

By Senator Bradley

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1 A bill to be entitled
2 An act relating to school choice; amending s. 1002.33,
3 F.S.; revising required contents of charter school
4 applications and charter contracts; authorizing a
5 sponsor to require an applicant to provide additional
6 information as an addendum to a charter school
7 application; requiring a sponsor to allow an applicant
8 an opportunity to correct both material and technical
9 deficiencies in the application; conforming provisions
10 regarding the appeal process for denial of high-
11 performing charter school applications; requiring
12 sponsors and applicants to use a standard charter
13 contract; specifying that the standard charter
14 contract consists of the approved application and
15 addenda and other specified elements; conforming
16 provisions; specifying that a charter contract
17 provision that is inconsistent with or prohibited by
18 law is void and unenforceable; authorizing the sponsor
19 and applicant to negotiate additional terms after
20 approving the charter; authorizing a charter school to
21 open and operate during such negotiation; providing
22 that matters included in the approved application and
23 addenda are deemed settled for purposes of negotiating
24 the charter; clarifying provisions regarding long-term
25 charters and charter terminations; specifying that a
26 charter is automatically terminated when a charter
27 school earns a second consecutive grade of "F" after
28 all appeals unless an exception applies; specifying
29 requirements regarding such terminations; correcting

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30 cross-references; prohibiting a sponsor from requiring
31 a high-performing charter school to limit enrollment
32 or capacity to students enrolled before the start of
33 the school year; clarifying that sponsors must make
34 unused school facilities available to charter schools;
35 specifying requirements for such use of facilities;
36 requiring the Department of Education to develop a
37 model application form, standard charter contract,
38 standard application evaluation instrument, and
39 standard charter renewal contract; requiring the
40 department to develop such documents for virtual
41 charter schools; amending s. 1002.331, F.S.;

42 specifying that charter schools established by certain
43 high-performing charter school systems qualify for
44 high-performing charter school status for the first 3
45 years of operation; correcting a cross-reference;
46 revising limits on high-performing charter school
47 replication; amending s. 1002.332, F.S.; authorizing
48 certain out-of-state entities to apply for designation
49 as a high-performing charter school system; requiring
50 the State Board of Education to adopt by rule
51 eligibility criteria for such designation; amending s.
52 1002.45, F.S.; specifying conditions under which an
53 approved virtual instruction provider's contract is
54 automatically terminated; amending s. 1013.62, F.S.;

55 requiring that a charter school not have financial
56 emergency conditions on an annual audit in order to
57 qualify for capital outlay funding; amending s.
58 1003.01, F.S.; correcting a cross-reference; providing

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59 an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Paragraphs (a), (b), (c), and (h) of subsection
64 (6), subsection (7), paragraphs (n) and (o) of subsection (9),
65 paragraphs (e) and (i) of subsection (10), paragraphs (b) and
66 (c) of subsection (15), paragraph (e) of subsection (18), and
67 paragraph (a) of subsection (21) of section 1002.33, Florida
68 Statutes, are amended to read:

69 1002.33 Charter schools.—

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

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

75 1. Demonstrates how the school will use the guiding
76 principles and meet the statutorily defined purpose of a charter
77 school and describes the school's mission, the students to be
78 served, and the ages and grades to be included.

79 2. Describes the focus of the curriculum, the instructional
80 methods to be used, any distinctive instructional techniques to
81 be employed, and the identification and acquisition of
82 appropriate technologies needed to improve educational and
83 administrative performance, which include a means for promoting
84 safe, ethical, and appropriate uses of technology that comply
85 with legal and professional standards. The ~~Provides a detailed~~
86 curriculum plan must illustrate ~~that illustrates~~ how students
87 will be provided instruction on ~~services to attain the Sunshine~~

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88 state standards.

89 a. Reading shall be a primary focus of the curriculum. The
90 curriculum plan must describe the differentiated strategies that
91 will be used for students reading at grade level or higher and a
92 separate curriculum and strategies for students who are reading
93 below grade level. Resources must be provided to identify and
94 provide specialized instruction for students who are reading
95 below grade level. The curriculum and instructional strategies
96 for reading must be consistent with state standards and grounded
97 in scientifically based reading research. A sponsor shall deny a
98 charter if the school does not propose a reading curriculum that
99 is consistent with effective teaching strategies that are
100 grounded in scientifically based reading research.

101 b. In order to provide students with access to diverse
102 instructional delivery models, to facilitate the integration of
103 technology within traditional classroom instruction, and to
104 provide students with the skills they need to compete in the
105 21st century economy, the Legislature encourages instructional
106 methods for blended learning courses consisting of both
107 traditional classroom and virtual instructional techniques.
108 Charter schools may implement blended learning courses that
109 combine traditional classroom instruction and virtual
110 instruction. Students in a blended learning course must be full-
111 time students of the charter school and receive the virtual
112 instruction in a classroom setting at the charter school.
113 Instructional personnel certified pursuant to s. 1012.55 who
114 provide virtual instruction for blended learning courses may be
115 employees of the charter school or may be under contract to
116 provide instructional services to charter school students. At a

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117 minimum, such instructional personnel must hold an active state
118 or school district adjunct certification under s. 1012.57 for
119 the subject area of the blended learning course. The funding and
120 performance accountability requirements for blended learning
121 courses are the same as those for traditional courses.

122 3. Contains goals and objectives for improving student
123 learning and measuring that improvement. These goals and
124 objectives must indicate how much academic improvement students
125 are expected to show each year, how success will be evaluated,
126 and the specific results to be attained through instruction.

127 4. Provides the methods used to identify the educational
128 strengths and needs of students and how well educational goals
129 and performance standards are met by students attending the
130 charter school. The methods shall provide a means for the
131 charter school to ensure accountability to its constituents by
132 analyzing student performance data and by evaluating the
133 effectiveness and efficiency of its major educational programs.
134 Students in charter schools shall, at a minimum, participate in
135 the statewide assessment program created under s. 1008.22.

136 5. For the establishment of a secondary charter school,
137 provides a method for determining that a student has satisfied
138 the requirements for graduation in s. 1003.4282.

139 ~~4. Describes the reading curriculum and differentiated~~
140 ~~strategies that will be used for students reading at grade level~~
141 ~~or higher and a separate curriculum and strategies for students~~
142 ~~who are reading below grade level. A sponsor shall deny a~~
143 ~~charter if the school does not propose a reading curriculum that~~
144 ~~is consistent with effective teaching strategies that are~~
145 ~~grounded in scientifically based reading research.~~

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146 ~~5. Contains an annual financial plan for each year~~
147 ~~requested by the charter for operation of the school for up to 5~~
148 ~~years. This plan must contain anticipated fund balances based on~~
149 ~~revenue projections, a spending plan based on projected revenues~~
150 ~~and expenses, and a description of controls that will safeguard~~
151 ~~finances and projected enrollment trends.~~

152 ~~6. Documents that the applicant has participated in the~~
153 ~~training required in subparagraph (f)2. A sponsor may require an~~
154 ~~applicant to provide additional information as an addendum to~~
155 ~~the charter school application described in this paragraph.~~

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

159 7. Describes the admissions procedures and dismissal
160 procedures, including the school's code of student conduct.

161 8. Describes the ways by which the school will achieve a
162 racial/ethnic balance reflective of the community it serves or
163 within the racial/ethnic range of other public schools in the
164 same school district.

165 9. Contains an annual financial plan for each year that the
166 applicant intends to operate the school for up to 5 years. This
167 plan must contain anticipated fund balances based on revenue
168 projections, a spending plan based on projected revenues and
169 expenses, and a description of controls that will safeguard
170 finances and projected enrollment trends.

171 10. Describes the financial and administrative management
172 of the school, including a reasonable demonstration of the
173 professional experience or competence of those individuals or
174 organizations applying to operate the charter school or those

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175 individuals or organizations hired or retained to perform such
176 professional services and a description of clearly delineated
177 responsibilities of those individuals or organizations and the
178 policies and practices needed to effectively manage the charter
179 school. A description of internal audit procedures and
180 establishment of controls to ensure that financial resources are
181 properly managed must be included. Both public sector and
182 private sector professional experience are equally valid in such
183 a consideration.

184 11. Describes procedures that identify various risks and
185 provide for a comprehensive approach to reduce the impact of
186 losses; plans to ensure the safety and security of students and
187 staff; plans to identify, minimize, and protect others from
188 violent or disruptive student behavior; and the manner in which
189 the school will be insured, including whether the school will be
190 required to have liability insurance, and, if so, the terms and
191 conditions thereof and the amounts of coverage.

192 12. Includes the qualifications to be required of the
193 teachers and the potential strategies used to recruit, hire,
194 train, and retain qualified staff to achieve best value.

195 13. Describes the governance structure of the school,
196 including the status of the charter school as a public or
197 private employer as required in paragraph (12) (i).

198 14. Includes a timetable for implementing the charter which
199 addresses the implementation of each element thereof and the
200 date by which the charter will be awarded in order to meet this
201 timetable.

202 15. In the case of an existing public school that is being
203 converted to charter status, includes alternative arrangements

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204 for current students who choose not to attend the charter school
205 and for current teachers who choose not to teach in the charter
206 school after conversion in accordance with the existing
207 collective bargaining agreement or district school board rule in
208 the absence of a collective bargaining agreement. However,
209 alternative arrangements are not required for current teachers
210 who choose not to teach in a charter lab school, except as
211 authorized by the employment policies of the state university
212 that grants the charter to the lab school.

213

214 A sponsor may require an applicant to provide additional
215 information as an addendum to the charter school application
216 described in this paragraph.

217 (b) A sponsor shall receive and review all applications for
218 a charter school using the ~~an~~ evaluation instrument developed by
219 the Department of Education. A sponsor shall receive and
220 consider charter school applications received on or before
221 August 1 of each calendar year for charter schools to be opened
222 at the beginning of the school district's next school year, or
223 to be opened at a time agreed to by the applicant and the
224 sponsor. A sponsor may not refuse to receive a charter school
225 application submitted before August 1 and may receive an
226 application submitted later than August 1 if it chooses. In
227 order to facilitate greater collaboration in the application
228 process, an applicant may submit a draft charter school
229 application on or before May 1 with an application fee of \$500.
230 If a draft application is timely submitted, the sponsor shall
231 review and provide feedback as to material deficiencies in the
232 application by July 1. The applicant shall then have until

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233 August 1 to resubmit a revised and final application. The
234 sponsor may approve the draft application. A sponsor may not
235 charge an applicant for a charter any fee for the processing or
236 consideration of an application, and a sponsor may not base its
237 consideration or approval of a final application upon the
238 promise of future payment of any kind. Before approving or
239 denying any final application, the sponsor shall allow the
240 applicant, upon receipt of written notification, at least 7
241 calendar days to make ~~technical or nonsubstantive~~ corrections
242 and clarifications to address any deficiencies, ~~including, but~~
243 ~~not limited to, corrections of grammatical, typographical, and~~
244 ~~like errors or missing signatures, if such errors are identified~~
245 by the sponsor as cause to deny the final application.

246 1. In order to facilitate an accurate budget projection
247 process, a sponsor shall be held harmless for FTE students who
248 are not included in the FTE projection due to approval of
249 charter school applications after the FTE projection deadline.
250 In a further effort to facilitate an accurate budget projection,
251 within 15 calendar days after receipt of a charter school
252 application, a sponsor shall report to the Department of
253 Education the name of the applicant entity, the proposed charter
254 school location, and its projected FTE.

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

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

275 b. An application submitted by a high-performing charter
276 school identified pursuant to s. 1002.331 may be denied by the
277 sponsor only if the sponsor demonstrates by clear and convincing
278 evidence that:

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

281 (II) The charter school proposed in the application does
282 not materially comply with the requirements in paragraphs
283 (9) (a)-(f);

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

287 (IV) The applicant has made a material misrepresentation or
288 false statement or concealed an essential or material fact
289 during the application process; or

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

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291 financial management practices do not materially comply with the
292 requirements of this section.

293

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

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

315 4. For budget projection purposes, the sponsor shall report
316 to the Department of Education the approval or denial of a
317 charter application within 10 calendar days after such approval
318 or denial. In the event of approval, the report to the
319 Department of Education shall include the final projected FTE

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320 for the approved charter school.

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

325 (c)1. An applicant may appeal any denial of that
326 applicant's application or failure to act on an application to
327 the State Board of Education within ~~no later than~~ 30 calendar
328 days after receipt of the sponsor's decision or failure to act
329 and shall notify the sponsor of its appeal. Any response of the
330 sponsor shall be submitted to the State Board of Education
331 within 30 calendar days after notification of the appeal. Upon
332 receipt of notification from the State Board of Education that a
333 charter school applicant is filing an appeal, the Commissioner
334 of Education shall convene a meeting of the Charter School
335 Appeal Commission to study and make recommendations to the State
336 Board of Education regarding its pending decision about the
337 appeal. The commission shall forward its recommendation to the
338 state board at least 7 calendar days before the date on which
339 the appeal is to be heard. An appeal regarding the denial of an
340 application submitted by a high-performing charter school
341 pursuant to s. 1002.331 shall be conducted by the State Board of
342 Education in accordance with this paragraph, except that the
343 commission shall not convene to make recommendations regarding
344 the appeal. However, the Commissioner of Education shall review
345 the appeal and make a recommendation to the state board.

346 2. The Charter School Appeal Commission or, in the case of
347 an appeal regarding an application submitted by a high-
348 performing charter school, the State Board of Education may

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349 reject an appeal submission for failure to comply with
350 procedural rules governing the appeals process. The rejection
351 shall describe the submission errors. The appellant shall have
352 15 calendar days after notice of rejection in which to resubmit
353 an appeal that meets the requirements set forth in State Board
354 of Education rule. An appeal submitted subsequent to such
355 rejection is considered timely if the original appeal was filed
356 within 30 calendar days after receipt of notice of the specific
357 reasons for the sponsor's denial of the charter application.

358 3.a. The State Board of Education shall by majority vote
359 accept or reject the decision of the sponsor no later than 90
360 calendar days after an appeal is filed in accordance with State
361 Board of Education rule. The State Board of Education shall
362 remand the application to the sponsor with its written decision
363 that the sponsor approve or deny the application. The sponsor
364 shall implement the decision of the State Board of Education.
365 The decision of the State Board of Education is not subject to
366 the provisions of the Administrative Procedure Act, chapter 120.

367 b. If an appeal concerns an application submitted by a
368 high-performing charter school identified pursuant to s.
369 1002.331, the State Board of Education shall determine whether
370 the sponsor's denial of the application complies with the
371 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
372 ~~clear and convincing evidence, that:~~

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

375 ~~(II) The charter school proposed in the application does~~
376 ~~not materially comply with the requirements in paragraphs~~

377 ~~(9) (a) - (f);~~

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

381 ~~(IV) The applicant has made a material misrepresentation or~~
382 ~~false statement or concealed an essential or material fact~~
383 ~~during the application process; or~~

384 ~~(V) The proposed charter school's educational program and~~
385 ~~financial management practices do not materially comply with the~~
386 ~~requirements of this section.~~

387
388 The State Board of Education shall approve or reject the
389 sponsor's denial of an application no later than 90 calendar
390 days after an appeal is filed in accordance with State Board of
391 Education rule. The State Board of Education shall remand the
392 application to the sponsor with its written decision that the
393 sponsor approve or deny the application. The sponsor shall
394 implement the decision of the State Board of Education. The
395 decision of the State Board of Education is not subject to the
396 Administrative Procedure Act, chapter 120.

397 (h) The terms and conditions for the operation of a charter
398 school shall be set forth by the sponsor and the applicant in a
399 written contractual agreement, called a charter. The sponsor may
400 not impose unreasonable rules or regulations that violate the
401 intent of giving charter schools greater flexibility to meet
402 educational goals. The sponsor has 30 days after approval of the
403 application to provide to the charter school a standard an
404 initial proposed charter contract developed by the Department of
405 Education to the charter school, which shall consist of the
406 approved application and any addenda and the elements specified

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407 in paragraph (7) (a). The applicant and the sponsor have 40 days
408 thereafter to negotiate the remaining terms and notice the
409 charter contract for final approval by the sponsor unless both
410 parties agree to an extension. The proposed charter contract
411 shall be provided to the charter school at least 7 calendar days
412 before ~~prior to~~ the date of the meeting at which the charter is
413 scheduled to be voted upon by the sponsor. A provision of a
414 charter contract inconsistent with or prohibited by the
415 requirements of this section is void and unenforceable. The
416 department of ~~Education~~ shall provide mediation services for any
417 dispute regarding this section subsequent to the approval of a
418 charter application and for any dispute relating to the approved
419 charter, except disputes regarding charter school application
420 denials. If the Commissioner of Education determines that the
421 dispute cannot be settled through mediation, the dispute may be
422 appealed to an administrative law judge appointed by the
423 Division of Administrative Hearings. The administrative law
424 judge has final order authority to rule on issues of equitable
425 treatment of the charter school as a public school, whether
426 proposed provisions of the charter violate the intended
427 flexibility granted charter schools by statute, or on any other
428 matter regarding this section except a charter school
429 application denial, a charter termination, or a charter
430 nonrenewal and shall award the prevailing party reasonable
431 attorney ~~attorney's~~ fees and costs incurred to be paid by the
432 losing party. The costs of the administrative hearing shall be
433 paid by the party whom the administrative law judge rules
434 against. Once the sponsor has voted upon and approved the
435 standard charter contract, the sponsor and applicant have the

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436 right to negotiate additional terms, as necessary. The charter
437 school may open and operate during the pendency of any
438 negotiation, mediation, or administrative proceeding.

439 (7) CHARTER.— The major issues involving the operation of a
440 charter school shall be set forth in ~~considered in advance and~~
441 ~~written into~~ the charter. The governing board of the charter
442 school and the sponsor shall use the standard charter contract
443 developed by the department, which shall incorporate the
444 approved application and any addenda. Matters included in the
445 approved application and any addenda are deemed settled for
446 purposes of negotiating the charter; however, the parties may
447 agree to address such matters after approval of the charter. The
448 charter shall be signed by the governing board of the charter
449 school and the sponsor, following a public hearing to ensure
450 community input.

451 (a) The charter shall address ~~and criteria for approval of~~
452 ~~the charter shall be based on:~~

453 1. ~~The school's mission, the students to be served, and the~~
454 ~~ages and grades to be included.~~

455 2. ~~The focus of the curriculum, the instructional methods~~
456 ~~to be used, any distinctive instructional techniques to be~~
457 ~~employed, and identification and acquisition of appropriate~~
458 ~~technologies needed to improve educational and administrative~~
459 ~~performance which include a means for promoting safe, ethical,~~
460 ~~and appropriate uses of technology which comply with legal and~~
461 ~~professional standards.~~

462 a. ~~The charter shall ensure that reading is a primary focus~~
463 ~~of the curriculum and that resources are provided to identify~~
464 ~~and provide specialized instruction for students who are reading~~

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465 ~~below grade level. The curriculum and instructional strategies~~
466 ~~for reading must be consistent with the Next Generation Sunshine~~
467 ~~State Standards and grounded in scientifically based reading~~
468 ~~research.~~

469 ~~b. In order to provide students with access to diverse~~
470 ~~instructional delivery models, to facilitate the integration of~~
471 ~~technology within traditional classroom instruction, and to~~
472 ~~provide students with the skills they need to compete in the~~
473 ~~21st century economy, the Legislature encourages instructional~~
474 ~~methods for blended learning courses consisting of both~~
475 ~~traditional classroom and online instructional techniques.~~
476 ~~Charter schools may implement blended learning courses which~~
477 ~~combine traditional classroom instruction and virtual~~
478 ~~instruction. Students in a blended learning course must be full-~~
479 ~~time students of the charter school and receive the online~~
480 ~~instruction in a classroom setting at the charter school.~~
481 ~~Instructional personnel certified pursuant to s. 1012.55 who~~
482 ~~provide virtual instruction for blended learning courses may be~~
483 ~~employees of the charter school or may be under contract to~~
484 ~~provide instructional services to charter school students. At a~~
485 ~~minimum, such instructional personnel must hold an active state~~
486 ~~or school district adjunct certification under s. 1012.57 for~~
487 ~~the subject area of the blended learning course. The funding and~~
488 ~~performance accountability requirements for blended learning~~
489 ~~courses are the same as those for traditional courses.~~

490 ~~1.3.~~ The current incoming baseline standard of student
491 academic achievement, the outcomes to be achieved, and the
492 method of measurement that will be used. The criteria listed in
493 this subparagraph shall include a detailed description of:

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

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

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

502

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

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

517 ~~5. In secondary charter schools, a method for determining
518 that a student has satisfied the requirements for graduation in
519 s. 1003.428 or s. 1003.4282.~~

520 2.6. A method for resolving conflicts between the governing
521 board of the charter school and the sponsor.

522 ~~7. The admissions procedures and dismissal procedures,~~

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523 ~~including the school's code of student conduct.~~

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

528 ~~9. The financial and administrative management of the~~
529 ~~school, including a reasonable demonstration of the professional~~
530 ~~experience or competence of those individuals or organizations~~
531 ~~applying to operate the charter school or those hired or~~
532 ~~retained to perform such professional services and the~~
533 ~~description of clearly delineated responsibilities and the~~
534 ~~policies and practices needed to effectively manage the charter~~
535 ~~school. A description of internal audit procedures and~~
536 ~~establishment of controls to ensure that financial resources are~~
537 ~~properly managed must be included. Both public sector and~~
538 ~~private sector professional experience shall be equally valid in~~
539 ~~such a consideration.~~

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

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

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552 ~~3.12. The term of the charter which shall provide for~~
553 ~~cancellation of the charter if insufficient progress has been~~
554 ~~made in attaining the student achievement objectives of the~~
555 ~~charter and if it is not likely that such objectives can be~~
556 ~~achieved before expiration of the charter.~~ The initial term of
557 the a charter, which shall be for 4 or 5 years. ~~In order to~~
558 ~~facilitate access to long-term financial resources for charter~~
559 ~~school construction,~~ Charter schools that are operated by a
560 municipality or other public entity, as provided by law, or a
561 private, not-for-profit, s. 501(c)(3) status corporation are
562 eligible for up to a 15-year charter, subject to approval by the
563 district school board. A charter lab school is also eligible for
564 a charter for a term of up to 15 years. ~~In addition, to~~
565 ~~facilitate access to long-term financial resources for charter~~
566 ~~school construction,~~ ~~charter schools that are operated by a~~
567 ~~private, not-for-profit, s. 501(c)(3) status corporation~~ are
568 ~~eligible for up to a 15-year charter, subject to approval by the~~
569 ~~district school board.~~ Such long-term charters remain subject to
570 annual review and may be terminated during the term of the
571 charter, but only according to ~~the provisions set forth in~~
572 subsection (8) or paragraph (9)(n).

573 4. Termination or nonrenewal of the charter pursuant to
574 subsection (8), including termination for failure to make
575 sufficient progress towards attaining the student achievement
576 objectives of the charter or likely failure to meet such
577 objectives before expiration of the charter, and automatic
578 termination of the charter pursuant to paragraph (9)(n).

579 ~~5.13.~~ The facilities to be used and their location. The
580 sponsor may not require a charter school to have a certificate

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581 of occupancy or a temporary certificate of occupancy for such a
582 facility earlier than 15 calendar days before the first day of
583 school.

584 ~~14. The qualifications to be required of the teachers and~~
585 ~~the potential strategies used to recruit, hire, train, and~~
586 ~~retain qualified staff to achieve best value.~~

587 ~~15. The governance structure of the school, including the~~
588 ~~status of the charter school as a public or private employer as~~
589 ~~required in paragraph (12)(i).~~

590 ~~16. A timetable for implementing the charter which~~
591 ~~addresses the implementation of each element thereof and the~~
592 ~~date by which the charter shall be awarded in order to meet this~~
593 ~~timetable.~~

594 ~~17. In the case of an existing public school that is being~~
595 ~~converted to charter status, alternative arrangements for~~
596 ~~current students who choose not to attend the charter school and~~
597 ~~for current teachers who choose not to teach in the charter~~
598 ~~school after conversion in accordance with the existing~~
599 ~~collective bargaining agreement or district school board rule in~~
600 ~~the absence of a collective bargaining agreement. However,~~
601 ~~alternative arrangements shall not be required for current~~
602 ~~teachers who choose not to teach in a charter lab school, except~~
603 ~~as authorized by the employment policies of the state university~~
604 ~~which grants the charter to the lab school.~~

605 6.18. Full disclosure of the identity of all relatives
606 employed by the charter school who are related to the charter
607 school owner, president, chairperson of the governing board of
608 directors, superintendent, governing board member, principal,
609 assistant principal, or any other person employed by the charter

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610 school who has equivalent decisionmaking authority. For the
611 purpose of this subparagraph, the term "relative" means father,
612 mother, son, daughter, brother, sister, uncle, aunt, first
613 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
614 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
615 stepfather, stepmother, stepson, stepdaughter, stepbrother,
616 stepsister, half brother, or half sister.

617 ~~7.19.~~ Implementation of the activities authorized under s.
618 1002.331 by the charter school when it satisfies the eligibility
619 requirements for a high-performing charter school. A high-
620 performing charter school shall notify its sponsor in writing by
621 March 1 if it intends to increase enrollment or expand grade
622 levels the following school year. The written notice shall
623 specify the amount of the enrollment increase and the grade
624 levels that will be added, as applicable.

625 (b)1. A charter may be renewed provided that a program
626 review demonstrates that the criteria in paragraph (a) have been
627 successfully accomplished and that none of the grounds for
628 nonrenewal established by paragraph (8) (a) has been documented.
629 In order to facilitate long-term financing for charter school
630 construction, charter schools operating for a minimum of 3 years
631 and demonstrating exemplary academic programming and fiscal
632 management are eligible for a 15-year charter renewal. Such
633 long-term charter is subject to annual review and may be
634 terminated during the term of the charter.

635 2. The 15-year charter renewal that may be granted pursuant
636 to subparagraph 1. shall be granted to a charter school that has
637 received a school grade of "A" or "B" pursuant to s. 1008.34 in
638 3 of the past 4 years and is not in a state of financial

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639 emergency or deficit position as defined by this section. Such
640 long-term charter is subject to annual review and may be
641 terminated during the term of the charter pursuant to subsection
642 (8).

643 (c) A charter may be modified during its initial term or
644 any renewal term upon the recommendation of the sponsor or the
645 charter school's governing board and the approval of both
646 parties to the agreement. Modification may include, but is not
647 limited to, consolidation of multiple charters into a single
648 charter if the charters are operated under the same governing
649 board and physically located on the same campus, regardless of
650 the renewal cycle.

651 (d)1. Each charter school's governing board must appoint a
652 representative to facilitate parental involvement, provide
653 access to information, assist parents and others with questions
654 and concerns, and resolve disputes. The representative must
655 reside in the school district in which the charter school is
656 located and may be a governing board member, charter school
657 employee, or individual contracted to represent the governing
658 board. If the governing board oversees multiple charter schools
659 in the same school district, the governing board must appoint a
660 separate individual representative for each charter school in
661 the district. The representative's contact information must be
662 provided annually in writing to parents and posted prominently
663 on the charter school's website if a website is maintained by
664 the school. The sponsor may not require that governing board
665 members reside in the school district in which the charter
666 school is located if the charter school complies with this
667 paragraph.

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668 2. Each charter school's governing board must hold at least
669 two public meetings per school year in the school district. The
670 meetings must be noticed, open, and accessible to the public,
671 and attendees must be provided an opportunity to receive
672 information and provide input regarding the charter school's
673 operations. The appointed representative and charter school
674 principal or director, or his or her equivalent, must be
675 physically present at each meeting.

676 (9) CHARTER SCHOOL REQUIREMENTS.—

677 (n)1. The director and a representative of the governing
678 board of a charter school that has earned a grade of "D" or "F"
679 pursuant to s. 1008.34(2) shall appear before the sponsor to
680 present information concerning each contract component having
681 noted deficiencies. The director and a representative of the
682 governing board shall submit to the sponsor for approval a
683 school improvement plan to raise student achievement. Upon
684 approval by the sponsor, the charter school shall begin
685 implementation of the school improvement plan. The department
686 shall offer technical assistance and training to the charter
687 school and its governing board and establish guidelines for
688 developing, submitting, and approving such plans.

689 2.a. If a charter school earns three consecutive grades of
690 "D," two consecutive grades of "D" followed by a grade of "F,"
691 or two nonconsecutive grades of "F" within a 3-year period, the
692 charter school governing board shall choose one of the following
693 corrective actions:

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

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

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

701 (IV) Voluntarily close the charter school.

702 b. The charter school must implement the corrective action
703 in the school year following receipt of a third consecutive
704 grade of "D," a grade of "F" following two consecutive grades of
705 "D," or a second nonconsecutive grade of "F" within a 3-year
706 period.

707 c. The sponsor may annually waive a corrective action if it
708 determines that the charter school is likely to improve a letter
709 grade if additional time is provided to implement the
710 intervention and support strategies prescribed by the school
711 improvement plan. Notwithstanding this sub-subparagraph, a
712 charter school that earns a second consecutive grade of "F" is
713 subject to subparagraph 4.

714 d. A charter school is no longer required to implement a
715 corrective action if it improves by at least one letter grade.
716 However, the charter school must continue to implement
717 strategies identified in the school improvement plan. The
718 sponsor must annually review implementation of the school
719 improvement plan to monitor the school's continued improvement
720 pursuant to subparagraph 5.

721 e. A charter school implementing a corrective action that
722 does not improve by at least one letter grade after 2 full
723 school years of implementing the corrective action must select a
724 different corrective action. Implementation of the new
725 corrective action must begin in the school year following the

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726 implementation period of the existing corrective action, unless
727 the sponsor determines that the charter school is likely to
728 improve a letter grade if additional time is provided to
729 implement the existing corrective action. Notwithstanding this
730 sub-subparagraph, a charter school that earns a second
731 consecutive grade of "F" while implementing a corrective action
732 is subject to subparagraph 4.

733 3. A charter school with a grade of "D" or "F" that
734 improves by at least one letter grade must continue to implement
735 the strategies identified in the school improvement plan. The
736 sponsor must annually review implementation of the school
737 improvement plan to monitor the school's continued improvement
738 pursuant to subparagraph 5.

739 4. A charter school's charter is automatically terminated
740 if the school earns a second consecutive grade of "F" after all
741 school grade appeals are final ~~The sponsor shall terminate a~~
742 ~~charter if the charter school earns two consecutive grades of~~
743 ~~"F" unless:~~

744 a. The charter school is established to turn around the
745 performance of a district public school pursuant to s.
746 1008.33(4)(b)3. Such charter schools shall be governed by s.
747 1008.33;

748 b. The charter school serves a student population the
749 majority of which resides in a school zone served by a district
750 public school that earned a grade of "F" in the year before the
751 charter school opened and the charter school earns at least a
752 grade of "D" in its third year of operation. The exception
753 provided under this sub-subparagraph does not apply to a charter
754 school in its fourth year of operation and thereafter; or

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755 c. The state board grants the charter school a waiver of
756 termination. The charter school must request the waiver within
757 15 days after the department's official release of school
758 grades. The state board may waive termination if the charter
759 school demonstrates that the learning gains of its students on
760 statewide assessments are comparable to or better than the
761 learning gains of similarly situated students enrolled in nearby
762 district public schools. The waiver is valid for 1 year and may
763 only be granted once. Charter schools that have been in
764 operation for more than 5 years are not eligible for a waiver
765 under this sub-subparagraph.

766
767 The sponsor shall notify in writing the charter school's
768 governing board, the charter school principal, and the
769 department when a charter is terminated under this subparagraph.
770 A charter terminated under this subparagraph is governed by the
771 requirements of paragraphs (8) (e)-(g) and (9) (o).

772 5. The director and a representative of the governing board
773 of a graded charter school that has implemented a school
774 improvement plan under this paragraph shall appear before the
775 sponsor at least once a year to present information regarding
776 the progress of intervention and support strategies implemented
777 by the school pursuant to the school improvement plan and
778 corrective actions, if applicable. The sponsor shall communicate
779 at the meeting, and in writing to the director, the services
780 provided to the school to help the school address its
781 deficiencies.

782 6. Notwithstanding any provision of this paragraph except
783 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter

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784 at any time pursuant to subsection (8).

785 (o)1. Upon initial notification of nonrenewal, closure, or
786 termination of its charter, a charter school may not expend more
787 than \$10,000 per expenditure without prior written approval from
788 the sponsor unless such expenditure was included within the
789 annual budget submitted to the sponsor pursuant to the charter
790 contract, is for reasonable attorney fees and costs during the
791 pendency of any hearing or appeal, or is for reasonable fees and
792 costs to conduct an independent audit.

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

796 3. A provision in a charter contract that contains an
797 acceleration clause requiring the expenditure of funds based
798 upon closure or upon notification of nonrenewal or termination
799 is void and unenforceable.

800 4. A charter school may not enter into a contract with an
801 employee that exceeds the term of the school's charter contract
802 with its sponsor.

803 5. A violation of this paragraph triggers a reversion or
804 clawback power by the sponsor allowing for collection of an
805 amount equal to or less than the accelerated amount that exceeds
806 normal expenditures. The reversion or clawback plus legal fees
807 and costs shall be levied against the person or entity receiving
808 the accelerated amount.

809 (10) ELIGIBLE STUDENTS.—

810 (e) A charter school may limit the enrollment process only
811 to target the following student populations:

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

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813 2. Students considered at risk of dropping out of school or
814 academic failure. Such students shall include exceptional
815 education students.

816 3. Students enrolling in a charter school-in-the-workplace
817 or charter school-in-a-municipality established pursuant to
818 subsection (15).

819 4. Students residing within a reasonable distance of the
820 charter school, as described in paragraph (20)(c). Such students
821 shall be subject to a random lottery and to the racial/ethnic
822 balance provisions described in subparagraph (6)(a)8. ~~(7)(a)8.~~
823 or any federal provisions that require a school to achieve a
824 racial/ethnic balance reflective of the community it serves or
825 within the racial/ethnic range of other public schools in the
826 same school district.

827 5. Students who meet reasonable academic, artistic, or
828 other eligibility standards established by the charter school
829 and included in the charter school application and charter or,
830 in the case of existing charter schools, standards that are
831 consistent with the school's mission and purpose. Such standards
832 shall be in accordance with current state law and practice in
833 public schools and may not discriminate against otherwise
834 qualified individuals.

835 6. Students articulating from one charter school to another
836 pursuant to an articulation agreement between the charter
837 schools that has been approved by the sponsor.

838 7. Students living in a development in which a business
839 entity provides the school facility and related property having
840 an appraised value of at least \$10 million to be used as a
841 charter school for the development. Students living in the

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842 development shall be entitled to 50 percent of the student
843 stations in the charter school. The students who are eligible
844 for enrollment are subject to a random lottery, the
845 racial/ethnic balance provisions, or any federal provisions, as
846 described in subparagraph 4. The remainder of the student
847 stations shall be filled in accordance with subparagraph 4.

848 (i) The capacity of a high-performing charter school
849 identified pursuant to s. 1002.331 shall be determined annually
850 by the governing board of the charter school. The governing
851 board shall notify the sponsor of any increase in enrollment by
852 March 1 of the school year preceding the increase. A sponsor may
853 not require a charter school to identify the names of students
854 to be enrolled or to limit enrollment or capacity to enroll
855 those students enrolled before the start of the school year as a
856 condition of approval or renewal of a charter.

857 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
858 A-MUNICIPALITY.-

859 (b) A charter school-in-the-workplace may be established
860 when a business partner provides the school facility to be used;
861 enrolls students based upon a random lottery that involves all
862 of the children of employees of that business or corporation who
863 are seeking enrollment, as provided for in subsection (10); and
864 enrolls students according to the racial/ethnic balance
865 provisions described in subparagraph (6) (a) 8. ~~(7) (a) 8.~~ Any
866 portion of a facility used for a public charter school shall be
867 exempt from ad valorem taxes, as provided for in s. 1013.54, for
868 the duration of its use as a public school.

869 (c) A charter school-in-a-municipality designation may be
870 granted to a municipality that possesses a charter; enrolls

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871 students based upon a random lottery that involves all of the
 872 children of the residents of that municipality who are seeking
 873 enrollment, as provided for in subsection (10); and enrolls
 874 students according to the racial/ethnic balance provisions
 875 described in subparagraph (6)(a)8. ~~(7)(a)8.~~ When a municipality
 876 has submitted charter applications for the establishment of a
 877 charter school feeder pattern, consisting of elementary, middle,
 878 and senior high schools, and each individual charter application
 879 is approved by the district school board, such schools shall
 880 then be designated as one charter school for all purposes listed
 881 pursuant to this section. Any portion of the land and facility
 882 used for a public charter school shall be exempt from ad valorem
 883 taxes, as provided for in s. 1013.54, for the duration of its
 884 use as a public school.

885 (18) FACILITIES.—

886 (e) If a district school board-owned ~~board~~ facility that
 887 has previously been used for K-12 educational purposes or
 888 property is no longer used as a school as defined in s.
 889 1003.01(2) available because it is surplus, marked for disposal,
 890 or otherwise unused, it shall be made available provided for a
 891 charter school's use on the same basis as it is made available
 892 to other public schools in the district. The charter school is
 893 responsible for the costs required to bring the facility into
 894 compliance with the current Florida Building Code and for costs
 895 required to maintain such compliance. A charter school using
 896 such a facility receiving property from the school district may
 897 not sell, sublease, or dispose of such facility property without
 898 written permission of the school district. The charter school
 899 may not earn capital outlay funds; however, the school district

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900 shall include the charter school's capital outlay full-time
901 equivalent (COFTE) student count in the district's capital
902 outlay calculations. The charter school may choose to maintain
903 and repair the facility at the same standard and level as any
904 other district-operated school of similar age and condition.
905 Maintenance and repair do not include the construction of any
906 new building, structure, or substantial addition, extension, or
907 upgrade to an existing facility. Similarly, for an existing
908 public school converting to charter status, no rental or leasing
909 fee for the existing facility or for the property normally
910 inventoried to the conversion school may be charged by the
911 district school board to the parents and teachers organizing the
912 charter school. The charter school shall agree to reasonable
913 maintenance provisions in order to maintain the facility in a
914 manner similar to district school board standards. The Public
915 Education Capital Outlay maintenance funds or any other
916 maintenance funds generated by the facility operated as a
917 conversion school shall remain with the conversion school.

918 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

919 (a) The Department of Education shall provide information
920 to the public, directly and through sponsors, on how to form and
921 operate a charter school and how to enroll in a charter school
922 once it is created. This information shall include a model
923 application form, standard charter contract, standard
924 application evaluation instrument, and standard charter renewal
925 contract, which shall include the information specified in
926 subsections (6) and ~~subsection~~ (7), as applicable, and shall be
927 developed by consulting and negotiating with both school
928 districts and charter schools before implementation. The model

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929 application form, standard charter contract, standard
930 application evaluation instrument, and standard charter renewal
931 contract must clearly identify the specific statutes and rules
932 from which charter schools are statutorily exempted from
933 compliance. The department shall develop a model application
934 form, standard charter contract, standard application evaluation
935 instrument, and standard charter renewal contract uniquely
936 tailored to virtual charter schools established under subsection
937 (1) and high-performing charter schools under s. 1002.331(3).
938 The charter and charter renewal contracts shall be used by
939 charter school sponsors.

940 Section 2. Subsection (1), paragraph (e) of subsection (2),
941 and subsections (3) and (5) of section 1002.331, Florida
942 Statutes, are amended to read:

943 1002.331 High-performing charter schools.—

944 (1) A charter school is a high-performing charter school if
945 it:

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

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

952 (c) Did not receive a financial audit that revealed one or
953 more of the financial emergency conditions set forth in s.
954 218.503(1) in the most recent 3 fiscal years for which such
955 audits are available. However, this requirement is deemed met
956 for a charter school-in-the-workplace if there is a finding in
957 an audit that the school has the monetary resources available to

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958 cover any reported deficiency or that the deficiency does not
959 result in a deteriorating financial condition pursuant to s.
960 1002.345(1)(a)3.

961
962 A virtual charter school established under s. 1002.33 is not
963 eligible for designation as a high-performing charter school. A
964 charter school that is established in this state and operated by
965 an entity classified as a high-performing charter school system
966 pursuant to s. 1002.332(2) is deemed a high-performing charter
967 school during its first 3 years of operation. Beginning in the
968 fourth year of operation and thereafter, such a charter school
969 must meet the criteria in this subsection to maintain the
970 designation.

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

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

979
980 A high-performing charter school shall notify its sponsor in
981 writing by March 1 if it intends to increase enrollment or
982 expand grade levels the following school year. The written
983 notice shall specify the amount of the enrollment increase and
984 the grade levels that will be added, as applicable. If a charter
985 school notifies the sponsor of its intent to expand, the sponsor
986 shall modify the charter within 90 days to include the new

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987 enrollment maximum and may not make any other changes. The
988 sponsor may deny a request to increase the enrollment of a high-
989 performing charter school if the commissioner has declassified
990 the charter school as high-performing. If a high-performing
991 charter school requests to consolidate multiple charters, the
992 sponsor shall have 40 days after receipt of that request to
993 provide an initial draft charter to the charter school. The
994 sponsor and charter school shall have 50 days thereafter to
995 negotiate and notice the charter contract for final approval by
996 the sponsor.

997 (3) ~~(a)~~ A high-performing charter school may submit an
998 application pursuant to s. 1002.33(6) in any school district in
999 the state to establish and operate a new charter school that
1000 will substantially replicate its educational program in order to
1001 serve the attendance zone of a school identified in need of
1002 intervention and support pursuant to s. 1008.33(3)(b) or to meet
1003 capacity needs or needs for innovative choice options identified
1004 by the district school board. An application submitted by a
1005 high-performing charter school must state that the application
1006 is being submitted pursuant to this paragraph and must include
1007 the verification letter provided by the Commissioner of
1008 Education pursuant to subsection (5). If the sponsor fails to
1009 act on the application within 60 days after receipt, the
1010 application is deemed approved and the procedure in s.
1011 1002.33(6)(h) applies. If the sponsor denies the application,
1012 the high-performing charter school may appeal pursuant to s.
1013 1002.33(6).

1014 ~~(b) A high-performing charter school may not establish more~~
1015 ~~than one charter school within the state under paragraph (a) in~~

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1016 ~~any year. A subsequent application to establish a charter school~~
1017 ~~under paragraph (a) may not be submitted unless each charter~~
1018 ~~school established in this manner achieves high-performing~~
1019 ~~charter school status.~~

1020 (5) The Commissioner of Education, upon request by a
1021 charter school, shall verify that the charter school meets the
1022 criteria in subsection (1) and provide a letter to the charter
1023 school and the sponsor stating that the charter school is a
1024 high-performing charter school pursuant to this section. The
1025 commissioner shall annually determine whether a high-performing
1026 charter school under subsection (1) continues to meet the
1027 criteria in that subsection. Such high-performing charter school
1028 shall maintain its high-performing status unless the
1029 commissioner determines that the charter school no longer meets
1030 the criteria in subsection (1), at which time the commissioner
1031 shall send a letter to the charter school and its sponsor
1032 providing notification that the charter school has been
1033 declassified ~~of its declassification~~ as a high-performing
1034 charter school.

1035 Section 3. Present subsection (2) of section 1002.332,
1036 Florida Statutes, is renumbered as subsection (3), and a new
1037 subsection (2) is added to that section to read:

1038 1002.332 High-performing charter school system.-

1039 (2) An entity that successfully operates a system of
1040 charter schools outside the state may apply to the State Board
1041 of Education for status as a high-performing charter school
1042 system. The state board shall adopt rules prescribing a process
1043 for determining whether the entity meets the requirements of
1044 this subsection by reviewing student demographic and performance

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1045 data and fiscal accountability of all schools operated by the
1046 entity. To the extent practicable, the state board shall develop
1047 a rubric for the approval of such entities which aligns with the
1048 priorities of the federal Charter Schools Program Grants for
1049 Replication and Expansion of High-Quality Charter Schools, found
1050 in Federal Register, Volume 76, Number 133.

1051 Section 4. Paragraph (d) of subsection (8) of section
1052 1002.45, Florida Statutes, is amended to read:

1053 1002.45 Virtual instruction programs.—

1054 (8) ASSESSMENT AND ACCOUNTABILITY.—

1055 (d) An approved provider's contract is automatically ~~must~~
1056 ~~be~~ terminated if the provider earns two consecutive school
1057 grades of ~~receives a school grade of "D" or "F" under s.~~
1058 ~~1008.34, two consecutive~~ or a school improvement ratings rating
1059 of "Declining" under s. 1008.341, for 2 years during any
1060 ~~consecutive 4-year period~~ or has violated any qualification
1061 requirement pursuant to subsection (2). A provider that has a
1062 contract terminated under this paragraph may not be an approved
1063 provider for a period of at least 1 year after the date upon
1064 which the contract was terminated and until the department
1065 determines that the provider is in compliance with subsection
1066 (2) and has corrected each cause of the provider's low
1067 performance.

1068 Section 5. Paragraph (a) of subsection (1) of section
1069 1013.62, Florida Statutes, is amended to read:

1070 1013.62 Charter schools capital outlay funding.—

1071 (1) In each year in which funds are appropriated for
1072 charter school capital outlay purposes, the Commissioner of
1073 Education shall allocate the funds among eligible charter

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1074 schools.

1075 (a) To be eligible for a funding allocation, a charter
1076 school must:

1077 1.a. Have been in operation for 3 or more years;

1078 b. Be governed by a governing board established in the
1079 state for 3 or more years which operates both charter schools
1080 and conversion charter schools within the state;

1081 c. Be an expanded feeder chain of a charter school within
1082 the same school district that is currently receiving charter
1083 school capital outlay funds;

1084 d. Have been accredited by the Commission on Schools of the
1085 Southern Association of Colleges and Schools; or

1086 e. Serve students in facilities that are provided by a
1087 business partner for a charter school-in-the-workplace pursuant
1088 to s. 1002.33(15) (b).

1089 2. Have an annual audit that does not reveal one or more of
1090 the financial emergency conditions set forth in s. 218.503(1)
1091 for the most recent fiscal year for which such audit is
1092 available ~~stability for future operation as a charter school.~~

1093 3. Have satisfactory student achievement based on state
1094 accountability standards applicable to the charter school.

1095 4. Have received final approval from its sponsor pursuant
1096 to s. 1002.33 for operation during that fiscal year.

1097 5. Serve students in facilities that are not provided by
1098 the charter school's sponsor.

1099 Section 6. Subsection (14) of section 1003.01, Florida
1100 Statutes, is amended to read:

1101 1003.01 Definitions.—As used in this chapter, the term:

1102 (14) "Core-curricula courses" means:

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1103 (a) Courses in language arts/reading, mathematics, social
1104 studies, and science in prekindergarten through grade 3,
1105 excluding any extracurricular courses pursuant to subsection
1106 (15);

1107 (b) Courses in grades 4 through 8 in subjects that are
1108 measured by state assessment at any grade level and courses
1109 required for middle school promotion, excluding any
1110 extracurricular courses pursuant to subsection (15);

1111 (c) Courses in grades 9 through 12 in subjects that are
1112 measured by state assessment at any grade level and courses that
1113 are specifically identified by name in statute as required for
1114 high school graduation and that are not measured by state
1115 assessment, excluding any extracurricular courses pursuant to
1116 subsection (15);

1117 (d) Exceptional student education courses; and

1118 (e) English for Speakers of Other Languages courses.

1119

1120 The term is limited in meaning and used for the sole purpose of
1121 designating classes that are subject to the maximum class size
1122 requirements established in s. 1, Art. IX of the State
1123 Constitution. This term does not include courses offered under
1124 ss. 1002.321(4)(e), 1002.33(6)(a)2.b. ~~1002.33(7)(a)2.b.~~,
1125 1002.37, 1002.415, 1002.45, and 1003.499.

1126 Section 7. This act shall take effect July 1, 2014.