



201208

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/23/2013	.	
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The Committee on Appropriations (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (5), paragraph (h) of subsection (6), paragraph (a) of subsection (7), paragraph (a) of subsection (8), paragraph (g) of subsection (9), paragraph (b) of subsection (16), paragraph (a) of subsection (21), and subsection (27) of section 1002.33, Florida Statutes, are amended, paragraphs (o) and (p) are added to subsection (9) of that section, paragraph (c) is added to subsection (26) of that section, and subsection (28) is added to that section, to



201208

13 read:

14 1002.33 Charter schools.—

15 (5) SPONSOR; DUTIES.—

16 (b) *Sponsor duties*.—

17 1.a. The sponsor shall monitor and review the charter
18 school in its progress toward the goals established in the
19 charter.

20 b. The sponsor shall monitor the revenues and expenditures
21 of the charter school and perform the duties provided in s.
22 1002.345.

23 c. The sponsor may approve a charter for a charter school
24 before the applicant has identified space, equipment, or
25 personnel, if the applicant indicates approval is necessary for
26 it to raise working funds.

27 d. The sponsor's policies shall not apply to a charter
28 school unless mutually agreed to by both the sponsor and the
29 charter school.

30 e. The sponsor shall ensure that the charter is innovative
31 and consistent with the state education goals established by s.
32 1000.03(5).

33 f. The sponsor shall ensure that the charter school
34 participates in the state's education accountability system. If
35 a charter school falls short of performance measures included in
36 the approved charter, the sponsor shall report such shortcomings
37 to the Department of Education.

38 g. The sponsor shall not be liable for civil damages under
39 state law for personal injury, property damage, or death
40 resulting from an act or omission of an officer, employee,
41 agent, or governing body of the charter school.



201208

42 h. The sponsor shall not be liable for civil damages under
43 state law for any employment actions taken by an officer,
44 employee, agent, or governing body of the charter school.

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

47 j. The sponsor shall not impose additional reporting
48 requirements on a charter school without providing reasonable
49 and specific justification in writing to the charter school.

50 2. Immunity for the sponsor of a charter school under
51 subparagraph 1. applies only with respect to acts or omissions
52 not under the sponsor's direct authority as described in this
53 section.

54 3. This paragraph does not waive a district school board's
55 sovereign immunity.

56 4. A Florida College System institution may work with the
57 school district or school districts in its designated service
58 area to develop charter schools that offer secondary education.
59 These charter schools must include an option for students to
60 receive an associate degree upon high school graduation.
61 District school boards shall cooperate with and assist the
62 Florida College System institution on the charter application.
63 Florida College System institution applications for charter
64 schools are not subject to the time deadlines outlined in
65 subsection (6) and may be approved by the district school board
66 at any time during the year. Florida College System institutions
67 may not report FTE for any students who receive FTE funding
68 through the Florida Education Finance Program.

69 5. A school district may enter into nonexclusive interlocal
70 agreements with federal and state agencies, counties,



201208

71 municipalities, and other governmental entities that operate
72 within the geographical borders of the school district to act on
73 behalf of such governmental entities in the inspection,
74 issuance, and other necessary activities for all necessary
75 permits, licenses, and other permissions that a charter school
76 needs in order for development, construction, or operation. A
77 charter school may use, but may not be required to use, a school
78 district for these services. The interlocal agreement must
79 include, but need not be limited to, the identification of fees
80 that charter schools will be charged for such services. The fees
81 must consist of the governmental entity's fees plus a fee for
82 the school district to recover no more than actual costs for
83 providing such services. These services and fees are not
84 included within the services to be provided pursuant to
85 subsection (20).

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

88 (h) The terms and conditions for the operation of a charter
89 school shall be set forth by the sponsor and the applicant in a
90 written contractual agreement, called a charter. The sponsor may
91 ~~shall~~ not impose unreasonable rules or regulations that violate
92 the intent of giving charter schools greater flexibility to meet
93 educational goals. The sponsor has 30 ~~shall have 60~~ days after
94 approval of the application to provide an initial proposed
95 charter contract to the charter school. The applicant and
96 sponsor shall use the standard charter adopted in state board
97 rule pursuant to subsection (27) and the application submitted
98 by the applicant. If agreed to by the sponsor and the charter
99 school, the parties may file an addendum to the standard charter



201208

100 contract, not to exceed a page limit prescribed by the
101 department, that identifies mutually agreed upon changes to the
102 standard charter contract. Otherwise, neither the sponsor nor
103 the charter school may modify the standard charter contract or
104 otherwise insert or append attachments, addenda, or exhibits to
105 the standard charter contract. The applicant and the sponsor
106 have 40 ~~shall have 75~~ days thereafter to negotiate and notice
107 the charter contract for final approval by the sponsor unless
108 both parties agree to an extension. The proposed charter
109 contract shall be provided to the charter school at least 7
110 calendar days prior to the date of the meeting at which the
111 charter is scheduled to be voted upon by the sponsor. The
112 Department of Education shall provide mediation services for any
113 dispute regarding this section subsequent to the approval of a
114 charter application and for any dispute relating to the approved
115 charter, except disputes regarding charter school application
116 denials. If the Commissioner of Education determines that the
117 dispute cannot be settled through mediation, the dispute may be
118 appealed to an administrative law judge appointed by the
119 Division of Administrative Hearings. The administrative law
120 judge may rule on issues of equitable treatment of the charter
121 school as a public school, whether proposed provisions of the
122 charter violate the intended flexibility granted charter schools
123 by statute, or on any other matter regarding this section except
124 a charter school application denial, a charter termination, or a
125 charter nonrenewal and shall award the prevailing party
126 reasonable attorney's fees and costs incurred to be paid by the
127 losing party. The costs of the administrative hearing shall be
128 paid by the party whom the administrative law judge rules



201208

129 against.

130 (7) CHARTER.—The major issues involving the operation of a
131 charter school shall be considered in advance and written into
132 the charter. The charter shall be signed by the governing board
133 of the charter school and the sponsor, following a public
134 hearing to ensure community input.

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

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

139 2. The focus of the curriculum, the instructional methods
140 to be used, any distinctive instructional techniques to be
141 employed, and identification and acquisition of appropriate
142 technologies needed to improve educational and administrative
143 performance which include a means for promoting safe, ethical,
144 and appropriate uses of technology which comply with legal and
145 professional standards.

146 a. The charter shall ensure that reading is a primary focus
147 of the curriculum and that resources are provided to identify
148 and provide specialized instruction for students who are reading
149 below grade level. The curriculum and instructional strategies
150 for reading must be consistent with the Sunshine State Standards
151 and grounded in scientifically based reading research.

152 b. In order to provide students with access to diverse
153 instructional delivery models, to facilitate the integration of
154 technology within traditional classroom instruction, and to
155 provide students with the skills they need to compete in the
156 21st century economy, the Legislature encourages instructional
157 methods for blended learning courses consisting of both



201208

158 traditional classroom and online instructional techniques.
159 Charter schools may implement blended learning courses which
160 combine traditional classroom instruction and virtual
161 instruction. Students in a blended learning course must be full-
162 time students of the charter school and receive the online
163 instruction in a classroom setting at the charter school.
164 Instructional personnel certified pursuant to s. 1012.55 who
165 provide virtual instruction for blended learning courses may be
166 employees of the charter school or may be under contract to
167 provide instructional services to charter school students. At a
168 minimum, such instructional personnel must hold an active state
169 or school district adjunct certification under s. 1012.57 for
170 the subject area of the blended learning course. The funding and
171 performance accountability requirements for blended learning
172 courses are the same as those for traditional courses.

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

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

179 b. How these baseline rates will be compared to rates of
180 academic progress achieved by these same students while
181 attending the charter school.

182 c. To the extent possible, how these rates of progress will
183 be evaluated and compared with rates of progress of other
184 closely comparable student populations.

185

186 The district school board is required to provide academic



201208

187 student performance data to charter schools for each of their
188 students coming from the district school system, as well as
189 rates of academic progress of comparable student populations in
190 the district school system.

191 4. The methods used to identify the educational strengths
192 and needs of students and how well educational goals and
193 performance standards are met by students attending the charter
194 school. The methods shall provide a means for the charter school
195 to ensure accountability to its constituents by analyzing
196 student performance data and by evaluating the effectiveness and
197 efficiency of its major educational programs. Students in
198 charter schools shall, at a minimum, participate in the
199 statewide assessment program created under s. 1008.22.

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

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

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

207 8. The ways by which the school will achieve a
208 racial/ethnic balance reflective of the community it serves or
209 within the racial/ethnic range of other public schools in the
210 same school district.

211 9. The financial and administrative management of the
212 school, including a reasonable demonstration of the professional
213 experience or competence of those individuals or organizations
214 applying to operate the charter school or those hired or
215 retained to perform such professional services and the



201208

216 description of clearly delineated responsibilities and the
217 policies and practices needed to effectively manage the charter
218 school. A description of internal audit procedures and
219 establishment of controls to ensure that financial resources are
220 properly managed must be included. Both public sector and
221 private sector professional experience shall be equally valid in
222 such a consideration.

223 10. The asset and liability projections required in the
224 application which are incorporated into the charter and shall be
225 compared with information provided in the annual report of the
226 charter school.

227 11. A description of procedures that identify various risks
228 and provide for a comprehensive approach to reduce the impact of
229 losses; plans to ensure the safety and security of students and
230 staff; plans to identify, minimize, and protect others from
231 violent or disruptive student behavior; and the manner in which
232 the school will be insured, including whether or not the school
233 will be required to have liability insurance, and, if so, the
234 terms and conditions thereof and the amounts of coverage.

235 12. The term of the charter which shall provide for
236 cancellation of the charter if insufficient progress has been
237 made in attaining the student achievement objectives of the
238 charter and if it is not likely that such objectives can be
239 achieved before expiration of the charter. The initial term of a
240 charter shall be for 4 or 5 years. In order to facilitate access
241 to long-term financial resources for charter school
242 construction, charter schools that are operated by a
243 municipality or other public entity as provided by law are
244 eligible for up to a 15-year charter, subject to approval by the



201208

245 district school board. A charter lab school is eligible for a
246 charter for a term of up to 15 years. In addition, to facilitate
247 access to long-term financial resources for charter school
248 construction, charter schools that are operated by a private,
249 not-for-profit, s. 501(c)(3) status corporation are eligible for
250 up to a 15-year charter, subject to approval by the district
251 school board. Such long-term charters remain subject to annual
252 review and may be terminated during the term of the charter, but
253 only according to the provisions set forth in subsection (8).

254 13. The facilities to be used and their location. The
255 sponsor may not require a charter school to have a temporary
256 certificate of occupancy or certificate of occupancy for such a
257 facility earlier than the first day of school.

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

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

264 16. A timetable for implementing the charter which
265 addresses the implementation of each element thereof and the
266 date by which the charter shall be awarded in order to meet this
267 timetable.

268 17. In the case of an existing public school that is being
269 converted to charter status, alternative arrangements for
270 current students who choose not to attend the charter school and
271 for current teachers who choose not to teach in the charter
272 school after conversion in accordance with the existing
273 collective bargaining agreement or district school board rule in



201208

274 the absence of a collective bargaining agreement. However,
275 alternative arrangements shall not be required for current
276 teachers who choose not to teach in a charter lab school, except
277 as authorized by the employment policies of the state university
278 which grants the charter to the lab school.

279 18. Full disclosure of the identity of all relatives
280 employed by the charter school who are related to the charter
281 school owner, president, chairperson of the governing board of
282 directors, superintendent, governing board member, principal,
283 assistant principal, or any other person employed by the charter
284 school who has equivalent decisionmaking authority. For the
285 purpose of this subparagraph, the term "relative" means father,
286 mother, son, daughter, brother, sister, uncle, aunt, first
287 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
288 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
289 stepfather, stepmother, stepson, stepdaughter, stepbrother,
290 stepsister, half brother, or half sister.

291 19. Implementation of the activities authorized under s.
292 1002.331 by the charter school when it satisfies the eligibility
293 requirements for a high-performing charter school. A high-
294 performing charter school shall notify its sponsor in writing by
295 March 1 if it intends to increase enrollment or expand grade
296 levels the following school year. The written notice shall
297 specify the amount of the enrollment increase and the grade
298 levels that will be added, as applicable.

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

300 (a) The sponsor shall make student academic achievement for
301 all students the most important factor when determining whether
302 to renew or terminate the charter. The sponsor may also choose



201208

303 not to renew or may terminate the charter for any of the
304 following grounds:

305 1. Failure to participate in the state's education
306 accountability system created in s. 1008.31, as required in this
307 section, or failure to meet the requirements for student
308 performance stated in the charter.

309 2. Failure to meet generally accepted standards of fiscal
310 management.

311 3. Violation of law.

312 4. Other good cause shown.

313 (9) CHARTER SCHOOL REQUIREMENTS.—

314 (g)1. In order to provide financial information that is
315 comparable to that reported for other public schools, charter
316 schools are to maintain all financial records that constitute
317 their accounting system:

318 ~~a.1~~. In accordance with the accounts and codes prescribed
319 in the most recent issuance of the publication titled "Financial
320 and Program Cost Accounting and Reporting for Florida Schools";
321 or

322 ~~b.2~~. At the discretion of the charter school's governing
323 board, a charter school may elect to follow generally accepted
324 accounting standards for not-for-profit organizations, but must
325 reformat this information for reporting according to this
326 paragraph.

327 2. Charter schools shall provide annual financial report
328 and program cost report information in the state-required
329 formats for inclusion in district reporting in compliance with
330 s. 1011.60(1). Charter schools that are operated by a
331 municipality or are a component unit of a parent nonprofit



201208

332 organization may use the accounting system of the municipality
333 or the parent but must reformat this information for reporting
334 according to this paragraph.

335 3. A charter school shall provide the sponsor with a
336 concise, uniform, monthly financial statement summary sheet that
337 contains a balance sheet and a statement of revenue,
338 expenditures, and changes in fund balance. The balance sheet and
339 the statement of revenue, expenditures, and changes in fund
340 balance shall be in the governmental funds format prescribed by
341 the Governmental Accounting Standards Board. A charter school
342 shall provide a monthly financial statement to the sponsor
343 unless the charter school is designated as a high-performing
344 charter school pursuant to s. 1002.331, in which case the high-
345 performing charter school may provide a quarterly financial
346 statement in the same format and requirements as the uniform
347 monthly financial statement summary sheet. The financial
348 statement required under this paragraph shall be in a form
349 prescribed by the Department of Education.

350 4. A charter school shall maintain and provide financial
351 information as required in this paragraph. The information
352 required in this paragraph must be in a form prescribed by the
353 Department of Education.

354 (o)1. Upon notification of nonrenewal or termination of its
355 charter, a charter school may not expend more than \$35,000
356 without prior written approval from the sponsor, unless such
357 expenditure was included within the annual budget submitted to
358 the sponsor pursuant to the charter contract or is for
359 reasonable attorney fees and costs during the pendency of an
360 appeal.



201208

361 2. The charter agreement must immediately terminate when
362 the charter school closes.

363 3. Charter school contracts with employees, service
364 providers, management companies, and other types of service
365 contracts may not extend beyond the term of the charter
366 agreement. Payments may be made only for services provided
367 before the closure, nonrenewal, termination, or immediate
368 termination of the charter school.

369 4. If the charter school closes or if the charter agreement
370 is terminated before the term of the charter agreement expires,
371 the remainder of a service contract is void.

372 (p) Each charter school shall maintain a website that
373 enables the public to obtain information regarding the school;
374 the school's academic performance; names of the governing board
375 members; programs at the school; any management companies,
376 service providers, or education management corporations
377 associated with the school; the school's annual budget and its
378 annual independent fiscal audit; school grade pursuant to s.
379 1008.34; and, on a quarterly basis, minutes of governing board
380 meetings.

381 (16) EXEMPTION FROM STATUTES.—

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

384 1. Section 286.011, relating to public meetings and
385 records, public inspection, and criminal and civil penalties.

386 2. Chapter 119, relating to public records.

387 3. Section 1003.03, relating to the maximum class size,
388 except that the calculation for compliance pursuant to s.
389 1003.03 shall be the average at the school level.



201208

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

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

397 6. Section 1012.335, relating to contracts with
398 instructional personnel hired on or after July 1, 2011, if the
399 charter school awards contracts to instructional personnel and
400 the term of a contract exceeds 1 year.

401 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to
402 ~~the substantive requirements for~~ performance evaluations for
403 instructional personnel and school administrators. For purposes
404 of compliance with this subparagraph, the duties assigned to a
405 district school superintendent apply to a charter school
406 administrative personnel or equivalent as specified by the
407 governing board, and the duties assigned to a district school
408 board apply to a charter school's governing board.

409 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

410 (a) The Department of Education shall provide information
411 to the public, directly and through sponsors, on how to form and
412 operate a charter school and how to enroll in a charter school
413 once it is created. This information shall include a model
414 ~~standard~~ application form format, standard charter contract
415 ~~format~~, standard evaluation instrument, and standard charter
416 renewal contract format, which shall include the information
417 specified in subsection (7) and shall be developed by consulting
418 and negotiating with both school districts and charter schools



201208

419 before implementation. The charter and charter renewal contracts
420 ~~formats~~ shall be used by charter school sponsors.

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

422 (c) An employee of the charter school, or his or her
423 spouse, or an employee of a charter management organization, or
424 his or her spouse, may not be a member of the governing board of
425 the charter school.

426 (27) RULEMAKING.—The Department of Education, after
427 consultation with school districts and charter school directors,
428 shall recommend that the State Board of Education adopt rules to
429 implement specific subsections of this section. Such rules must
430 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter
431 school flexibility authorized by statute. The State Board of
432 Education shall adopt rules, pursuant to ss. 120.536(1) and
433 120.54, to implement a charter model application form, standard
434 evaluation instrument, and standard charter and charter renewal
435 contracts ~~formats~~ in accordance with this section. The standard
436 charter and charter renewal contracts must be implemented by
437 September 1, 2014.

438 (28) DEFINITIONS.—As used in chapters 1000-1013 and where
439 the context allows in other provisions of law, the term
440 "management company" means an entity retained by a public
441 school's governing body pursuant to a written contract to
442 administer or direct the operations of the school, subject to
443 the policies, directives, and oversight of the public school's
444 governing body. A public school's governing body may not retain
445 a management company of which the governing body is a component
446 unit. This definition also applies to the term:

447 (a) "Service provider" as the term is used in this section;



201208

448 (b) "Education management corporation" as the term is used
449 in s. 1002.332; and

450 (c) "Outside entity" as the term is used in s. 1008.33.

451 Section 2. Full implementation of online assessments for
452 Next Generation Sunshine State Standards in English/language
453 arts and mathematics adopted under s. 1003.41 for all
454 kindergarten through grade 12 public school students shall occur
455 only after the technology infrastructure, connectivity, and
456 capacity of all public schools and school districts have been
457 load tested and independently verified as ready for successful
458 deployment and implementation.

459 Section 3. The technology infrastructure, connectivity, and
460 capacity of all public schools and school districts that
461 administer statewide standardized assessments pursuant to s.
462 1008.22, Florida Statutes, including online assessments, shall
463 be load tested and independently verified as appropriate,
464 adequate, efficient, and sustainable.

465 Section 4. This act shall take effect upon becoming a law.

466
467 ===== T I T L E A M E N D M E N T =====

468 And the title is amended as follows:

469 Delete everything before the enacting clause
470 and insert:

471 A bill to be entitled
472 An act relating to education; amending s. 1002.33,
473 F.S.; allowing a school district to enter into certain
474 interlocal agreements and allowing charter schools to
475 use the school district for certain related services;
476 modifying the application process for charter schools;



201208

477 prohibiting a sponsor from requiring a charter school
478 to have a certificate of occupancy before the first
479 day of school; requiring a sponsor to make student
480 academic achievement for all students a priority in
481 deciding whether to renew a charter; modifying charter
482 school requirements for financial records; imposing
483 rules that follow the closing of a charter school or
484 termination of a charter; requiring a charter school
485 to maintain a public website with certain information;
486 modifying statutory exemptions for charter schools;
487 restricting the membership of a charter school
488 governing board; providing definitions; requiring that
489 full implementation of online assessments for Next
490 Generation Sunshine State Standards in
491 English/language arts and mathematics for all
492 kindergarten through grade 12 public school students
493 occur only after the technology infrastructure,
494 connectivity, and capacity of all public schools and
495 school districts have been load tested and
496 independently verified as ready for successful
497 deployment and implementation; requiring that the
498 technology infrastructure, connectivity, and capacity
499 of all public schools and school districts that
500 administer statewide standardized assessments pursuant
501 to s. 1008.22, F.S., be load tested and independently
502 verified as appropriate, adequate, efficient, and
503 sustainable; providing an effective date.