



835522

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
04/11/2014	.	
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Appropriations Subcommittee on Education (Montford) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 22 and 23

insert:

(b) A sponsor shall receive and review all applications for a charter school using an evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be



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11 opened at a time agreed to by the applicant and the sponsor. A  
12 sponsor may not refuse to receive a charter school application  
13 submitted before August 1 and may receive an application  
14 submitted later than August 1 if it chooses. In order to  
15 facilitate greater collaboration in the application process, an  
16 applicant may submit a draft charter school application on or  
17 before May 1 with an application fee of \$500. If a draft  
18 application is timely submitted, the sponsor shall review and  
19 provide feedback as to material deficiencies in the application  
20 by July 1. The applicant shall then have until August 1 to  
21 resubmit a revised and final application. The sponsor may  
22 approve the draft application. A sponsor may not charge an  
23 applicant for a charter any fee for the processing or  
24 consideration of an application, and a sponsor may not base its  
25 consideration or approval of a final application upon the  
26 promise of future payment of any kind. Before approving or  
27 denying any final application, the sponsor shall allow the  
28 applicant, upon receipt of written notification, at least 7  
29 calendar days to make technical or nonsubstantive corrections  
30 and clarifications, including, but not limited to, corrections  
31 of grammatical, typographical, and like errors or missing  
32 signatures, if such errors are identified by the sponsor as  
33 cause to deny the final application.

34 1. In order to facilitate an accurate budget projection  
35 process, a sponsor shall be held harmless for FTE students who  
36 are not included in the FTE projection due to approval of  
37 charter school applications after the FTE projection deadline.  
38 In a further effort to facilitate an accurate budget projection,  
39 within 15 calendar days after receipt of a charter school



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40 application, a sponsor shall report to the Department of  
41 Education the name of the applicant entity, the proposed charter  
42 school location, and its projected FTE.

43 2. In order to ensure fiscal responsibility, an application  
44 for a charter school made by an individual, teachers, parents, a  
45 group of individuals, a municipality, a legal entity organized  
46 under the laws of this state, or any other third party  
47 associated with the management or reporting responsibility of  
48 the charter school contract shall include a full accounting of  
49 expected assets, a projection of expected sources and amounts of  
50 income, including income derived from projected student  
51 enrollments and from community support, ~~and~~ an expense  
52 projection that includes full accounting of the costs of  
53 operation, including start-up costs, and fees paid to a third  
54 party for services and the purpose of such fees.

55 3.a. A sponsor shall by a majority vote approve or deny an  
56 application no later than 60 calendar days after the application  
57 is received, unless the sponsor and the applicant mutually agree  
58 in writing to temporarily postpone the vote to a specific date,  
59 at which time the sponsor shall by a majority vote approve or  
60 deny the application. If the sponsor fails to act on the  
61 application, an applicant may appeal to the State Board of  
62 Education as provided in paragraph (c). If an application is  
63 denied, the sponsor shall, within 10 calendar days after such  
64 denial, articulate in writing the specific reasons, based upon  
65 good cause, supporting its denial of the charter application and  
66 shall provide the letter of denial and supporting documentation  
67 to the applicant and to the Department of Education.

68 b. An application submitted by a high-performing charter



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69 school identified pursuant to s. 1002.331 may be denied by the  
70 sponsor only if the sponsor demonstrates by clear and convincing  
71 evidence that:

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

74 (II) The charter school proposed in the application does  
75 not materially comply with the requirements in paragraphs  
76 (9) (a)-(f);

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

80 (IV) The applicant has made a material misrepresentation or  
81 false statement or concealed an essential or material fact  
82 during the application process; or

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

86  
87 Material noncompliance is a failure to follow requirements or a  
88 violation of prohibitions applicable to charter school  
89 applications, which failure is quantitatively or qualitatively  
90 significant either individually or when aggregated with other  
91 noncompliance. An applicant is considered to be replicating a  
92 high-performing charter school if the proposed school is  
93 substantially similar to at least one of the applicant's high-  
94 performing charter schools and the organization or individuals  
95 involved in the establishment and operation of the proposed  
96 school are significantly involved in the operation of replicated  
97 schools.



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98           c. If the sponsor denies an application submitted by a  
99 high-performing charter school, the sponsor must, within 10  
100 calendar days after such denial, state in writing the specific  
101 reasons, based upon the criteria in sub-subparagraph b.,  
102 supporting its denial of the application and must provide the  
103 letter of denial and supporting documentation to the applicant  
104 and to the Department of Education. The applicant may appeal the  
105 sponsor's denial of the application directly to the State Board  
106 of Education pursuant to sub-subparagraph (c)3.b.

107           4. For budget projection purposes, the sponsor shall report  
108 to the Department of Education the approval or denial of a  
109 charter application within 10 calendar days after such approval  
110 or denial. In the event of approval, the report to the  
111 Department of Education shall include the final projected FTE  
112 for the approved charter school.

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

117  
118 ===== D I R E C T O R Y   C L A U S E   A M E N D M E N T =====  
119 And the directory clause is amended as follows:

120           Delete line 17  
121 and insert:  
122           Section 1. Paragraphs (b) and (h) of subsection (6) and  
123 paragraph

124  
125 ===== T I T L E   A M E N D M E N T =====  
126 And the title is amended as follows:



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127           Delete line 3  
128 and insert:  
129           1002.33, F.S.; revising requirements for charter  
130           school applications to include additional fiscal  
131           responsibility standards; authorizing contract  
132           disputes to be