

By the Committee on Education; and 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;
8 authorizing a school district to enter into interlocal
9 agreements with certain entities in order to engage in
10 certain activities and meet certain needs for
11 operation of charter school; providing requirements
12 for the interlocal agreements; revising requirements
13 for charter school applications; providing
14 requirements for an annual financial plan that must be
15 submitted with a charter school application;
16 prohibiting the governing board or other related
17 entity of a charter school subject to a corrective
18 action plan or financial recovery plan from applying
19 to open an additional charter school; providing
20 disclosure requirements; revising provisions relating
21 to the timely submission of charter school
22 applications; providing requirements relating to the
23 appeal of a denied application submitted by a high-
24 performing charter school; reducing the amount of time
25 for negotiation of a charter; providing that a
26 provision of a charter contract inconsistent with, or
27 not expressly provided for within, certain
28 requirements is void and unenforceable; revising
29 provisions relating to the issuance of a final order

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30 in contract dispute cases; requiring a charter to set
31 forth an annual program of continual, detailed
32 reporting and review of the charter school's financial
33 operations; providing a restriction relating to a
34 required certificate of occupancy; requiring the
35 charter agreement to terminate if the charter school
36 closes; prohibiting certain charter school contracts
37 from extending beyond the terms of the contract;
38 authorizing the consolidation of multiple charters
39 into a single charter in certain circumstances;
40 requiring a charter school's sponsor to make student
41 academic achievement for all students the most
42 important factor when determining whether to renew or
43 terminate the charter; revising the financial
44 information that is required by charter schools;
45 revising the timeline for charter schools to submit
46 waiver of termination requests to the Department of
47 Education; restricting expenditures upon nonrenewal or
48 termination of a charter school; requiring a charter
49 school to maintain specified information on a website;
50 revising provisions relating to eligible students;
51 revising provisions requiring charter school
52 compliance with statutes relating to education
53 personnel compensation, contracts, performance
54 evaluations, and workforce reductions; providing
55 requirements for the reimbursement of federal funds to
56 charter schools; requiring the use of standard charter
57 and charter renewal contracts and a standard
58 evaluation instrument; providing restrictions on the

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59 employment of governing board members; providing
60 definitions; amending s. 1002.331, F.S.; providing
61 requirements for modification of a charter; requiring
62 the Commissioner of Education to annually review a
63 high-performing charter school's eligibility for high-
64 performing status; authorizing declassification as a
65 high-performing charter school; amending s. 1002.332,
66 F.S.; revising requirements for classification as a
67 high-performing charter school system; requiring the
68 commissioner to annually review a high-performing
69 charter school system's eligibility for high-
70 performing status; authorizing declassification as a
71 high-performing charter school system; amending s.
72 1013.62, F.S.; revising a charter school's eligibility
73 requirements for funding allocation; providing an
74 effective date.

75
76 Be It Enacted by the Legislature of the State of Florida:

77
78 Section 1. Paragraph (b) of subsection (5), paragraphs (a),
79 (b), (c), and (h) of subsection (6), paragraphs (a) and (c) of
80 subsection (7), paragraph (a) of subsection (8), paragraphs (g)
81 and (n) of subsection (9), paragraphs (b), (h), and (i) of
82 subsection (10), paragraph (b) of subsection (16), paragraphs
83 (b) and (c) of subsection (17), paragraph (a) of subsection
84 (21), subsection (25), and subsection (27) of section 1002.33,
85 Florida Statutes, are amended, paragraphs (o) and (p) are added
86 to subsection (9), paragraph (c) is added to subsection (26), of
87 that section, and subsection (28) is added to that section, to

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88 read:

89 1002.33 Charter schools.—

90 (5) SPONSOR; DUTIES.—

91 (b) *Sponsor duties*.—

92 1.a. The sponsor shall monitor and review the charter
93 school in its progress toward the goals established in the
94 charter.

95 b. The sponsor shall monitor the revenues and expenditures
96 of the charter school and perform the duties provided in s.
97 1002.345.

98 c. The sponsor may approve a charter for a charter school
99 before the applicant has identified space, equipment, or
100 personnel, if the applicant indicates approval is necessary for
101 it to raise working funds.

102 d. The sponsor may ~~sponsor's policies shall~~ not apply
103 policies to a charter school unless mutually agreed to by both
104 the sponsor and the charter school. Each sponsor policy agreed
105 to by the sponsor and the charter school must be incorporated
106 into the final charter contract. If the sponsor subsequently
107 amends any agreed-upon sponsor policy, the version of the policy
108 in effect at the time of execution of the charter, or any
109 subsequent modification thereof, shall remain in effect and the
110 sponsor may not hold the charter school responsible for any
111 provision of a newly revised policy until the revised policy is
112 mutually agreed upon.

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

116 f. The sponsor shall ensure that the charter school

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

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

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

128 i. The sponsor's duties to monitor the charter school do
129 ~~shall~~ not constitute the basis for a private cause of action.

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

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

137 3. This paragraph does not waive a district school board's
138 sovereign immunity.

139 4. A Florida College System institution may work with the
140 school district or school districts in its designated service
141 area to develop charter schools that offer secondary education.
142 These charter schools must include an option for students to
143 receive an associate degree upon high school graduation. If a
144 Florida College System institution operates an approved teacher
145 preparation program under s. 1004.04 or s. 1004.85, the

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146 institution may operate no more than one charter school that
147 serves students in kindergarten through grade 12. District
148 school boards shall cooperate with and assist the Florida
149 College System institution on the charter application. Florida
150 College System institution applications for charter schools are
151 not subject to the time deadlines outlined in subsection (6) and
152 may be approved by the district school board at any time during
153 the year. Florida College System institutions may not report FTE
154 for any students who receive FTE funding through the Florida
155 Education Finance Program.

156 5. A school district may enter into nonexclusive interlocal
157 agreements with federal and state agencies, counties,
158 municipalities, and other governmental entities that operate
159 within the geographical borders of the school district to act on
160 behalf of such governmental entities in the inspection,
161 issuance, and other necessary activities for all necessary
162 permits, licenses, and other permissions that a charter school
163 needs in order to operate. The interlocal agreement must
164 include, but need not be limited to, the identification of fees
165 that charter schools will be charged for such services. The fees
166 must consist of the governmental entity's fees plus a fee for
167 the school district to recover actual costs for providing such
168 services. These services and fees are not included within the
169 services to be provided pursuant to subsection (20). Each
170 charter school is encouraged, but is not required, to use
171 districts that enter into such interlocal agreements for these
172 services.

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

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

178 1. Demonstrates how the school will use the guiding
179 principles and meet the statutorily defined purpose of a charter
180 school.

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

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

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

196 5. Contains an annual financial plan for each year that the
197 applicant intends to operate ~~requested by the charter for~~
198 ~~operation of~~ the school for up to 5 years. This plan must
199 provide detailed financial information evidencing that the
200 applicant, or the nonprofit organization that would organize or
201 operate the charter school, is financially qualified and capable
202 of opening, operating, and maintaining a high-quality charter
203 school in accordance with the applicant's plan and applicable

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204 law. This plan must contain anticipated fund balances based on
205 revenue projections, a spending plan based on projected revenues
206 and expenses, and a description of controls that will safeguard
207 finances and projected enrollment trends.

208 6. Discloses whether the applicant was a member of a
209 charter school governing board or was a person with
210 decisionmaking authority for a charter school that was subject
211 to a corrective action pursuant to subparagraph (9)(n)2.,
212 subject to a corrective action plan pursuant to s.
213 1002.345(1)(c), provided notification that a financial emergency
214 has occurred or will occur pursuant to s. 218.503(4)(a), or
215 subject to a financial recovery plan pursuant to s.
216 1002.345(2)(a). The applicant must include a detailed
217 explanation of the circumstances requiring a corrective action
218 plan, a notification that a financial emergency has occurred or
219 will occur, or a financial recovery plan and the resolution of
220 the matter. However, a governing board member or other related
221 entity of a charter school under a current corrective action
222 plan or financial recovery plan is not eligible to apply to open
223 an additional charter school ~~Documents that the applicant has~~
224 ~~participated in the training required in subparagraph (f)2. A~~
225 ~~sponsor may require an applicant to provide additional~~
226 ~~information as an addendum to the charter school application~~
227 ~~described in this paragraph.~~

228 7. For the establishment of a virtual charter school,
229 documents that the applicant has contracted with a provider of
230 virtual instruction services pursuant to s. 1002.45(1)(d).

231 8. Provides one of the following:

232 a. A surety bond or letter of credit equivalent to 1 month

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233 of the new charter school's projected budget;

234 b. Proof of accreditation by the Commission on Schools of
235 the Southern Association of Colleges and Schools;

236 c. Proof that an educational program at the new charter
237 school will substantially replicate the educational program at
238 an existing high-performing charter school as provided in s.
239 1002.331, notwithstanding that the grades served by the new
240 charter school may be different from those of the existing high-
241 performing charter school it seeks to replicate; or

242 d. Proof that the new charter school will be part of an
243 existing high-performing charter school system as defined in s.
244 1002.332.

245
246 A sponsor may require an applicant to provide additional
247 information as an addendum to the charter school application
248 described in this paragraph.

249 (b) A sponsor shall receive and review all applications for
250 a charter school using the ~~an~~ evaluation instrument developed by
251 the Department of Education. A sponsor shall receive and
252 consider charter school applications received on or before
253 August 1 of each calendar year for charter schools to be opened
254 at the beginning of the school district's next school year, or
255 to be opened at a time agreed to by the applicant and the
256 sponsor. A sponsor may not refuse to receive a charter school
257 application submitted on or before August 1 and may receive an
258 application submitted ~~applications~~ later than August 1 ~~this date~~
259 if it chooses. In order to facilitate greater collaboration in
260 the application process, an applicant may submit a draft charter
261 school application by May 1. If a draft application is timely

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262 submitted, the sponsor shall review and provide feedback as to
263 any potential grounds for denial by July 1 unless both parties
264 agree to an extension. The applicant shall then have until
265 August 1, unless both parties agree to an extension, to resubmit
266 a revised and final application. A sponsor may not charge an
267 applicant for a charter any fee for the processing or
268 consideration of an application, and a sponsor may not base its
269 consideration or approval of an application upon the promise of
270 future payment of any kind. Before approving or denying any
271 application, the sponsor shall allow the applicant, upon receipt
272 of written notification, at least 7 calendar days to make
273 technical or nonsubstantive corrections and clarifications,
274 including, but not limited to, corrections of grammatical,
275 typographical, and like errors or missing signatures, if such
276 errors are identified by the sponsor as cause to deny the
277 application.

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

287 2. In order to ensure fiscal responsibility, an application
288 for a charter school shall include a full accounting of expected
289 assets, a projection of expected sources and amounts of income,
290 including income derived from projected student enrollments and

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291 from community support, and an expense projection that includes
292 full accounting of the costs of operation, including start-up
293 costs.

294 3.a. A sponsor shall by a majority vote approve or deny an
295 application no later than October 1 ~~60 calendar days after the~~
296 ~~application is received~~, unless the sponsor and the applicant
297 mutually agree in writing to temporarily postpone the vote to a
298 specific date, at which time the sponsor shall by a majority
299 vote approve or deny the application. If the sponsor fails to
300 act on the application, an applicant may appeal to the State
301 Board of Education as provided in paragraph (c). If an
302 application is denied, the sponsor shall, within 10 calendar
303 days after such denial, articulate in writing the specific
304 reasons, based upon good cause, supporting its denial of the
305 charter application and shall provide the letter of denial and
306 supporting documentation to the applicant and to the Department
307 of Education.

308 b. An application submitted by a high-performing charter
309 school identified pursuant to s. 1002.331 may be denied by the
310 sponsor only if the sponsor demonstrates by clear and convincing
311 evidence that:

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

314 (II) The charter school proposed in the application does
315 not materially comply with the requirements in paragraphs
316 (9) (a) - (f);

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

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320 (IV) The applicant has made a material misrepresentation or
321 false statement or concealed an essential or material fact
322 during the application process; or

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

326

327 Material noncompliance is a failure to follow requirements or a
328 violation of prohibitions applicable to charter school
329 applications, which failure is quantitatively or qualitatively
330 significant either individually or when aggregated with other
331 noncompliance. An applicant is considered to be replicating a
332 high-performing charter school if the proposed school is
333 substantially similar to at least one of the applicant's high-
334 performing charter schools and the organization or individuals
335 involved in the establishment and operation of the proposed
336 school are significantly involved in the operation of replicated
337 schools.

338 c. If the sponsor denies an application submitted by a
339 high-performing charter school, the sponsor must, within 10
340 calendar days after such denial, state in writing the specific
341 reasons, based upon the criteria in sub-subparagraph b.,
342 supporting ~~its~~ denial of the application and must provide the
343 letter of denial and supporting documentation to the applicant
344 and to the Department of Education. The applicant may appeal the
345 sponsor's denial of the application ~~directly~~ to the State Board
346 of Education pursuant to paragraph (c) and must provide the
347 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

348 4. For budget projection purposes, the sponsor shall report

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349 to the Department of Education the approval or denial of a
350 charter application within 10 calendar days after such approval
351 or denial. In the event of approval, the report to the
352 Department of Education shall include the final projected FTE
353 for the approved charter school.

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

358 (c)1. An applicant may appeal any denial of that
359 applicant's application or failure to act on an application to
360 the State Board of Education within ~~no later than~~ 30 calendar
361 days after receipt of the sponsor's decision or failure to act
362 and shall notify the sponsor of its appeal. Any response of the
363 sponsor shall be submitted to the State Board of Education
364 within 30 calendar days after notification of the appeal. Upon
365 receipt of notification from the State Board of Education that a
366 charter school applicant is filing an appeal, the Commissioner
367 of Education shall convene a meeting of the Charter School
368 Appeal Commission to study and make recommendations to the State
369 Board of Education regarding its pending decision about the
370 appeal. The commission shall forward its recommendation to the
371 state board within ~~no later than~~ 7 calendar days before ~~prior to~~
372 the date on which the appeal is to be heard. An appeal regarding
373 the denial of an application submitted by a high-performing
374 charter school pursuant to s. 1002.331 shall be conducted by the
375 State Board of Education in accordance with this paragraph,
376 except that the commission may not convene to make
377 recommendations regarding the appeal. However, the Commissioner

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378 of Education shall review the appeal and make a recommendation
379 to the state board.

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

393 3.a. The State Board of Education shall by majority vote
394 accept or reject the decision of the sponsor within ~~no later~~
395 ~~than~~ 90 calendar days after an appeal is filed in accordance
396 with State Board of Education rule. The State Board of Education
397 shall remand the application to the sponsor with its written
398 decision that the sponsor approve or deny the application. The
399 sponsor shall implement the decision of the State Board of
400 Education. The decision of the State Board of Education is not
401 subject to ~~the provisions of~~ the Administrative Procedure Act,
402 chapter 120.

403 b. If an appeal concerns an application submitted by a
404 high-performing charter school identified pursuant to s.
405 1002.331, the State Board of Education shall determine whether
406 the sponsor's denial of the application complies with the

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407 requirements in sub-subparagraph (b)3.b. sponsor has shown, by
408 clear and convincing evidence, that:

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

411 ~~(II) The charter school proposed in the application does~~
412 ~~not materially comply with the requirements in paragraphs~~

413 ~~(9) (a) - (f);~~

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

417 ~~(IV) The applicant has made a material misrepresentation or~~
418 ~~false statement or concealed an essential or material fact~~
419 ~~during the application process; or~~

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

423

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

433 (h) The terms and conditions for the operation of a charter
434 school shall be set forth by the sponsor and the applicant in a
435 written contractual agreement, called a charter. The sponsor may

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436 ~~shall~~ not impose unreasonable rules or regulations that violate
437 the intent of giving charter schools greater flexibility to meet
438 educational goals. The sponsor has 30 ~~shall have 60~~ days after
439 approval of the application to provide an initial proposed
440 charter contract to the charter school. Unless the applicant
441 requests in writing that the sponsor use a nonstandard charter
442 contract, the applicant shall use the standard charter adopted
443 in state board rule pursuant to subsection (27) and the
444 application submitted by the applicant. The sponsor may not
445 omit, supplement, or amend any provision of the standard charter
446 agreement. In addition, the sponsor may not insert or append
447 attachments, addenda, or exhibits to the standard charter
448 contract. The applicant and the sponsor have 40 ~~shall have 75~~
449 days thereafter to negotiate and notice the charter contract for
450 final approval by the sponsor unless both parties agree to an
451 extension. Failure of the parties to negotiate the charter
452 within 40 days shall provide the charter school with authority
453 to request mediation or appeal to an administrative law judge
454 pursuant to this paragraph, but it does not absolve the sponsor
455 of its responsibility to continue to negotiate a charter
456 contract in good faith. The proposed charter contract shall be
457 provided to the charter school at least 7 calendar days before
458 ~~prior to~~ the date of the meeting at which the charter is
459 scheduled to be voted upon by the sponsor. A provision of a
460 charter contract inconsistent with or not expressly provided for
461 within the requirements of this section is void and
462 unenforceable. The Department of Education shall provide
463 mediation services for any dispute regarding this section
464 subsequent to the approval of a charter application and for any

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465 dispute relating to the approved charter, except disputes
466 regarding charter school application denials. If the
467 Commissioner of Education determines that the dispute cannot be
468 settled through mediation, the dispute may be appealed to an
469 administrative law judge appointed by the Division of
470 Administrative Hearings. The administrative law judge has final-
471 order authority to ~~may~~ rule on issues of equitable treatment of
472 the charter school as a public school, whether proposed
473 provisions of the charter violate the intended flexibility
474 granted charter schools by statute, or on any other matter
475 regarding this section except a charter school application
476 denial, a charter termination, or a charter nonrenewal and shall
477 award the prevailing party reasonable attorney ~~attorney's~~ fees
478 and costs incurred to be paid by the losing party. The costs of
479 the administrative hearing shall be paid by the party whom the
480 administrative law judge rules against.

481 (7) CHARTER.—The major issues involving the operation of a
482 charter school shall be considered in advance and written into
483 the charter. The charter shall be signed by the governing board
484 of the charter school and the sponsor, following a public
485 hearing to ensure community input.

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

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

490 2. The focus of the curriculum, the instructional methods
491 to be used, any distinctive instructional techniques to be
492 employed, and identification and acquisition of appropriate
493 technologies needed to improve educational and administrative

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494 performance, which include a means for promoting safe, ethical,
495 and appropriate uses of technology which comply with legal and
496 professional standards.

497 a. The charter shall ensure that reading is a primary focus
498 of the curriculum and that resources are provided to identify
499 and provide specialized instruction for students who are reading
500 below grade level. The curriculum and instructional strategies
501 for reading must be consistent with the Next Generation Sunshine
502 State Standards and grounded in scientifically based reading
503 research.

504 b. In order to provide students with access to diverse
505 instructional delivery models, to facilitate the integration of
506 technology within traditional classroom instruction, and to
507 provide students with the skills they need to compete in the
508 21st century economy, the Legislature encourages instructional
509 methods for blended learning courses in which a student learns
510 in part through online delivery of content and instruction with
511 some element of student control over time, place, path, or pace
512 and in part at a supervised physical location away from home
513 ~~consisting of both traditional classroom and online~~
514 ~~instructional techniques~~. Charter schools may implement blended
515 learning courses that ~~which~~ combine traditional classroom
516 instruction and virtual instruction. Students in a blended
517 learning course must be full-time students of the charter school
518 and receive the online instruction in a classroom setting at the
519 charter school. Instructional personnel certified pursuant to s.
520 1012.55 who provide virtual instruction for blended learning
521 courses may be employees of the charter school or may be under
522 contract to provide instructional services to charter school

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523 students. At a minimum, such instructional personnel must hold
524 an active state or school district adjunct certification under
525 s. 1012.57 for the subject area of the blended learning course.
526 The funding and performance accountability requirements for
527 blended learning courses are the same as those for traditional
528 courses.

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

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

535 b. How these baseline rates will be compared to rates of
536 academic progress achieved by these same students while
537 attending the charter school.

538 c. To the extent possible, how these rates of progress will
539 be evaluated and compared with rates of progress of other
540 closely comparable student populations.

541
542 The district school board is required to provide academic
543 student performance data to charter schools for each of their
544 students coming from the district school system, as well as
545 rates of academic progress of comparable student populations in
546 the district school system.

547 4. The methods used to identify the educational strengths
548 and needs of students and how well educational goals and
549 performance standards are met by students attending the charter
550 school. The methods shall provide a means for the charter school
551 to ensure accountability to its constituents by analyzing

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552 student performance data and by evaluating the effectiveness and
553 efficiency of its major educational programs. Students in
554 charter schools shall, at a minimum, participate in the
555 statewide assessment program created under s. 1008.22.

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

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

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

563 8. The ways by which the school will achieve a
564 racial/ethnic balance reflective of the community it serves or
565 within the racial/ethnic range of other public schools in the
566 same school district.

567 9. The financial and administrative management of the
568 school, including a reasonable demonstration of the professional
569 experience or competence of those individuals or organizations
570 applying to operate the charter school or those hired or
571 retained to perform such professional services and the
572 description of clearly delineated responsibilities and the
573 policies and practices needed to effectively manage the charter
574 school. A description of internal audit procedures and
575 establishment of controls to ensure that financial resources are
576 properly managed must be included. Both public sector and
577 private sector professional experience shall be equally valid in
578 such a consideration. The charter must set forth, at least
579 annually, a program of continual, detailed reporting by the
580 charter school and review by the sponsor of the financial

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581 operations of the charter school, including, but not limited to,
582 organization, solvency, and proper financial management.

583 10. The asset and liability projections required in the
584 application which are incorporated into the charter and shall be
585 compared with information provided in the annual report of the
586 charter school.

587 11. A description of procedures that identify various risks
588 and provide for a comprehensive approach to reduce the impact of
589 losses; plans to ensure the safety and security of students and
590 staff; plans to identify, minimize, and protect others from
591 violent or disruptive student behavior; and the manner in which
592 the school will be insured, including whether or not the school
593 will be required to have liability insurance, and, if so, the
594 terms and conditions thereof and the amounts of coverage.

595 12. The term of the charter, which shall provide for
596 termination ~~cancellation~~ of the charter if insufficient progress
597 has been made in attaining the student achievement objectives of
598 the charter and if it is not likely that such objectives can be
599 achieved before expiration of the charter. The initial term of a
600 charter shall be for 4 or 5 years. ~~In order to facilitate access~~
601 ~~to long-term financial resources for charter school~~
602 ~~construction,~~ Charter schools that are operated by a
603 municipality or other public entity as provided by law are
604 eligible for up to a 15-year charter, subject to approval by the
605 district school board. A charter lab school is eligible for a
606 charter for a term of up to 15 years. In addition, ~~to facilitate~~
607 ~~access to long-term financial resources for charter school~~
608 ~~construction,~~ charter schools that are operated by a private,
609 not-for-profit, s. 501(c)(3) status corporation are eligible for

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610 up to a 15-year charter, subject to approval by the district
611 school board. Such long-term charters remain subject to annual
612 review and may be terminated during the term of the charter, but
613 only according to ~~the provisions set forth in~~ subsection (8).

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

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

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

624 16. A timetable for implementing the charter which
625 addresses the implementation of each element thereof and the
626 date by which the charter shall be awarded in order to meet this
627 timetable.

628 17. In the case of an existing public school that is being
629 converted to charter status, alternative arrangements for
630 current students who choose not to attend the charter school and
631 for current teachers who choose not to teach in the charter
632 school after conversion in accordance with the existing
633 collective bargaining agreement or district school board rule in
634 the absence of a collective bargaining agreement. However,
635 alternative arrangements are ~~shall~~ not be required for current
636 teachers who choose not to teach in a charter lab school, except
637 as authorized by the employment policies of the state university
638 which grants the charter to the lab school.

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639 18. Full disclosure of the identity of all relatives
640 employed by the charter school who are related to the charter
641 school owner, president, chairperson of the governing board of
642 directors, superintendent, governing board member, principal,
643 assistant principal, or any other person employed by the charter
644 school who has equivalent decisionmaking authority. For the
645 purpose of this subparagraph, the term "relative" means father,
646 mother, son, daughter, brother, sister, uncle, aunt, first
647 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
648 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
649 stepfather, stepmother, stepson, stepdaughter, stepbrother,
650 stepsister, half brother, or half sister.

651 19. Implementation of the activities authorized under s.
652 1002.331 by the charter school when it satisfies the eligibility
653 requirements for a high-performing charter school. A high-
654 performing charter school shall notify its sponsor in writing by
655 March 1 if it intends to increase enrollment or expand grade
656 levels the following school year. The written notice shall
657 specify the amount of the enrollment increase and the grade
658 levels that will be added, as applicable.

659
660 The charter agreement must immediately terminate when the
661 charter school closes. Charter school contracts with employees,
662 service providers, management companies, and other types of
663 service contracts may not extend beyond the term of the charter
664 agreement. Payments may be made only for services provided
665 before the closure, nonrenewal, termination, or immediate
666 termination of the charter school. If the charter school closes
667 or if the charter agreement is terminated or immediately

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668 terminated before the term of the charter agreement expires, the
669 remainder of a service contract is void.

670 (c) A charter may be modified during its initial term or
671 any renewal term upon the recommendation of the sponsor or the
672 charter school's governing board and the approval of both
673 parties to the agreement. Modification may include, but is not
674 limited to, consolidation of multiple charters into a single
675 charter if the charters are operated under the same governing
676 board and physically located on the same campus, regardless of
677 the renewal cycle.

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

679 (a) The sponsor shall make student academic achievement for
680 all students the most important factor when determining whether
681 to renew or terminate the charter. The sponsor may also choose
682 not to renew or may terminate the charter for any of the
683 following grounds:

684 1. Failure to participate in the state's education
685 accountability system created in s. 1008.31, as required in this
686 section, or failure to meet the requirements for student
687 performance stated in the charter.

688 2. Failure to meet generally accepted standards of fiscal
689 management.

690 3. Violation of law.

691 4. Other good cause shown.

692 (9) CHARTER SCHOOL REQUIREMENTS.—

693 (g) A charter school shall maintain and provide financial
694 information as required in subparagraphs 3., 4., and 5. This
695 information must be in a form prescribed by the Department of
696 Education.

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697 1. In order to provide financial information that is
698 comparable to that reported for other public schools, charter
699 schools are to maintain all financial records that constitute
700 their accounting system:

701 ~~a.1.~~ In accordance with the accounts and codes prescribed
702 in the most recent issuance of the publication titled "Financial
703 and Program Cost Accounting and Reporting for Florida Schools";
704 or

705 ~~b.2.~~ At the discretion of the charter school's governing
706 board, a charter school may elect to follow generally accepted
707 accounting standards for not-for-profit organizations, but must
708 reformat this information for reporting according to this
709 paragraph.

710 2. A charter school ~~schools~~ shall provide annual financial
711 report and program cost report information in the state-required
712 formats for inclusion in district reporting in compliance with
713 s. 1011.60(1). A charter school ~~schools~~ that is ~~are~~ operated by
714 a municipality or is ~~are~~ a component unit of a parent nonprofit
715 organization may use the accounting system of the municipality
716 or the parent but must reformat this information for reporting
717 according to this paragraph.

718 3. A charter school shall provide a monthly financial
719 statement to the sponsor unless the charter school is designated
720 as a high-performing charter school pursuant to s. 1002.331, in
721 which case the high-performing charter school may provide a
722 quarterly financial statement. ~~The financial statement required~~
723 ~~under this paragraph shall be in a form prescribed by the~~
724 ~~Department of Education.~~

725 4. A charter school shall provide the sponsor with a

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726 uniform annual performance audit report that links information
727 with useable issues. The report must include, but not be limited
728 to, detailed financial operations, capitalization, solvency,
729 financial management, and compensation.

730 5. A charter school shall provide the sponsor with a
731 concise monthly financial statement summary sheet that contains
732 a balance sheet and a statement of revenue, expenditures, and
733 changes in fund balance. The balance sheet and the statement of
734 revenue, expenditures, and changes in fund balance shall be in
735 the governmental funds format prescribed by the Governmental
736 Accounting Standards Board.

737 (n)1. The director and a representative of the governing
738 board of a charter school that has earned a grade of "D" or "F"
739 pursuant to s. 1008.34(2) shall appear before the sponsor to
740 present information concerning each contract component having
741 noted deficiencies. The director and a representative of the
742 governing board shall submit to the sponsor for approval a
743 school improvement plan to raise student achievement. Upon
744 approval by the sponsor, the charter school shall begin
745 implementation of the school improvement plan. The department
746 shall offer technical assistance and training to the charter
747 school and its governing board and establish guidelines for
748 developing, submitting, and approving such plans.

749 2.a. If a charter school earns three consecutive grades of
750 "D," two consecutive grades of "D" followed by a grade of "F,"
751 or two nonconsecutive grades of "F" within a 3-year period, the
752 charter school governing board shall choose one of the following
753 corrective actions:

754 (I) Contract for educational services to be provided

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755 directly to students, instructional personnel, and school
756 administrators, as prescribed in state board rule;

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

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

761 (IV) Voluntarily close the charter school.

762 b. The charter school must implement the corrective action
763 in the school year following receipt of a third consecutive
764 grade of "D," a grade of "F" following two consecutive grades of
765 "D," or a second nonconsecutive grade of "F" within a 3-year
766 period.

767 c. The sponsor may annually waive a corrective action if it
768 determines that the charter school is likely to improve a letter
769 grade if additional time is provided to implement the
770 intervention and support strategies prescribed by the school
771 improvement plan. Notwithstanding this sub-subparagraph, a
772 charter school that earns a second consecutive grade of "F" is
773 subject to subparagraph 4.

774 d. A charter school is no longer required to implement a
775 corrective action if it improves by at least one letter grade.
776 However, the charter school must continue to implement
777 strategies identified in the school improvement plan. The
778 sponsor must annually review implementation of the school
779 improvement plan to monitor the school's continued improvement
780 pursuant to subparagraph 5.

781 e. A charter school implementing a corrective action that
782 does not improve by at least one letter grade after 2 full
783 school years of implementing the corrective action must select a

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784 different corrective action. Implementation of the new
785 corrective action must begin in the school year following the
786 implementation period of the existing corrective action, unless
787 the sponsor determines that the charter school is likely to
788 improve a letter grade if additional time is provided to
789 implement the existing corrective action. Notwithstanding this
790 sub-subparagraph, a charter school that earns a second
791 consecutive grade of "F" while implementing a corrective action
792 is subject to subparagraph 4.

793 3. A charter school with a grade of "D" or "F" that
794 improves by at least one letter grade must continue to implement
795 the strategies identified in the school improvement plan. The
796 sponsor must annually review implementation of the school
797 improvement plan to monitor the school's continued improvement
798 pursuant to subparagraph 5.

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

801 a. The charter school is established to turn around the
802 performance of a district public school pursuant to s.
803 1008.33(4)(b)3. Such charter schools shall be governed by s.
804 1008.33;

805 b. The charter school serves a student population the
806 majority of which resides in a school zone served by a district
807 public school that earned a grade of "F" in the year before the
808 charter school opened and the charter school earns at least a
809 grade of "D" in its third year of operation. The exception
810 provided under this sub-subparagraph does not apply to a charter
811 school in its fourth year of operation and thereafter; or

812 c. The state board grants the charter school a waiver of

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813 termination. The charter school must request the waiver within
814 15 ~~30~~ days after the department's official release ~~completion~~ of
815 school grades ~~grade appeals~~. The state board may waive
816 termination if the charter school demonstrates that the learning
817 gains of its students on statewide assessments are comparable to
818 or better than the learning gains of similarly situated students
819 enrolled in nearby district public schools. The waiver is valid
820 for 1 year and may only be granted once. Charter schools that
821 have been in operation for more than 5 years are not eligible
822 for a waiver under this sub-subparagraph.

823 5. The director and a representative of the governing board
824 of a graded charter school that has implemented a school
825 improvement plan under this paragraph shall appear before the
826 sponsor at least once a year to present information regarding
827 the progress of intervention and support strategies implemented
828 by the school pursuant to the school improvement plan and
829 corrective actions, if applicable. The sponsor shall communicate
830 at the meeting, and in writing to the director, the services
831 provided to the school to help the school address its
832 deficiencies.

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

836 (o) Upon notification of nonrenewal or termination of its
837 charter, a charter school may not expend more than \$35,000
838 without prior written approval from the sponsor, unless such
839 expenditure was included within the annual budget submitted to
840 the sponsor pursuant to the charter contract or such expenditure
841 is for reasonable attorney fees and costs during the pendency of

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842 any appeal.

843 (p) Each charter school shall maintain a website that
844 enables the public to obtain information regarding the school,
845 its personnel, and its programs. The website shall include
846 information or online links to information regarding any entity
847 that owns, operates, or manages the school, including any
848 nonprofit or for-profit entity; the names of all governing
849 officers and administrative personnel of the entity; and any
850 fees the school pays to the entity. The information or online
851 links must be prominently displayed and easily accessible to
852 visitors of the website.

853 (10) ELIGIBLE STUDENTS.—

854 (b) The charter school shall enroll an eligible student who
855 submits a timely application, unless the number of applications
856 exceeds the capacity of a program, class, grade level, or
857 building. In such case, all applicants ~~shall~~ have an equal
858 chance of being admitted through a public, random, selection
859 process.

860 (h) The capacity of the charter school shall be determined
861 annually by the governing board, in conjunction with the
862 sponsor, of the charter school in consideration of the factors
863 identified in this subsection unless the charter school is
864 designated as a high-performing charter school pursuant to s.
865 1002.331. A sponsor may not require a charter school to waive
866 the provisions of s. 1002.331 or require a student enrollment
867 cap that prohibits a high-performing charter school from
868 increasing enrollment ~~in accordance with s. 1002.331(2)~~ as a
869 condition of approval or renewal of a charter.

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

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871 identified pursuant to s. 1002.331 shall be determined annually
872 by the governing board of the charter school. The governing
873 board shall notify the sponsor of any increase in enrollment by
874 March 1 of the school year preceding the increase. A sponsor may
875 not require a charter school to identify the names of students
876 to be enrolled or to enroll those students before the start of
877 the school year as a condition of approval or renewal of a
878 charter.

879 (16) EXEMPTION FROM STATUTES.—

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

882 1. Section 286.011, relating to public meetings and
883 records, public inspection, and criminal and civil penalties.

884 2. Chapter 119, relating to public records.

885 3. Section 1003.03, relating to the maximum class size,
886 except that the calculation for compliance pursuant to s.
887 1003.03 shall be the average at the school level.

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

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

895 6. Section 1012.335, relating to contracts with
896 instructional personnel hired on or after July 1, 2011, if the
897 charter school awards contracts to instructional personnel and
898 the term of a contract exceeds 1 year.

899 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to

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900 ~~the substantive requirements for~~ performance evaluations for
901 instructional personnel and school administrators. For purposes
902 of compliance with this subparagraph, the duties assigned to a
903 district school superintendent apply to a charter school
904 principal or his or her equivalent, and the duties assigned to a
905 district school board apply to a charter school's governing
906 board.

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

912 (b) The basis for the agreement for funding students
913 enrolled in a charter school shall be the sum of the school
914 district's operating funds from the Florida Education Finance
915 Program as provided in s. 1011.62 and the General Appropriations
916 Act, including gross state and local funds, discretionary
917 lottery funds, and funds from the school district's current
918 operating discretionary millage levy; divided by total funded
919 weighted full-time equivalent students in the school district;
920 multiplied by the weighted full-time equivalent students for the
921 charter school. Charter schools whose students or programs meet
922 the eligibility criteria in law shall be entitled to their
923 proportionate share of categorical program funds included in the
924 total funds available in the Florida Education Finance Program
925 by the Legislature, including transportation. Total funding for
926 each charter school shall be recalculated during the year to
927 reflect the revised calculations under the Florida Education
928 Finance Program by the state and the actual weighted full-time

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929 equivalent students reported by the charter school during the
930 full-time equivalent student survey periods designated by the
931 Commissioner of Education. A school district, and any charter
932 school within that district, in which students transfer among
933 charter schools and public schools in that district during the
934 school year may reconcile student funding as identified in s.
935 1011.62. Each school district shall report information regarding
936 such reconciliation to the department with the survey response
937 the school district provides pursuant to s. 1011.62.

938 (c) If the district school board is providing programs or
939 services to students funded by federal funds, any eligible
940 students enrolled in charter schools in the school district
941 shall be provided federal funds for the same level of service
942 provided students in the schools operated by the district school
943 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
944 charter schools shall receive all federal funding for which the
945 school is otherwise eligible, including Title I funding, not
946 later than 5 months after the charter school first opens and
947 within 5 months after any subsequent expansion of enrollment.
948 Unless otherwise mutually agreed to by the charter school and
949 its sponsor, and consistent with state and federal rules and
950 regulations governing the use and disbursement of federal funds,
951 the sponsor shall reimburse the charter school on a monthly
952 basis for all invoices submitted by the charter school for
953 federal funds available to the sponsor for the benefit of the
954 charter school, the charter school's students, and the charter
955 school's students as public school students in the school
956 district. Such federal funds include, but are not limited to,
957 Title I, Title II, and Individuals with Disabilities Education

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958 Act (IDEA) funds. To receive timely reimbursement for an
959 invoice, the charter school must submit the invoice to the
960 sponsor at least 30 days before the monthly date of
961 reimbursement set by the sponsor. In order to be reimbursed, any
962 expenditure made by the charter school must comply with all
963 applicable state and federal rules and regulations, including,
964 but not limited to, the applicable federal Office of Management
965 and Budget Circulars, the federal Education Department General
966 Administrative Regulations, and program-specific statutes,
967 rules, and regulations. Such funds may not be made available to
968 the charter school until a plan for their use is submitted to
969 the sponsor for approval in accordance with applicable federal
970 requirements. The sponsor has 30 days to review and approve any
971 plan submitted pursuant to this paragraph.

972 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

973 (a) The Department of Education shall provide information
974 to the public, directly and through sponsors, on how to form and
975 operate a charter school and how to enroll in a charter school
976 once it is created. This information shall include a model
977 ~~standard~~ application form format, standard charter contract
978 ~~format~~, standard evaluation instrument, and standard charter
979 renewal contract format, which shall include the information
980 specified in subsection (7) and shall be developed by consulting
981 and negotiating with both school districts and charter schools
982 before implementation. The charter and charter renewal contracts
983 ~~formats~~ shall be used by charter school sponsors.

984 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
985 SCHOOL SYSTEMS.—A charter school system shall be designated a
986 local educational agency for the purpose of receiving federal

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987 funds, the same as though the charter school system were a
988 school district, if the governing board of the charter school
989 system has adopted and filed a resolution with its sponsoring
990 district school board and the Department of Education in which
991 the governing board of the charter school system accepts the
992 full responsibility for all local education agency requirements
993 and if the charter school system meets all of the following:

994 (a) Includes both conversion charter schools and
995 nonconversion charter schools;

996 (b) Has all schools located in the same county;

997 (c) Has a total enrollment exceeding the total enrollment
998 of at least one school district in the state;

999 (d) Has the same governing board; and

1000 (e) Does not contract with a for-profit service provider
1001 for management of school operations.

1002
1003 Such designation does not apply to other provisions unless
1004 specifically provided by ~~in~~ law.

1005 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1006 (c) An employee of the charter school, or his or her
1007 spouse, or an employee of a charter management organization, or
1008 his or her spouse, may not be a member of the governing board of
1009 a charter school.

1010 (27) RULEMAKING.—The Department of Education, after
1011 consultation with school districts and charter school directors,
1012 shall recommend that the State Board of Education adopt rules to
1013 implement specific subsections of this section. Such rules must
1014 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter
1015 school flexibility authorized by statute. The State Board of

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1016 Education shall adopt rules, pursuant to ss. 120.536(1) and
1017 120.54, to implement a charter model application form, standard
1018 evaluation instrument, and standard charter and charter renewal
1019 contracts ~~formats~~ in accordance with this section.

1020 (28) DEFINITIONS.—When used in this section and chapters
1021 1000-1013 and where the context will permit in other provision
1022 of law, the term or phrase:

1023 (1) "Management company" means an entity retained by a
1024 public school's governing body pursuant to a written contract to
1025 administer or direct the operations of the school, subject to
1026 the policies, directives, and oversight of the governing body. A
1027 public school governing body may not retain a management company
1028 of which the governing body is a component unit. This definition
1029 also applies to the terms "service provider" as the term is used
1030 in s. 1002.33, "education management corporation," as the term
1031 is used in s. 1002.332, and "outside entity," as the term is
1032 used in s. 1008.33.

1033 (2) "Organize as or be operated by a nonprofit
1034 organization" means a charter school that is created and owned
1035 by a nonprofit organization, or a charter school that is created
1036 by an individual or entity other than a nonprofit organization
1037 whose ownership is subsequently transferred to a nonprofit
1038 organization before the nonprofit organization executes the
1039 charter agreement. A charter school may not be owned in whole or
1040 in part by, or be a component unit of, a for-profit entity.

1041 Section 2. Subsections (2), (4), and (5) of section
1042 1002.331, Florida Statutes, are amended to read:

1043 1002.331 High-performing charter schools.—

1044 (2) A high-performing charter school is authorized to:

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1045 (a) Increase its student enrollment once per school year by
1046 up to 15 percent more than the capacity identified in the
1047 charter.

1048 (b) Expand grade levels within kindergarten through grade
1049 12 to add grade levels not already served if any annual
1050 enrollment increase resulting from grade level expansion is
1051 within the limit established in paragraph (a).

1052 (c) Submit a quarterly, rather than a monthly, financial
1053 statement to the sponsor pursuant to s. 1002.33(9)(g).

1054 (d) Consolidate under a single charter the charters of
1055 multiple high-performing charter schools operated in the same
1056 school district by the charter schools' governing board
1057 regardless of the renewal cycle.

1058 (e) Receive a modification of its charter to a term of 15
1059 years or a 15-year charter renewal. The charter may be modified
1060 or renewed for a shorter term at the option of the high-
1061 performing charter school. The charter must be consistent with
1062 s. 1002.33(7)(a)19. and (10)(h) ~~and (i)~~, is subject to annual
1063 review by the sponsor, and may be terminated during its term
1064 pursuant to s. 1002.33(8).

1065
1066 A high-performing charter school shall notify its sponsor in
1067 writing by March 1 if it intends to increase enrollment or
1068 expand grade levels the following school year. The written
1069 notice shall specify the amount of the enrollment increase and
1070 the grade levels that will be added, as applicable. If a high-
1071 performing charter school requests to consolidate multiple
1072 charters or to modify its charter pursuant to this subsection,
1073 the sponsor has 40 days after receipt of that request to provide

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1074 an initial draft charter to the charter school. The sponsor and
1075 charter school have 50 days thereafter to negotiate and notice
1076 the charter contract for final approval by the sponsor. Failure
1077 of the parties to negotiate the charter within 50 days shall
1078 provide the charter school with authority to request mediation
1079 or appeal to an administrative law judge pursuant to this
1080 subsection, but it does not absolve the sponsor of its
1081 responsibility to continue to negotiate a charter contract in
1082 good faith.

1083 (4) A high-performing charter school may not increase
1084 enrollment or expand grade levels following any school year in
1085 which it receives a school grade of "C" or below. If the charter
1086 school receives a school grade of "C" or below in any 2 years
1087 during the term of the charter awarded under subsection (2), the
1088 term of the charter may be modified by the sponsor ~~and the~~
1089 ~~charter school loses its high-performing charter school status~~
1090 ~~until it regains that status under subsection (1).~~

1091 (5) The Commissioner of Education, upon request by a
1092 charter school, shall verify that the charter school meets the
1093 criteria in subsection (1) and provide a letter to the charter
1094 school and the sponsor stating that the charter school is a
1095 high-performing charter school pursuant to this section. The
1096 commissioner shall annually determine whether a high-performing
1097 charter school continues to meet the criteria specified in
1098 subsection (1). A high-performing charter school shall maintain
1099 its high-performing status unless the commissioner determines
1100 that the charter school no longer meets the criteria in
1101 subsection (1), at which time the commissioner shall send a
1102 letter providing notification to the school of its

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1103 declassification as a high-performing charter school.

1104 Section 3. Paragraph (b) of subsection (1) and paragraph
1105 (a) of subsection (2) of section 1002.332, Florida Statutes, are
1106 amended to read:

1107 1002.332 High-performing charter school system.-

1108 (1) For purposes of this section, the term:

1109 (b) "High-performing charter school system" means an entity
1110 that:

1111 1. Operated ~~Operates~~ at least three high-performing charter
1112 schools in the state, based on charter school models that
1113 originated in this state, during each of the previous 3 school
1114 years;

1115 2. Operated ~~Operates~~ a system of charter schools in which
1116 at least 50 percent of the charter schools were ~~are~~ high-
1117 performing charter schools pursuant to s. 1002.331 and no
1118 charter school earned a school grade of "D" or "F" pursuant to
1119 s. 1008.34 in any of the previous 3 school years regardless of
1120 whether the entity currently operates the charter school, except
1121 that:

1122 a. If the entity ~~has~~ assumed operation of a public school
1123 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that
1124 school's grade may not be considered in determining high-
1125 performing charter school system status for a period of 3 years.

1126 b. If the entity established ~~establishes~~ a new charter
1127 school that served ~~serves~~ a student population the majority of
1128 which resided ~~resides~~ in a school zone served by a public school
1129 that earned a grade of "F" or three consecutive grades of "D"
1130 pursuant to s. 1008.34, that charter school's grade may not be
1131 considered in determining high-performing charter school system

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1132 status if it attained ~~attains~~ and maintained ~~maintains~~ a school
1133 grade that was ~~is~~ higher than that of the public school serving
1134 that school zone within 3 years after establishment; and

1135 3. Did ~~Has~~ not receive ~~received~~ a financial audit that
1136 revealed one or more of the financial emergency conditions set
1137 forth in s. 218.503(1) for any charter school assumed or
1138 established by the entity in the most recent 3 fiscal years for
1139 which such audits are available.

1140 4. Originated in this state.

1141 (2) (a) The Commissioner of Education, ~~upon request by an~~
1142 ~~entity,~~ shall verify all charter schools served by the entity,
1143 verify that the entity meets the criteria in subsection (1) for
1144 the previous ~~prior~~ school year, and provide a letter to the
1145 entity stating that it is a high-performing charter school
1146 system.

1147 1. As part of the commissioner's verification, the entity
1148 shall identify all charter schools in this state which the
1149 entity has operated or provided services for in the previous 3
1150 years, regardless of whether the entity currently operates or
1151 provides services for the charter school. For all such charter
1152 schools that the entity no longer operates, the entity shall
1153 identify the reasons the entity terminated the operation or
1154 services or grounds stated by the charter school's governing
1155 board in terminating the operation or services of the entity.

1156 2. The commissioner shall annually determine whether a
1157 high-performing charter school system continues to meet the
1158 criteria in subsection (1). A high-performing charter school
1159 system shall maintain its high-performing status unless the
1160 commissioner determines that the charter school system no longer

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1161 meets the criteria in subsection (1), at which time the
1162 commissioner shall send a letter providing notification of its
1163 declassification as a high-performing charter school system.

1164 Section 4. Paragraph (a) of subsection (1) of section
1165 1013.62, Florida Statutes, is amended to read:

1166 1013.62 Charter schools capital outlay funding.—

1167 (1) In each year in which funds are appropriated for
1168 charter school capital outlay purposes, the Commissioner of
1169 Education shall allocate the funds among eligible charter
1170 schools.

1171 (a) To be eligible for a funding allocation, a charter
1172 school must:

1173 1.a. Have been in operation for 3 or more years;

1174 b. Be governed by a governing board established in the
1175 state for 3 or more years which operates both charter schools
1176 and conversion charter schools within the state;

1177 c. Be an expanded feeder chain of a charter school within
1178 the same school district that is currently receiving charter
1179 school capital outlay funds; or

1180 ~~d. Have been accredited by the Commission on Schools of the~~
1181 ~~Southern Association of Colleges and Schools; or~~

1182 d.e. Serve students in facilities that are provided by a
1183 business partner for a charter school-in-the-workplace pursuant
1184 to s. 1002.33(15) (b) .

1185 2. Have financial stability for future operation as a
1186 charter school.

1187 3. Have satisfactory student achievement based on state
1188 accountability standards applicable to the charter school.

1189 4. Have received final approval from its sponsor pursuant

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1190 to s. 1002.33 for operation during that fiscal year.

1191 5. Serve students in facilities that are not provided by
1192 the charter school's sponsor.

1193 Section 5. This act shall take effect July 1, 2013.