

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Fullwood offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (a) of subsection (3) and paragraph  
6 (b) of subsection (6) of section 1002.33, Florida Statutes, are  
7 amended to read:

8 1002.33 Charter schools.—

9 (3) APPLICATION FOR CHARTER STATUS.—

10 (a) An application for a new charter school may be made by  
11 an individual, teachers, parents, a group of individuals, a  
12 municipality, or a legal entity organized under the laws of this  
13 state. An application for a charter school may be made by the  
14 military installation commander of a military installation, if

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15 the commander is a member of the charter school's not-for-profit  
16 governing board, the charter school is located on the military  
17 installation, and the governing board operates the charter  
18 school or contracts with a management company or similar entity  
19 to operate the charter school.

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

22 (b) A sponsor shall receive and review all applications  
23 for a charter school using an evaluation instrument developed by  
24 the Department of Education. A sponsor shall receive and  
25 consider charter school applications received on or before  
26 August 1 of each calendar year for charter schools to be opened  
27 at the beginning of the school district's next school year, or  
28 to be opened at a time agreed to by the applicant and the  
29 sponsor. A sponsor may not refuse to receive a charter school  
30 application submitted before August 1 and may receive an  
31 application submitted later than August 1 if it chooses. In  
32 order to facilitate greater collaboration in the application  
33 process, an applicant may submit a draft charter school  
34 application on or before May 1 with an application fee of \$500.  
35 If a draft application is timely submitted, the sponsor shall  
36 review and provide feedback as to material deficiencies in the  
37 application by July 1. The applicant shall then have until  
38 August 1 to resubmit a revised and final application. The  
39 sponsor may approve the draft application. A sponsor may not  
40 charge an applicant for a charter any fee for the processing or

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41 consideration of an application, and a sponsor may not base its  
42 consideration or approval of a final application upon the  
43 promise of future payment of any kind. Before approving or  
44 denying any final application, the sponsor shall allow the  
45 applicant, upon receipt of written notification, at least 7  
46 calendar days to make technical or nonsubstantive corrections  
47 and clarifications, including, but not limited to, corrections  
48 of grammatical, typographical, and like errors or missing  
49 signatures, if such errors are identified by the sponsor as  
50 cause to deny the final application.

51 1. In order to facilitate an accurate budget projection  
52 process, a sponsor shall be held harmless for FTE students who  
53 are not included in the FTE projection due to approval of  
54 charter school applications after the FTE projection deadline.  
55 In a further effort to facilitate an accurate budget projection,  
56 within 15 calendar days after receipt of a charter school  
57 application, a sponsor shall report to the Department of  
58 Education the name of the applicant entity, the proposed charter  
59 school location, and its projected FTE.

60 2. In order to ensure fiscal responsibility, an  
61 application for a charter school made by an individual,  
62 teachers, parents, a group of individuals, a municipality, a  
63 legal entity organized under the laws of this state, or any  
64 other third party associated with the management or reporting  
65 responsibility of the charter school contract shall include a  
66 full accounting of expected assets, a projection of expected

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67 sources and amounts of income, including income derived from  
68 projected student enrollments and from community support, ~~and~~ an  
69 expense projection that includes full accounting of the costs of  
70 operation, including start-up costs, and fees paid to a third  
71 party for services and the purpose of such fees.

72 3.a. A sponsor shall by a majority vote approve or deny an  
73 application no later than 60 calendar days after the application  
74 is received, unless the sponsor and the applicant mutually agree  
75 in writing to temporarily postpone the vote to a specific date,  
76 at which time the sponsor shall by a majority vote approve or  
77 deny the application. If the sponsor fails to act on the  
78 application, an applicant may appeal to the State Board of  
79 Education as provided in paragraph (c). If an application is  
80 denied, the sponsor shall, within 10 calendar days after such  
81 denial, articulate in writing the specific reasons, based upon  
82 good cause, supporting its denial of the charter application and  
83 shall provide the letter of denial and supporting documentation  
84 to the applicant and to the Department of Education.

85 b. An application submitted by a high-performing charter  
86 school identified pursuant to s. 1002.331 may be denied by the  
87 sponsor only if the sponsor demonstrates by clear and convincing  
88 evidence that:

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

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91 (II) The charter school proposed in the application does  
92 not materially comply with the requirements in paragraphs  
93 (9) (a) - (f);

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

97 (IV) The applicant has made a material misrepresentation  
98 or false statement or concealed an essential or material fact  
99 during the application process; or

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

103  
104 Material noncompliance is a failure to follow requirements or a  
105 violation of prohibitions applicable to charter school  
106 applications, which failure is quantitatively or qualitatively  
107 significant either individually or when aggregated with other  
108 noncompliance. An applicant is considered to be replicating a  
109 high-performing charter school if the proposed school is  
110 substantially similar to at least one of the applicant's high-  
111 performing charter schools and the organization or individuals  
112 involved in the establishment and operation of the proposed  
113 school are significantly involved in the operation of replicated  
114 schools.

115 c. If the sponsor denies an application submitted by a  
116 high-performing charter school, the sponsor must, within 10

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117 calendar days after such denial, state in writing the specific  
 118 reasons, based upon the criteria in sub-subparagraph b.,  
 119 supporting its denial of the application and must provide the  
 120 letter of denial and supporting documentation to the applicant  
 121 and to the Department of Education. The applicant may appeal the  
 122 sponsor's denial of the application directly to the State Board  
 123 of Education pursuant to sub-subparagraph (c)3.b.

124 4. For budget projection purposes, the sponsor shall  
 125 report to the Department of Education the approval or denial of  
 126 a charter application within 10 calendar days after such  
 127 approval or denial. In the event of approval, the report to the  
 128 Department of Education shall include the final projected FTE  
 129 for the approved charter school.

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

134 Section 2. This act shall take effect July 1, 2014.

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 136

137 **T I T L E A M E N D M E N T**

138 Remove everything before the enacting clause and insert:

139 A bill to be entitled

140 An act relating to charter schools; amending s.

141 1002.33, F.S.; authorizing a military installation

142 commander of a military installation to apply for a

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143 charter school located on the military installation;  
144 establishing conditions for the commander and charter  
145 school governing board; revising requirements for  
146 charter school applications to include additional  
147 fiscal responsibility standards; providing an  
148 effective date.

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