shall have an equal  
735 chance of being admitted through a random selection process  
736 observed by the sponsor or a third party mutually agreed to by  
737 the charter school and sponsor.

738 (h) The capacity of the charter school shall be determined  
739 annually by the governing board, in conjunction with the  
740 sponsor, of the charter school in consideration of the factors  
741 identified in this subsection unless the charter school is  
742 designated as a high-performing charter school pursuant to s.  
743 1002.331. A sponsor may not require a charter school to waive  
744 the provisions of s. 1002.331 or require a student enrollment  
745 cap that prohibits a high-performing charter school from  
746 increasing enrollment ~~in accordance with s. 1002.331(2)~~ as a  
747 condition of approval or renewal of a charter.

748 (i) The capacity of a high-performing charter school  
749 identified pursuant to s. 1002.331 shall be determined annually  
750 by the governing board of the charter school. The governing  
751 board shall notify the sponsor of any increase in enrollment by  
752 March 1 of the school year preceding the increase. A sponsor may  
753 not require a charter school to identify the names of students  
754 to be enrolled or to enroll those students before the start of

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755 the school year as a condition of approval or renewal of a  
756 charter. A sponsor may not require a high-performing charter  
757 school to waive its rights to determine its own student  
758 enrollment capacity.

759 (16) EXEMPTION FROM STATUTES.—

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

762 1. Section 286.011, relating to public meetings and  
763 records, public inspection, and criminal and civil penalties.

764 2. Chapter 119, relating to public records.

765 3. Section 1003.03, relating to the maximum class size,  
766 except that the calculation for compliance pursuant to s.  
767 1003.03 shall be the average at the school level.

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

772 5. Section 1012.33(5), relating to workforce reductions, if  
773 the charter school awards contracts to instructional personnel  
774 and the term of a contract exceeds 1 year.

775 6. Section 1012.335, relating to contracts with  
776 instructional personnel hired on or after July 1, 2011, if the  
777 charter school awards contracts to instructional personnel and  
778 the term of a contract exceeds 1 year.

779 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to  
780 ~~the substantive requirements for~~ performance evaluations for  
781 instructional personnel and school administrators. For purposes  
782 of compliance with this subparagraph, the duties assigned to a  
783 district school superintendent apply to a charter school

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784 principal or his or her equivalent, and the duties assigned to a  
785 district school board apply to a charter school's governing  
786 board.

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

792 (c) If the district school board is providing programs or  
793 services to students funded by federal funds, any eligible  
794 students enrolled in charter schools in the school district  
795 shall be provided federal funds for the same level of service  
796 provided students in the schools operated by the district school  
797 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
798 charter schools shall receive all federal funding for which the  
799 school is otherwise eligible, including Title I funding, not  
800 later than 5 months after the charter school first opens and  
801 within 5 months after any subsequent expansion of enrollment.  
802 Unless otherwise mutually agreed to by the charter school and  
803 its sponsor, and consistent with state and federal rules and  
804 regulations governing the use and disbursement of federal funds,  
805 the sponsor shall reimburse the charter school on a monthly  
806 basis for all invoices submitted by the charter school for  
807 federal funds available to the sponsor for the benefit of the  
808 charter school, the charter school's students, and the charter  
809 school's students as public school students in the school  
810 district. Such federal funds include, but are not limited to,  
811 Title I, Title II, and Individuals with Disabilities Education  
812 Act (IDEA) funds. To receive timely reimbursement for an

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813 invoice, the charter school must submit the invoice to the  
814 sponsor at least 30 days before the monthly date of  
815 reimbursement set by the sponsor. In order to be reimbursed, any  
816 expenditure made by the charter school must comply with all  
817 applicable state and federal rules and regulations, including,  
818 but not limited to, the applicable federal Office of Management  
819 and Budget Circulars, the federal Education Department General  
820 Administrative Regulations, and program-specific statutes,  
821 rules, and regulations. Such funds may not be made available to  
822 the charter school until a plan is submitted to the sponsor for  
823 approval of the use of the funds in accordance with applicable  
824 federal requirements. The sponsor has 30 days to review and  
825 approve any plan submitted pursuant to this paragraph.

826 (18) FACILITIES.—

827 (e) If a district school board-owned ~~board~~ facility that  
828 previously has been used for K-12 educational purposes ~~or~~  
829 ~~property is available because it is surplus, marked for~~  
830 ~~disposal, or otherwise unused,~~ it shall be made available  
831 ~~provided~~ for a charter school's use at no cost until the  
832 beginning of the fourth fiscal year the school is open, at which  
833 time the charter school shall pay the sponsor a negotiated rent  
834 for the facility, which may not exceed fair market value ~~on the~~  
835 ~~same basis as it is made available to other public schools in~~  
836 ~~the district. If the facility was used as a K-12 public school~~  
837 in the previous school year, as a condition of using such a  
838 facility, the charter school shall agree to target students who  
839 had been assigned to that public school the previous school year  
840 and to enroll a sufficient number of students to ensure that the  
841 facility will be used at a greater capacity than it had been

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842 used in the previous school year. A district school board-owned  
843 facility that is being used at less than 50 percent of its  
844 Florida Inventory of School Houses (FISH) student capacity shall  
845 be shared with the charter school at no cost until the beginning  
846 of the fourth fiscal year the charter school is open, at which  
847 time the charter school shall pay the sponsor a negotiated rent  
848 for the facility which may not exceed fair market value. The  
849 district school board may give priority for the use of such  
850 facility to charter schools and charter school operators with a  
851 proven record of academic success. A charter school using such a  
852 facility ~~receiving property from the school district~~ may not  
853 sell, sublease, or dispose of such facility ~~property~~ without  
854 written permission of the school district. The charter school  
855 may not earn capital outlay funds; however, the school district  
856 shall include the charter school's capital outlay full-time  
857 equivalent (COFTE) student count in the district's capital  
858 outlay calculations. The sponsor shall maintain the facility at  
859 the same standard and level it would maintain any other  
860 district-operated school similar in age and condition.  
861 Maintenance does not include capital improvements. Similarly,  
862 for an existing public school converting to charter status, no  
863 rental or leasing fee for the existing facility or for the  
864 property normally inventoried to the conversion school may be  
865 charged by the district school board to the parents and teachers  
866 organizing the charter school. The charter school shall agree to  
867 reasonable maintenance provisions in order to maintain the  
868 facility in a manner similar to district school board standards.  
869 The Public Education Capital Outlay maintenance funds or any  
870 other maintenance funds generated by the facility operated as a

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871 conversion school shall remain with the conversion school.

872 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

873 (a) The Department of Education shall provide information  
874 to the public, directly and through sponsors, on how to form and  
875 operate a charter school and how to enroll in a charter school  
876 once it is created. This information shall include a model  
877 ~~standard~~ application form ~~format~~, standard charter contract  
878 ~~format~~, standard evaluation instrument, and standard charter  
879 renewal contract ~~format~~, which shall include the information  
880 specified in subsection (7) and shall be developed by consulting  
881 and negotiating with both school districts and charter schools  
882 before implementation. The charter and charter renewal contracts  
883 ~~formats~~ shall be used by charter school sponsors.

884 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

885 (c) An employee of the charter school, or his or her  
886 spouse, or an employee of a charter management organization, or  
887 his or her spouse, may not be a member of a governing board of a  
888 charter school.

889 (27) RULEMAKING.—The Department of Education, after  
890 consultation with school districts and charter school directors,  
891 shall recommend that the State Board of Education adopt rules to  
892 implement specific subsections of this section. Such rules shall  
893 require minimum paperwork and shall not limit charter school  
894 flexibility authorized by statute. The State Board of Education  
895 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
896 implement a charter model application form, standard evaluation  
897 instrument, and standard charter and charter renewal contracts  
898 ~~formats~~ in accordance with this section.

899 Section 2. Paragraph (d) is added to subsection (1) of

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900 section 1002.331, Florida Statutes, and subsections (2), (4),  
901 and (5) of that section are amended, to read:

902 1002.331 High-performing charter schools.—

903 (1) A charter school is a high-performing charter school if  
904 it:

905 (d) Is established primarily to serve students in the  
906 attendance zone of a school in need of intervention and support  
907 services pursuant to s. 1008.33(3)(b) if it is operated by an  
908 entity deemed to be a high-performing charter school system by  
909 the State Board of Education pursuant to s. 1002.332(1)(c).

910  
911 A virtual charter school established under s. 1002.33 is not  
912 eligible for designation as a high-performing charter school.

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

914 ~~(a) Increase its student enrollment once per school year by~~  
915 ~~up to 15 percent more than the capacity identified in the~~  
916 ~~charter.~~

917 (a)(b) Expand grade levels within kindergarten through  
918 grade 12 to add grade levels not already served ~~if any annual~~  
919 ~~enrollment increase resulting from grade level expansion is~~  
920 ~~within the limit established in paragraph (a).~~

921 (b)(e) Submit a quarterly, rather than a monthly, financial  
922 statement to the sponsor pursuant to s. 1002.33(9)(g).

923 (c)(d) Consolidate under a single charter the charters of  
924 multiple high-performing charter schools operated in the same  
925 school district by the charter schools' governing board  
926 regardless of the renewal cycle.

927 (d)(e) Receive a modification of its charter to a term of  
928 15 years or a 15-year charter renewal. The charter may be

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929 modified or renewed for a shorter term at the option of the  
930 high-performing charter school. The charter must be consistent  
931 with s. 1002.33(7)(a)19. and (10)(h) ~~and (i)~~, is subject to  
932 annual review by the sponsor, and may be terminated during its  
933 term pursuant to s. 1002.33(8).

934

935 A high-performing charter school shall notify its sponsor in  
936 writing by March 1 if it intends to increase enrollment or  
937 expand grade levels the following school year. The written  
938 notice shall specify the amount of the enrollment increase and  
939 the grade levels that will be added, as applicable. If a high-  
940 performing charter school requests to consolidate multiple  
941 charters or to modify its charter pursuant to this subsection,  
942 the sponsor shall have 40 days after receipt of that request to  
943 provide an initial draft charter to the charter school. The  
944 sponsor and charter school shall have 50 days thereafter to  
945 negotiate and notice the charter contract for final approval by  
946 the sponsor.

947 (4) A high-performing charter school may not increase  
948 enrollment or expand grade levels following any school year in  
949 which it receives a school grade of "C" or below. If the charter  
950 school receives a school grade of "C" or below in any 2 years  
951 during the term of the charter awarded under subsection (2), the  
952 term of the charter may be modified by the sponsor ~~and the~~  
953 ~~charter school loses its high-performing charter school status~~  
954 ~~until it regains that status under subsection (1).~~

955 (5) The Commissioner of Education, upon request by a  
956 charter school, shall verify that the charter school meets the  
957 criteria in subsection (1) and provide a letter to the charter

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958 school and the sponsor stating that the charter school is a  
959 high-performing charter school pursuant to this section. The  
960 commissioner shall annually determine whether a high-performing  
961 charter school continues to meet the criteria in subsection (1).  
962 A high-performing charter school shall maintain its high-  
963 performing status unless the commissioner determines that the  
964 charter school no longer meets the criteria in subsection (1),  
965 at which time the commissioner shall send a letter providing  
966 notification of its declassification as a high-performing  
967 charter school.

968 Section 3. Paragraph (b) of subsection (1) and paragraph  
969 (a) of subsection (2) of section 1002.332, Florida Statutes, are  
970 amended, and paragraph (c) is added to subsection (1) of that  
971 section, to read:

972 1002.332 High-performing charter school system.-

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

974 (b) "High-performing charter school system" means an entity  
975 that:

976 1. Operated ~~Operates~~ at least three high-performing charter  
977 schools in the state during each of the previous 3 school years;

978 2. Operated ~~Operates~~ a system of charter schools in which  
979 at least 50 percent of the charter schools were ~~are~~ high-  
980 performing charter schools pursuant to s. 1002.331 and no  
981 charter school earned a school grade of "D" or "F" pursuant to  
982 s. 1008.34 in any of the previous 3 school years, except that:

983 a. If the entity ~~has~~ assumed operation of a public school  
984 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that  
985 school's grade may not be considered in determining high-  
986 performing charter school system status for a period of 3 years.

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987 b. If the entity established ~~establishes~~ a new charter  
988 school that served ~~serves~~ a student population the majority of  
989 which resided ~~resides~~ in a school zone served by a public school  
990 that earned a grade of "F" or three consecutive grades of "D"  
991 pursuant to s. 1008.34, that charter school's grade may not be  
992 considered in determining high-performing charter school system  
993 status if it attained ~~attains~~ and maintained ~~maintains~~ a school  
994 grade that was ~~is~~ higher than that of the public school serving  
995 that school zone within 3 years after establishment; and

996 3. Did ~~Has~~ not receive ~~received~~ a financial audit that  
997 revealed one or more of the financial emergency conditions set  
998 forth in s. 218.503(1) for any charter school assumed or  
999 established by the entity in the most recent 3 fiscal years for  
1000 which such audits are available.

1001 (c) An entity that successfully operates a system of  
1002 charter schools outside the state may apply to the State Board  
1003 of Education for status as a high-performing charter school  
1004 system solely for the purpose of establishing a charter school  
1005 that primarily serves students in the attendance zone of a  
1006 school identified in need of intervention and support services  
1007 pursuant to s. 1008.33(3)(b). The State Board of Education shall  
1008 adopt by rule a process for determining whether the entity meets  
1009 the requirements of this paragraph by reviewing student  
1010 demographic and performance data from each school that is  
1011 operated by the entity.

1012 (2) (a) The Commissioner of Education, ~~upon request by an~~  
1013 ~~entity,~~ shall verify all charter schools served by the entity  
1014 and verify that the entity meets the criteria in subsection (1)  
1015 for the previous ~~prior~~ school year and provide a letter to the

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1016 entity stating that it is a high-performing charter school  
1017 system. The commissioner shall annually determine whether a  
1018 high-performing charter school system continues to meet the  
1019 criteria in subsection (1). A high-performing charter school  
1020 system shall maintain its high-performing status unless the  
1021 commissioner determines that the charter school system no longer  
1022 meets the criteria in subsection (1), at which time the  
1023 commissioner shall send a letter providing notification of its  
1024 declassification as a high-performing charter school system.

1025 Section 4. This act shall take effect July 1, 2013.