

By Senator Bean

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

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30 termination requests to the Department of Education;
31 providing that the random selection process for
32 admission to a charter school is public; requiring new
33 members of a governing board of a charter school to
34 attend the Florida Charter School Conference;
35 exempting members of a governing board of a high-
36 performing charter school from attending the
37 conference; revising provisions relating to
38 determination of a charter school's student
39 enrollment; conforming terminology; providing
40 restrictions on the membership of a governing board;
41 prohibiting a charter school from entering into a
42 contract with a charter school employee under certain
43 circumstances; revising provisions requiring charter
44 school compliance with statutes relating to education
45 personnel compensation, contracts, and performance
46 evaluations and workforce reductions; conforming
47 terminology; requiring that federal education funding
48 be paid directly to a charter school; requiring a
49 sponsor to provide information services to charter
50 schools, including electronic information systems
51 containing data that a charter school is required to
52 report to the school district; providing that only the
53 State Board of Education may adopt rules regarding
54 charter schools; prohibiting school districts from
55 adopting rules or adding provisions into a charter
56 contract; amending s. 1002.331, F.S.; providing that a
57 virtual charter school is eligible for designation as
58 a high-performing charter school; revising the

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59 activities that a high-performing charter school may
60 undertake; providing requirements for modification of
61 the charter of a high-performing charter school;
62 providing for withdrawal of a charter school's
63 designation as a high-performing charter school;
64 amending s. 1002.332, F.S.; requiring the commissioner
65 to annually review a high-performing charter school
66 system's eligibility for high-performing status;
67 providing for withdrawal of a charter school system's
68 designation as a high-performing charter school
69 system; amending s. 1013.62, F.S.; requiring the
70 Legislature to annually fund charter schools'
71 allocations from the Florida Education Finance
72 Program; providing an effective date.

73

74 Be It Enacted by the Legislature of the State of Florida:

75

76 Section 1. Paragraph (b) of subsection (5), paragraphs (a),
77 (b), and (h) of subsection (6), paragraph (a) of subsection (7),
78 paragraphs (a) and (f) of subsection (8), paragraphs (i), (j),
79 (k), and (n) of subsection (9), paragraphs (b), (h), and (i) of
80 subsection (10), paragraph (h) of subsection (12), paragraph (b)
81 of subsection (16), paragraph (c) of subsection (17), paragraphs
82 (a) and (c) of subsection (20), paragraph (a) of subsection
83 (24), and subsection (27) of section 1002.33, Florida Statutes,
84 are amended, paragraph (c) is added to subsection (3), paragraph
85 (o) is added to subsection (9), and paragraphs (j) and (k) are
86 added to subsection (12), of that section, to read:

87 1002.33 Charter schools.—

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88 (3) APPLICATION FOR CHARTER STATUS.—

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

94 1. Has more than one school district; and

95 2. Serves an educationally disadvantaged community.

96 (5) SPONSOR; DUTIES.—

97 (b) *Sponsor duties.*—

98 1.a. The sponsor shall monitor and review the charter
99 school in its progress toward the goals established in the
100 charter.

101 b. The sponsor shall monitor the revenues and expenditures
102 of the charter school and perform the duties provided in s.
103 1002.345.

104 c. The sponsor may approve a charter for a charter school
105 before the applicant has identified space, equipment, or
106 personnel, if the applicant indicates approval is necessary for
107 it to raise working funds.

108 d. The sponsor's policies do ~~shall~~ not apply to a charter
109 school unless mutually agreed to by both the sponsor and the
110 charter school.

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

114 f. The sponsor shall ensure that the charter school
115 participates in the state's education accountability system. If
116 a charter school falls short of performance measures included in

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117 the approved charter, the sponsor shall report such shortcomings
118 to the Department of Education.

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

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

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

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

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

135 3. This paragraph does not waive a district school board's
136 sovereign immunity.

137 4. A Florida College System institution may work with the
138 school district or school districts in its designated service
139 area to develop charter schools that offer secondary education.
140 These charter schools must include an option for students to
141 receive an associate degree upon high school graduation.
142 District school boards shall cooperate with and assist the
143 Florida College System institution on the charter application.
144 Florida College System institution applications for charter
145 schools are not subject to the time deadlines outlined in

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146 subsection (6) and may be approved by the district school board
147 at any time during the year. Florida College System institutions
148 may not report FTE for any students who receive FTE funding
149 through the Florida Education Finance Program.

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

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

154 1. Provide one of the following:

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

157 b. Proof of accreditation by the Commission on Schools of
158 the Southern Association of Colleges and Schools;

159 c. Proof that an educational program at the new charter
160 school will substantially replicate the educational program at
161 an existing high-performing charter school as provided in s.
162 1002.331, notwithstanding that the grades served by the new
163 charter school may be different from those of the existing high-
164 performing charter school it seeks to replicate; or

165 d. Proof that the new charter school will be part of an
166 existing high-performing charter school system as defined in s.
167 1002.332; and

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

170 a. ~~1.~~ Demonstrates how the school will use the guiding
171 principles and meet the statutorily defined purpose of a charter
172 school.

173 b. ~~2.~~ Provides a detailed curriculum plan that illustrates
174 how students will be provided services to attain the Sunshine

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175 State Standards.

176 ~~c.3.~~ Contains goals and objectives for improving student
177 learning and measuring that improvement. These goals and
178 objectives must indicate how much academic improvement students
179 are expected to show each year, how success will be evaluated,
180 and the specific results to be attained through instruction.

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

188 ~~e.5.~~ Contains an annual financial plan for each year
189 requested by the charter for operation of the school for up to 5
190 years. This plan must contain anticipated fund balances based on
191 revenue projections, a spending plan based on projected revenues
192 and expenses, and a description of controls that will safeguard
193 finances and projected enrollment trends.

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

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

201 (b) A sponsor shall receive and review all applications for
202 a charter school using the ~~an~~ evaluation instrument developed by
203 the Department of Education. A sponsor shall receive and

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204 consider charter school applications received on or before
205 August 1 of each calendar year for charter schools to be opened
206 at the beginning of the school district's next school year, or
207 to be opened at a time agreed to by the applicant and the
208 sponsor. A sponsor may not refuse to receive a charter school
209 application submitted before August 1 and may receive an
210 application submitted ~~applications~~ later than August 1 ~~this date~~
211 ~~if it chooses~~. In order to facilitate greater collaboration in
212 the application process, an applicant may submit a draft charter
213 school application on or before May 1. If a draft application is
214 timely submitted, the sponsor shall review and provide feedback
215 as to potential grounds for denial within 60 days after receipt
216 of the draft application. The applicant has until August 1 to
217 resubmit a revised and final application. A sponsor may not
218 charge an applicant for a charter any fee for the processing or
219 consideration of an application, and a sponsor may not base its
220 consideration or approval of an application upon the promise of
221 future payment of any kind. Before approving or denying a ~~any~~
222 final application, the sponsor shall allow the applicant, upon
223 receipt of written notification, at least 7 calendar days to
224 make technical or nonsubstantive corrections and clarifications,
225 including, but not limited to, corrections of grammatical,
226 typographical, and like errors or missing signatures, if such
227 errors are identified by the sponsor as cause to deny the
228 application. A sponsor shall annually and publicly report for
229 the previous year the number of charter school applications it
230 received, the number of applications it approved, the number of
231 charter contracts it entered into, and the number of charter
232 schools actually opened.

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

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

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

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262 to the applicant and to the Department of Education.

263 b. An application submitted by a high-performing charter
264 school identified pursuant to s. 1002.331 may be denied by the
265 sponsor only if the sponsor demonstrates by clear and convincing
266 evidence that:

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

269 (II) The charter school proposed in the application does
270 not materially comply with the requirements in paragraphs
271 (9) (a) - (f);

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

275 (IV) The applicant has made a material misrepresentation or
276 false statement or concealed an essential or material fact
277 during the application process; or

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

281
282 Material noncompliance is a failure to follow requirements or a
283 violation of prohibitions applicable to charter school
284 applications, which failure is quantitatively or qualitatively
285 significant either individually or when aggregated with other
286 noncompliance. An applicant is considered to be replicating a
287 high-performing charter school if the proposed school is
288 substantially similar to at least one of the applicant's high-
289 performing charter schools and the organization or individuals
290 involved in the establishment and operation of the proposed

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291 school are significantly involved in the operation of replicated
292 schools.

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

302 4. For budget projection purposes, the sponsor shall report
303 to the Department of Education the approval or denial of a
304 charter application within 10 calendar days after such approval
305 or denial. In the event of approval, the report to the
306 Department of Education shall include the final projected FTE
307 for the approved charter school.

308 5. Upon approval of a charter application, the initial
309 startup commences ~~shall commence~~ with the beginning of the
310 public school calendar for the district in which the charter is
311 granted unless the sponsor allows a waiver of this subparagraph
312 for good cause.

313 (h) The terms and conditions for the operation of a charter
314 school shall be established ~~set forth~~ by the sponsor and the
315 applicant in a written contractual agreement, called a charter.
316 The sponsor and the applicant shall use a uniform model
317 contractual agreement developed by the Department of Education.
318 The sponsor may ~~shall~~ not impose unreasonable rules or
319 regulations that violate the intent of giving charter schools

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320 greater flexibility to meet educational goals. The sponsor has
321 ~~shall have~~ 60 days after approval of the application to provide
322 an initial proposed charter contract to the charter school. The
323 applicant and the sponsor ~~shall~~ have 75 days thereafter to
324 negotiate and notice the charter contract for final approval by
325 the sponsor unless both parties agree to an extension. The
326 proposed charter contract shall be provided to the charter
327 school at least 7 calendar days before ~~prior to~~ the date of the
328 meeting at which the charter is scheduled to be voted upon by
329 the sponsor. The Department of Education shall provide mediation
330 services for any dispute regarding this section subsequent to
331 the approval of a charter application and for any dispute
332 relating to the approved charter, except disputes regarding
333 charter school application denials. If the Commissioner of
334 Education determines that the dispute cannot be settled through
335 mediation, the dispute may be appealed to an administrative law
336 judge appointed by the Division of Administrative Hearings. The
337 administrative law judge has final-order authority to ~~may~~ rule
338 on issues of equitable treatment of the charter school as a
339 public school, whether proposed provisions of the charter
340 violate the intended flexibility granted charter schools by
341 statute, or on any other matter regarding this section except a
342 charter school application denial, a charter termination, or a
343 charter nonrenewal and shall award the prevailing party
344 reasonable attorney ~~attorney's~~ fees and costs incurred to be
345 paid by the losing party. The costs of the administrative
346 hearing shall be paid by the party whom the administrative law
347 judge rules against.

348 (7) CHARTER.—The major issues involving the operation of a

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349 charter school shall be considered in advance and written into
350 the charter. The charter shall be signed by the governing board
351 of the charter school and the sponsor, following a public
352 hearing to ensure community input.

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

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

357 2. The focus of the curriculum, the instructional methods
358 to be used, any distinctive instructional techniques to be
359 employed, and identification and acquisition of appropriate
360 technologies needed to improve educational and administrative
361 performance, which include a means for promoting safe, ethical,
362 and appropriate uses of technology which comply with legal and
363 professional standards.

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

371 b. In order to provide students with access to diverse
372 instructional delivery models, to facilitate the integration of
373 technology within traditional classroom instruction, and to
374 provide students with the skills they need to compete in the
375 21st century economy, the Legislature encourages instructional
376 methods for blended learning courses consisting of both
377 traditional classroom and online instructional techniques.

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378 Charter schools may implement blended learning courses that
379 ~~which~~ combine traditional classroom instruction and virtual
380 instruction. Students in a blended learning course must be full-
381 time students of the charter school ~~and receive the online~~
382 ~~instruction in a classroom setting at the charter school.~~
383 Instructional personnel certified pursuant to s. 1012.55 who
384 provide virtual instruction for blended learning courses may be
385 employees of the charter school or may be under contract to
386 provide instructional services to charter school students. At a
387 minimum, such instructional personnel shall ~~must~~ hold an active
388 state or school district adjunct certification under s. 1012.57
389 for the subject area of the blended learning course. The funding
390 and performance accountability requirements for blended learning
391 courses are the same as those for traditional courses. A charter
392 school may provide virtual instruction without approval from the
393 school district.

394 3. The current incoming baseline standard of student
395 academic achievement, the outcomes to be achieved, and the
396 method of measurement that will be used. The criteria
397 established ~~listed~~ in this subparagraph must ~~shall~~ include a
398 detailed description of:

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

401 b. How these baseline rates will be compared to rates of
402 academic progress achieved by these same students while
403 attending the charter school.

404 c. To the extent possible, how these rates of progress will
405 be evaluated and compared with rates of progress of other
406 closely comparable student populations.

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408 The district school board is required to provide academic
409 student performance data to charter schools for each of their
410 students coming from the district school system, as well as
411 rates of academic progress of comparable student populations in
412 the district school system.

413 4. The methods used to identify the educational strengths
414 and needs of students and how well educational goals and
415 performance standards are met by students attending the charter
416 school. The methods must ~~shall~~ provide a means for the charter
417 school to ensure accountability to its constituents by analyzing
418 student performance data and by evaluating the effectiveness and
419 efficiency of its major educational programs. Students in
420 charter schools shall, at a minimum, participate in the
421 statewide assessment program created under s. 1008.22.

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

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

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

429 8. The ways by which the school will achieve a
430 racial/ethnic balance reflective of the community it serves or
431 within the racial/ethnic range of other public schools in the
432 same school district.

433 9. The financial and administrative management of the
434 school, including a reasonable demonstration of the professional
435 experience or competence of those individuals or organizations

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436 applying to operate the charter school or those hired or
437 retained to perform such professional services and the
438 description of clearly delineated responsibilities and the
439 policies and practices needed to effectively manage the charter
440 school. A description of internal audit procedures and
441 establishment of controls to ensure that financial resources are
442 properly managed must be included. Public sector ~~Both public~~
443 ~~sector~~ and private sector ~~private sector~~ professional experience
444 are ~~shall be~~ equally valid in such a consideration.

445 10. The asset and liability projections required in the
446 application which are incorporated into the charter and must
447 ~~shall~~ be compared with information provided in the annual report
448 of the charter school.

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

457 12. The term of the charter, which must ~~shall~~ provide for
458 termination ~~cancellation~~ of the charter if insufficient progress
459 has been made in attaining the student achievement objectives of
460 the charter and if it is not likely that such objectives can be
461 achieved before expiration of the charter. The initial term of a
462 charter is ~~shall be~~ for 4 or 5 years. In order to facilitate
463 access to long-term financial resources for charter school
464 construction, charter schools that are operated by a

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465 municipality or other public entity as provided by law are
466 eligible for up to a 15-year charter, subject to approval by the
467 district school board. A charter lab school is eligible for a
468 charter for a term of up to 15 years. In addition, to facilitate
469 access to long-term financial resources for charter school
470 construction, charter schools that are operated by a private,
471 not-for-profit, s. 501(c)(3) status corporation are eligible for
472 up to a 15-year charter, subject to approval by the district
473 school board. Such long-term charters remain subject to annual
474 review and may be terminated during the term of the charter, but
475 only according to ~~the provisions set forth in~~ subsection (8).

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

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

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

489 16. A timetable for implementing the charter which
490 addresses the implementation of each element thereof and the
491 date by which the charter must ~~shall~~ be awarded in order to meet
492 this timetable.

493 17. In the case of an existing public school that is being

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494 converted to charter status, alternative arrangements for
495 current students who choose not to attend the charter school and
496 for current teachers who choose not to teach in the charter
497 school after conversion in accordance with the existing
498 collective bargaining agreement or district school board rule in
499 the absence of a collective bargaining agreement. However,
500 alternative arrangements may ~~shall~~ not be required for current
501 teachers who choose not to teach in a charter lab school, except
502 as authorized by the employment policies of the state university
503 which grants the charter to the lab school.

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

516 19. Implementation of the activities authorized under s.
517 1002.331 by the charter school when it satisfies the eligibility
518 requirements for a high-performing charter school. A high-
519 performing charter school shall notify its sponsor in writing by
520 March 1 if it intends to increase enrollment or expand grade
521 levels the following school year. The written notice must ~~shall~~
522 specify the amount of the enrollment increase and the grade

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523 levels that will be added, as applicable.

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

525 (a) The sponsor shall make student academic achievement for
 526 all students one of the most important factors in determining
 527 whether to renew or terminate the charter. The sponsor may also
 528 choose not to renew or may terminate the charter for any of the
 529 following grounds:

530 1. Failure to participate in the state's education
 531 accountability system created in s. 1008.31, as required in this
 532 section, or failure to meet the requirements for student
 533 performance stated in the charter.

534 2. Failure to meet generally accepted standards of fiscal
 535 management.

536 3. Violation of law.

537 4. Other good cause shown.

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

546 (9) CHARTER SCHOOL REQUIREMENTS.—

547 (i) The governing board ~~body~~ of the charter school shall
 548 exercise continuing oversight over charter school operations.

549 (j) The governing board ~~body~~ of the charter school is ~~shall~~
 550 ~~be~~ responsible for:

551 1. Ensuring that the charter school has retained the

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552 services of a certified public accountant or auditor for the
553 annual financial audit, pursuant to s. 1002.345(2), who shall
554 submit the report to the governing board ~~body~~.

555 2. Reviewing and approving the audit report, including
556 audit findings and recommendations for the financial recovery
557 plan.

558 3.a. Performing the duties in s. 1002.345, including
559 monitoring a corrective action plan.

560 b. Monitoring a financial recovery plan in order to ensure
561 compliance.

562 4. Participating in governance training approved by the
563 department, which must include government in the sunshine,
564 conflicts of interest, ethics, and financial responsibility.

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

580 1. Student achievement performance data, including the

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581 information required for the annual school report and the
582 education accountability system governed by ss. 1008.31 and
583 1008.345. Charter schools are subject to the same accountability
584 requirements as other public schools, including reports of
585 student achievement information that links baseline student data
586 to the school's performance projections identified in the
587 charter. The charter school shall identify reasons for any
588 difference between projected and actual student performance.

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

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

596 4. Descriptive information about the charter school's
597 personnel, including salary and benefit levels of charter school
598 employees, the proportion of instructional personnel who hold
599 professional or temporary certificates, and the proportion of
600 instructional personnel teaching in-field or out-of-field.

601 (n)1. The director and a representative of the governing
602 board of a charter school that has earned a grade of "D" or "F"
603 pursuant to s. 1008.34(2) shall appear before the sponsor to
604 present information concerning each contract component having
605 noted deficiencies. The director and a representative of the
606 governing board shall submit to the sponsor for approval a
607 school improvement plan to raise student achievement. Upon
608 approval by the sponsor, the charter school shall begin
609 implementation of the school improvement plan. The department

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610 shall offer technical assistance and training to the charter
611 school and its governing board and establish guidelines for
612 developing, submitting, and approving such plans.

613 2.a. If a charter school earns three consecutive grades of
614 "D," two consecutive grades of "D" followed by a grade of "F,"
615 or two nonconsecutive grades of "F" within a 3-year period, the
616 charter school governing board shall choose one of the following
617 corrective actions:

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

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

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

625 (IV) Voluntarily close the charter school.

626 b. The charter school must implement the corrective action
627 in the school year following receipt of a third consecutive
628 grade of "D," a grade of "F" following two consecutive grades of
629 "D," or a second nonconsecutive grade of "F" within a 3-year
630 period.

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

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

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639 corrective action if it improves by at least one letter grade.
640 However, the charter school must continue to implement
641 strategies identified in the school improvement plan. The
642 sponsor must annually review implementation of the school
643 improvement plan to monitor the school's continued improvement
644 pursuant to subparagraph 5.

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

657 3. A charter school with a grade of "D" or "F" that
658 improves by at least one letter grade must continue to implement
659 the strategies identified in the school improvement plan. The
660 sponsor must annually review implementation of the school
661 improvement plan to monitor the school's continued improvement
662 pursuant to subparagraph 5.

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

665 a. The charter school is established to turn around the
666 performance of a district public school pursuant to s.
667 1008.33(4)(b)3. Such charter schools are ~~shall be~~ governed by s.

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668 1008.33;

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

676 c. The state board grants the charter school a waiver of
677 termination. The charter school must request the waiver within
678 15 ~~30~~ days after the department's official release ~~completion~~ of
679 school grades ~~grade appeals~~. The state board may waive
680 termination if the charter school demonstrates that the learning
681 gains of its students on statewide assessments are comparable to
682 or better than the learning gains of similarly situated students
683 enrolled in nearby district public schools. The waiver is valid
684 for 1 year and may only be granted once. Charter schools that
685 have been in operation for more than 5 years are not eligible
686 for a waiver under this sub-subparagraph.

687 5. The director and a representative of the governing board
688 of a graded charter school that has implemented a school
689 improvement plan under this paragraph shall appear before the
690 sponsor at least once a year to present information regarding
691 the progress of intervention and support strategies implemented
692 by the school pursuant to the school improvement plan and
693 corrective actions, if applicable. The sponsor shall communicate
694 at the meeting, and in writing to the director, the services
695 provided to the school to help the school address its
696 deficiencies.

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

700 (o) New members of a governing board of a charter school
701 shall attend the Florida Charter School Conference. Members of
702 the governing board of a high-performing charter school are
703 exempt from this requirement.

704 (10) ELIGIBLE STUDENTS.—

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

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

722 ~~(i) The capacity of a high-performing charter school~~
723 ~~identified pursuant to s. 1002.331 shall be determined annually~~
724 ~~by the governing board of the charter school. The governing~~
725 board shall notify the sponsor of any increase in enrollment by

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726 March 1 of the school year preceding the increase. A sponsor may
 727 not require a charter school to identify the names of students
 728 to be enrolled or to enroll them before the start of the school
 729 year as a condition of approval or renewal of a charter.

730 (12) EMPLOYEES OF CHARTER SCHOOLS.—

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

734 (j) A charter school employee may not serve on the
 735 governing board of the charter school by which he or she is
 736 employed.

737 (k) A charter school may not enter into a contract with a
 738 charter school employee which extends beyond the term of the
 739 charter contract.

740 (16) EXEMPTION FROM STATUTES.—

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

743 1. Section 286.011, relating to public meetings and
 744 records, public inspection, and criminal and civil penalties.

745 2. Chapter 119, relating to public records.

746 3. Section 1003.03, relating to the maximum class size,
 747 except that the calculation for compliance pursuant to s.
 748 1003.03 shall be the average at the school level.

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

753 5. Section 1012.33(5), relating to workforce reductions, if
 754 the charter school awards contracts to instructional personnel

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755 and the term of a contract exceeds 1 year. This subparagraph
756 does not apply to charter school instructional personnel who are
757 at-will employees.

758 6. Section 1012.335, relating to contracts with
759 instructional personnel hired on or after July 1, 2011, if the
760 charter school awards contracts to instructional personnel and
761 the term of a contract exceeds 1 year. This subparagraph does
762 not apply to charter school instructional personnel who are at-
763 will employees.

764 7. Subsections 1012.34(2), (3), and (7) ~~Section 1012.34,~~
765 relating to the substantive requirements for performance
766 evaluations for instructional personnel and school
767 administrators.

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

773 (c) If the district school board is providing programs or
774 services to students funded by federal funds, any eligible
775 students enrolled in charter schools in the school district
776 shall be provided federal funds for the same level of service
777 provided students in the schools operated by the district school
778 board. All federal funding that is for the benefit of the
779 charter school, the charter school's students, or the charter
780 school's students as public school students in the school
781 district, including, but not limited to, Title I, Title II, and
782 IDEA funds, shall be paid directly to the charter school.
783 Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter

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784 schools shall receive all federal funding for which the school
785 is otherwise eligible, including Title I funding, not later than
786 5 months after the charter school first opens and within 5
787 months after any subsequent expansion of enrollment.

788 (20) SERVICES.—

789 (a)1. A sponsor shall provide certain administrative and
790 educational services to charter schools. These services must
791 ~~shall~~ include contract management services; full-time equivalent
792 and data reporting services; exceptional student education
793 administration services; services related to eligibility and
794 reporting duties required to ensure that school lunch services
795 under the federal lunch program, consistent with the needs of
796 the charter school, are provided by the school district at the
797 request of the charter school, that any funds due to the charter
798 school under the federal lunch program are ~~be~~ paid to the
799 charter school as soon as the charter school begins serving food
800 under the federal lunch program, and that the charter school is
801 paid at the same time and in the same manner under the federal
802 lunch program as other public schools serviced by the sponsor or
803 the school district; test administration services, including
804 payment of the costs of state-required or district-required
805 student assessments; processing of teacher certificate data
806 services; and information services, including equal access to
807 electronic student information systems that are used by public
808 schools in the district in which the charter school is located
809 and contain all data that the charter school is required to
810 report to the school district. Student performance data for each
811 student in a charter school, including, but not limited to, FCAT
812 scores, standardized test scores, previous public school student

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813 report cards, and student performance measures, shall be
814 provided by the sponsor to a charter school in the same manner
815 provided to other public schools in the district.

816 2. A total administrative fee for the provision of such
817 services shall be calculated based upon up to 5 percent of the
818 available funds defined in paragraph (17)(b) for all students,
819 except that when 75 percent or more of the students enrolled in
820 the charter school are exceptional students as defined in s.
821 1003.01(3), the 5 percent of those available funds shall be
822 calculated based on unweighted full-time equivalent students.
823 However, a sponsor may only withhold up to a 5-percent
824 administrative fee for enrollment for up to and including 250
825 students. For charter schools with a population of 251 or more
826 students, the difference between the total administrative fee
827 calculation and the amount of the administrative fee withheld
828 may only be used for capital outlay purposes specified in s.
829 1013.62(2).

830 3. For high-performing charter schools, as defined in ch.
831 2011-232, a sponsor may withhold a total administrative fee of
832 up to 2 percent for enrollment up to and including 250 students
833 per school.

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

- 838 a. Includes both conversion charter schools and
839 nonconversion charter schools;
- 840 b. Has all schools located in the same county;
- 841 c. Has a total enrollment exceeding the total enrollment of

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842 at least one school district in the state;

843 d. Has the same governing board; and

844 e. Does not contract with a for-profit service provider for
845 management of school operations.

846 5. The difference between the total administrative fee
847 calculation and the amount of the administrative fee withheld
848 pursuant to subparagraph 4. may be used for instructional and
849 administrative purposes as well as for capital outlay purposes
850 specified in s. 1013.62(2).

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

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

859 8. The sponsor of a virtual charter school may withhold a
860 fee of up to 5 percent. The funds shall be used to cover the
861 cost of services provided under subparagraph 1. and for the
862 school district's local instructional improvement system
863 pursuant to s. 1006.281 or other technological tools that are
864 required to access electronic and digital instructional
865 materials.

866 (c) Transportation of charter school students shall be
867 provided by the charter school consistent with the requirements
868 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
869 board ~~body~~ of the charter school may provide transportation
870 through an agreement or contract with the district school board,

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871 a private provider, or parents. The charter school and the
872 sponsor shall cooperate in making arrangements that ensure that
873 transportation is not a barrier to equal access for all students
874 residing within a reasonable distance of the charter school as
875 determined in its charter.

876 (24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

877 (a) This subsection applies to charter school personnel in
878 a charter school operated by a private entity. As used in this
879 subsection, the term:

880 1. "Charter school personnel" means a charter school owner,
881 president, chairperson of the governing board of directors,
882 superintendent, governing board member, principal, assistant
883 principal, or any other person employed by the charter school
884 who has equivalent decisionmaking authority and in whom is
885 vested the authority, or to whom the authority has been
886 delegated, to appoint, employ, promote, or advance individuals
887 or to recommend individuals for appointment, employment,
888 promotion, or advancement in connection with employment in a
889 charter school, including the authority as a member of a
890 governing board ~~body~~ of a charter school to vote on the
891 appointment, employment, promotion, or advancement of
892 individuals.

893 2. "Relative" means father, mother, son, daughter, brother,
894 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
895 father-in-law, mother-in-law, son-in-law, daughter-in-law,
896 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
897 stepdaughter, stepbrother, stepsister, half brother, or half
898 sister.

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900 Charter school personnel in schools operated by a municipality
901 or other public entity are subject to s. 112.3135.

902 (27) RULEMAKING.—The Department of Education, after
903 consultation with school districts and charter school directors,
904 shall recommend that the State Board of Education adopt rules to
905 implement specific subsections of this section. Such rules must
906 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter
907 school flexibility authorized by statute. Only the State Board
908 of Education may ~~shall~~ adopt rules, pursuant to this section and
909 ss. 120.536(1) and 120.54, to implement a charter model
910 application form, evaluation instrument, and charter and charter
911 renewal ~~contracts~~ ~~formats~~ in accordance with this section.
912 School districts may not regulate or adopt rules to add to,
913 interpret, or change the provisions of this section, or to
914 insert provisions into a charter contract which are not found in
915 this section.

916 Section 2. Subsections (1), (2), (4), and (5) of section
917 1002.331, Florida Statutes, are amended, to read:

918 1002.331 High-performing charter schools.—

919 (1) A charter school is a high-performing charter school if
920 it:

921 (a) Received at least two school grades of "A" and no
922 school grade below "B," pursuant to s. 1008.34, during each of
923 the previous 3 school years.

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

927 (c) Did not receive a financial audit that revealed one or
928 more of the financial emergency conditions set forth in s.

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929 218.503(1) in the most recent 3 fiscal years for which such
930 audits are available. However, this requirement is deemed met
931 for a charter school-in-the-workplace if there is a finding in
932 an audit that the school has the monetary resources available to
933 cover any reported deficiency or that the deficiency does not
934 result in a deteriorating financial condition pursuant to s.
935 1002.345(1)(a)3.

936

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

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

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

943 (b) Expand grade levels within kindergarten through grade
944 12 to add grade levels not already served if any annual
945 enrollment increase resulting from grade level expansion is
946 within the limit established in paragraph (a).

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

949 (d) Consolidate under a single charter the charters of
950 multiple high-performing charter schools operated in the same
951 school district by the charter schools' governing board
952 regardless of the renewal cycle. If the sponsor fails to act on
953 the application within 60 days after receipt, the application to
954 consolidate the charters is deemed approved. If the sponsor
955 denies the application, the high-performing charter school may
956 appeal the denial pursuant to s. 1002.33(6).

957 (e) Receive a modification of its charter to a term of 15

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958 years or a 15-year charter renewal. The charter may be modified
959 or renewed for a shorter term at the option of the high-
960 performing charter school. The charter must be consistent with
961 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
962 review by the sponsor, and may be terminated during its term
963 pursuant to s. 1002.33(8).

964
965 A high-performing charter school shall notify its sponsor in
966 writing by March 1 if it intends to increase enrollment or
967 expand grade levels the following school year. The written
968 notice shall specify the amount of the enrollment increase and
969 the grade levels that will be added, as applicable.

970 (4) A high-performing charter school may not increase
971 enrollment or expand grade levels following a ~~any~~ school year in
972 which it receives a school grade of "C" or below. If the charter
973 school receives a school grade of "C" or below in any 2 years
974 during the term of the charter awarded under subsection (2), the
975 term of the charter may be modified by the sponsor ~~and the~~
976 ~~charter school loses its high-performing charter school status~~
977 ~~until it regains that status under subsection (1).~~

978 (5) The Commissioner of Education, upon request by a
979 charter school, shall verify that the charter school meets the
980 criteria in subsection (1) and provide a letter to the charter
981 school and the sponsor stating that the charter school is a
982 high-performing charter school pursuant to this section. A high-
983 performing charter school may not be stripped of its designation
984 as a high-performing charter school unless the commissioner
985 determines that the charter school no longer meets the criteria
986 specified in subsection (1), at which time the commissioner

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987 shall send a letter providing notification of the withdrawal of
988 its designation as a high-performing charter school.

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

991 1002.332 High-performing charter school system.-

992 (2) (a) The Commissioner of Education, upon request by an
993 entity, shall annually verify that the entity meets the criteria
994 in subsection (1) for the previous ~~prior~~ school year and provide
995 a letter to the entity stating that it is a high-performing
996 charter school system. A charter school system that achieved
997 high-performing status the previous school year does not lose
998 its high-performing status simply by virtue of adding new
999 schools. However, if one of its new schools receives a grade of
1000 "C" or lower in its first 3 years in existence, that grade may
1001 be counted in determining whether the charter school system
1002 maintains its high-performing status.

1003 (b) A high-performing charter school system may replicate
1004 its high-performing charter schools pursuant to s. 1002.331(3).

1005 Section 4. Paragraph (c) of subsection (1) of section
1006 1013.62, Florida Statutes, is amended to read:

1007 1013.62 Charter schools capital outlay funding.-

1008 (1) In each year in which funds are appropriated for
1009 charter school capital outlay purposes, the Commissioner of
1010 Education shall allocate the funds among eligible charter
1011 schools.

1012 (c) A charter school's allocation may not exceed one-
1013 fifteenth of the cost per student station specified in s.
1014 1013.64(6)(b), and the Legislature shall annually fund the full
1015 one-fifteenth amount from the Florida Education Finance Program

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1016 as provided in s. 1011.62. Before releasing capital outlay funds
1017 to a school district on behalf of the charter school, the
1018 Department of Education must ensure that the district school
1019 board and the charter school governing board enter into a
1020 written agreement that provides for the reversion of ~~any~~
1021 unencumbered funds and all equipment and property purchased with
1022 public education funds to the ownership of the district school
1023 board, as provided for in subsection (3) if the school
1024 terminates operations. ~~Any~~ Funds recovered by the state shall be
1025 deposited in the General Revenue Fund.

1026 Section 5. This act shall take effect July 1, 2013.