

1                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           1002.33, F.S.; clarifying enforcement of policies  
4           agreed to by the sponsor and charter school that are  
5           subsequently amended; requiring a sponsor to annually  
6           report specific information regarding charter  
7           applications; authorizing a charter school operated by  
8           a Florida College System institution to serve students  
9           in kindergarten through grade 12 if certain criteria  
10          are met; providing disclosure requirements for  
11          applicants of previous charter schools subject to  
12          corrective action or financial recovery plans;  
13          revising provisions relating to the timely submission  
14          of charter school applications; providing requirements  
15          relating to the appeal of a denied application  
16          submitted by a high-performing charter school;  
17          reducing the amount of time for negotiation of a  
18          charter; revising provisions relating to the issuance  
19          of a final order in contract dispute cases; clarifying  
20          instructional methods for blended learning courses;  
21          providing a restriction relating to a required  
22          certificate of occupancy; authorizing the  
23          consolidation of multiple charters into a single  
24          charter in certain circumstances; establishing student  
25          academic achievement as a priority in determining  
26          charter renewals and terminations; revising the  
27          timeline for charter schools to submit waiver of  
28          termination requests to the Department of Education;

29 | restricting expenditures upon nonrenewal, closure, or  
30 | termination of a charter school; requiring an  
31 | independent audit within a specified time after  
32 | notification of nonrenewal, closure, or termination;  
33 | prohibiting certain actions by a charter school;  
34 | providing penalties; requiring a charter school to  
35 | maintain specified information on a website; revising  
36 | provisions relating to determination of a charter  
37 | school's student enrollment; revising provisions  
38 | requiring charter school compliance with statutes  
39 | relating to education personnel compensation,  
40 | contracts, and performance evaluations and workforce  
41 | reductions; providing requirements for the  
42 | reimbursement of federal funds to charter schools;  
43 | requiring that certain unused school district  
44 | facilities be made available to charter schools;  
45 | restricting capital outlay funding; providing  
46 | restrictions on the membership of a governing board;  
47 | amending s. 1002.331, F.S.; revising criteria for  
48 | classification as a high-performing charter school;  
49 | providing requirements for modification of the charter  
50 | of a high-performing charter school; requiring the  
51 | Commissioner of Education to annually review a high-  
52 | performing charter school's eligibility for high-  
53 | performing status; authorizing declassification as a  
54 | high-performing charter school; amending s. 1002.332,  
55 | F.S.; revising requirements for classification as a  
56 | high-performing charter school system; authorizing an

57 | entity operating outside the state to obtain high-  
58 | performing charter school system status under certain  
59 | circumstances; requiring the commissioner to annually  
60 | review a high-performing charter school system's  
61 | eligibility for high-performing status; authorizing  
62 | declassification as a high-performing charter school  
63 | system; requiring the department to develop a proposed  
64 | statewide, standard charter contract; providing an  
65 | effective date.

66 |  
67 | Be It Enacted by the Legislature of the State of Florida:

68 |  
69 | Section 1. Paragraph (b) of subsection (5), paragraphs  
70 | (a), (b), (c), and (h) of subsection (6), paragraphs (a) and (c)  
71 | of subsection (7), paragraph (a) of subsection (8), paragraph  
72 | (n) of subsection (9), paragraphs (b), (h), and (i) of  
73 | subsection (10), paragraph (b) of subsection (16), paragraph (c)  
74 | of subsection (17), paragraph (e) of subsection (18), paragraph  
75 | (a) of subsection (21), and subsection (27) of section 1002.33,  
76 | Florida Statutes, are amended, paragraphs (o) and (p) are added  
77 | to subsection (9), and paragraph (c) is added to subsection (26)  
78 | of that section, to read:

79 | 1002.33 Charter schools.—

80 | (5) SPONSOR; DUTIES.—

81 | (b) Sponsor duties.—

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

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

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

92 |           d. The sponsor ~~sponsor's policies~~ shall not apply its  
93 | policies to a charter school unless mutually agreed to by both  
94 | the sponsor and the charter school. If the sponsor subsequently  
95 | amends any agreed-upon sponsor policy, the version of the policy  
96 | in effect at the time of the execution of the charter, or any  
97 | subsequent modification thereof, shall remain in effect and the  
98 | sponsor may not hold the charter school responsible for any  
99 | provision of a newly revised policy until the revised policy is  
100 | mutually agreed upon.

101 |           e. The sponsor shall ensure that the charter is innovative  
102 | and consistent with the state education goals established by s.  
103 | 1000.03(5).

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

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

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

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

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

121 k. The sponsor shall annually report to the Department of  
122 Education the following information in a format to be determined  
123 by the department:

124 (I) The number of draft applications received on or before  
125 May 1, including each applicant's contact information.

126 (II) The number of final applications received on or  
127 before August 1, including each applicant's contact information.

128 (III) The number of applications received after August 1,  
129 including each applicant's contact information.

130 (IV) The date each application was approved, denied, or  
131 withdrawn.

132 (V) The date each final contract was executed.

133  
134 Beginning August 31, 2013, and each year thereafter, the sponsor  
135 shall submit to the department the information for the  
136 applications submitted the previous year. The department shall  
137 compile an annual report, by district, and post the report on  
138 its website by November 1 of each year.

139 2. Immunity for the sponsor of a charter school under  
140 subparagraph 1. applies only with respect to acts or omissions

141 not under the sponsor's direct authority as described in this  
142 section.

143 3. This paragraph does not waive a district school board's  
144 sovereign immunity.

145 4. A Florida College System institution may work with the  
146 school district or school districts in its designated service  
147 area to develop charter schools that offer secondary education.  
148 These charter schools must include an option for students to  
149 receive an associate degree upon high school graduation. If a  
150 Florida College System institution operates an approved teacher  
151 preparation program under s. 1004.04 or s. 1004.85, the  
152 institution may operate no more than one charter school that  
153 serves students in kindergarten through grade 12. In  
154 kindergarten through grade 8, the charter school shall implement  
155 innovative blended learning instructional models in which, for a  
156 given course, a student learns in part through online delivery  
157 of content and instruction with some element of student control  
158 over time, place, path, or pace and in part at a supervised  
159 brick-and-mortar location away from home. A student in a blended  
160 learning course must be a full-time student of the charter  
161 school and receive the online instruction in a classroom setting  
162 at the charter school. District school boards shall cooperate  
163 with and assist the Florida College System institution on the  
164 charter application. Florida College System institution  
165 applications for charter schools are not subject to the time  
166 deadlines outlined in subsection (6) and may be approved by the  
167 district school board at any time during the year. Florida  
168 College System institutions may not report FTE for any students

169 | who receive FTE funding through the Florida Education Finance  
170 | Program.

171 |       (6) APPLICATION PROCESS AND REVIEW.—Charter school  
172 | applications are subject to the following requirements:

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

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

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

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

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

195 |       5. Contains an annual financial plan for each year that  
196 | the applicant intends to operate ~~requested by the charter for~~

197 ~~operation of~~ the school for up to 5 years. This plan must  
198 contain anticipated fund balances based on revenue projections,  
199 a spending plan based on projected revenues and expenses, and a  
200 description of controls that will safeguard finances and  
201 projected enrollment trends.

202       6. Discloses whether the applicant was a member of a  
203 charter school governing board or was a person with  
204 decisionmaking authority for a charter school that was subject  
205 to corrective action pursuant to subparagraph (9)(n)2., a  
206 corrective action plan pursuant to s. 1002.345(1)(c), or a  
207 financial recovery plan pursuant to s. 1002.345(2)(a). The  
208 applicant must include a detailed explanation of the  
209 circumstances requiring a corrective action plan or financial  
210 recovery plan and the resolution of the plan. ~~Documents that the~~  
211 ~~applicant has participated in the training required in~~  
212 ~~subparagraph (f)2. A sponsor may require an applicant to provide~~  
213 ~~additional information as an addendum to the charter school~~  
214 ~~application described in this paragraph.~~

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

218  
219 A sponsor may require an applicant to provide additional  
220 information as an addendum to the charter school application  
221 described in this paragraph.

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



225 receive and consider charter school applications received on or  
226 before August 1 of each calendar year for charter schools to be  
227 opened at the beginning of the school district's next school  
228 year, or to be opened at a time agreed to by the applicant and  
229 the sponsor. A sponsor may not refuse to receive a charter  
230 school application submitted before August 1 and may receive an  
231 application submitted ~~applications~~ later than August 1 ~~this date~~  
232 if it chooses. In order to facilitate greater collaboration in  
233 the application process, an applicant may submit a draft charter  
234 school application on or before May 1 with an application fee of  
235 \$500. If a draft application is timely submitted, the sponsor  
236 shall review and provide feedback as to material deficiencies in  
237 the application by July 1. The applicant shall then have until  
238 August 1 to resubmit a revised and final application. The  
239 sponsor may approve the draft application. A sponsor may not  
240 charge an applicant for a charter any fee for the processing or  
241 consideration of an application, and a sponsor may not base its  
242 consideration or approval of a final ~~an~~ application upon the  
243 promise of future payment of any kind. Before approving or  
244 denying any final application, the sponsor shall allow the  
245 applicant, upon receipt of written notification, at least 7  
246 calendar days to make technical or nonsubstantive corrections  
247 and clarifications, including, but not limited to, corrections  
248 of grammatical, typographical, and like errors or missing  
249 signatures, if such errors are identified by the sponsor as  
250 cause to deny the final application.

251 1. In order to facilitate an accurate budget projection  
252 process, a sponsor shall be held harmless for FTE students who

253 are not included in the FTE projection due to approval of  
254 charter school applications after the FTE projection deadline.  
255 In a further effort to facilitate an accurate budget projection,  
256 within 15 calendar days after receipt of a charter school  
257 application, a sponsor shall report to the Department of  
258 Education the name of the applicant entity, the proposed charter  
259 school location, and its projected FTE.

260 2. In order to ensure fiscal responsibility, an  
261 application for a charter school shall include a full accounting  
262 of expected assets, a projection of expected sources and amounts  
263 of income, including income derived from projected student  
264 enrollments and from community support, and an expense  
265 projection that includes full accounting of the costs of  
266 operation, including start-up costs.

267 3.a. A sponsor shall by a majority vote approve or deny an  
268 application no later than October 1 ~~60 calendar days after the~~  
269 ~~application is received~~, unless the sponsor and the applicant  
270 mutually agree in writing to temporarily postpone the vote to a  
271 specific date, at which time the sponsor shall by a majority  
272 vote approve or deny the application. If the sponsor fails to  
273 act on the application, an applicant may appeal to the State  
274 Board of Education as provided in paragraph (c). If an  
275 application is denied, the sponsor shall, within 10 calendar  
276 days after such denial, articulate in writing the specific  
277 reasons, based upon good cause, supporting its denial of the  
278 charter application and shall provide the letter of denial and  
279 supporting documentation to the applicant and to the Department  
280 of Education.

281 b. An application submitted by a high-performing charter  
282 school identified pursuant to s. 1002.331 may be denied by the  
283 sponsor only if the sponsor demonstrates by clear and convincing  
284 evidence that:

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

287 (II) The charter school proposed in the application does  
288 not materially comply with the requirements in paragraphs  
289 (9) (a) - (f);

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

293 (IV) The applicant has made a material misrepresentation  
294 or false statement or concealed an essential or material fact  
295 during the application process; or

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

299  
300 Material noncompliance is a failure to follow requirements or a  
301 violation of prohibitions applicable to charter school  
302 applications, which failure is quantitatively or qualitatively  
303 significant either individually or when aggregated with other  
304 noncompliance. An applicant is considered to be replicating a  
305 high-performing charter school if the proposed school is  
306 substantially similar to at least one of the applicant's high-  
307 performing charter schools and the organization or individuals  
308 involved in the establishment and operation of the proposed

309 school are significantly involved in the operation of replicated  
310 schools.

311 c. If the sponsor denies an application submitted by a  
312 high-performing charter school, the sponsor must, within 10  
313 calendar days after such denial, state in writing the specific  
314 reasons, based upon the criteria in sub-subparagraph b.,  
315 supporting ~~its~~ denial of the application and must provide the  
316 letter of denial and supporting documentation to the applicant  
317 and to the Department of Education. The applicant may appeal the  
318 sponsor's denial of the application ~~directly~~ to the State Board  
319 of Education pursuant to paragraph (c) and must provide the  
320 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

321 4. For budget projection purposes, the sponsor shall  
322 report to the Department of Education the approval or denial of  
323 a charter application within 10 calendar days after such  
324 approval or denial. In the event of approval, the report to the  
325 Department of Education shall include the final projected FTE  
326 for the approved charter school.

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

331 (c)1. An applicant may appeal any denial of that  
332 applicant's application or failure to act on an application to  
333 the State Board of Education within ~~no later than~~ 30 calendar  
334 days after receipt of the sponsor's decision or failure to act  
335 and shall notify the sponsor of its appeal. Any response of the  
336 sponsor shall be submitted to the State Board of Education

337 within 30 calendar days after notification of the appeal. Upon  
338 receipt of notification from the State Board of Education that a  
339 charter school applicant is filing an appeal, the Commissioner  
340 of Education shall convene a meeting of the Charter School  
341 Appeal Commission to study and make recommendations to the State  
342 Board of Education regarding its pending decision about the  
343 appeal. The commission shall forward its recommendation to the  
344 state board within ~~no later than~~ 7 calendar days before ~~prior to~~  
345 the date on which the appeal is to be heard. An appeal regarding  
346 the denial of an application submitted by a high-performing  
347 charter school pursuant to s. 1002.331 shall be conducted by the  
348 State Board of Education in accordance with this paragraph,  
349 except that the commission shall not convene to make  
350 recommendations regarding the appeal. However, the Commissioner  
351 of Education shall review the appeal and make a recommendation  
352 to the state board.

353 2. The Charter School Appeal Commission or, in the case of  
354 an appeal regarding an application submitted by a high-  
355 performing charter school, the State Board of Education may  
356 reject an appeal submission for failure to comply with  
357 procedural rules governing the appeals process. The rejection  
358 shall describe the submission errors. The appellant shall have  
359 15 calendar days after notice of rejection in which to resubmit  
360 an appeal that meets the requirements set forth in State Board  
361 of Education rule. An appeal submitted subsequent to such  
362 rejection is considered timely if the original appeal was filed  
363 within 30 calendar days after receipt of notice of the specific  
364 reasons for the sponsor's denial of the charter application.

365 3.a. The State Board of Education shall by majority vote  
 366 accept or reject the decision of the sponsor within ~~no later~~  
 367 ~~than~~ 90 calendar days after an appeal is filed in accordance  
 368 with State Board of Education rule. The State Board of Education  
 369 shall remand the application to the sponsor with its written  
 370 decision that the sponsor approve or deny the application. The  
 371 sponsor shall implement the decision of the State Board of  
 372 Education. The decision of the State Board of Education is not  
 373 subject to ~~the provisions of~~ the Administrative Procedure Act,  
 374 chapter 120.

375 b. If an appeal concerns an application submitted by a  
 376 high-performing charter school ~~identified~~ pursuant to s.  
 377 1002.331, the State Board of Education shall determine whether  
 378 the sponsor's denial of the application complies with the  
 379 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~  
 380 ~~clear and convincing evidence, that:~~

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

383 ~~(II) The charter school proposed in the application does~~  
 384 ~~not materially comply with the requirements in paragraphs~~  
 385 ~~(9)(a)-(f);~~

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

389 ~~(IV) The applicant has made a material misrepresentation~~  
 390 ~~or false statement or concealed an essential or material fact~~  
 391 ~~during the application process; or~~

392 ~~(V) The proposed charter school's educational program and~~

393 ~~financial management practices do not materially comply with the~~  
394 ~~requirements of this section.~~

395  
396 The State Board of Education shall approve or reject the  
397 sponsor's denial of an application no later than 90 calendar  
398 days after an appeal is filed in accordance with State Board of  
399 Education rule. The State Board of Education shall remand the  
400 application to the sponsor with its written decision that the  
401 sponsor approve or deny the application. The sponsor shall  
402 implement the decision of the State Board of Education. The  
403 decision of the State Board of Education is not subject to the  
404 Administrative Procedure Act, chapter 120.

405 (h) The terms and conditions for the operation of a  
406 charter school shall be set forth by the sponsor and the  
407 applicant in a written contractual agreement, called a charter.  
408 The sponsor shall not impose unreasonable rules or regulations  
409 that violate the intent of giving charter schools greater  
410 flexibility to meet educational goals. The sponsor shall have 30  
411 ~~60~~ days after approval of the application to provide an initial  
412 proposed charter contract to the charter school. The applicant  
413 and the sponsor shall have 40 ~~75~~ days thereafter to negotiate  
414 and notice the charter contract for final approval by the  
415 sponsor unless both parties agree to an extension. The proposed  
416 charter contract shall be provided to the charter school at  
417 least 7 calendar days before ~~prior to~~ the date of the meeting at  
418 which the charter is scheduled to be voted upon by the sponsor.  
419 Any provision of a charter contract inconsistent with or  
420 prohibited by the requirements of this section is void and

421 unenforceable. The Department of Education shall provide  
 422 mediation services for any dispute regarding this section  
 423 subsequent to the approval of a charter application and for any  
 424 dispute relating to the approved charter, except disputes  
 425 regarding charter school application denials. If the  
 426 Commissioner of Education determines that the dispute cannot be  
 427 settled through mediation, the dispute may be appealed to an  
 428 administrative law judge appointed by the Division of  
 429 Administrative Hearings. The administrative law judge has final  
 430 order authority to ~~may~~ rule on issues of equitable treatment of  
 431 the charter school as a public school, whether proposed  
 432 provisions of the charter violate the intended flexibility  
 433 granted charter schools by statute, or on any other matter  
 434 regarding this section except a charter school application  
 435 denial, a charter termination, or a charter nonrenewal and shall  
 436 award the prevailing party reasonable attorney ~~attorney's~~ fees  
 437 and costs incurred to be paid by the losing party. The costs of  
 438 the administrative hearing shall be paid by the party whom the  
 439 administrative law judge rules against.

440 (7) CHARTER.—The major issues involving the operation of a  
 441 charter school shall be considered in advance and written into  
 442 the charter. The charter shall be signed by the governing board  
 443 of the charter school and the sponsor, following a public  
 444 hearing to ensure community input.

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

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



449           2. The focus of the curriculum, the instructional methods  
450 to be used, any distinctive instructional techniques to be  
451 employed, and identification and acquisition of appropriate  
452 technologies needed to improve educational and administrative  
453 performance, which include a means for promoting safe, ethical,  
454 and appropriate uses of technology which comply with legal and  
455 professional standards.

456           a. The charter shall ensure that reading is a primary  
457 focus of the curriculum and that resources are provided to  
458 identify and provide specialized instruction for students who  
459 are reading below grade level. The curriculum and instructional  
460 strategies for reading must be consistent with the Next  
461 Generation Sunshine State Standards and grounded in  
462 scientifically based reading research.

463           b. In order to provide students with access to diverse  
464 instructional delivery models, to facilitate the integration of  
465 technology within traditional classroom instruction, and to  
466 provide students with the skills they need to compete in the  
467 21st century economy, the Legislature encourages instructional  
468 methods for blended learning courses in which a student learns  
469 in part through online delivery of content and instruction with  
470 some element of student control over time, place, path, or pace  
471 and in part at a supervised brick-and-mortar location away from  
472 home consisting of both traditional classroom and online  
473 instructional techniques. Charter schools may implement blended  
474 learning courses that ~~which~~ combine traditional classroom  
475 instruction and virtual instruction. Students in a blended  
476 learning course must be full-time students of the charter school

477 and receive the online instruction in a classroom setting at the  
478 charter school. Instructional personnel certified pursuant to s.  
479 1012.55 who provide virtual instruction for blended learning  
480 courses may be employees of the charter school or may be under  
481 contract to provide instructional services to charter school  
482 students. At a minimum, such instructional personnel must hold  
483 an active state or school district adjunct certification under  
484 s. 1012.57 for the subject area of the blended learning course.  
485 The funding and performance accountability requirements for  
486 blended learning courses are the same as those for traditional  
487 courses.

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

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

494 b. How these baseline rates will be compared to rates of  
495 academic progress achieved by these same students while  
496 attending the charter school.

497 c. To the extent possible, how these rates of progress  
498 will be evaluated and compared with rates of progress of other  
499 closely comparable student populations.

500

501 The district school board is required to provide academic  
502 student performance data to charter schools for each of their  
503 students coming from the district school system, as well as  
504 rates of academic progress of comparable student populations in

505 the district school system.

506 4. The methods used to identify the educational strengths  
507 and needs of students and how well educational goals and  
508 performance standards are met by students attending the charter  
509 school. The methods shall provide a means for the charter school  
510 to ensure accountability to its constituents by analyzing  
511 student performance data and by evaluating the effectiveness and  
512 efficiency of its major educational programs. Students in  
513 charter schools shall, at a minimum, participate in the  
514 statewide assessment program created under s. 1008.22.

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

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

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

522 8. The ways by which the school will achieve a  
523 racial/ethnic balance reflective of the community it serves or  
524 within the racial/ethnic range of other public schools in the  
525 same school district.

526 9. The financial and administrative management of the  
527 school, including a reasonable demonstration of the professional  
528 experience or competence of those individuals or organizations  
529 applying to operate the charter school or those hired or  
530 retained to perform such professional services and the  
531 description of clearly delineated responsibilities and the  
532 policies and practices needed to effectively manage the charter

533 school. A description of internal audit procedures and  
534 establishment of controls to ensure that financial resources are  
535 properly managed must be included. Both public sector and  
536 private sector professional experience shall be equally valid in  
537 such a consideration.

538 10. The asset and liability projections required in the  
539 application which are incorporated into the charter and shall be  
540 compared with information provided in the annual report of the  
541 charter school.

542 11. A description of procedures that identify various  
543 risks and provide for a comprehensive approach to reduce the  
544 impact of losses; plans to ensure the safety and security of  
545 students and staff; plans to identify, minimize, and protect  
546 others from violent or disruptive student behavior; and the  
547 manner in which the school will be insured, including whether or  
548 not the school will be required to have liability insurance,  
549 and, if so, the terms and conditions thereof and the amounts of  
550 coverage.

551 12. The term of the charter, which shall provide for  
552 termination ~~cancellation~~ of the charter if insufficient progress  
553 has been made in attaining the student achievement objectives of  
554 the charter and if it is not likely that such objectives can be  
555 achieved before expiration of the charter. The initial term of a  
556 charter shall be for 4 or 5 years. ~~In order to facilitate access~~  
557 ~~to long-term financial resources for charter school~~  
558 ~~construction,~~ Charter schools that are operated by a  
559 municipality or other public entity as provided by law are  
560 eligible for up to a 15-year charter, subject to approval by the

561 district school board. A charter lab school is eligible for a  
562 charter for a term of up to 15 years. In addition, ~~to facilitate~~  
563 ~~access to long-term financial resources for charter school~~  
564 ~~construction~~, charter schools that are operated by a private,  
565 not-for-profit, s. 501(c)(3) status corporation are eligible for  
566 up to a 15-year charter, subject to approval by the district  
567 school board. Such long-term charters remain subject to annual  
568 review and may be terminated during the term of the charter, but  
569 only according to ~~the provisions set forth in~~ subsection (8).

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

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

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

580 16. A timetable for implementing the charter which  
581 addresses the implementation of each element thereof and the  
582 date by which the charter shall be awarded in order to meet this  
583 timetable.

584 17. In the case of an existing public school that is being  
585 converted to charter status, alternative arrangements for  
586 current students who choose not to attend the charter school and  
587 for current teachers who choose not to teach in the charter  
588 school after conversion in accordance with the existing

589 collective bargaining agreement or district school board rule in  
590 the absence of a collective bargaining agreement. However,  
591 alternative arrangements shall not be required for current  
592 teachers who choose not to teach in a charter lab school, except  
593 as authorized by the employment policies of the state university  
594 which grants the charter to the lab school.

595 18. Full disclosure of the identity of all relatives  
596 employed by the charter school who are related to the charter  
597 school owner, president, chairperson of the governing board of  
598 directors, superintendent, governing board member, principal,  
599 assistant principal, or any other person employed by the charter  
600 school who has equivalent decisionmaking authority. For the  
601 purpose of this subparagraph, the term "relative" means father,  
602 mother, son, daughter, brother, sister, uncle, aunt, first  
603 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
604 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
605 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
606 stepsister, half brother, or half sister.

607 19. Implementation of the activities authorized under s.  
608 1002.331 by the charter school when it satisfies the eligibility  
609 requirements for a high-performing charter school. A high-  
610 performing charter school shall notify its sponsor in writing by  
611 March 1 if it intends to increase enrollment or expand grade  
612 levels the following school year. The written notice shall  
613 specify the amount of the enrollment increase and the grade  
614 levels that will be added, as applicable.

615 (c) A charter may be modified during its initial term or  
616 any renewal term upon the recommendation of the sponsor or the

617 charter school's governing board and the approval of both  
618 parties to the agreement. Modification may include, but is not  
619 limited to, consolidation of multiple charters into a single  
620 charter if the charters are operated under the same governing  
621 board and physically located on the same campus, regardless of  
622 the renewal cycle.

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

624 (a) The sponsor shall make student academic achievement  
625 for all students the most important factor when determining  
626 whether to renew or terminate the charter. However, the sponsor  
627 may also choose not to renew or may terminate the charter for  
628 any of the following grounds:

629 1. Failure to participate in the state's education  
630 accountability system created in s. 1008.31, as required in this  
631 section, or failure to meet the requirements for student  
632 performance stated in the charter.

633 2. Failure to meet generally accepted standards of fiscal  
634 management.

635 3. Violation of law.

636 4. Other good cause shown.

637 (9) CHARTER SCHOOL REQUIREMENTS.—

638 (n)1. The director and a representative of the governing  
639 board of a charter school that has earned a grade of "D" or "F"  
640 pursuant to s. 1008.34(2) shall appear before the sponsor to  
641 present information concerning each contract component having  
642 noted deficiencies. The director and a representative of the  
643 governing board shall submit to the sponsor for approval a  
644 school improvement plan to raise student achievement. Upon

645 approval by the sponsor, the charter school shall begin  
646 implementation of the school improvement plan. The department  
647 shall offer technical assistance and training to the charter  
648 school and its governing board and establish guidelines for  
649 developing, submitting, and approving such plans.

650 2.a. If a charter school earns three consecutive grades of  
651 "D," two consecutive grades of "D" followed by a grade of "F,"  
652 or two nonconsecutive grades of "F" within a 3-year period, the  
653 charter school governing board shall choose one of the following  
654 corrective actions:

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

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

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

662 (IV) Voluntarily close the charter school.

663 b. The charter school must implement the corrective action  
664 in the school year following receipt of a third consecutive  
665 grade of "D," a grade of "F" following two consecutive grades of  
666 "D," or a second nonconsecutive grade of "F" within a 3-year  
667 period.

668 c. The sponsor may annually waive a corrective action if  
669 it determines that the charter school is likely to improve a  
670 letter grade if additional time is provided to implement the  
671 intervention and support strategies prescribed by the school  
672 improvement plan. Notwithstanding this sub-subparagraph, a



673 charter school that earns a second consecutive grade of "F" is  
674 subject to subparagraph 4.

675 d. A charter school is no longer required to implement a  
676 corrective action if it improves by at least one letter grade.  
677 However, the charter school must continue to implement  
678 strategies identified in the school improvement plan. The  
679 sponsor must annually review implementation of the school  
680 improvement plan to monitor the school's continued improvement  
681 pursuant to subparagraph 5.

682 e. A charter school implementing a corrective action that  
683 does not improve by at least one letter grade after 2 full  
684 school years of implementing the corrective action must select a  
685 different corrective action. Implementation of the new  
686 corrective action must begin in the school year following the  
687 implementation period of the existing corrective action, unless  
688 the sponsor determines that the charter school is likely to  
689 improve a letter grade if additional time is provided to  
690 implement the existing corrective action. Notwithstanding this  
691 sub-subparagraph, a charter school that earns a second  
692 consecutive grade of "F" while implementing a corrective action  
693 is subject to subparagraph 4.

694 3. A charter school with a grade of "D" or "F" that  
695 improves by at least one letter grade must continue to implement  
696 the strategies identified in the school improvement plan. The  
697 sponsor must annually review implementation of the school  
698 improvement plan to monitor the school's continued improvement  
699 pursuant to subparagraph 5.

700 4. The sponsor shall terminate a charter if the charter

701 school earns two consecutive grades of "F" unless:

702       a. The charter school is established to turn around the

703 performance of a district public school pursuant to s.

704 1008.33(4)(b)3. Such charter schools shall be governed by s.

705 1008.33;

706       b. The charter school serves a student population the

707 majority of which resides in a school zone served by a district

708 public school that earned a grade of "F" in the year before the

709 charter school opened and the charter school earns at least a

710 grade of "D" in its third year of operation. The exception

711 provided under this sub-subparagraph does not apply to a charter

712 school in its fourth year of operation and thereafter; or

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

714 termination. The charter school must request the waiver within

715 15 ~~30~~ days after the department's official release ~~completion~~ of

716 school grades ~~grade appeals~~. The state board may waive

717 termination if the charter school demonstrates that the learning

718 gains of its students on statewide assessments are comparable to

719 or better than the learning gains of similarly situated students

720 enrolled in nearby district public schools. The waiver is valid

721 for 1 year and may only be granted once. Charter schools that

722 have been in operation for more than 5 years are not eligible

723 for a waiver under this sub-subparagraph.

724       5. The director and a representative of the governing

725 board of a graded charter school that has implemented a school

726 improvement plan under this paragraph shall appear before the

727 sponsor at least once a year to present information regarding

728 the progress of intervention and support strategies implemented

729 by the school pursuant to the school improvement plan and  
730 corrective actions, if applicable. The sponsor shall communicate  
731 at the meeting, and in writing to the director, the services  
732 provided to the school to help the school address its  
733 deficiencies.

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

737 (o)1. Upon initial notification of nonrenewal, closure, or  
738 termination of its charter, a charter school may not expend more  
739 than \$10,000 per expenditure without prior written approval from  
740 the sponsor unless such expenditure was included within the  
741 annual budget submitted to the sponsor pursuant to the charter  
742 contract, is for reasonable attorney fees and costs during the  
743 pendency of any appeal, or is for reasonable fees and costs to  
744 conduct an independent audit.

745 2. An independent audit shall be completed within 30 days  
746 after notice of nonrenewal, closure, or termination to account  
747 for all public funds and assets.

748 3. A provision in a charter contract that contains an  
749 acceleration clause requiring the expenditure of funds based  
750 upon closure or upon notification of nonrenewal or termination  
751 is void and unenforceable.

752 4. A charter school may not enter into a contract with an  
753 employee that exceeds the term of the school's charter contract  
754 with its sponsor.

755 5. A violation of this paragraph triggers a reversion or  
756 clawback power by the sponsor allowing for collection of an

757 amount equal to or less than the accelerated amount that exceeds  
758 normal expenditures. The reversion or clawback plus legal fees  
759 and costs shall be levied against the person or entity receiving  
760 the accelerated amount.

761 (p) Each charter school shall maintain a website that  
762 enables the public to obtain information regarding the school,  
763 its personnel, and its programs. The website shall include  
764 information or online links to information regarding any entity  
765 that owns, operates, or manages the school, including any  
766 nonprofit or for-profit entity; the names of all governing  
767 officers and administrative personnel of the entity; and any  
768 fees the school pays to the entity. The information or online  
769 links must be prominently displayed and easily accessible to  
770 visitors of the website.

771 (10) ELIGIBLE STUDENTS.—

772 (b) The charter school shall enroll an eligible student  
773 who submits a timely application, unless the number of  
774 applications exceeds the capacity of a program, class, grade  
775 level, or building. In such case, all applicants shall have an  
776 equal chance of being admitted through a random selection  
777 process. The selection process must be audited by an independent  
778 third party chosen by the sponsor or charter, observed by the  
779 sponsor, or observed by a third party mutually agreed to by the  
780 charter school and sponsor. The charter school shall choose the  
781 option to apply to the selection process. These requirements  
782 apply to the initial selection process for each new school year.

783 (h) The capacity of the charter school shall be determined  
784 annually by the governing board, in conjunction with the

785 sponsor, of the charter school in consideration of the factors  
 786 identified in this subsection unless the charter school is  
 787 designated as a high-performing charter school pursuant to s.  
 788 1002.331. A sponsor may not require a charter school to waive  
 789 the provisions of s. 1002.331 or require a student enrollment  
 790 cap that prohibits a high-performing charter school from  
 791 increasing enrollment in accordance with s. 1002.331(3)  
 792 ~~1002.331(2)~~ as a condition of approval or renewal of a charter.

793 (i) The capacity of a high-performing charter school  
 794 identified pursuant to s. 1002.331 shall be determined annually  
 795 by the governing board of the charter school. The governing  
 796 board shall notify the sponsor of any increase in enrollment by  
 797 March 1 of the school year preceding the increase. A sponsor may  
 798 not require a charter school to identify the names of students  
 799 to be enrolled or to enroll those students before the start of  
 800 the school year as a condition of approval or renewal of a  
 801 charter.

802 (16) EXEMPTION FROM STATUTES.—

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

805 1. Section 286.011, relating to public meetings and  
 806 records, public inspection, and criminal and civil penalties.

807 2. Chapter 119, relating to public records.

808 3. Section 1003.03, relating to the maximum class size,  
 809 except that the calculation for compliance pursuant to s.  
 810 1003.03 shall be the average at the school level.

811 4. Section 1012.22(1)(c)5.b. ~~1012.22(1)(e)~~, relating to  
 812 the implementation of a compensation system that requires annual

813 salary adjustments for instructional personnel to be based upon  
814 performance and salary schedules.

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

818 6. Section 1012.335, relating to contracts with  
819 instructional personnel hired on or after July 1, 2011, if the  
820 charter school awards contracts to instructional personnel and  
821 the term of a contract exceeds 1 year.

822 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to  
823 ~~the substantive requirements for~~ performance evaluations for  
824 instructional personnel and school administrators. For purposes  
825 of compliance with this subparagraph, the duties assigned to a  
826 district school superintendent apply to a charter school  
827 principal or his or her equivalent, and the duties assigned to a  
828 district school board apply to a charter school's governing  
829 board.

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

835 (c) If the district school board is providing programs or  
836 services to students funded by federal funds, any eligible  
837 students enrolled in charter schools in the school district  
838 shall be provided federal funds for the same level of service  
839 provided students in the schools operated by the district school  
840 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all

841 charter schools shall receive all federal funding for which the  
842 school is otherwise eligible, including Title I funding, not  
843 later than 5 months after the charter school first opens and  
844 within 5 months after any subsequent expansion of enrollment.  
845 Unless otherwise mutually agreed to by the charter school and  
846 its sponsor, and consistent with state and federal rules and  
847 regulations governing the use and disbursement of federal funds,  
848 the sponsor shall reimburse the charter school on a monthly  
849 basis for all invoices submitted by the charter school for  
850 federal funds available to the sponsor for the benefit of the  
851 charter school, the charter school's students, and the charter  
852 school's students as public school students in the school  
853 district. Such federal funds include, but are not limited to,  
854 Title I, Title II, and Individuals with Disabilities Education  
855 Act (IDEA) funds. To receive timely reimbursement for an  
856 invoice, the charter school must submit the invoice to the  
857 sponsor at least 30 days before the monthly date of  
858 reimbursement set by the sponsor. In order to be reimbursed, any  
859 expenditure made by the charter school must comply with all  
860 applicable state and federal rules and regulations, including,  
861 but not limited to, the applicable federal Office of Management  
862 and Budget Circulars, the federal Education Department General  
863 Administrative Regulations, and program-specific statutes,  
864 rules, and regulations. Such funds may not be made available to  
865 the charter school until a plan is submitted to the sponsor for  
866 approval of the use of the funds in accordance with applicable  
867 federal requirements. The sponsor has 30 days to review and  
868 approve any plan submitted pursuant to this paragraph.

869 (18) FACILITIES.—

870 (e) If a district school board-owned ~~board~~ facility that  
871 has previously been used for K-12 educational purposes ~~or~~  
872 property is no longer used in support of public education  
873 available because it is surplus, marked for disposal, or  
874 otherwise unused, it shall be made available ~~provided~~ for a  
875 charter school's use ~~on the same basis as it is made available~~  
876 ~~to other public schools in the district.~~ A charter school using  
877 such a facility receiving property from the school district may  
878 not sell, sublease, or dispose of such facility ~~property~~ without  
879 written permission of the school district. The charter school  
880 may not earn capital outlay funds; however, the school district  
881 shall include the charter school's capital outlay full-time  
882 equivalent (COFTE) student count in the district's capital  
883 outlay calculations. The charter school may choose to maintain  
884 the charter school facility or pay the school district the  
885 actual cost to maintain the facility at the same standard and  
886 level it would maintain any other district-operated school  
887 similar in age and condition. Maintenance does not include  
888 capital improvements. Similarly, for an existing public school  
889 converting to charter status, no rental or leasing fee for the  
890 existing facility or for the property normally inventoried to  
891 the conversion school may be charged by the district school  
892 board to the parents and teachers organizing the charter school.  
893 The charter school shall agree to reasonable maintenance  
894 provisions in order to maintain the facility in a manner similar  
895 to district school board standards. The Public Education Capital  
896 Outlay maintenance funds or any other maintenance funds



897 generated by the facility operated as a conversion school shall  
898 remain with the conversion school.

899 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

900 (a) The Department of Education shall provide information  
901 to the public, directly and through sponsors, on how to form and  
902 operate a charter school and how to enroll in a charter school  
903 once it is created. This information shall include a model  
904 ~~standard~~ application form ~~format~~, standard charter contract  
905 ~~format~~, standard evaluation instrument, and standard charter  
906 renewal contract ~~format~~, which shall include the information  
907 specified in subsection (7) and shall be developed by consulting  
908 and negotiating with both school districts and charter schools  
909 before implementation. The charter and charter renewal contracts  
910 ~~formats~~ shall be used by charter school sponsors.

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

912 (c) An employee of a charter school or his or her spouse  
913 or an employee of a charter management organization or his or  
914 her spouse may not be a member of the charter school governing  
915 board.

916 (27) RULEMAKING.—The Department of Education, after  
917 consultation with school districts and charter school directors,  
918 shall recommend that the State Board of Education adopt rules to  
919 implement specific subsections of this section. Such rules shall  
920 require minimum paperwork and shall not limit charter school  
921 flexibility authorized by statute. The State Board of Education  
922 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
923 implement a charter model application form, standard evaluation  
924 instrument, and standard charter and charter renewal contracts

925 ~~formats~~ in accordance with this section.

926 Section 2. Section 1002.331, Florida Statutes, amended to  
927 read:

928 1002.331 High-performing charter schools.—

929 (1) A charter school is a high-performing charter school  
930 if it:

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

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

937 (c) Did not receive a financial audit that revealed one or  
938 more of the financial emergency conditions set forth in s.  
939 218.503(1) in the most recent 3 fiscal years for which such  
940 audits are available. However, this requirement is deemed met  
941 for a charter school-in-the-workplace if there is a finding in  
942 an audit that the school has the monetary resources available to  
943 cover any reported deficiency or that the deficiency does not  
944 result in a deteriorating financial condition pursuant to s.  
945 1002.345(1)(a)3.

946  
947 A virtual charter school established under s. 1002.33 is not  
948 eligible for designation as a high-performing charter school.

949 (2) A charter school is a high-performing charter school  
950 if it is established primarily to serve students in the  
951 attendance zone of a school identified in need of intervention  
952 and support pursuant to s. 1008.33(3)(b) and is operated by an

953 entity classified as a high-performing charter school system by  
 954 the State Board of Education pursuant to s. 1002.332(2).

955 ~~(3)(2)~~ A high-performing charter school is authorized to:

956 (a) Increase its student enrollment more than the capacity  
 957 identified in the charter once per school year in an amount not  
 958 to exceed the current facility capacity ~~by up to 15 percent more~~  
 959 ~~than the capacity identified in the charter.~~

960 (b) Expand grade levels within kindergarten through grade  
 961 12 to add grade levels not already served if any annual  
 962 enrollment increase resulting from grade level expansion is  
 963 within the limit established in paragraph (a).

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

966 (d) Consolidate under a single charter the charters of  
 967 multiple high-performing charter schools operated in the same  
 968 school district by the charter schools' governing board  
 969 regardless of the renewal cycle.

970 (e) Receive a modification of its charter to a term of 15  
 971 years or a 15-year charter renewal. The charter may be modified  
 972 or renewed for a shorter term at the option of the high-  
 973 performing charter school. The charter must be consistent with  
 974 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual  
 975 review by the sponsor, and may be terminated during its term  
 976 pursuant to s. 1002.33(8).

977  
 978 A high-performing charter school shall notify its sponsor in  
 979 writing by March 1 if it intends to increase enrollment or  
 980 expand grade levels the following school year. The written

981 notice shall specify the amount of the enrollment increase and  
982 the grade levels that will be added, as applicable. If a high-  
983 performing charter school requests to consolidate multiple  
984 charters or to modify its charter pursuant to this subsection,  
985 the sponsor shall have 40 days after receipt of that request to  
986 provide an initial draft charter to the charter school. The  
987 sponsor and charter school shall have 50 days thereafter to  
988 negotiate and notice the charter contract for final approval by  
989 the sponsor.

990 (4)~~(3)~~(a) A high-performing charter school may submit an  
991 application pursuant to s. 1002.33(6) in any school district in  
992 the state to establish and operate a new charter school that  
993 will substantially replicate its educational program. An  
994 application submitted by a high-performing charter school must  
995 state that the application is being submitted pursuant to this  
996 paragraph and must include the verification letter provided by  
997 the Commissioner of Education pursuant to subsection (6) ~~(5)~~. If  
998 the sponsor fails to act on the application within 60 days after  
999 receipt, the application is deemed approved and the procedure in  
1000 s. 1002.33(6)(h) applies. If the sponsor denies the application,  
1001 the high-performing charter school may appeal pursuant to s.  
1002 1002.33(6).

1003 (b) A high-performing charter school may not establish  
1004 more than one charter school within the state under paragraph  
1005 (a) in any year. A subsequent application to establish a charter  
1006 school under paragraph (a) may not be submitted unless each  
1007 charter school established in this manner achieves high-  
1008 performing charter school status.

1009 |       ~~(5)(4)~~ A high-performing charter school may not increase  
 1010 | enrollment or expand grade levels following any school year in  
 1011 | which it receives a school grade of "C" or below. If the charter  
 1012 | school receives a school grade of "C" or below in any 2 years  
 1013 | during the term of the charter awarded under subsection (3) ~~(2)~~,  
 1014 | the term of the charter may be modified by the sponsor ~~and the~~  
 1015 | ~~charter school loses its high-performing charter school status~~  
 1016 | ~~until it regains that status under subsection (1).~~

1017 |       (6)(5) The Commissioner of Education, upon request by a  
 1018 | charter school, shall verify that the charter school meets the  
 1019 | criteria in subsection (1) and provide a letter to the charter  
 1020 | school and the sponsor stating that the charter school is a  
 1021 | high-performing charter school pursuant to this section. The  
 1022 | commissioner shall annually determine whether a high-performing  
 1023 | charter school under subsection (1) continues to meet the  
 1024 | criteria in that subsection. Such high-performing charter school  
 1025 | shall maintain its high-performing status unless the  
 1026 | commissioner determines that the charter school no longer meets  
 1027 | the criteria in subsection (1), at which time the commissioner  
 1028 | shall send a letter providing notification of its  
 1029 | declassification as a high-performing charter school.

1030 |       (7)(6) A high-performing charter school replicated under  
 1031 | this section may not be replicated as a virtual charter school.

1032 |       Section 3. Section 1002.332, Florida Statutes, is amended  
 1033 | to read:

1034 |       1002.332 High-performing charter school system.—

1035 |       (1) For purposes of this section, the term:

1036 |       (a) "Entity" means a municipality or other public entity

1037 | that is authorized by law to operate a charter school; a  
 1038 | private, nonprofit corporation with tax-exempt status under s.  
 1039 | 501(c)(3) of the Internal Revenue Code; or a private, for-profit  
 1040 | education management corporation.

1041 | (b) "High-performing charter school system" means an  
 1042 | entity that:

1043 | 1. Operated ~~Operates~~ at least three high-performing  
 1044 | charter schools in the state during each of the previous 3  
 1045 | school years;

1046 | 2. Operated ~~Operates~~ a system of charter schools in which  
 1047 | at least 50 percent of the charter schools were ~~are~~ high-  
 1048 | performing charter schools pursuant to s. 1002.331 and no  
 1049 | charter school earned a school grade of "D" or "F" pursuant to  
 1050 | s. 1008.34 in any of the previous 3 school years, except that:

1051 | a. If the entity ~~has~~ assumed operation of a public school  
 1052 | pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that  
 1053 | school's grade may not be considered in determining high-  
 1054 | performing charter school system status for a period of 3 years.

1055 | b. If the entity established ~~establishes~~ a new charter  
 1056 | school that served ~~serves~~ a student population the majority of  
 1057 | which resided ~~resides~~ in a school zone served by a public school  
 1058 | that earned a grade of "F" or three consecutive grades of "D"  
 1059 | pursuant to s. 1008.34, that charter school's grade may not be  
 1060 | considered in determining high-performing charter school system  
 1061 | status if it attained ~~attains~~ and maintained ~~maintains~~ a school  
 1062 | grade that was ~~is~~ higher than that of the public school serving  
 1063 | that school zone within 3 years after establishment; and

1064 | 3. Did ~~Has~~ not receive ~~received~~ a financial audit that

1065 | revealed one or more of the financial emergency conditions set  
 1066 | forth in s. 218.503(1) for any charter school assumed or  
 1067 | established by the entity in the most recent 3 fiscal years for  
 1068 | which such audits are available.

1069 |       (2) An entity that successfully operates a system of  
 1070 | charter schools outside the state may apply to the State Board  
 1071 | of Education for status as a high-performing charter school  
 1072 | system solely for the purpose of establishing a charter school  
 1073 | that primarily serves students in the attendance zone of a  
 1074 | school identified in need of intervention and support pursuant  
 1075 | to s. 1008.33(3) (b). The State Board of Education shall adopt  
 1076 | rules prescribing a process for determining whether the entity  
 1077 | meets the requirements of this subsection by reviewing student  
 1078 | demographic and performance data from all schools operated by  
 1079 | the entity. To the extent practicable, the State Board of  
 1080 | Education shall develop a rubric for the approval of such  
 1081 | entities that aligns with the priorities of the Federal Charter  
 1082 | Schools Program Grants for Replication and Expansion of High-  
 1083 | Quality Charter Schools, found in the Federal Register, Volume  
 1084 | 76, Number 133.

1085 |       (3) ~~(2)~~ (a) The Commissioner of Education, ~~upon request by~~  
 1086 | ~~an entity,~~ shall verify all charter schools served by an entity  
 1087 | and verify that the entity meets the criteria in this section  
 1088 | ~~subsection (1)~~ for the previous ~~prior~~ school year and provide a  
 1089 | letter to the entity stating that it is a high-performing  
 1090 | charter school system. The commissioner shall annually determine  
 1091 | whether a high-performing charter school system continues to  
 1092 | meet the criteria in this section. A high-performing charter

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1093 school system shall maintain its high-performing status unless  
1094 the commissioner determines that the charter school system no  
1095 longer meets the criteria in this section, at which time the  
1096 commissioner shall send a letter providing notification of its  
1097 declassification as a high-performing charter school system.

1098 (b) A high-performing charter school system may replicate  
1099 its high-performing charter schools pursuant to s. 1002.331(4)  
1100 ~~1002.331(3)~~.

1101 Section 4. The Department of Education shall develop a  
1102 proposed statewide, standard charter contract by consulting and  
1103 negotiating with school districts and charter schools and  
1104 provide the proposed charter contract to the Governor, the  
1105 President of the Senate, and the Speaker of the House of  
1106 Representatives by November 1, 2013.

1107 Section 5. This act shall take effect July 1, 2013.