

HB 7083

2014

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

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

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27 | school earns a second consecutive grade of "F" after
28 | all appeals unless an exception applies; specifying
29 | requirements regarding such terminations; correcting
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 and high-performing charter schools;
42 | amending s. 1002.331, F.S.; specifying that charter
43 | schools established by certain high-performing charter
44 | school systems qualify for high-performing charter
45 | school status for the first 3 years of operation;
46 | correcting a cross-reference; revising limits on high-
47 | performing charter school replication; amending s.
48 | 1002.332, F.S.; authorizing certain out-of-state
49 | entities to apply for designation as a high-performing
50 | charter school system; requiring the State Board of
51 | Education to adopt by rule eligibility criteria for
52 | such designation; amending s. 1002.45, F.S.;

53 specifying conditions under which an approved virtual
 54 instruction provider's contract is automatically
 55 terminated; amending s. 1013.62, F.S.; requiring that
 56 a charter school may not have financial emergency
 57 conditions on an annual audit to qualify for capital
 58 outlay funding; amending s. 1003.01, F.S.; correcting
 59 a cross-reference; providing 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
 73 charter school shall prepare and submit an application on the a
 74 model application form prepared by the Department of Education
 75 which:

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

79 served, and the ages and grades to be included.

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

90 a. Reading shall be a primary focus of the curriculum. The
91 curriculum plan must describe the differentiated strategies that
92 will be used for students who score Level 3 and above on the
93 statewide, standardized Reading assessment or, upon
94 implementation, the English Language Arts assessment and a
95 separate curriculum and strategies for students who score below
96 Level 3 on the statewide, standardized Reading assessment or,
97 upon implementation, the English Language Arts assessment.
98 Resources must be provided to identify and provide specialized
99 instruction for students who score below Level 3 on the
100 assessment. The curriculum and instructional strategies for
101 reading must be consistent with state standards and grounded in
102 scientifically based reading research. A sponsor shall deny a
103 charter if the school does not propose a reading curriculum that
104 is consistent with effective teaching strategies that are

105 grounded in scientifically based reading research.

106 b. In order to provide students with access to diverse
107 instructional delivery models, to facilitate the integration of
108 technology within traditional classroom instruction, and to
109 provide students with the skills they need to compete in the
110 21st century economy, the Legislature encourages instructional
111 methods for blended learning courses consisting of both
112 traditional classroom and virtual instructional techniques.
113 Charter schools may implement blended learning courses that
114 combine traditional classroom instruction and virtual
115 instruction. Students in a blended learning course must be full-
116 time students of the charter school and receive the virtual
117 instruction in a classroom setting at the charter school.
118 Instructional personnel certified pursuant to s. 1012.55 who
119 provide virtual instruction for blended learning courses may be
120 employees of the charter school or may be under contract to
121 provide instructional services to charter school students. At a
122 minimum, such instructional personnel must hold an active state
123 or school district adjunct certification under s. 1012.57 for
124 the subject area of the blended learning course. The funding and
125 performance accountability requirements for blended learning
126 courses are the same as those for traditional courses.

127 3. Contains goals and objectives for improving student
128 learning and measuring that improvement. These goals and
129 objectives must indicate how much academic improvement students
130 are expected to show each year, how success will be evaluated,

131 and the specific results to be attained through instruction.

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

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

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

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

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

161 6.7. For the establishment of a virtual charter school,
162 documents that the applicant has contracted with a provider of
163 virtual instruction services pursuant to s. 1002.45(1)(d).

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

166 8. Describes the ways by which the school will achieve a
167 racial/ethnic balance reflective of the community it serves or
168 within the racial/ethnic range of other public schools in the
169 same school district.

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

176 10. Describes the financial and administrative management
177 of the school, including a reasonable demonstration of the
178 professional experience or competence of those individuals or
179 organizations applying to operate the charter school or those
180 individuals or organizations hired or retained to perform such
181 professional services and a description of clearly delineated
182 responsibilities of those individuals or organizations and the

183 policies and practices needed to effectively manage the charter
184 school. A description of internal audit procedures and
185 establishment of controls to ensure that financial resources are
186 properly managed must be included. Both public sector and
187 private sector professional experience are equally valid in such
188 a consideration.

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

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

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

203 14. Includes a timetable for implementing the charter
204 which addresses the implementation of each element thereof and
205 the date by which the charter will be awarded in order to meet
206 this timetable.

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

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

218

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

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

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

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

260 2. In order to ensure fiscal responsibility, an

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

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

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

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

286 (II) The charter school proposed in the application does

287 not materially comply with the requirements in paragraphs
288 (9) (a) - (f);

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

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

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

298

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

310 c. If the sponsor denies an application submitted by a
311 high-performing charter school, the sponsor must, within 10
312 calendar days after such denial, state in writing the specific

313 reasons, based upon the criteria in sub-subparagraph b.,
314 supporting its denial of the application and must provide the
315 letter of denial and supporting documentation to the applicant
316 and to the Department of Education. The applicant may appeal the
317 sponsor's denial of the application ~~directly~~ to the State Board
318 of Education pursuant to paragraph (c) and must provide the
319 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

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

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

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

339 of Education shall convene a meeting of the Charter School
340 Appeal Commission to study and make recommendations to the State
341 Board of Education regarding its pending decision about the
342 appeal. The commission shall forward its recommendation to the
343 state board at least 7 calendar days before the date on which
344 the appeal is to be heard. An appeal regarding the denial of an
345 application submitted by a high-performing charter school
346 pursuant to s. 1002.331 shall be conducted by the State Board of
347 Education in accordance with this paragraph, except that the
348 commission shall not convene to make recommendations regarding
349 the appeal. However, the Commissioner of Education shall review
350 the appeal and make a recommendation to the state board.

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

363 3.a. The State Board of Education shall by majority vote
364 accept or reject the decision of the sponsor no later than 90

365 calendar days after an appeal is filed in accordance with State
 366 Board of Education rule. The State Board of Education shall
 367 remand the application to the sponsor with its written decision
 368 that the sponsor approve or deny the application. The sponsor
 369 shall implement the decision of the State Board of Education.
 370 The decision of the State Board of Education is not subject to
 371 the provisions of the Administrative Procedure Act, chapter 120.

372 b. If an appeal concerns an application submitted by a
 373 high-performing charter school identified pursuant to s.
 374 1002.331, the State Board of Education shall determine whether
 375 the sponsor's denial of the application complies with the
 376 requirements in sub-subparagraph (b)3.b. sponsor has shown, by
 377 clear and convincing evidence, that:

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

380 ~~(II) The charter school proposed in the application does~~
 381 ~~not materially comply with the requirements in paragraphs~~
 382 ~~(9)(a)-(f);~~

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

386 ~~(IV) The applicant has made a material misrepresentation~~
 387 ~~or false statement or concealed an essential or material fact~~
 388 ~~during the application process; or~~

389 ~~(V) The proposed charter school's educational program and~~
 390 ~~financial management practices do not materially comply with the~~

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391 ~~requirements of this section.~~

392

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

402 (h) The terms and conditions for the operation of a
403 charter school shall be set forth by the sponsor and the
404 applicant in a written contractual agreement, called a charter.
405 The sponsor may not impose unreasonable rules or regulations
406 that violate the intent of giving charter schools greater
407 flexibility to meet educational goals. The sponsor has 30 days
408 after approval of the application to provide a standard an
409 ~~initial proposed~~ charter contract developed by the Department of
410 Education to the charter school, which shall consist of the
411 approved application and any addenda and the elements specified
412 in paragraph (7) (a). The applicant and the sponsor have 40 days
413 thereafter to negotiate the remaining terms and notice the
414 charter contract for final approval by the sponsor unless both
415 parties agree to an extension. The proposed charter contract
416 shall be provided to the charter school at least 7 calendar days

417 before ~~prior to~~ the date of the meeting at which the charter is
418 scheduled to be voted upon by the sponsor. A provision of a
419 charter contract inconsistent with or prohibited by the
420 requirements of this section is void and unenforceable. The
421 department ~~of Education~~ shall provide mediation services for any
422 dispute regarding this section subsequent to the approval of a
423 charter application and for any dispute relating to the approved
424 charter, except disputes regarding charter school application
425 denials. If the Commissioner of Education determines that the
426 dispute cannot be settled through mediation, the dispute may be
427 appealed to an administrative law judge appointed by the
428 Division of Administrative Hearings. The administrative law
429 judge has final order authority to rule on issues of equitable
430 treatment of the charter school as a public school, whether
431 proposed provisions of the charter violate the intended
432 flexibility granted charter schools by statute, or on any other
433 matter regarding this section except a charter school
434 application denial, a charter termination, or a charter
435 nonrenewal and shall award the prevailing party reasonable
436 attorney ~~attorney's~~ fees and costs incurred to be paid by the
437 losing party. The costs of the administrative hearing shall be
438 paid by the party whom the administrative law judge rules
439 against. Once the sponsor has voted upon and approved the
440 standard charter contract, the sponsor and applicant have the
441 right to negotiate additional terms, as necessary. The charter
442 school may open and operate during the pendency of any

443 negotiation, mediation, or administrative proceeding.

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

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

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

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

467 a. ~~The charter shall ensure that reading is a primary~~
468 ~~focus of the curriculum and that resources are provided to~~

469 ~~identify and provide specialized instruction for students who~~
470 ~~are reading below grade level. The curriculum and instructional~~
471 ~~strategies for reading must be consistent with the Next~~
472 ~~Generation Sunshine State Standards and grounded in~~
473 ~~scientifically based reading research.~~

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

495 ~~1.3.~~ The current incoming baseline standard of student
496 academic achievement, the outcomes to be achieved, and the
497 method of measurement that will be used. The criteria listed in
498 this subparagraph shall include a detailed description of:

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

501 b. How these baseline rates will be compared to rates of
502 academic progress achieved by these same students while
503 attending the charter school.

504 c. To the extent possible, how these rates of progress
505 will be evaluated and compared with rates of progress of other
506 closely comparable student populations.

507

508 The district school board is required to provide academic
509 student performance data to charter schools for each of their
510 students coming from the district school system, as well as
511 rates of academic progress of comparable student populations in
512 the district school system.

513 ~~4. The methods used to identify the educational strengths
514 and needs of students and how well educational goals and
515 performance standards are met by students attending the charter
516 school. The methods shall provide a means for the charter school
517 to ensure accountability to its constituents by analyzing
518 student performance data and by evaluating the effectiveness and
519 efficiency of its major educational programs. Students in
520 charter schools shall, at a minimum, participate in the~~

521 ~~statewide assessment program created under s. 1008.22.~~

522 ~~5.—In secondary charter schools, a method for determining~~
523 ~~that a student has satisfied the requirements for graduation in~~
524 ~~s. 1003.428 or s. 1003.4282.~~

525 2.6. A method for resolving conflicts between the
526 governing board of the charter school and the sponsor.

527 ~~7.—The admissions procedures and dismissal procedures,~~
528 ~~including the school's code of student conduct.~~

529 ~~8.—The ways by which the school will achieve a~~
530 ~~racial/ethnic balance reflective of the community it serves or~~
531 ~~within the racial/ethnic range of other public schools in the~~
532 ~~same school district.~~

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

545 ~~10.—The asset and liability projections required in the~~
546 ~~application which are incorporated into the charter and shall be~~

547 ~~compared with information provided in the annual report of the~~
548 ~~charter school.~~

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

558 ~~3.12. The term of the charter which shall provide for~~
559 ~~cancellation of the charter if insufficient progress has been~~
560 ~~made in attaining the student achievement objectives of the~~
561 ~~charter and if it is not likely that such objectives can be~~
562 ~~achieved before expiration of the charter. The initial term of~~
563 ~~the a charter, which shall be for 4 or 5 years. In order to~~
564 ~~facilitate access to long-term financial resources for charter~~
565 ~~school construction, Charter schools that are operated by a~~
566 ~~municipality or other public entity, as provided by law, or 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. A charter lab school is also eligible for~~
570 ~~a charter for a term of up to 15 years. In addition, to~~
571 ~~facilitate access to long-term financial resources for charter~~
572 ~~school construction, charter schools that are operated by a~~

573 ~~private, not-for-profit, s. 501(c)(3) status corporation are~~
574 ~~eligible for up to a 15-year charter, subject to approval by the~~
575 ~~district school board. Such long-term charters remain subject to~~
576 annual review and may be terminated during the term of the
577 charter, but only according to ~~the provisions set forth in~~
578 subsection (8) or paragraph (9) (n).

579 4. Termination or nonrenewal of the charter pursuant to
580 subsection (8), including termination for failure to make
581 sufficient progress towards attaining the student achievement
582 objectives of the charter or likely failure to meet such
583 objectives before expiration of the charter, and automatic
584 termination of the charter pursuant to paragraph (9) (n).

585 ~~5.13.~~ The facilities to be used and their location. The
586 sponsor may not require a charter school to have a certificate
587 of occupancy or a temporary certificate of occupancy for such a
588 facility earlier than 15 calendar days before the first day of
589 school.

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

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

596 ~~16. A timetable for implementing the charter which~~
597 ~~addresses the implementation of each element thereof and the~~
598 ~~date by which the charter shall be awarded in order to meet this~~

599 ~~timetable.~~

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

611 6.18. Full disclosure of the identity of all relatives
 612 employed by the charter school who are related to the charter
 613 school owner, president, chairperson of the governing board of
 614 directors, superintendent, governing board member, principal,
 615 assistant principal, or any other person employed by the charter
 616 school who has equivalent decisionmaking authority. For the
 617 purpose of this subparagraph, the term "relative" means father,
 618 mother, son, daughter, brother, sister, uncle, aunt, first
 619 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 620 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 621 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 622 stepsister, half brother, or half sister.

623 7.19. Implementation of the activities authorized under s.
 624 1002.331 by the charter school when it satisfies the eligibility

625 requirements for a high-performing charter school. A high-
626 performing charter school shall notify its sponsor in writing by
627 March 1 if it intends to increase enrollment or expand grade
628 levels the following school year. The written notice shall
629 specify the amount of the enrollment increase and the grade
630 levels that will be added, as applicable.

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

641 2. The 15-year charter renewal that may be granted
642 pursuant to subparagraph 1. shall be granted to a charter school
643 that has received a school grade of "A" or "B" pursuant to s.
644 1008.34 in 3 of the past 4 years and is not in a state of
645 financial emergency or deficit position as defined by this
646 section. Such long-term charter is subject to annual review and
647 may be terminated during the term of the charter pursuant to
648 subsection (8).

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

651 charter school's governing board and the approval of both
652 parties to the agreement. Modification may include, but is not
653 limited to, consolidation of multiple charters into a single
654 charter if the charters are operated under the same governing
655 board and physically located on the same campus, regardless of
656 the renewal cycle.

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

674 2. Each charter school's governing board must hold at
675 least two public meetings per school year in the school
676 district. The meetings must be noticed, open, and accessible to

677 the public, and attendees must be provided an opportunity to
678 receive information and provide input regarding the charter
679 school's operations. The appointed representative and charter
680 school principal or director, or his or her equivalent, must be
681 physically present at each meeting.

682 (9) CHARTER SCHOOL REQUIREMENTS.—

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

695 2.a. If a charter school earns three consecutive grades of
696 "D," two consecutive grades of "D" followed by a grade of "F,"
697 or two nonconsecutive grades of "F" within a 3-year period, the
698 charter school governing board shall choose one of the following
699 corrective actions:

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

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

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

707 (IV) Voluntarily close the charter school.

708 b. The charter school must implement the corrective action
709 in the school year following receipt of a third consecutive
710 grade of "D," a grade of "F" following two consecutive grades of
711 "D," or a second nonconsecutive grade of "F" within a 3-year
712 period.

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

720 d. A charter school is no longer required to implement a
721 corrective action if it improves by at least one letter grade.
722 However, the charter school must continue to implement
723 strategies identified in the school improvement plan. The
724 sponsor must annually review implementation of the school
725 improvement plan to monitor the school's continued improvement
726 pursuant to subparagraph 5.

727 e. A charter school implementing a corrective action that
728 does not improve by at least one letter grade after 2 full

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729 school years of implementing the corrective action must select a
730 different corrective action. Implementation of the new
731 corrective action must begin in the school year following the
732 implementation period of the existing corrective action, unless
733 the sponsor determines that the charter school is likely to
734 improve a letter grade if additional time is provided to
735 implement the existing corrective action. Notwithstanding this
736 sub-subparagraph, a charter school that earns a second
737 consecutive grade of "F" while implementing a corrective action
738 is subject to subparagraph 4.

739 3. A charter school with a grade of "D" or "F" that
740 improves by at least one letter grade must continue to implement
741 the strategies identified in the school improvement plan. The
742 sponsor must annually review implementation of the school
743 improvement plan to monitor the school's continued improvement
744 pursuant to subparagraph 5.

745 4. A charter school's charter is automatically terminated
746 if the school earns a second consecutive grade of "F" after all
747 school grade appeals are final ~~The sponsor shall terminate a~~
748 ~~charter if the charter school earns two consecutive grades of~~
749 ~~"F"~~ unless:

750 a. The charter school is established to turn around the
751 performance of a district public school pursuant to s.
752 1008.33(4)(b)3. Such charter schools shall be governed by s.
753 1008.33;

754 b. The charter school serves a student population the

755 majority of which resides in a school zone served by a district
756 public school that earned a grade of "F" in the year before the
757 charter school opened and the charter school earns at least a
758 grade of "D" in its third year of operation. The exception
759 provided under this sub-subparagraph does not apply to a charter
760 school in its fourth year of operation and thereafter; or

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

772
773 The sponsor shall notify in writing the charter school's
774 governing board, the charter school principal, and the
775 department when a charter is terminated under this subparagraph.
776 A charter terminated under this subparagraph is governed by the
777 requirements of paragraphs (8) (e)-(g) and (9) (o).

778 5. The director and a representative of the governing
779 board of a graded charter school that has implemented a school
780 improvement plan under this paragraph shall appear before the

781 sponsor at least once a year to present information regarding
782 the progress of intervention and support strategies implemented
783 by the school pursuant to the school improvement plan and
784 corrective actions, if applicable. The sponsor shall communicate
785 at the meeting, and in writing to the director, the services
786 provided to the school to help the school address its
787 deficiencies.

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

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

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

802 3. A provision in a charter contract that contains an
803 acceleration clause requiring the expenditure of funds based
804 upon closure or upon notification of nonrenewal or termination
805 is void and unenforceable.

806 4. A charter school may not enter into a contract with an

807 employee that exceeds the term of the school's charter contract
808 with its sponsor.

809 5. A violation of this paragraph triggers a reversion or
810 clawback power by the sponsor allowing for collection of an
811 amount equal to or less than the accelerated amount that exceeds
812 normal expenditures. The reversion or clawback plus legal fees
813 and costs shall be levied against the person or entity receiving
814 the accelerated amount.

815 (10) ELIGIBLE STUDENTS.—

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

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

819 2. Students considered at risk of dropping out of school
820 or academic failure. Such students shall include exceptional
821 education students.

822 3. Students enrolling in a charter school-in-the-workplace
823 or charter school-in-a-municipality established pursuant to
824 subsection (15).

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

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

841 6. Students articulating from one charter school to
842 another pursuant to an articulation agreement between the
843 charter schools that has been approved by the sponsor.

844 7. Students living in a development in which a business
845 entity provides the school facility and related property having
846 an appraised value of at least \$10 million to be used as a
847 charter school for the development. Students living in the
848 development shall be entitled to 50 percent of the student
849 stations in the charter school. The students who are eligible
850 for enrollment are subject to a random lottery, the
851 racial/ethnic balance provisions, or any federal provisions, as
852 described in subparagraph 4. The remainder of the student
853 stations shall be filled in accordance with subparagraph 4.

854 (i) The capacity of a high-performing charter school
855 identified pursuant to s. 1002.331 shall be determined annually
856 by the governing board of the charter school. The governing
857 board shall notify the sponsor of any increase in enrollment by
858 March 1 of the school year preceding the increase. A sponsor may

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859 not require a charter school to identify the names of students
860 to be enrolled or to limit enrollment or capacity to enroll
861 those students enrolled before the start of the school year as a
862 condition of approval or renewal of a charter.

863 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
864 A-MUNICIPALITY.—

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

875 (c) A charter school-in-a-municipality designation may be
876 granted to a municipality that possesses a charter; enrolls
877 students based upon a random lottery that involves all of the
878 children of the residents of that municipality who are seeking
879 enrollment, as provided for in subsection (10); and enrolls
880 students according to the racial/ethnic balance provisions
881 described in subparagraph (6)(a)8. ~~(7)(a)8.~~ When a municipality
882 has submitted charter applications for the establishment of a
883 charter school feeder pattern, consisting of elementary, middle,
884 and senior high schools, and each individual charter application

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885 is approved by the district school board, such schools shall
886 then be designated as one charter school for all purposes listed
887 pursuant to this section. Any portion of the land and facility
888 used for a public charter school shall be exempt from ad valorem
889 taxes, as provided for in s. 1013.54, for the duration of its
890 use as a public school.

891 (18) FACILITIES.—

892 (e) If a district school board-owned ~~board~~ facility that
893 has previously been used for K-12 educational purposes ~~or~~
894 property is no longer used as a school as defined in s.
895 1003.01(2) available because it is surplus, marked for disposal,
896 or otherwise unused, it shall be made available ~~provided~~ for a
897 charter school's use on the same basis as it is made available
898 to other public schools in the district. The charter school is
899 responsible for the costs required to bring the facility into
900 compliance with the current Florida Building Code and for costs
901 required to maintain such compliance. A charter school using
902 such a facility ~~receiving property from the school district~~ may
903 not sell, sublease, or dispose of such facility ~~property~~ without
904 written permission of the school district. The charter school
905 may not earn capital outlay funds; however, the school district
906 shall include the charter school's capital outlay full-time
907 equivalent (COFTE) student count in the district's capital
908 outlay calculations. The charter school may choose to maintain
909 and repair the facility at the same standard and level as any
910 other district-operated school of similar age and condition.

911 Maintenance and repair do not include the construction of any
912 new building, structure, or substantial addition, extension, or
913 upgrade to an existing facility. Similarly, for an existing
914 public school converting to charter status, no rental or leasing
915 fee for the existing facility or for the property normally
916 inventoried to the conversion school may be charged by the
917 district school board to the parents and teachers organizing the
918 charter school. The charter school shall agree to reasonable
919 maintenance provisions in order to maintain the facility in a
920 manner similar to district school board standards. The Public
921 Education Capital Outlay maintenance funds or any other
922 maintenance funds generated by the facility operated as a
923 conversion school shall remain with the conversion school.

924 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

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

937 contract must clearly identify the specific statutes and rules
938 from which charter schools are statutorily exempted from
939 compliance. The department shall develop a model application
940 form, standard charter contract, standard application evaluation
941 instrument, and standard charter renewal contract uniquely
942 tailored to virtual charter schools established under subsection
943 (1) and high-performing charter schools under s. 1002.331(3).

944 The charter and charter renewal contracts shall be used by
945 charter school sponsors.

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

949 1002.331 High-performing charter schools.—

950 (1) A charter school is a high-performing charter school
951 if it:

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

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

958 (c) Did not receive a financial audit that revealed one or
959 more of the financial emergency conditions set forth in s.
960 218.503(1) in the most recent 3 fiscal years for which such
961 audits are available. However, this requirement is deemed met
962 for a charter school-in-the-workplace if there is a finding in

963 an audit that the school has the monetary resources available to
 964 cover any reported deficiency or that the deficiency does not
 965 result in a deteriorating financial condition pursuant to s.
 966 1002.345(1)(a)3.

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

977 (2) A high-performing charter school is authorized to:
 978 (e) Receive a modification of its charter to a term of 15
 979 years or a 15-year charter renewal. The charter may be modified
 980 or renewed for a shorter term at the option of the high-
 981 performing charter school. The charter must be consistent with
 982 s. 1002.33(7)(a)7. ~~1002.33(7)(a)19.~~ and (10)(h) and (i), is
 983 subject to annual review by the sponsor, and may be terminated
 984 during its term pursuant to s. 1002.33(8).

985
 986 A high-performing charter school shall notify its sponsor in
 987 writing by March 1 if it intends to increase enrollment or
 988 expand grade levels the following school year. The written

989 notice shall specify the amount of the enrollment increase and
990 the grade levels that will be added, as applicable. If a charter
991 school notifies the sponsor of its intent to expand, the sponsor
992 shall modify the charter within 90 days to include the new
993 enrollment maximum and may not make any other changes. The
994 sponsor may deny a request to increase the enrollment of a high-
995 performing charter school if the commissioner has declassified
996 the charter school as high-performing. If a high-performing
997 charter school requests to consolidate multiple charters, the
998 sponsor shall have 40 days after receipt of that request to
999 provide an initial draft charter to the charter school. The
1000 sponsor and charter school shall have 50 days thereafter to
1001 negotiate and notice the charter contract for final approval by
1002 the sponsor.

1003 (3)~~(a)~~ A high-performing charter school may submit an
1004 application pursuant to s. 1002.33(6) in any school district in
1005 the state to establish and operate a new charter school that
1006 will substantially replicate its educational program in order to
1007 serve the attendance zone of a school identified in need of
1008 intervention and support pursuant to s. 1008.33(3)(b) or to meet
1009 capacity needs or needs for innovative choice options identified
1010 by the district school board. An application submitted by a
1011 high-performing charter school must state that the application
1012 is being submitted pursuant to this paragraph and must include
1013 the verification letter provided by the Commissioner of
1014 Education pursuant to subsection (5). If the sponsor fails to

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1015 act on the application within 60 days after receipt, the
1016 application is deemed approved and the procedure in s.
1017 1002.33(6)(h) applies. If the sponsor denies the application,
1018 the high-performing charter school may appeal pursuant to s.
1019 1002.33(6).

1020 ~~(b) A high-performing charter school may not establish~~
1021 ~~more than one charter school within the state under paragraph~~
1022 ~~(a) in any year. A subsequent application to establish a charter~~
1023 ~~school under paragraph (a) may not be submitted unless each~~
1024 ~~charter school established in this manner achieves high-~~
1025 ~~performing charter school status.~~

1026 (5) The Commissioner of Education, upon request by a
1027 charter school, shall verify that the charter school meets the
1028 criteria in subsection (1) and provide a letter to the charter
1029 school and the sponsor stating that the charter school is a
1030 high-performing charter school pursuant to this section. The
1031 commissioner shall annually determine whether a high-performing
1032 charter school under subsection (1) continues to meet the
1033 criteria in that subsection. Such high-performing charter school
1034 shall maintain its high-performing status unless the
1035 commissioner determines that the charter school no longer meets
1036 the criteria in subsection (1), at which time the commissioner
1037 shall send a letter to the charter school and its sponsor
1038 providing notification that the charter school has been
1039 declassified ~~of its declassification~~ as a high-performing
1040 charter school.

1041 Section 3. Subsection (2) of section 1002.332, Florida
 1042 Statutes, is renumbered as subsection (3), and a new subsection
 1043 (2) is added to that section to read:

1044 1002.332 High-performing charter school system.-

1045 (2) An entity that successfully operates a system of
 1046 charter schools outside the state may apply to the State Board
 1047 of Education for status as a high-performing charter school
 1048 system. The state board shall adopt rules prescribing a process
 1049 for determining whether the entity meets the requirements of
 1050 this subsection by reviewing student demographic and performance
 1051 data and fiscal accountability of all schools operated by the
 1052 entity. To the extent practicable, the state board shall develop
 1053 a rubric for the approval of such entities that aligns with the
 1054 priorities of the federal Charter Schools Program Grants for
 1055 Replication and Expansion of High-Quality Charter Schools, found
 1056 in the Federal Register, Volume 76, Number 133.

1057 Section 4. Paragraph (d) of subsection (8) of section
 1058 1002.45, Florida Statutes, is amended to read:

1059 1002.45 Virtual instruction programs.-

1060 (8) ASSESSMENT AND ACCOUNTABILITY.-

1061 (d) An approved provider's contract is automatically ~~must~~
 1062 ~~be~~ terminated if the provider earns two consecutive school
 1063 grades of ~~receives a school grade of "D" or "F" under s.~~
 1064 1008.34, two consecutive ~~or a school improvement ratings rating~~
 1065 ~~of "Declining" under s. 1008.341, for 2 years during any~~
 1066 ~~consecutive 4-year period~~ or has violated any qualification

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1067 requirement pursuant to subsection (2). A provider that has a
1068 contract terminated under this paragraph may not be an approved
1069 provider for a period of at least 1 year after the date upon
1070 which the contract was terminated and until the department
1071 determines that the provider is in compliance with subsection
1072 (2) and has corrected each cause of the provider's low
1073 performance.

1074 Section 5. Paragraph (a) of subsection (1) of section
1075 1013.62, Florida Statutes, is amended to read:

1076 1013.62 Charter schools capital outlay funding.—

1077 (1) In each year in which funds are appropriated for
1078 charter school capital outlay purposes, the Commissioner of
1079 Education shall allocate the funds among eligible charter
1080 schools.

1081 (a) To be eligible for a funding allocation, a charter
1082 school must:

1083 1.a. Have been in operation for 3 or more years;

1084 b. Be governed by a governing board established in the
1085 state for 3 or more years which operates both charter schools
1086 and conversion charter schools within the state;

1087 c. Be an expanded feeder chain of a charter school within
1088 the same school district that is currently receiving charter
1089 school capital outlay funds;

1090 d. Have been accredited by the Commission on Schools of
1091 the Southern Association of Colleges and Schools; or

1092 e. Serve students in facilities that are provided by a

1093 business partner for a charter school-in-the-workplace pursuant
 1094 to s. 1002.33(15) (b) .

1095 2. Have an annual audit that does not reveal one or more
 1096 of the financial emergency conditions set forth in s. 218.503(1)
 1097 for the most recent fiscal year for which such audit is
 1098 available ~~stability for future operation as a charter school.~~

1099 3. Have satisfactory student achievement based on state
 1100 accountability standards applicable to the charter school.

1101 4. Have received final approval from its sponsor pursuant
 1102 to s. 1002.33 for operation during that fiscal year.

1103 5. Serve students in facilities that are not provided by
 1104 the charter school's sponsor.

1105 Section 6. Subsection (14) of section 1003.01, Florida
 1106 Statutes, is amended to read:

1107 1003.01 Definitions.—As used in this chapter, the term:

1108 (14) "Core-curricula courses" means:

1109 (a) Courses in language arts/reading, mathematics, social
 1110 studies, and science in prekindergarten through grade 3,
 1111 excluding any extracurricular courses pursuant to subsection
 1112 (15);

1113 (b) Courses in grades 4 through 8 in subjects that are
 1114 measured by state assessment at any grade level and courses
 1115 required for middle school promotion, excluding any
 1116 extracurricular courses pursuant to subsection (15);

1117 (c) Courses in grades 9 through 12 in subjects that are
 1118 measured by state assessment at any grade level and courses that

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1119 are specifically identified by name in statute as required for
1120 high school graduation and that are not measured by state
1121 assessment, excluding any extracurricular courses pursuant to
1122 subsection (15);

1123 (d) Exceptional student education courses; and

1124 (e) English for Speakers of Other Languages courses.

1125

1126 The term is limited in meaning and used for the sole purpose of
1127 designating classes that are subject to the maximum class size
1128 requirements established in s. 1, Art. IX of the State
1129 Constitution. This term does not include courses offered under
1130 ss. 1002.321(4)(e), 1002.33(6)(a)2.b. ~~1002.33(7)(a)2.b.~~,
1131 1002.37, 1002.415, 1002.45, and 1003.499.

1132 Section 7. This act shall take effect July 1, 2014.