

HB 1043

2014

1 A bill to be entitled

2 An act relating to charter schools; amending s.
3 1002.33, F.S.; revising the contents of the annual
4 report submitted by the sponsor of a charter school;
5 revising the requirements of the contents of a charter
6 school application and a charter to include a
7 requirement that a governing board demonstrate that it
8 is independent of a management company; requiring that
9 at least one member of the governing board of a
10 charter school be a parent of a student enrolled in
11 the school; providing for the voluntary withdrawal of
12 a student from a charter school; providing an
13 exception; providing for the transfer of funds if a
14 student voluntarily withdraws from a charter school;
15 providing procedures for the withdrawal of a student
16 from a charter school if the withdrawal is initiated
17 by the school; providing for the transfer of funds;
18 prohibiting a student from being dismissed or
19 requested to withdraw from a charter school under
20 certain circumstances; requiring a charter school to
21 post a specified bond; providing requirements for such
22 bond; revising terminology; prohibiting specified
23 conflicts of interest on the part of members of a
24 charter school board of directors or specified
25 contracts; providing an exception; authorizing
26 specified persons to file a complaint with the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 Department of Education under certain circumstances;
28 providing procedures for investigation of such a
29 complaint; creating s. 1002.346, F.S.; providing
30 procedures and requirements for audits and
31 investigations of charter schools; providing for
32 oversight of a charter school by the district school
33 board; amending s. 1002.451, F.S.; deleting provisions
34 relating to performance contracts for innovation
35 schools of technology; requiring a district school
36 board to notify the department of the establishment of
37 an innovation school of technology; providing
38 requirements for such notification; deleting
39 provisions limiting the number of innovation schools
40 of technology a district school board may operate;
41 amending s. 1002.331, F.S.; conforming a cross-
42 reference; providing an effective date.

43

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

45

46 Section 1. Paragraph (b) of subsection (5), paragraph (a)
47 of subsection (6), paragraph (a) of subsection (7), subsection
48 (10), and paragraph (a) of subsection (21) of section 1002.33,
49 Florida Statutes, are amended, paragraph (g) is added to
50 subsection (17) of that section, present subsection (27) of that
51 section is redesignated as subsection (29), and a new subsection
52 (27) and subsection (28) are added to that section, to read:

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2014

53 | 1002.33 Charter schools.—

54 | (5) SPONSOR; DUTIES.—

55 | (b) Sponsor duties.—

56 | 1.a. The sponsor shall monitor and review the charter
57 | school in its progress toward the goals established in the
58 | charter.

59 | b. The sponsor shall monitor the revenues and expenditures
60 | of the charter school and perform the duties provided in s.
61 | 1002.345.

62 | c. The sponsor may approve a charter for a charter school
63 | before the applicant has identified space, equipment, or
64 | personnel, if the applicant indicates approval is necessary for
65 | it to raise working funds.

66 | d. The sponsor may ~~shall~~ not apply its policies to a
67 | charter school unless mutually agreed to by both the sponsor and
68 | the charter school. If the sponsor subsequently amends any
69 | agreed-upon sponsor policy, the version of the policy in effect
70 | at the time of the execution of the charter, or any subsequent
71 | modification thereof, must ~~shall~~ remain in effect and the
72 | sponsor may not hold the charter school responsible for any
73 | provision of a newly revised policy until the revised policy is
74 | mutually agreed upon.

75 | e. The sponsor shall ensure that the charter is innovative
76 | and consistent with the state education goals established by s.
77 | 1000.03(5).

78 | f. The sponsor shall ensure that the charter school

79 participates in the state's education accountability system. If
80 a charter school falls short of performance measures included in
81 the approved charter, the sponsor shall report such shortcomings
82 to the Department of Education.

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

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

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

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

95 k. The sponsor shall submit an annual report to the
96 Department of Education in a web-based format to be determined
97 by the department.

98 (I) The report must ~~shall~~ include the following
99 information:

100 (A) The number of draft applications received on or before
101 May 1 and each applicant's contact information.

102 (B) The number of final applications received on or before
103 August 1 and each applicant's contact information.

104 (C) The date each application was approved, denied, or

105 | withdrawn.

106 | (D) The date each final contract was executed.

107 | (E) The number of students who have voluntarily or
 108 | involuntarily withdrawn from a charter school, the names of the
 109 | charter schools attended by such students, the reason for the
 110 | voluntary or involuntary withdrawal of such students, and the
 111 | amount of pro rata funds transferred to the district school
 112 | board pursuant to the requirements of paragraphs (10)(h) and
 113 | (i).

114 | (II) Beginning August 31, 2013, and each year thereafter,
 115 | the sponsor shall submit to the department the information for
 116 | the applications submitted the previous year.

117 | (III) The department shall compile an annual report, by
 118 | district, and post the report on its website by November 1 of
 119 | each year.

120 | 2. Immunity for the sponsor of a charter school under
 121 | subparagraph 1. applies only with respect to acts or omissions
 122 | not under the sponsor's direct authority as described in this
 123 | section.

124 | 3. This paragraph does not waive a district school board's
 125 | sovereign immunity.

126 | 4. A Florida College System institution may work with the
 127 | school district or school districts in its designated service
 128 | area to develop charter schools that offer secondary education.
 129 | These charter schools must include an option for students to
 130 | receive an associate degree upon high school graduation. If a

131 Florida College System institution operates an approved teacher
132 preparation program under s. 1004.04 or s. 1004.85, the
133 institution may operate no more than one charter school that
134 serves students in kindergarten through grade 12. In
135 kindergarten through grade 8, the charter school shall implement
136 innovative blended learning instructional models in which, for a
137 given course, a student learns in part through online delivery
138 of content and instruction with some element of student control
139 over time, place, path, or pace and in part at a supervised
140 brick-and-mortar location away from home. A student in a blended
141 learning course must be a full-time student of the charter
142 school and receive the online instruction in a classroom setting
143 at the charter school. District school boards shall cooperate
144 with and assist the Florida College System institution on the
145 charter application. Florida College System institution
146 applications for charter schools are not subject to the time
147 deadlines outlined in subsection (6) and may be approved by the
148 district school board at any time during the year. Florida
149 College System institutions may not report FTE for any students
150 who receive FTE funding through the Florida Education Finance
151 Program.

152 5. A school district may enter into nonexclusive
153 interlocal agreements with federal and state agencies, counties,
154 municipalities, and other governmental entities that operate
155 within the geographical borders of the school district to act on
156 behalf of such governmental entities in the inspection,

157 issuance, and other necessary activities for all necessary
158 permits, licenses, and other permissions that a charter school
159 needs in order for development, construction, or operation. A
160 charter school may use, but may not be required to use, a school
161 district for these services. The interlocal agreement must
162 include, but need not be limited to, the identification of fees
163 that charter schools will be charged for such services. The fees
164 must consist of the governmental entity's fees plus a fee for
165 the school district to recover no more than actual costs for
166 providing such services. These services and fees are not
167 included within the services to be provided pursuant to
168 subsection (20).

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

171 (a) A person or entity wishing to open a charter school
172 shall prepare and submit an application on a model application
173 form prepared by the Department of Education which:

174 1. Demonstrates how the school will use the guiding
175 principles and meet the statutorily defined purpose of a charter
176 school.

177 2. Provides a detailed curriculum plan that illustrates
178 how students will be provided services to attain the Sunshine
179 State Standards.

180 3. Contains goals and objectives for improving student
181 learning and measuring that improvement. These goals and
182 objectives must indicate how much academic improvement students

183 are expected to show each year, how success will be evaluated,
184 and the specific results to be attained through instruction.

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

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

198 6. Demonstrates and provides documentation showing that
199 the governing board is independent of any management company and
200 has the ability to terminate the contract with the management
201 company at any time and in the sole discretion of the governing
202 board ~~Documents that the applicant has participated in the~~
203 ~~training required in subparagraph (f)2. A sponsor may require an~~
204 ~~applicant to provide additional information as an addendum to~~
205 ~~the charter school application described in this paragraph.~~

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

209 (7) CHARTER.—The major issues involving the operation of a
210 charter school shall be considered in advance and written into
211 the charter. The charter shall be signed by the governing board
212 of the charter school and the sponsor, following a public
213 hearing to ensure community input.

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

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

218 2. The focus of the curriculum, the instructional methods
219 to be used, any distinctive instructional techniques to be
220 employed, and identification and acquisition of appropriate
221 technologies needed to improve educational and administrative
222 performance which include a means for promoting safe, ethical,
223 and appropriate uses of technology which comply with legal and
224 professional standards.

225 a. The charter shall ensure that reading is a primary
226 focus of the curriculum and that resources are provided to
227 identify and provide specialized instruction for students who
228 are reading below grade level. The curriculum and instructional
229 strategies for reading must be consistent with the Next
230 Generation Sunshine State Standards and grounded in
231 scientifically based reading research.

232 b. In order to provide students with access to diverse
233 instructional delivery models, to facilitate the integration of
234 technology within traditional classroom instruction, and to

235 provide students with the skills they need to compete in the
236 21st century economy, the Legislature encourages instructional
237 methods for blended learning courses consisting of both
238 traditional classroom and online instructional techniques.
239 Charter schools may implement blended learning courses which
240 combine traditional classroom instruction and virtual
241 instruction. Students in a blended learning course must be full-
242 time students of the charter school and receive the online
243 instruction in a classroom setting at the charter school.
244 Instructional personnel certified pursuant to s. 1012.55 who
245 provide virtual instruction for blended learning courses may be
246 employees of the charter school or may be under contract to
247 provide instructional services to charter school students. At a
248 minimum, such instructional personnel must hold an active state
249 or school district adjunct certification under s. 1012.57 for
250 the subject area of the blended learning course. The funding and
251 performance accountability requirements for blended learning
252 courses are the same as those for traditional courses.

253 3. The current incoming baseline standard of student
254 academic achievement, the outcomes to be achieved, and the
255 method of measurement that will be used. The criteria listed in
256 this subparagraph must ~~shall~~ include a detailed description of:

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

259 b. How these baseline rates will be compared to rates of
260 academic progress achieved by these same students while

261 attending the charter school.

262 c. To the extent possible, how these rates of progress
263 will be evaluated and compared with rates of progress of other
264 closely comparable student populations.

265
266 The district school board is required to provide academic
267 student performance data to charter schools for each of their
268 students coming from the district school system, as well as
269 rates of academic progress of comparable student populations in
270 the district school system.

271 4. The methods used to identify the educational strengths
272 and needs of students and how well educational goals and
273 performance standards are met by students attending the charter
274 school. The methods must ~~shall~~ provide a means for the charter
275 school to ensure accountability to its constituents by analyzing
276 student performance data and by evaluating the effectiveness and
277 efficiency of its major educational programs. Students in
278 charter schools shall, at a minimum, participate in the
279 statewide assessment program created under s. 1008.22.

280 5. In secondary charter schools, a method for determining
281 that a student has satisfied the requirements for graduation in
282 s. 1003.428 or s. 1003.4282.

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

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

287 8. The ways by which the school will achieve a
288 racial/ethnic balance reflective of the community it serves or
289 within the racial/ethnic range of other public schools in the
290 same school district.

291 9. The financial and administrative management of the
292 school, including a reasonable demonstration of the professional
293 experience or competence of those individuals or organizations
294 applying to operate the charter school or those hired or
295 retained to perform such professional services and the
296 description of clearly delineated responsibilities and the
297 policies and practices needed to effectively manage the charter
298 school. A description of internal audit procedures and
299 establishment of controls to ensure that financial resources are
300 properly managed must be included. Both public sector and
301 private sector professional experience are ~~shall be~~ equally
302 valid in such a consideration. The charter must demonstrate and
303 include documentation that the governing board is independent of
304 any management company and has the ability to terminate the
305 contract with the management company at any time and at the sole
306 discretion of the governing board.

307 10. The asset and liability projections required in the
308 application which are incorporated into the charter and must
309 ~~shall~~ be compared with information provided in the annual report
310 of the charter school.

311 11. A description of procedures that identify various
312 risks and provide for a comprehensive approach to reduce the

313 impact of losses; plans to ensure the safety and security of
314 students and staff; plans to identify, minimize, and protect
315 others from violent or disruptive student behavior; and the
316 manner in which the school will be insured, including whether or
317 not the school will be required to have liability insurance,
318 and, if so, the terms and conditions thereof and the amounts of
319 coverage.

320 12. The term of the charter, which must ~~shall~~ provide for
321 cancellation of the charter if insufficient progress has been
322 made in attaining the student achievement objectives of the
323 charter and if it is not likely that such objectives can be
324 achieved before expiration of the charter. The initial term of a
325 charter must ~~shall~~ be for 4 or 5 years. In order to facilitate
326 access to long-term financial resources for charter school
327 construction, charter schools that are operated by a
328 municipality or other public entity as provided by law are
329 eligible for up to a 15-year charter, subject to approval by the
330 district school board. A charter lab school is eligible for a
331 charter for a term of up to 15 years. In addition, to facilitate
332 access to long-term financial resources for charter school
333 construction, charter schools that are operated by a private,
334 not-for-profit, s. 501(c)(3) status corporation are eligible for
335 up to a 15-year charter, subject to approval by the district
336 school board. Such long-term charters remain subject to annual
337 review and may be terminated during the term of the charter, but
338 only according to the provisions set forth in subsection (8).

339 13. The facilities to be used and their location. The
340 sponsor may not require a charter school to have a certificate
341 of occupancy or a temporary certificate of occupancy for such a
342 facility earlier than 15 calendar days before the first day of
343 school.

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

347 15. The governance structure of the school, including the
348 status of the charter school as a public or private employer as
349 required in paragraph (12) (i). At least one member of the
350 charter school governing board shall be the parent of a student
351 enrolled in that school.

352 16. A timetable for implementing the charter which
353 addresses the implementation of each element thereof and the
354 date by which the charter must ~~shall~~ be awarded in order to meet
355 this timetable.

356 17. In the case of an existing public school that is being
357 converted to charter status, alternative arrangements for
358 current students who choose not to attend the charter school and
359 for current teachers who choose not to teach in the charter
360 school after conversion in accordance with the existing
361 collective bargaining agreement or district school board rule in
362 the absence of a collective bargaining agreement. However,
363 alternative arrangements may ~~shall~~ not be required for current
364 teachers who choose not to teach in a charter lab school, except

365 as authorized by the employment policies of the state university
366 which grants the charter to the lab school.

367 18. Full disclosure of the identity of all relatives
368 employed by the charter school who are related to the charter
369 school owner, president, chairperson of the governing board of
370 directors, superintendent, governing board member, principal,
371 assistant principal, or any other person employed by the charter
372 school who has equivalent decisionmaking authority. For the
373 purpose of this subparagraph, the term "relative" means father,
374 mother, son, daughter, brother, sister, uncle, aunt, first
375 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
376 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
377 stepfather, stepmother, stepson, stepdaughter, stepbrother,
378 stepsister, half brother, or half sister.

379 19. Implementation of the activities authorized under s.
380 1002.331 by the charter school when it satisfies the eligibility
381 requirements for a high-performing charter school. A high-
382 performing charter school shall notify its sponsor in writing by
383 March 1 if it intends to increase enrollment or expand grade
384 levels the following school year. The written notice must ~~shall~~
385 specify the amount of the enrollment increase and the grade
386 levels that will be added, as applicable.

387 (10) ELIGIBLE STUDENTS.—

388 (a) A charter school shall be open to any student covered
389 in an interdistrict agreement or residing in the school district
390 in which the charter school is located; however, in the case of

391 a charter lab school, the charter lab school shall be open to
392 any student eligible to attend the lab school as provided in s.
393 1002.32 or who resides in the school district in which the
394 charter lab school is located. Any eligible student shall be
395 allowed interdistrict transfer to attend a charter school when
396 based on good cause. Good cause includes ~~shall include~~, but is
397 not limited to, geographic proximity to a charter school in a
398 neighboring school district.

399 (b) The charter school shall enroll an eligible student
400 who submits a timely application, unless the number of
401 applications exceeds the capacity of a program, class, grade
402 level, or building. In such case, all applicants shall have an
403 equal chance of being admitted through a random selection
404 process.

405 (c)1. For purposes of continuity of educational choice,
406 placement of a student in a charter school shall remain in force
407 until the student voluntarily withdraws from the charter school
408 or successfully completes the highest grade offered in the
409 charter school. A charter school student who voluntarily enrolls
410 in a different charter school, a district-operated public
411 school, a private school, a virtual education program, a home
412 education program, or another education program approved by law
413 is considered to have withdrawn from the charter school for the
414 purpose of determining the end of the student's enrollment.
415 However, if a student enters a Department of Juvenile Justice
416 detention center for less than 21 days, the student is not

417 considered to have withdrawn from the charter school.

418 2. Before a student is voluntarily withdrawn from a
 419 charter school, the parent and charter school personnel must
 420 sign a document stating that the student is being voluntarily
 421 withdrawn and that charter school personnel have not prohibited,
 422 discouraged, or attempted to discourage the student from
 423 continued enrollment in the charter school.

424 (d)~~(e)~~ When a public school converts to charter status,
 425 enrollment preference must ~~shall~~ be given to students who would
 426 have otherwise attended that public school. The district school
 427 board shall consult and negotiate with the conversion charter
 428 school every 3 years to determine whether realignment of the
 429 conversion charter school's attendance zone is appropriate in
 430 order to ensure that students residing closest to the charter
 431 school are provided with an enrollment preference.

432 (e)~~(d)~~ A charter school may give enrollment preference to
 433 the following student populations:

434 1. Students who are siblings of a student enrolled in the
 435 charter school.

436 2. Students who are the children of a member of the
 437 governing board of the charter school.

438 3. Students who are the children of an employee of the
 439 charter school.

440 4. Students who are the children of:

441 a. An employee of the business partner of a charter
 442 school-in-the-workplace established under paragraph (15) (b) or a

443 resident of the municipality in which such charter school is
 444 located; or

445 b. A resident of a municipality that operates a charter
 446 school-in-a-municipality pursuant to paragraph (15)(c).

447 5. Students who have successfully completed a voluntary
 448 prekindergarten education program under ss. 1002.51-1002.79
 449 provided by the charter school or the charter school's governing
 450 board during the previous year.

451 6. Students who are the children of an active duty member
 452 of any branch of the United States Armed Forces.

453 (f)~~(e)~~ A charter school may limit the enrollment process
 454 only to target the following student populations:

455 1. Students within specific age groups or grade levels.

456 2. Students considered at risk of dropping out of school
 457 or academic failure, including. ~~Such students shall include~~
 458 exceptional education students.

459 3. Students enrolling in a charter school-in-the-workplace
 460 or charter school-in-a-municipality established pursuant to
 461 subsection (15).

462 4. Students residing within a reasonable distance of the
 463 charter school, as described in paragraph (20)(c). Such students
 464 shall be subject to a random lottery and to the racial/ethnic
 465 balance provisions described in subparagraph (7)(a)8. or any
 466 federal provisions that require a school to achieve a
 467 racial/ethnic balance reflective of the community it serves or
 468 within the racial/ethnic range of other public schools in the

469 same school district.

470 5. Students who meet reasonable academic, artistic, or
471 other eligibility standards established by the charter school
472 and included in the charter school application and charter or,
473 in the case of existing charter schools, standards that are
474 consistent with the school's mission and purpose. Such standards
475 must ~~shall~~ be in accordance with current state law and practice
476 in public schools and may not discriminate against otherwise
477 qualified individuals.

478 6. Students articulating from one charter school to
479 another pursuant to an articulation agreement between the
480 charter schools that has been approved by the sponsor.

481 7. Students living in a development in which a business
482 entity provides the school facility and related property having
483 an appraised value of at least \$10 million to be used as a
484 charter school for the development. Students living in the
485 development shall be entitled to 50 percent of the student
486 stations in the charter school. The students who are eligible
487 for enrollment are subject to a random lottery, the
488 racial/ethnic balance provisions, or any federal provisions, as
489 described in subparagraph 4. The remainder of the student
490 stations shall be filled in accordance with subparagraph 4.

491 (g) ~~(f)~~ Students with disabilities and students served in
492 English for Speakers of Other Languages programs shall have an
493 equal opportunity of being selected for enrollment in a charter
494 school.

495 ~~(h)(g)~~ A student may voluntarily withdraw from a charter
496 school at any time and enroll in another public school as
497 determined by district school board rule. The charter school
498 from which a student voluntarily withdraws shall transfer a pro
499 rata share of the full-time equivalent student funding for that
500 student to the district school board that governs the school in
501 which the student subsequently enrolls. The transfer of funds is
502 required within 15 days of withdrawal of the student from the
503 charter school. If the charter school does not timely transfer
504 the funds, the district school board in which the charter school
505 is located shall withhold the funds from the next payment due to
506 the charter school.

507 (i) If the withdrawal of a student from a charter school
508 and his or her transfer to another public school is initiated by
509 the charter school as a result of the student's commission of an
510 expellable offense, as that term is defined by district school
511 board rule, the charter school shall submit a recommendation to
512 the district school board immediately upon suspending the
513 student from the charter school detailing the reasons for
514 recommending expulsion. The charter school shall follow the
515 expulsion process of the district school board. If the district
516 school board grants the expulsion, the student shall be expelled
517 from all public education for the duration of the expulsion
518 period. If the district school board rejects the expulsion, the
519 student shall return to the charter school. If the district
520 school board recommends reassignment of the student to a

521 district alternative placement appropriate to the expellable
522 offense reported by the charter school, the charter school shall
523 transfer a pro rata share of funding for that student to the
524 district school board that governs the school in which the
525 student is subsequently placed. Such funding must be sufficient
526 to pay for the per student cost of actually delivering services
527 to the student in the alternative setting for the balance of the
528 fiscal year or until the student is counted by the district in
529 its FTE funding survey. The transfer of funds is required within
530 15 days after the entry of the district school board decision on
531 the recommendation of expulsion from the charter school. If the
532 charter school does not timely transfer the funds, the district
533 school board in which the charter school is located shall
534 withhold the funds from the next payment due to the charter
535 school.

536 (j) A charter school student may not be dismissed or
537 requested to withdraw from the charter school because of actual
538 or anticipated poor academic performance, because of actual or
539 anticipated poor performance on statewide assessments, or due to
540 issues related to student behavior unless such behavior is
541 alleged to be an expellable offense as that term is defined by
542 district school board rule.

543 (k) ~~(h)~~ The capacity of the charter school shall be
544 determined annually by the governing board, in conjunction with
545 the sponsor, of the charter school in consideration of the
546 factors identified in this subsection unless the charter school

547 is designated as a high-performing charter school pursuant to s.
548 1002.331. A sponsor may not require a charter school to waive
549 the provisions of s. 1002.331 or require a student enrollment
550 cap that prohibits a high-performing charter school from
551 increasing enrollment in accordance with s. 1002.331(2) as a
552 condition of approval or renewal of a charter.

553 (1)~~(i)~~ The capacity of a high-performing charter school
554 identified pursuant to s. 1002.331 shall be determined annually
555 by the governing board of the charter school. The governing
556 board shall notify the sponsor of any increase in enrollment by
557 March 1 of the school year preceding the increase. A sponsor may
558 not require a charter school to identify the names of students
559 to be enrolled or to enroll those students before the start of
560 the school year as a condition of approval or renewal of a
561 charter.

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

567 (g) Notwithstanding any provision in this section, a
568 charter school is required to post a performance bond with the
569 district school board named as the recipient at the beginning of
570 each school year in an amount equal to one-half of the projected
571 operating funds as defined in paragraph (b). Such bond shall be
572 annually renewed and shall be invoked if the charter school

573 defaults on meeting any of its financial obligations with the
 574 sponsor.

575 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

576 (a) The Department of Education shall provide information
 577 to the public, directly and through sponsors, on how to form and
 578 operate a charter school and how to enroll in a charter school
 579 once it is created. This information must ~~shall~~ include a model
 580 application form, model ~~standard~~ charter contract, standard
 581 evaluation instrument, and model ~~standard~~ charter renewal
 582 contract, which must ~~shall~~ include the information specified in
 583 subsection (7) and shall be developed by consulting and
 584 negotiating with both school districts and charter schools
 585 before implementation. The charter and charter renewal contracts
 586 may ~~shall~~ be used by charter school sponsors.

587 (27) CONFLICTS OF INTEREST AND ETHICS.—

588 (a) An individual may not serve as a member of the charter
 589 school board of directors if the individual or an immediate
 590 family member receives a pension or any compensation from the
 591 charter school, or if the individual's partner is an owner or
 592 principal with an entity or independent contractor with whom the
 593 charter school does business or contracts, directly or
 594 indirectly, for professional services, goods, or facilities. An
 595 individual may not serve as a board member if an immediate
 596 family member is an employee of the school. A violation of this
 597 prohibition renders a contract voidable at the option of the
 598 sponsor or the charter school board of directors. A member of a

599 charter school board of directors who violates this prohibition
600 is individually liable to the charter school for any damage
601 caused by the violation.

602 (b) A member of the board of directors or an employee,
603 officer, or agent of a charter school may not participate in
604 selecting, awarding, or administering a contract if a conflict
605 of interest exists. A conflict of interest exists if:

606 1. The board member, employee, officer, or agent;

607 2. The immediate family of the board member, employee,
608 officer, or agent;

609 3. The partner of the board member, employee, officer, or
610 agent; or

611 4. An organization that employs, or is about to employ,
612 any individual listed in subparagraphs 1.-3.,

613
614 has a financial or other interest in the entity with which the
615 charter school is contracting. A violation of this paragraph
616 renders the contract void.

617 (c) An employee or board member of the sponsor who
618 participates in the initial review and approval, ongoing
619 oversight and evaluation, or renewal or nonrenewal of the
620 charter may not serve on the board of directors of a school
621 chartered by that sponsor.

622 (d) An individual may serve as a member of the board of
623 directors if no conflict of interest under paragraph (a) exists.

624 (e) This subsection does not apply to compensation paid to

625 a teacher employed in that capacity by the charter school.

626 (28) UNLAWFUL ACTS.—A parent, other individual, or group
 627 who believes that a charter school has violated or is violating
 628 any state or federal law or regulation may file a complaint
 629 directly with the Department of Education. If the department
 630 determines that the complaint demonstrates reasonable cause to
 631 suspect that an unlawful act has been committed, the department
 632 shall conduct an investigation and produce a fact-finding report
 633 within 90 days after receiving the complaint. The department
 634 shall provide the district school superintendent of the
 635 complainant's district and the complainant with a copy of the
 636 fact-finding report, which is admissible in any subsequent or
 637 related administrative or judicial review.

638 (29)-(27) RULEMAKING.—The Department of Education, after
 639 consultation with school districts and charter school directors,
 640 shall recommend that the State Board of Education adopt rules to
 641 implement specific subsections of this section. Such rules must
 642 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter
 643 school flexibility authorized by statute. The State Board of
 644 Education shall adopt rules, pursuant to ss. 120.536(1) and
 645 120.54, to implement a charter model application form, standard
 646 evaluation instrument, and model ~~standard~~ charter and model
 647 charter renewal contracts in accordance with this section.

648 Section 2. Section 1002.346, Florida Statutes, is created
 649 to read:

650 1002.346 Charter school audits and investigations.—

651 (1) A charter school is subject to the audits, audit
652 procedures, and audit requirements established in the charter
653 and may be audited or investigated by the Auditor General, the
654 Department of Education's Office of Inspector General, and the
655 district school board, at their discretion. Such procedures and
656 requirements must be consistent with generally accepted audit
657 standards. The school and its governing board shall allow the
658 sponsor and state officials full access to its financial and
659 educational records, reports, files, and documents of any kind.

660 (2) During the course of audits and investigations, the
661 state and sponsor may access, review, and audit records of other
662 entities that do business with the charter school if a member of
663 the school's governing board or a director, an officer, a
664 principal, an assistant principal, or any other person employed
665 by the charter school who has equivalent decisionmaking
666 authority also serves as a member, director, or officer of such
667 other entities.

668 (3) The district school board shall oversee each charter
669 school it has approved and may visit, examine, enter into, and
670 inspect the charter school, including the records of such
671 school, under its oversight. Oversight by the district school
672 board must be sufficient to ensure that the charter school is in
673 compliance with all applicable laws, rules, and charter
674 provisions.

675 (4) The Department of Education's Office of Inspector
676 General or the district school board may conduct reviews,

677 pursuant to a complaint received or on its own initiative, to
 678 ensure compliance with applicable laws, rules, and charter
 679 provisions. The charter school and the specific individuals
 680 involved shall cooperate to the fullest extent with such review.

681 (5) A party who believes that his or her complaint has not
 682 been adequately addressed by the charter school's governing
 683 board or the district school board may submit the complaint in
 684 writing to the Department of Education's Office of Inspector
 685 General, which shall investigate such complaint and provide a
 686 written response within 90 days after receipt of the complaint.

687 Section 3. Subsections (3) and (6) of section 1002.451,
 688 Florida Statutes, are amended to read:

689 1002.451 District innovation school of technology
 690 program.—

691 (3) TERM OF OPERATION PERFORMANCE CONTRACT.—An innovation
 692 school of technology may operate ~~pursuant to a performance~~
 693 ~~contract with the State Board of Education~~ for a period of 5
 694 years.

695 ~~(a) Before expiration of the performance contract, the~~
 696 ~~school's performance shall be evaluated against the eligibility~~
 697 ~~criteria, purpose, guiding principles, and compliance with the~~
 698 ~~contract to determine whether the contract may be renewed. The~~
 699 ~~contract may be renewed every 5 years.~~

700 ~~(b)~~ The innovation school of technology shall be
 701 terminated ~~performance contract shall be terminated by the State~~
 702 ~~Board of Education if:~~

703 (a)1. The school receives a grade of "F" as an innovation
 704 school of technology for 2 consecutive years;

705 (b)2. The school or district fails to comply with the
 706 criteria in this section;

707 (c)3. The school ~~or district~~ does not comply with district
 708 school board rules that terms of the contract which specify that
 709 a violation results in termination; or

710 (d)4. Other good cause is shown.

711 (6) NOTIFICATION TO THE STATE BOARD OF EDUCATION
 712 APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

713 (a) A district school board shall notify ~~may apply to~~ the
 714 State Board of Education of the establishment of ~~for~~ an
 715 innovation school of technology if the district:

716 1. Has at least 20 percent of its total enrollment in
 717 public school choice programs or at least 5 percent of its total
 718 enrollment in charter schools;

719 2. Has no material weaknesses or instances of material
 720 noncompliance noted in the annual financial audit conducted
 721 pursuant to s. 218.39; and

722 3. Has received a district grade of "A," ~~or~~ "B," or "C" in
 723 each of the past 3 years.

724 ~~(b) A district school board may operate one innovation~~
 725 ~~school of technology upon an application being approved by the~~
 726 ~~State Board of Education.~~

727 1. ~~A district school board may apply to the State Board of~~
 728 ~~Education to establish additional schools of technology if each~~

729 ~~existing innovation school of technology in the district:~~
730 ~~a. Meets all requirements in this section and in the~~
731 ~~performance contract;~~
732 ~~b. Has a grade of "A" or "B"; and~~
733 ~~e. Has at least 50 percent of its students exceed the~~
734 ~~state average on the statewide assessment program pursuant to s.~~
735 ~~1008.22. This comparison may take student subgroups, as defined~~
736 ~~in the federal Elementary and Secondary Education Act (ESEA), 20~~
737 ~~U.S.C. s. 6311(b)(2)(C)(v)(II), into specific consideration so~~
738 ~~that at least 50 percent of students in each student subgroup~~
739 ~~meet or exceed the statewide average performance, rounded to the~~
740 ~~nearest whole number, of that particular subgroup.~~
741 ~~2. Notwithstanding subparagraph 1., the number of schools~~
742 ~~of technology in a school district may not exceed:~~
743 ~~a. Seven in a school district that has 100,000 or more~~
744 ~~students.~~
745 ~~b. Five in a school district that has 50,000 to 99,999~~
746 ~~students.~~
747 ~~e. Three in a school district that has fewer than 50,000~~
748 ~~students.~~
749 (b)(e) A school district that meets the eligibility
750 requirements of paragraph (a) may ~~apply to the State Board of~~
751 ~~Education at any time to enter into a performance contract to~~
752 ~~operate an innovation school of technology. The notification to~~
753 ~~the State Board of Education application must, at a minimum:~~
754 1. Demonstrate how the school district meets and will

755 continue to meet the requirements of this section;

756 2. Identify how the school will accomplish the purposes
757 and guiding principles of this section;

758 ~~3. Identify the statutes or rules from which the district
759 is seeking a waiver for the school;~~

760 ~~4. Identify and provide supporting documentation for the
761 purpose and impact of each waiver, how each waiver would enable
762 the school to achieve the purpose and guiding principles of this
763 section, and how the school would not be able to achieve the
764 purpose and guiding principles of this section without each
765 waiver; and~~

766 3.5. Confirm that the school board remains responsible for
767 the operation, control, and supervision of the school in
768 accordance with all applicable laws, rules, and district
769 procedures not waived pursuant to this section or waived
770 pursuant to other applicable law.

771 ~~(d) The State Board of Education shall approve or deny the
772 application within 90 days or, with the agreement of the school
773 district, at a later date.~~

774 ~~(e) The performance contract must address the terms under
775 which the State Board of Education may cancel the contract and,
776 at a minimum, the methods by which:~~

777 ~~1. Upon execution of the performance contract, the school
778 district will plan the program during the first year, begin at
779 least partial implementation of the program during the second
780 year, and fully implement the program by the third year. A~~

781 ~~district may implement the program sooner than specified in this~~
782 ~~subparagraph if authorized in the performance contract.~~

783 ~~2. The school will integrate industry-leading technology~~
784 ~~into instruction, assessment, and professional development. The~~
785 ~~school may also restructure the school day or school year in a~~
786 ~~way that allows it to best accomplish its goals.~~

787 ~~3. The school and district will monitor performance~~
788 ~~progress based on skills that help students succeed in college~~
789 ~~and careers, including problem solving, research,~~
790 ~~interpretation, and communication.~~

791 ~~4. The school will incorporate industry certifications and~~
792 ~~similar recognitions into performance expectations.~~

793 ~~5. The school and district will comply with this section~~
794 ~~and the performance contract.~~

795 (c) ~~(f)~~ Three or more contiguous school districts may apply
796 to enter into a joint performance contract as a Region of
797 Technology, subject to terms and conditions contained in this
798 section for a single school district.

799 (d) ~~(g)~~ The State Board of Education shall monitor schools
800 of technology to ensure that the respective school district is
801 in compliance with this section ~~and the performance contract.~~

802 ~~(h) The State Board of Education shall adopt rules~~
803 ~~pursuant to ss. 120.536(1) and 120.54 to implement this section,~~
804 ~~including, but not limited to, an application, evaluation~~
805 ~~instrument, and renewal evaluation instrument.~~

806 (e) ~~(i)~~ This section does not supersede the provisions of

807 s. 768.28.

808 Section 4. Paragraph (e) of subsection (2) of section
809 1002.331, Florida Statutes, is amended to read:

810 1002.331 High-performing charter schools.—

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

812 (e) Receive a modification of its charter to a term of 15
813 years or a 15-year charter renewal. The charter may be modified
814 or renewed for a shorter term at the option of the high-
815 performing charter school. The charter must be consistent with
816 s. 1002.33(7)(a)19. and (10)(k) ~~(10)(h)~~ and (l) ~~(i)~~, is subject
817 to annual review by the sponsor, and may be terminated during
818 its term pursuant to s. 1002.33(8).

819

820 A high-performing charter school shall notify its sponsor in
821 writing by March 1 if it intends to increase enrollment or
822 expand grade levels the following school year. The written
823 notice shall specify the amount of the enrollment increase and
824 the grade levels that will be added, as applicable. If a charter
825 school notifies the sponsor of its intent to expand, the sponsor
826 shall modify the charter within 90 days to include the new
827 enrollment maximum and may not make any other changes. The
828 sponsor may deny a request to increase the enrollment of a high-
829 performing charter school if the commissioner has declassified
830 the charter school as high-performing. If a high-performing
831 charter school requests to consolidate multiple charters, the
832 sponsor shall have 40 days after receipt of that request to

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833 provide an initial draft charter to the charter school. The
834 sponsor and charter school shall have 50 days thereafter to
835 negotiate and notice the charter contract for final approval by
836 the sponsor.

837 Section 5. This act shall take effect July 1, 2014.