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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2013	.	
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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, present paragraphs (e) and (f) of subsection (17)



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13 of that section are redesignated as paragraphs (f) and (g),
14 respectively, and a new paragraph (e) is added to that
15 subsection, to read:

16 1002.33 Charter schools.—

17 (5) SPONSOR; DUTIES.—

18 (b) *Sponsor duties*.—

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

22 b. The sponsor shall monitor the revenues and expenditures
23 of the charter school and perform the duties provided in s.
24 1002.345.

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

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

32 e. The sponsor shall ensure that the charter is innovative
33 and consistent with the state education goals established by s.
34 1000.03(5).

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

40 g. The sponsor shall not be liable for civil damages under
41 state law for personal injury, property damage, or death



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42 resulting from an act or omission of an officer, employee,
43 agent, or governing body of the charter school.

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

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

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

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

56 3. This paragraph does not waive a district school board's
57 sovereign immunity.

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



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

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

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



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



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129 paid by the party whom the administrative law judge rules
130 against.

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

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

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

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

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

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



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

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

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

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

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

186



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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

301 (a) The sponsor shall make student academic achievement for
302 all students the most important factor when determining whether



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303 to renew or terminate the charter. The sponsor may also choose
304 not to renew or may terminate the charter for any of the
305 following grounds:

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

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

312 3. Violation of law.

313 4. Other good cause shown.

314 (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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



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

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

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

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



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361 appeal.

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

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

370 4. If the charter school closes or if the charter agreement
371 is terminated before the term of the charter agreement expires,
372 the remainder of the contract is void. This subparagraph applies
373 to new contracts and to amendments to existing contracts that
374 are executed after July 1, 2013.

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

384 (16) EXEMPTION FROM STATUTES.—

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

387 1. Section 286.011, relating to public meetings and
388 records, public inspection, and criminal and civil penalties.

389 2. Chapter 119, relating to public records.



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390 3. Section 1003.03, relating to the maximum class size,
391 except that the calculation for compliance pursuant to s.
392 1003.03 shall be the average at the school level.

393 4. Section 1012.22(1)(c), relating to compensation and
394 salary schedules.

395 5. Section 1012.33(5), relating to workforce reductions,
396 for charter school annual contracts to instructional personnel.
397 This subparagraph does not apply to charter school instructional
398 personnel who are at-will employees.

399 6. Section 1012.335, relating to contracts with
400 instructional personnel hired on or after July 1, 2011, for
401 charter school annual contracts to instructional personnel. This
402 subparagraph does not apply to charter school instructional
403 personnel who are at-will employees.

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

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

417 (e) Unless otherwise mutually agreed to by the charter
418 school and its sponsor, and consistent with state and federal



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419 rules and regulations governing the use and disbursement of
420 federal funds, the sponsor shall reimburse the charter school on
421 a monthly basis for all invoices submitted by the charter school
422 for federal funds available to the sponsor for the benefit of
423 the charter school, the charter school's students, and the
424 charter school's students as public school students in the
425 school district. Such federal funds include, but are not limited
426 to, Title I, Title II, and Individuals with Disabilities
427 Education Act (IDEA) funds.

428 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

429 (a) The Department of Education shall provide information
430 to the public, directly and through sponsors, on how to form and
431 operate a charter school and how to enroll in a charter school
432 once it is created. This information shall include a model
433 ~~standard~~ application form format, standard charter contract
434 ~~format~~, standard evaluation instrument, and standard charter
435 renewal contract format, which shall include the information
436 specified in subsection (7) and shall be developed by consulting
437 and negotiating with both school districts and charter schools
438 before implementation. The charter and charter renewal contracts
439 ~~formats~~ shall be used by charter school sponsors.

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

441 (c) An employee of the charter school, or his or her
442 spouse, or an employee of a charter management organization, or
443 his or her spouse, may not be a member of the governing board of
444 the charter school.

445 (27) RULEMAKING.—The Department of Education, after
446 consultation with school districts and charter school directors,
447 shall recommend that the State Board of Education adopt rules to



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448 implement specific subsections of this section. Such rules must
449 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter
450 school flexibility authorized by statute. The State Board of
451 Education shall adopt rules, pursuant to ss. 120.536(1) and
452 120.54, to implement a charter model application form, standard
453 evaluation instrument, and standard charter and charter renewal
454 contracts ~~formats~~ in accordance with this section. The standard
455 charter and charter renewal contracts must be implemented by
456 September 1, 2014.

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

465 Section 3. The technology infrastructure, connectivity, and
466 capacity of all public schools and school districts that
467 administer statewide standardized assessments pursuant to s.
468 1008.22, Florida Statutes, including online assessments, shall
469 be load tested and independently verified as appropriate,
470 adequate, efficient, and sustainable.

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

472
473 ===== T I T L E A M E N D M E N T =====

474 And the title is amended as follows:

475 Delete everything before the enacting clause
476 and insert:



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477 A bill to be entitled
478 An act relating to education; amending s. 1002.33,
479 F.S.; allowing a school district to enter into certain
480 interlocal agreements and allowing charter schools to
481 use the school district for certain related services;
482 modifying the application process for charter schools;
483 prohibiting a sponsor from requiring a charter school
484 to have a certificate of occupancy before the first
485 day of school; requiring a sponsor to make student
486 academic achievement for all students a priority in
487 deciding whether to renew a charter; modifying charter
488 school requirements for financial records; imposing
489 rules that follow the closing of a charter school or
490 termination of a charter; requiring a charter school
491 to maintain a public website with certain information;
492 modifying statutory exemptions for charter schools;
493 restricting the membership of a charter school
494 governing board; requiring that full implementation of
495 online assessments for Next Generation Sunshine State
496 Standards in English/language arts and mathematics for
497 all kindergarten through grade 12 public school
498 students occur only after the technology
499 infrastructure, connectivity, and capacity of all
500 public schools and school districts have been load
501 tested and independently verified as ready for
502 successful deployment and implementation; requiring
503 that the technology infrastructure, connectivity, and
504 capacity of all public schools and school districts
505 that administer statewide standardized assessments



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506 pursuant to s. 1008.22, F.S., be load tested and
507 independently verified as appropriate, adequate,
508 efficient, and sustainable; providing an effective
509 date.