

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 shall consist 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; authorizing
26 governing board members to participate in biannual

27 public meetings in person or through communications
28 media technology; specifying that a charter is
29 automatically terminated when a charter school earns a
30 second consecutive grade of "F" after all appeals
31 unless an exception applies; specifying requirements
32 regarding such terminations; correcting cross-
33 references; prohibiting a sponsor from requiring a
34 high-performing charter school to limit enrollment or
35 capacity to students enrolled before the start of the
36 school year; revising the participants in and
37 activities of charter school cooperatives; authorizing
38 a charter school to designate a financial institution
39 to receive funds; providing payment requirements;
40 requiring transfer of funds under certain
41 circumstances; clarifying that sponsors must make
42 unused school facilities available to charter schools;
43 specifying requirements for such use of facilities;
44 requiring the Department of Education to develop a
45 model application form, standard charter contract,
46 standard application evaluation instrument, and
47 standard charter renewal contract; requiring the
48 department to develop such documents for virtual
49 charter schools and high-performing charter schools;
50 revising criteria for local educational agency status
51 for certain charter school systems; amending s.
52 1002.331, F.S.; correcting a cross-reference; revising

53 limits on high-performing charter school replication;
54 amending s. 1002.332, F.S.; authorizing certain out-
55 of-state entities to apply for designation as a high-
56 performing charter school system; requiring the State
57 Board of Education to adopt by rule eligibility
58 criteria for such designation; specifying that charter
59 schools established by such an entity receive certain
60 benefits during the first 3 years of operation;
61 amending s. 1002.45, F.S.; specifying conditions under
62 which an approved virtual instruction provider's
63 contract is automatically terminated; amending s.
64 1012.56, F.S.; clarifying that a charter school may
65 develop and operate a professional education
66 competency demonstration program; amending s. 1013.62,
67 F.S.; requiring that a charter school may not have
68 financial emergency conditions on an annual audit to
69 qualify for capital outlay funding; amending s.
70 1003.01, F.S.; correcting a cross-reference; providing
71 an effective date.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Paragraphs (a), (b), (c), and (h) of subsection
76 (6), subsection (7), paragraphs (n) and (o) of subsection (9),
77 paragraphs (e) and (i) of subsection (10), subsection (13),
78 paragraphs (b) and (c) of subsection (15), paragraph (e) of

79 subsection (17), paragraph (e) of subsection (18), paragraph (a)
 80 of subsection (21), and subsection (25) of section 1002.33,
 81 Florida Statutes, are amended, and paragraph (g) is added to
 82 subsection (17) of that section, to read:

83 1002.33 Charter schools.—

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

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

90 1. Demonstrates how the school will use the guiding
 91 principles and meet the statutorily defined purpose of a charter
 92 school and describes the school's mission, the students to be
 93 served, and the ages and grades to be included.

94 2. Describes the focus of the curriculum, the
 95 instructional methods to be used, any distinctive instructional
 96 techniques to be employed, and the identification and
 97 acquisition of appropriate technologies needed to improve
 98 educational and administrative performance, which include a
 99 means for promoting safe, ethical, and appropriate uses of
 100 technology that comply with legal and professional standards.

101 ~~The Provides a detailed curriculum plan must illustrate that~~
 102 ~~illustrates~~ how students will be provided instruction on
 103 ~~services to attain the Sunshine~~ state standards.

104 a. Reading shall be a primary focus of the curriculum. The

105 curriculum plan must describe the differentiated strategies that
106 will be used for students who score Level 3 and above on the
107 statewide, standardized Reading assessment or, upon
108 implementation, the English Language Arts assessment and a
109 separate curriculum and strategies for students who score below
110 Level 3 on the statewide, standardized Reading assessment or,
111 upon implementation, the English Language Arts assessment.
112 Resources must be provided to identify and provide specialized
113 instruction for students who score below Level 3 on the
114 assessment. The curriculum and instructional strategies for
115 reading must be consistent with state standards and grounded in
116 scientifically based reading research. A sponsor shall deny a
117 charter if the school does not propose a reading curriculum that
118 is consistent with effective teaching strategies that are
119 grounded in scientifically based reading research.

120 b. In order to provide students with access to diverse
121 instructional delivery models, to facilitate the integration of
122 technology within traditional classroom instruction, and to
123 provide students with the skills they need to compete in the
124 21st century economy, the Legislature encourages instructional
125 methods for blended learning courses consisting of both
126 traditional classroom and virtual instructional techniques.
127 Charter schools may implement blended learning courses that
128 combine traditional classroom instruction and virtual
129 instruction. Students in a blended learning course must be full-
130 time students of the charter school and receive the virtual

131 instruction in a classroom setting at the charter school.
132 Instructional personnel certified pursuant to s. 1012.55 who
133 provide virtual instruction for blended learning courses may be
134 employees of the charter school or may be under contract to
135 provide instructional services to charter school students. At a
136 minimum, such instructional personnel must hold an active state
137 or school district adjunct certification under s. 1012.57 for
138 the subject area of the blended learning course. The funding and
139 performance accountability requirements for blended learning
140 courses are the same as those for traditional courses.

141 3. Contains goals and objectives for improving student
142 learning and measuring that improvement. These goals and
143 objectives must indicate how much academic improvement students
144 are expected to show each year, how success will be evaluated,
145 and the specific results to be attained through instruction.

146 4. Provides the methods used to identify the educational
147 strengths and needs of students and how well educational goals
148 and performance standards are met by students attending the
149 charter school. The methods shall provide a means for the
150 charter school to ensure accountability to its constituents by
151 analyzing student performance data and by evaluating the
152 effectiveness and efficiency of its major educational programs.
153 Students in charter schools shall, at a minimum, participate in
154 the statewide assessment program created under s. 1008.22.

155 5. For the establishment of a secondary charter school,
156 provides a method for determining that a student has satisfied

157 the requirements for graduation in s. 1003.4282.

158 ~~4. Describes the reading curriculum and differentiated~~
159 ~~strategies that will be used for students reading at grade level~~
160 ~~or higher and a separate curriculum and strategies for students~~
161 ~~who are reading below grade level. A sponsor shall deny a~~
162 ~~charter if the school does not propose a reading curriculum that~~
163 ~~is consistent with effective teaching strategies that are~~
164 ~~grounded in scientifically based reading research.~~

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

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

175 ~~6.7.~~ For the establishment of a virtual charter school,
176 documents that the applicant has contracted with a provider of
177 virtual instruction services pursuant to s. 1002.45(1)(d).

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

180 8. Describes the ways by which the school will achieve a
181 racial/ethnic balance reflective of the community it serves or
182 within the racial/ethnic range of other public schools in the

183 same school district.

184 9. Contains an annual financial plan for each year that
185 the applicant intends to operate the school for up to 5 years.
186 This plan must contain anticipated fund balances based on
187 revenue projections, a spending plan based on projected revenues
188 and expenses, and a description of controls that will safeguard
189 finances and projected enrollment trends.

190 10. Describes the financial and administrative management
191 of the school, including a reasonable demonstration of the
192 professional experience or competence of those individuals or
193 organizations applying to operate the charter school or those
194 individuals or organizations hired or retained to perform such
195 professional services and a description of clearly delineated
196 responsibilities of those individuals or organizations and the
197 policies and practices needed to effectively manage the charter
198 school. A description of internal audit procedures and
199 establishment of controls to ensure that financial resources are
200 properly managed must be included. Both public sector and
201 private sector professional experience are equally valid in such
202 a consideration.

203 11. Describes procedures that identify various risks and
204 provide for a comprehensive approach to reduce the impact of
205 losses; plans to ensure the safety and security of students and
206 staff; plans to identify, minimize, and protect others from
207 violent or disruptive student behavior; and the manner in which
208 the school will be insured, including whether the school will be

209 required to have liability insurance, and, if so, the terms and
210 conditions thereof and the amounts of coverage.

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

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

217 14. Includes a timetable for implementing the charter
218 which addresses the implementation of each element thereof and
219 the date by which the charter will be awarded in order to meet
220 this timetable.

221 15. In the case of an existing public school that is being
222 converted to charter status, includes alternative arrangements
223 for current students who choose not to attend the charter school
224 and for current teachers who choose not to teach in the charter
225 school after conversion in accordance with the existing
226 collective bargaining agreement or district school board rule in
227 the absence of a collective bargaining agreement. However,
228 alternative arrangements are not required for current teachers
229 who choose not to teach in a charter lab school, except as
230 authorized by the employment policies of the state university
231 that grants the charter to the lab school.

232 16. States the name of each member of the proposed charter
233 school's governing board, the name and sponsor of any charter
234 school for which the individual has served as a governing board

235 member, and whether any such charter school was terminated by
236 the sponsor for failure to meet generally accepted standards of
237 fiscal management pursuant to subsection (8) or closed
238 voluntarily by the governing board due to financial
239 mismanagement or insolvency. If a majority of the governing
240 board members for the proposed charter school also served
241 together on the governing board of a charter school so
242 terminated or closed, the sponsor may deny the application.

243
244 A sponsor may require an applicant to provide additional
245 information as an addendum to the charter school application
246 described in this paragraph.

247 (b) A sponsor shall receive and review all applications
248 for a charter school using the ~~an~~ evaluation instrument
249 developed by the Department of Education. A sponsor shall
250 receive and consider charter school applications received on or
251 before August 1 of each calendar year for charter schools to be
252 opened at the beginning of the school district's next school
253 year, or to be opened at a time agreed to by the applicant and
254 the sponsor. A sponsor may not refuse to receive a charter
255 school application submitted before August 1 and may receive an
256 application submitted later than August 1 if it chooses. In
257 order to facilitate greater collaboration in the application
258 process, an applicant may submit a draft charter school
259 application on or before May 1 with an application fee of \$500.
260 If a draft application is timely submitted, the sponsor shall

261 review and provide feedback as to material deficiencies in the
262 application by July 1. The applicant shall then have until
263 August 1 to resubmit a revised and final application. The
264 sponsor may approve the draft application. A sponsor may not
265 charge an applicant for a charter any fee for the processing or
266 consideration of an application, and a sponsor may not base its
267 consideration or approval of a final application upon the
268 promise of future payment of any kind. Before approving or
269 denying any final application, the sponsor shall allow the
270 applicant, upon receipt of written notification, at least 7
271 calendar days to make ~~technical or nonsubstantive~~ corrections
272 and clarifications to address any deficiencies, ~~including, but~~
273 ~~not limited to, corrections of grammatical, typographical, and~~
274 ~~like errors or missing signatures, if such errors are~~ identified
275 by the sponsor as cause to deny the final application.

276 1. In order to facilitate an accurate budget projection
277 process, a sponsor shall be held harmless for FTE students who
278 are not included in the FTE projection due to approval of
279 charter school applications after the FTE projection deadline.
280 In a further effort to facilitate an accurate budget projection,
281 within 15 calendar days after receipt of a charter school
282 application, a sponsor shall report to the Department of
283 Education the name of the applicant entity, the proposed charter
284 school location, and its projected FTE.

285 2. In order to ensure fiscal responsibility, an
286 application for a charter school shall include a full accounting

287 of expected assets, a projection of expected sources and amounts
288 of income, including income derived from projected student
289 enrollments and from community support, and an expense
290 projection that includes full accounting of the costs of
291 operation, including start-up costs.

292 3.a. A sponsor shall by a majority vote approve or deny an
293 application no later than 60 calendar days after the application
294 is received, unless the sponsor and the applicant mutually agree
295 in writing to temporarily postpone the vote to a specific date,
296 at which time the sponsor shall by a majority vote approve or
297 deny the application. If the sponsor fails to act on the
298 application, an applicant may appeal to the State Board of
299 Education as provided in paragraph (c). If an application is
300 denied, the sponsor shall, within 10 calendar days after such
301 denial, articulate in writing the specific reasons, based upon
302 good cause, supporting its denial of the charter application and
303 shall provide the letter of denial and supporting documentation
304 to the applicant and to the Department of Education.

305 b. An application submitted by a high-performing charter
306 school identified pursuant to s. 1002.331 may be denied by the
307 sponsor only if the sponsor demonstrates by clear and convincing
308 evidence that:

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

311 (II) The charter school proposed in the application does
312 not materially comply with the requirements in paragraphs

313 (9) (a) - (f);

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

317 (IV) The applicant has made a material misrepresentation
318 or false statement or concealed an essential or material fact
319 during the application process; or

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

323
324 Material noncompliance is a failure to follow requirements or a
325 violation of prohibitions applicable to charter school
326 applications, which failure is quantitatively or qualitatively
327 significant either individually or when aggregated with other
328 noncompliance. An applicant is considered to be replicating a
329 high-performing charter school if the proposed school is
330 substantially similar to at least one of the applicant's high-
331 performing charter schools and the organization or individuals
332 involved in the establishment and operation of the proposed
333 school are significantly involved in the operation of replicated
334 schools.

335 c. If the sponsor denies an application submitted by a
336 high-performing charter school, the sponsor must, within 10
337 calendar days after such denial, state in writing the specific
338 reasons, based upon the criteria in sub-subparagraph b.,

339 supporting its denial of the application and must provide the
340 letter of denial and supporting documentation to the applicant
341 and to the Department of Education. The applicant may appeal the
342 sponsor's denial of the application ~~directly~~ to the State Board
343 of Education pursuant to paragraph (c) and must provide the
344 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

345 4. For budget projection purposes, the sponsor shall
346 report to the Department of Education the approval or denial of
347 a charter application within 10 calendar days after such
348 approval or denial. In the event of approval, the report to the
349 Department of Education shall include the final projected FTE
350 for the approved charter school.

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

355 (c)1. An applicant may appeal any denial of that
356 applicant's application or failure to act on an application to
357 the State Board of Education within ~~no later than~~ 30 calendar
358 days after receipt of the sponsor's decision or failure to act
359 and shall notify the sponsor of its appeal. Any response of the
360 sponsor shall be submitted to the State Board of Education
361 within 30 calendar days after notification of the appeal. Upon
362 receipt of notification from the State Board of Education that a
363 charter school applicant is filing an appeal, the Commissioner
364 of Education shall convene a meeting of the Charter School

365 Appeal Commission to study and make recommendations to the State
366 Board of Education regarding its pending decision about the
367 appeal. The commission shall forward its recommendation to the
368 state board at least 7 calendar days before the date on which
369 the appeal is to be heard. An appeal regarding the denial of an
370 application submitted by a high-performing charter school
371 pursuant to s. 1002.331 shall be conducted by the State Board of
372 Education in accordance with this paragraph, except that the
373 commission shall not convene to make recommendations regarding
374 the appeal. However, the Commissioner of Education shall review
375 the appeal and make a recommendation to the state board.

376 2. The Charter School Appeal Commission or, in the case of
377 an appeal regarding an application submitted by a high-
378 performing charter school, the State Board of Education may
379 reject an appeal submission for failure to comply with
380 procedural rules governing the appeals process. The rejection
381 shall describe the submission errors. The appellant shall have
382 15 calendar days after notice of rejection in which to resubmit
383 an appeal that meets the requirements set forth in State Board
384 of Education rule. An appeal submitted subsequent to such
385 rejection is considered timely if the original appeal was filed
386 within 30 calendar days after receipt of notice of the specific
387 reasons for the sponsor's denial of the charter application.

388 3.a. The State Board of Education shall by majority vote
389 accept or reject the decision of the sponsor no later than 90
390 calendar days after an appeal is filed in accordance with State

391 Board of Education rule. The State Board of Education shall
 392 remand the application to the sponsor with its written decision
 393 that the sponsor approve or deny the application. The sponsor
 394 shall implement the decision of the State Board of Education.
 395 The decision of the State Board of Education is not subject to
 396 the provisions of the Administrative Procedure Act, chapter 120.

397 b. If an appeal concerns an application submitted by a
 398 high-performing charter school identified pursuant to s.
 399 1002.331, the State Board of Education shall determine whether
 400 the sponsor's denial of the application complies with the
 401 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
 402 ~~clear and convincing evidence, that:~~

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

405 ~~(II) The charter school proposed in the application does~~
 406 ~~not materially comply with the requirements in paragraphs~~
 407 ~~(9)(a)-(f);~~

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

411 ~~(IV) The applicant has made a material misrepresentation~~
 412 ~~or false statement or concealed an essential or material fact~~
 413 ~~during the application process; or~~

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

417
418 The State Board of Education shall approve or reject the
419 sponsor's denial of an application no later than 90 calendar
420 days after an appeal is filed in accordance with State Board of
421 Education rule. The State Board of Education shall remand the
422 application to the sponsor with its written decision that the
423 sponsor approve or deny the application. The sponsor shall
424 implement the decision of the State Board of Education. The
425 decision of the State Board of Education is not subject to the
426 Administrative Procedure Act, chapter 120.

427 (h) The terms and conditions for the operation of a
428 charter school shall be set forth by the sponsor and the
429 applicant in a written contractual agreement, called a charter.
430 The sponsor may not impose unreasonable rules or regulations
431 that violate the intent of giving charter schools greater
432 flexibility to meet educational goals. The sponsor has 30 days
433 after approval of the application to provide a standard an
434 ~~initial proposed~~ charter contract developed by the Department of
435 Education to the charter school, which shall consist of the
436 approved application and any addenda and the elements specified
437 in paragraph (7) (a). The applicant and the sponsor have 40 days
438 thereafter to negotiate the remaining terms and notice the
439 charter contract for final approval by the sponsor unless both
440 parties agree to an extension. The proposed charter contract
441 shall be provided to the charter school at least 7 calendar days
442 before ~~prior to~~ the date of the meeting at which the charter is

443 | scheduled to be voted upon by the sponsor. A provision of a
444 | charter contract inconsistent with or prohibited by the
445 | requirements of this section is void and unenforceable. The
446 | department ~~of Education~~ shall provide mediation services for any
447 | dispute regarding this section subsequent to the approval of a
448 | charter application and for any dispute relating to the approved
449 | charter, except disputes regarding charter school application
450 | denials. If the Commissioner of Education determines that the
451 | dispute cannot be settled through mediation, the dispute may be
452 | appealed to an administrative law judge appointed by the
453 | Division of Administrative Hearings. The administrative law
454 | judge has final order authority to rule on issues of equitable
455 | treatment of the charter school as a public school, whether
456 | proposed provisions of the charter violate the intended
457 | flexibility granted charter schools by statute, or on any other
458 | matter regarding this section except a charter school
459 | application denial, a charter termination, or a charter
460 | nonrenewal and shall award the prevailing party reasonable
461 | attorney ~~attorney's~~ fees and costs incurred to be paid by the
462 | losing party. The costs of the administrative hearing shall be
463 | paid by the party whom the administrative law judge rules
464 | against. Once the sponsor has voted upon and approved the
465 | standard charter contract, the sponsor and applicant have the
466 | right to negotiate additional terms, as necessary. The charter
467 | school may open and operate during the pendency of any
468 | negotiation, mediation, or administrative proceeding.

469 (7) CHARTER.—The major issues involving the operation of a
470 charter school shall be set forth in ~~considered in advance and~~
471 ~~written into~~ the charter. The governing board of the charter
472 school and the sponsor shall use the standard charter contract
473 developed by the department, which shall incorporate the
474 approved application and any addenda. Matters included in the
475 approved application and any addenda are deemed settled for
476 purposes of negotiating the charter; however, the parties may
477 agree to address such matters after approval of the charter. The
478 charter shall be signed by the governing board of the charter
479 school and the sponsor, following a public hearing to ensure
480 community input.

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

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

485 2. ~~The focus of the curriculum, the instructional methods~~
486 ~~to be used, any distinctive instructional techniques to be~~
487 ~~employed, and identification and acquisition of appropriate~~
488 ~~technologies needed to improve educational and administrative~~
489 ~~performance which include a means for promoting safe, ethical,~~
490 ~~and appropriate uses of technology which comply with legal and~~
491 ~~professional standards.~~

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

495 ~~are reading below grade level. The curriculum and instructional~~
496 ~~strategies for reading must be consistent with the Next~~
497 ~~Generation Sunshine State Standards and grounded in~~
498 ~~scientifically based reading research.~~

499 ~~b. In order to provide students with access to diverse~~
500 ~~instructional delivery models, to facilitate the integration of~~
501 ~~technology within traditional classroom instruction, and to~~
502 ~~provide students with the skills they need to compete in the~~
503 ~~21st century economy, the Legislature encourages instructional~~
504 ~~methods for blended learning courses consisting of both~~
505 ~~traditional classroom and online instructional techniques.~~
506 ~~Charter schools may implement blended learning courses which~~
507 ~~combine traditional classroom instruction and virtual~~
508 ~~instruction. Students in a blended learning course must be full-~~
509 ~~time students of the charter school and receive the online~~
510 ~~instruction in a classroom setting at the charter school.~~
511 ~~Instructional personnel certified pursuant to s. 1012.55 who~~
512 ~~provide virtual instruction for blended learning courses may be~~
513 ~~employees of the charter school or may be under contract to~~
514 ~~provide instructional services to charter school students. At a~~
515 ~~minimum, such instructional personnel must hold an active state~~
516 ~~or school district adjunct certification under s. 1012.57 for~~
517 ~~the subject area of the blended learning course. The funding and~~
518 ~~performance accountability requirements for blended learning~~
519 ~~courses are the same as those for traditional courses.~~

520 1.3. The current incoming baseline standard of student

521 academic achievement, the outcomes to be achieved, and the
522 method of measurement that will be used. The criteria listed in
523 this subparagraph shall include a detailed description of:

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

526 b. How these baseline rates will be compared to rates of
527 academic progress achieved by these same students while
528 attending the charter school.

529 c. To the extent possible, how these rates of progress
530 will be evaluated and compared with rates of progress of other
531 closely comparable student populations.

532

533 The district school board is required to provide academic
534 student performance data to charter schools for each of their
535 students coming from the district school system, as well as
536 rates of academic progress of comparable student populations in
537 the district school system.

538 ~~4. The methods used to identify the educational strengths
539 and needs of students and how well educational goals and
540 performance standards are met by students attending the charter
541 school. The methods shall provide a means for the charter school
542 to ensure accountability to its constituents by analyzing
543 student performance data and by evaluating the effectiveness and
544 efficiency of its major educational programs. Students in
545 charter schools shall, at a minimum, participate in the
546 statewide assessment program created under s. 1008.22.~~

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

550 2.6. A method for resolving conflicts between the
551 governing board of the charter school and the sponsor.

552 ~~7. The admissions procedures and dismissal procedures,~~
553 ~~including the school's code of student conduct.~~

554 ~~8. The ways by which the school will achieve a~~
555 ~~racial/ethnic balance reflective of the community it serves or~~
556 ~~within the racial/ethnic range of other public schools in the~~
557 ~~same school district.~~

558 ~~9. The financial and administrative management of the~~
559 ~~school, including a reasonable demonstration of the professional~~
560 ~~experience or competence of those individuals or organizations~~
561 ~~applying to operate the charter school or those hired or~~
562 ~~retained to perform such professional services and the~~
563 ~~description of clearly delineated responsibilities and the~~
564 ~~policies and practices needed to effectively manage the charter~~
565 ~~school. A description of internal audit procedures and~~
566 ~~establishment of controls to ensure that financial resources are~~
567 ~~properly managed must be included. Both public sector and~~
568 ~~private sector professional experience shall be equally valid in~~
569 ~~such a consideration.~~

570 ~~10. The asset and liability projections required in the~~
571 ~~application which are incorporated into the charter and shall be~~
572 ~~compared with information provided in the annual report of the~~

573 ~~charter school.~~

574 ~~11. A description of procedures that identify various~~
575 ~~risks and provide for a comprehensive approach to reduce the~~
576 ~~impact of losses; plans to ensure the safety and security of~~
577 ~~students and staff; plans to identify, minimize, and protect~~
578 ~~others from violent or disruptive student behavior; and the~~
579 ~~manner in which the school will be insured, including whether or~~
580 ~~not the school will be required to have liability insurance,~~
581 ~~and, if so, the terms and conditions thereof and the amounts of~~
582 ~~coverage.~~

583 ~~3.12. The term of the charter which shall provide for~~
584 ~~cancellation of the charter if insufficient progress has been~~
585 ~~made in attaining the student achievement objectives of the~~
586 ~~charter and if it is not likely that such objectives can be~~
587 ~~achieved before expiration of the charter. The initial term of~~
588 ~~the a charter, which shall be for 4 or 5 years. In order to~~
589 ~~facilitate access to long-term financial resources for charter~~
590 ~~school construction, Charter schools that are operated by a~~
591 ~~municipality or other public entity, as provided by law, or a~~
592 ~~private, not-for-profit, s. 501(c)(3) status corporation are~~
593 ~~eligible for up to a 15-year charter, subject to approval by the~~
594 ~~district school board. A charter lab school is also eligible for~~
595 ~~a charter for a term of up to 15 years. In addition, to~~
596 ~~facilitate access to long-term financial resources for charter~~
597 ~~school construction, charter schools that are operated by a~~
598 ~~private, not-for-profit, s. 501(c)(3) status corporation are~~

599 ~~eligible for up to a 15-year charter, subject to approval by the~~
600 ~~district school board.~~ Such long-term charters remain subject to
601 annual review and may be terminated during the term of the
602 charter, but only according to ~~the provisions set forth in~~
603 subsection (8) or paragraph (9) (n).

604 4. Termination or nonrenewal of the charter pursuant to
605 subsection (8), including termination for failure to make
606 sufficient progress towards attaining the student achievement
607 objectives of the charter or likely failure to meet such
608 objectives before expiration of the charter, and automatic
609 termination of the charter pursuant to paragraph (9) (n).

610 ~~5.13.~~ The facilities to be used and their location. The
611 sponsor may not require a charter school to have a certificate
612 of occupancy or a temporary certificate of occupancy for such a
613 facility earlier than 15 calendar days before the first day of
614 school.

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

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

621 ~~16. A timetable for implementing the charter which~~
622 ~~addresses the implementation of each element thereof and the~~
623 ~~date by which the charter shall be awarded in order to meet this~~
624 ~~timetable.~~

625 ~~17. In the case of an existing public school that is being~~
626 ~~converted to charter status, alternative arrangements for~~
627 ~~current students who choose not to attend the charter school and~~
628 ~~for current teachers who choose not to teach in the charter~~
629 ~~school after conversion in accordance with the existing~~
630 ~~collective bargaining agreement or district school board rule in~~
631 ~~the absence of a collective bargaining agreement. However,~~
632 ~~alternative arrangements shall not be required for current~~
633 ~~teachers who choose not to teach in a charter lab school, except~~
634 ~~as authorized by the employment policies of the state university~~
635 ~~which grants the charter to the lab school.~~

636 6.18. Full disclosure of the identity of all relatives
637 employed by the charter school who are related to the charter
638 school owner, president, chairperson of the governing board of
639 directors, superintendent, governing board member, principal,
640 assistant principal, or any other person employed by the charter
641 school who has equivalent decisionmaking authority. For the
642 purpose of this subparagraph, the term "relative" means father,
643 mother, son, daughter, brother, sister, uncle, aunt, first
644 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
645 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
646 stepfather, stepmother, stepson, stepdaughter, stepbrother,
647 stepsister, half brother, or half sister.

648 7.19. Implementation of the activities authorized under s.
649 1002.331 by the charter school when it satisfies the eligibility
650 requirements for a high-performing charter school. A high-

651 performing charter school shall notify its sponsor in writing by
652 March 1 if it intends to increase enrollment or expand grade
653 levels the following school year. The written notice shall
654 specify the amount of the enrollment increase and the grade
655 levels that will be added, as applicable.

656 (b)1. A charter may be renewed provided that a program
657 review demonstrates that the criteria in paragraph (a) have been
658 successfully accomplished and that none of the grounds for
659 nonrenewal established by paragraph (8) (a) has been documented.
660 ~~In order to facilitate long-term financing for charter school~~
661 ~~construction,~~ Charter schools operating for a minimum of 3 years
662 and demonstrating exemplary academic programming and fiscal
663 management are eligible for a 15-year charter renewal. Such
664 long-term charter is subject to annual review and may be
665 terminated during the term of the charter.

666 2. The 15-year charter renewal that may be granted
667 pursuant to subparagraph 1. shall be granted to a charter school
668 that has received a school grade of "A" or "B" pursuant to s.
669 1008.34 in 3 of the past 4 years and is not in a state of
670 financial emergency or deficit position as defined by this
671 section. Such long-term charter is subject to annual review and
672 may be terminated during the term of the charter pursuant to
673 subsection (8).

674 (c) A charter may be modified during its initial term or
675 any renewal term upon the recommendation of the sponsor or the
676 charter school's governing board and the approval of both

677 parties to the agreement. Modification may include, but is not
678 limited to, consolidation of multiple charters into a single
679 charter if the charters are operated under the same governing
680 board and physically located on the same campus, regardless of
681 the renewal cycle.

682 (d)1. Each charter school's governing board must appoint a
683 representative to facilitate parental involvement, provide
684 access to information, assist parents and others with questions
685 and concerns, and resolve disputes. The representative must
686 reside in the school district in which the charter school is
687 located and may be a governing board member, charter school
688 employee, or individual contracted to represent the governing
689 board. If the governing board oversees multiple charter schools
690 in the same school district, the governing board must appoint a
691 separate individual representative for each charter school in
692 the district. The representative's contact information must be
693 provided annually in writing to parents and posted prominently
694 on the charter school's website if a website is maintained by
695 the school. The sponsor may not require that governing board
696 members reside in the school district in which the charter
697 school is located if the charter school complies with this
698 paragraph.

699 2. Each charter school's governing board must hold at
700 least two public meetings per school year in the school
701 district. The meetings must be noticed, open, and accessible to
702 the public, and attendees must be provided an opportunity to

703 receive information and provide input regarding the charter
704 school's operations. The appointed representative and charter
705 school principal or director, or his or her equivalent, must be
706 physically present at each meeting. Members of the governing
707 board may attend in person or by means of communications media
708 technology used in accordance with rules adopted by the
709 Administration Commission under s. 120.54(5).

710 (9) CHARTER SCHOOL REQUIREMENTS.—

711 (n)1. The director and a representative of the governing
712 board of a charter school that has earned a grade of "D" or "F"
713 pursuant to s. 1008.34(2) shall appear before the sponsor to
714 present information concerning each contract component having
715 noted deficiencies. The director and a representative of the
716 governing board shall submit to the sponsor for approval a
717 school improvement plan to raise student achievement. Upon
718 approval by the sponsor, the charter school shall begin
719 implementation of the school improvement plan. The department
720 shall offer technical assistance and training to the charter
721 school and its governing board and establish guidelines for
722 developing, submitting, and approving such plans.

723 2.a. If a charter school earns three consecutive grades of
724 "D," two consecutive grades of "D" followed by a grade of "F,"
725 or two nonconsecutive grades of "F" within a 3-year period, the
726 charter school governing board shall choose one of the following
727 corrective actions:

728 (I) Contract for educational services to be provided

729 directly to students, instructional personnel, and school
730 administrators, as prescribed in state board rule;

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

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

735 (IV) Voluntarily close the charter school.

736 b. The charter school must implement the corrective action
737 in the school year following receipt of a third consecutive
738 grade of "D," a grade of "F" following two consecutive grades of
739 "D," or a second nonconsecutive grade of "F" within a 3-year
740 period.

741 c. The sponsor may annually waive a corrective action if
742 it determines that the charter school is likely to improve a
743 letter grade if additional time is provided to implement the
744 intervention and support strategies prescribed by the school
745 improvement plan. Notwithstanding this sub-subparagraph, a
746 charter school that earns a second consecutive grade of "F" is
747 subject to subparagraph 4.

748 d. A charter school is no longer required to implement a
749 corrective action if it improves by at least one letter grade.
750 However, the charter school must continue to implement
751 strategies identified in the school improvement plan. The
752 sponsor must annually review implementation of the school
753 improvement plan to monitor the school's continued improvement
754 pursuant to subparagraph 5.

755 e. A charter school implementing a corrective action that
 756 does not improve by at least one letter grade after 2 full
 757 school years of implementing the corrective action must select a
 758 different corrective action. Implementation of the new
 759 corrective action must begin in the school year following the
 760 implementation period of the existing corrective action, unless
 761 the sponsor determines that the charter school is likely to
 762 improve a letter grade if additional time is provided to
 763 implement the existing corrective action. Notwithstanding this
 764 sub-subparagraph, a charter school that earns a second
 765 consecutive grade of "F" while implementing a corrective action
 766 is subject to subparagraph 4.

767 3. A charter school with a grade of "D" or "F" that
 768 improves by at least one letter grade must continue to implement
 769 the strategies identified in the school improvement plan. The
 770 sponsor must annually review implementation of the school
 771 improvement plan to monitor the school's continued improvement
 772 pursuant to subparagraph 5.

773 4. A charter school's charter is automatically terminated
 774 if the school earns a second consecutive grade of "F" after all
 775 school grade appeals are final ~~The sponsor shall terminate a~~
 776 ~~charter if the charter school earns two consecutive grades of~~
 777 ~~"F" unless:~~

778 a. The charter school is established to turn around the
 779 performance of a district public school pursuant to s.
 780 1008.33(4)(b)3. Such charter schools shall be governed by s.

781 1008.33;

782 b. The charter school serves a student population the
783 majority of which resides in a school zone served by a district
784 public school that earned a grade of "F" in the year before the
785 charter school opened and the charter school earns at least a
786 grade of "D" in its third year of operation. The exception
787 provided under this sub-subparagraph does not apply to a charter
788 school in its fourth year of operation and thereafter; or

789 c. The state board grants the charter school a waiver of
790 termination. The charter school must request the waiver within
791 15 days after the department's official release of school
792 grades. The state board may waive termination if the charter
793 school demonstrates that the learning gains of its students on
794 statewide assessments are comparable to or better than the
795 learning gains of similarly situated students enrolled in nearby
796 district public schools. The waiver is valid for 1 year and may
797 only be granted once. Charter schools that have been in
798 operation for more than 5 years are not eligible for a waiver
799 under this sub-subparagraph.

800

801 The sponsor shall notify in writing the charter school's
802 governing board, the charter school principal, and the
803 department when a charter is terminated under this subparagraph.
804 A charter terminated under this subparagraph is governed by the
805 requirements of paragraphs (8) (e)-(g) and (9) (o).

806 5. The director and a representative of the governing

807 board of a graded charter school that has implemented a school
808 improvement plan under this paragraph shall appear before the
809 sponsor at least once a year to present information regarding
810 the progress of intervention and support strategies implemented
811 by the school pursuant to the school improvement plan and
812 corrective actions, if applicable. The sponsor shall communicate
813 at the meeting, and in writing to the director, the services
814 provided to the school to help the school address its
815 deficiencies.

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

819 (o)1. Upon initial notification of nonrenewal, closure, or
820 termination of its charter, a charter school may not expend more
821 than \$10,000 per expenditure without prior written approval from
822 the sponsor unless such expenditure was included within the
823 annual budget submitted to the sponsor pursuant to the charter
824 contract, is for reasonable attorney fees and costs during the
825 pendency of any hearing or appeal, or is for reasonable fees and
826 costs to conduct an independent audit.

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

830 3. A provision in a charter contract that contains an
831 acceleration clause requiring the expenditure of funds based
832 upon closure or upon notification of nonrenewal or termination

833 is void and unenforceable.

834 4. A charter school may not enter into a contract with an
835 employee that exceeds the term of the school's charter contract
836 with its sponsor.

837 5. A violation of this paragraph triggers a reversion or
838 clawback power by the sponsor allowing for collection of an
839 amount equal to or less than the accelerated amount that exceeds
840 normal expenditures. The reversion or clawback plus legal fees
841 and costs shall be levied against the person or entity receiving
842 the accelerated amount.

843 (10) ELIGIBLE STUDENTS.—

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

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

847 2. Students considered at risk of dropping out of school
848 or academic failure. Such students shall include exceptional
849 education students.

850 3. Students enrolling in a charter school-in-the-workplace
851 or charter school-in-a-municipality established pursuant to
852 subsection (15).

853 4. Students residing within a reasonable distance of the
854 charter school, as described in paragraph (20)(c). Such students
855 shall be subject to a random lottery and to the racial/ethnic
856 balance provisions described in subparagraph (6)(a)8. ~~(7)(a)8.~~
857 or any federal provisions that require a school to achieve a
858 racial/ethnic balance reflective of the community it serves or

859 within the racial/ethnic range of other public schools in the
860 same school district.

861 5. Students who meet reasonable academic, artistic, or
862 other eligibility standards established by the charter school
863 and included in the charter school application and charter or,
864 in the case of existing charter schools, standards that are
865 consistent with the school's mission and purpose. Such standards
866 shall be in accordance with current state law and practice in
867 public schools and may not discriminate against otherwise
868 qualified individuals.

869 6. Students articulating from one charter school to
870 another pursuant to an articulation agreement between the
871 charter schools that has been approved by the sponsor.

872 7. Students living in a development in which a business
873 entity provides the school facility and related property having
874 an appraised value of at least \$10 million to be used as a
875 charter school for the development. Students living in the
876 development shall be entitled to 50 percent of the student
877 stations in the charter school. The students who are eligible
878 for enrollment are subject to a random lottery, the
879 racial/ethnic balance provisions, or any federal provisions, as
880 described in subparagraph 4. The remainder of the student
881 stations shall be filled in accordance with subparagraph 4.

882 (i) The capacity of a high-performing charter school
883 identified pursuant to s. 1002.331 shall be determined annually
884 by the governing board of the charter school. The governing

885 board shall notify the sponsor of any increase in enrollment by
 886 March 1 of the school year preceding the increase. A sponsor may
 887 not require a charter school to identify the names of students
 888 to be enrolled or to limit enrollment or capacity to enroll
 889 those students enrolled before the start of the school year as a
 890 condition of approval or renewal of a charter.

891 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may
 892 enter into cooperative agreements with other charter schools or
 893 educational institutions to form charter school cooperative
 894 organizations that may provide the following services to further
 895 educational, operational, and administrative initiatives in
 896 which the participating charter schools share a common interest:
 897 ~~charter school planning and development, direct instructional~~
 898 ~~services, and contracts with charter school governing boards to~~
 899 ~~provide personnel administrative services, payroll services,~~
 900 ~~human resource management, evaluation and assessment services,~~
 901 ~~teacher preparation, and professional development.~~

902 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
 903 A-MUNICIPALITY.—

904 (b) A charter school-in-the-workplace may be established
 905 when a business partner provides the school facility to be used;
 906 enrolls students based upon a random lottery that involves all
 907 of the children of employees of that business or corporation who
 908 are seeking enrollment, as provided for in subsection (10); and
 909 enrolls students according to the racial/ethnic balance
 910 provisions described in subparagraph (6) (a) 8. ~~(7) (a) 8.~~ Any

911 portion of a facility used for a public charter school shall be
912 exempt from ad valorem taxes, as provided for in s. 1013.54, for
913 the duration of its use as a public school.

914 (c) A charter school-in-a-municipality designation may be
915 granted to a municipality that possesses a charter; enrolls
916 students based upon a random lottery that involves all of the
917 children of the residents of that municipality who are seeking
918 enrollment, as provided for in subsection (10); and enrolls
919 students according to the racial/ethnic balance provisions
920 described in subparagraph (6)(a)8. ~~(7)(a)8.~~ When a municipality
921 has submitted charter applications for the establishment of a
922 charter school feeder pattern, consisting of elementary, middle,
923 and senior high schools, and each individual charter application
924 is approved by the district school board, such schools shall
925 then be designated as one charter school for all purposes listed
926 pursuant to this section. Any portion of the land and facility
927 used for a public charter school shall be exempt from ad valorem
928 taxes, as provided for in s. 1013.54, for the duration of its
929 use as a public school.

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

935 (e) District school boards shall make timely and efficient
936 payment and reimbursement to charter schools or a financial

937 institution designated by a charter school, including processing
938 paperwork required to access special state and federal funding
939 for which they may be eligible. Funds distributed to a financial
940 institution shall be held in trust for the benefit of the
941 charter school and provide for reversion in accordance with the
942 requirements of paragraph (8)(e). The district school board may
943 distribute funds to a charter school for up to 3 months based on
944 the projected full-time equivalent student membership of the
945 charter school. Thereafter, the results of full-time equivalent
946 student membership surveys shall be used in adjusting the amount
947 of funds distributed monthly to the charter school for the
948 remainder of the fiscal year. The payment shall be issued no
949 later than 10 working days after the district school board
950 receives a distribution of state or federal funds. If a warrant
951 for payment is not issued within 10 working days after receipt
952 of funding by the district school board, the school district
953 shall pay to the charter school, in addition to the amount of
954 the scheduled disbursement, interest at a rate of 1 percent per
955 month calculated on a daily basis on the unpaid balance from the
956 expiration of the 10 working days until such time as the warrant
957 is issued. The district school board may not delay payment to a
958 charter school of any portion of the funds set forth in
959 paragraph (b) based upon the timing of receipt of local funds by
960 the district school board.

961 (g) If a student withdraws from a charter school and
962 enrolls in another public school in the school district, the

963 charter school must, at the end of the fiscal year, transfer to
 964 the district school board a pro rata share of the full-time
 965 equivalent student funding for the student. Likewise, the
 966 district school board must conduct such a transfer of funds to a
 967 charter school if a student withdraws from another public school
 968 in the school district and enrolls in the charter school. The
 969 amount of the funds transfer shall be based upon the percentage
 970 of the survey period that the student was served by each school.

971 (18) FACILITIES.—

972 (e) If a district school board-owned ~~board~~ facility that
 973 has previously been used for K-12 educational purposes ~~or~~
 974 ~~property~~ is no longer used as a school as defined in s.
 975 ~~1003.01(2) available because it is surplus, marked for disposal,~~
 976 ~~or otherwise unused,~~ it shall be made available ~~provided~~ for a
 977 charter school's use ~~on the same basis as it is made available~~
 978 ~~to other public schools in the district. The district school~~
 979 board may charge the charter school rent in an amount of up to
 980 10 percent of the available funds pursuant to paragraph (17) (b)
 981 for all students. The charter school is responsible for the
 982 costs required to bring the facility into compliance with the
 983 current Florida Building Code and for costs required to maintain
 984 such compliance. A charter school using such a facility
 985 ~~receiving property from the school district may not sell,~~
 986 sublease, or dispose of such facility ~~property~~ without written
 987 permission of the school district. The charter school may not
 988 earn capital outlay funds; however, the school district shall

989 include the charter school's capital outlay full-time equivalent
990 (COFTE) student count in the district's capital outlay
991 calculations. The charter school may choose to maintain and
992 repair the facility at the same standard and level as any other
993 district-operated school of similar age and condition.
994 Maintenance and repair do not include the construction of any
995 new building, structure, or substantial addition, extension, or
996 upgrade to an existing facility. Similarly, for an existing
997 public school converting to charter status, no rental or leasing
998 fee for the existing facility or for the property normally
999 inventoried to the conversion school may be charged by the
1000 district school board to the parents and teachers organizing the
1001 charter school. The charter school shall agree to reasonable
1002 maintenance provisions in order to maintain the facility in a
1003 manner similar to district school board standards. The Public
1004 Education Capital Outlay maintenance funds or any other
1005 maintenance funds generated by the facility operated as a
1006 conversion school shall remain with the conversion school.

1007 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1008 (a) The Department of Education shall provide information
1009 to the public, directly and through sponsors, on how to form and
1010 operate a charter school and how to enroll in a charter school
1011 once it is created. This information shall include a model
1012 application form, standard charter contract, standard
1013 application evaluation instrument, and standard charter renewal
1014 contract, which shall include the information specified in

1015 subsections (6) and subsection (7), as applicable, and shall be
 1016 developed by consulting and negotiating with both school
 1017 districts and charter schools before implementation. The model
 1018 application form, standard charter contract, standard
 1019 application evaluation instrument, and standard charter renewal
 1020 contract must clearly identify the specific statutes and rules
 1021 from which charter schools are statutorily exempted from
 1022 compliance. The department shall develop a model application
 1023 form, standard charter contract, standard application evaluation
 1024 instrument, and standard charter renewal contract uniquely
 1025 tailored to virtual charter schools established under subsection
 1026 (1) and high-performing charter schools under s. 1002.331(3).
 1027 The charter and charter renewal contracts shall be used by
 1028 charter school sponsors.

1029 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 1030 SCHOOL SYSTEMS.—A charter school system shall be designated a
 1031 local educational agency for the purpose of receiving federal
 1032 funds, the same as though the charter school system were a
 1033 school district, if the governing board of the charter school
 1034 system has adopted and filed a resolution with its sponsoring
 1035 district school board and the Department of Education in which
 1036 the governing board of the charter school system accepts the
 1037 full responsibility for all local education agency requirements
 1038 and the charter school system meets all of the following:

1039 ~~(a) Includes both conversion charter schools and~~
 1040 ~~nonconversion charter schools;~~

1041 ~~(b) Has all schools located in the same county;~~
 1042 (a)(e) Has a total enrollment exceeding the total
 1043 enrollment of at least one school district in the state; and
 1044 (b)(d) Has the same governing board; ~~and~~
 1045 ~~(e) Does not contract with a for-profit service provider~~
 1046 ~~for management of school operations.~~

1047
 1048 Such designation does not apply to other provisions unless
 1049 specifically provided in law.

1050 Section 2. Paragraph (e) of subsection (2), paragraph (b)
 1051 of subsection (3), and subsection (5) of section 1002.331,
 1052 Florida Statutes, are amended to read:

1053 1002.331 High-performing charter schools.—

1054 (2) A high-performing charter school is authorized to:

1055 (e) Receive a modification of its charter to a term of 15
 1056 years or a 15-year charter renewal. The charter may be modified
 1057 or renewed for a shorter term at the option of the high-
 1058 performing charter school. The charter must be consistent with
 1059 s. 1002.33(7)(a)7. ~~1002.33(7)(a)19.~~ and (10)(h) and (i), is
 1060 subject to annual review by the sponsor, and may be terminated
 1061 during its term pursuant to s. 1002.33(8).

1062
 1063 A high-performing charter school shall notify its sponsor in
 1064 writing by March 1 if it intends to increase enrollment or
 1065 expand grade levels the following school year. The written
 1066 notice shall specify the amount of the enrollment increase and

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1067 the grade levels that will be added, as applicable. If a charter
1068 school notifies the sponsor of its intent to expand, the sponsor
1069 shall modify the charter within 90 days to include the new
1070 enrollment maximum and may not make any other changes. The
1071 sponsor may deny a request to increase the enrollment of a high-
1072 performing charter school if the commissioner has declassified
1073 the charter school as high-performing. If a high-performing
1074 charter school requests to consolidate multiple charters, the
1075 sponsor shall have 40 days after receipt of that request to
1076 provide an initial draft charter to the charter school. The
1077 sponsor and charter school shall have 50 days thereafter to
1078 negotiate and notice the charter contract for final approval by
1079 the sponsor.

1080 (3)

1081 (b) A high-performing charter school may not establish
1082 more than one charter school within the state under paragraph
1083 (a) in any year. A subsequent application to establish a charter
1084 school under paragraph (a) may not be submitted unless each
1085 charter school established in this manner achieves high-
1086 performing charter school status. The limits set forth in this
1087 paragraph do not apply to charter schools established by a high-
1088 performing charter school in the attendance zone of a school
1089 identified as in need of intervention and support pursuant to s.
1090 1008.33(3)(b) or to meet capacity needs or needs for innovative
1091 choice options identified by the district school board.

1092 (5) The Commissioner of Education, upon request by a

1093 charter school, shall verify that the charter school meets the
 1094 criteria in subsection (1) and provide a letter to the charter
 1095 school and the sponsor stating that the charter school is a
 1096 high-performing charter school pursuant to this section. The
 1097 commissioner shall annually determine whether a high-performing
 1098 charter school under subsection (1) continues to meet the
 1099 criteria in that subsection. Such high-performing charter school
 1100 shall maintain its high-performing status unless the
 1101 commissioner determines that the charter school no longer meets
 1102 the criteria in subsection (1), at which time the commissioner
 1103 shall send a letter to the charter school and its sponsor
 1104 providing notification that the charter school has been
 1105 declassified ~~of its declassification~~ as a high-performing
 1106 charter school.

1107 Section 3. Subsection (2) of section 1002.332, Florida
 1108 Statutes, is renumbered as subsection (3), and a new subsection
 1109 (2) is added to that section to read:

1110 1002.332 High-performing charter school system.—

1111 (2) An entity that successfully operates a system of
 1112 charter schools outside the state may apply to the State Board
 1113 of Education for status as a high-performing charter school
 1114 system. The state board shall adopt rules prescribing a process
 1115 for determining whether the entity meets the requirements of
 1116 this subsection by reviewing student demographic and performance
 1117 data and fiscal accountability of all schools operated by the
 1118 entity. To the extent practicable, the state board shall develop

1119 a rubric for the approval of such entities that aligns with the
 1120 priorities of the federal Charter Schools Program Grants for
 1121 Replication and Expansion of High-Quality Charter Schools, found
 1122 in the Federal Register, Volume 76, Number 133. An entity
 1123 classified as a high-performing charter school system pursuant
 1124 to this subsection may utilize the application process specified
 1125 in s. 1002.331(3) to establish new charter schools in the state.
 1126 During the first 3 years of operation, each charter school
 1127 established by the entity shall receive a reduction in
 1128 administrative fees pursuant to s. 1002.33(20)(a)3.

1129 Section 4. Paragraph (d) of subsection (8) of section
 1130 1002.45, Florida Statutes, is amended to read:

1131 1002.45 Virtual instruction programs.—

1132 (8) ASSESSMENT AND ACCOUNTABILITY.—

1133 (d) An approved provider's contract is automatically ~~must~~
 1134 ~~be~~ terminated if the provider earns two consecutive school
 1135 grades of ~~receives a school grade of "D" or "F" under s.~~
 1136 1008.34, two consecutive ~~or a school improvement ratings rating~~
 1137 of "Declining" under s. 1008.341, ~~for 2 years during any~~
 1138 ~~consecutive 4-year period~~ or has violated any qualification
 1139 requirement pursuant to subsection (2). A provider that has a
 1140 contract terminated under this paragraph may not be an approved
 1141 provider for a period of at least 1 year after the date upon
 1142 which the contract was terminated and until the department
 1143 determines that the provider is in compliance with subsection
 1144 (2) and has corrected each cause of the provider's low

1145 performance.

1146 Section 5. Paragraph (b) of subsection (8) of section
 1147 1012.56, Florida Statutes, is amended to read:

1148 1012.56 Educator certification requirements.—

1149 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 1150 COMPETENCY PROGRAM.—

1151 (b)1. Each school district must and a private school or
 1152 state supported public school, including a charter school, ~~or a~~
 1153 ~~private school~~ may develop and maintain a system by which
 1154 members of the instructional staff may demonstrate mastery of
 1155 professional education competence as required by law. Each
 1156 program must be based on classroom application of the Florida
 1157 Educator Accomplished Practices and instructional performance
 1158 and, for public schools, must be aligned with the district's
 1159 evaluation system approved under s. 1012.34.

1160 2. The Commissioner of Education shall determine the
 1161 continued approval of programs implemented under this paragraph,
 1162 based upon the department's review of performance data. The
 1163 department shall review the performance data as a part of the
 1164 periodic review of each school district's professional
 1165 development system required under s. 1012.98.

1166 Section 6. Paragraph (a) of subsection (1) of section
 1167 1013.62, Florida Statutes, is amended to read:

1168 1013.62 Charter schools capital outlay funding.—

1169 (1) In each year in which funds are appropriated for
 1170 charter school capital outlay purposes, the Commissioner of

1171 Education shall allocate the funds among eligible charter
 1172 schools.
 1173 (a) To be eligible for a funding allocation, a charter
 1174 school must:
 1175 1.a. Have been in operation for 3 or more years;
 1176 b. Be governed by a governing board established in the
 1177 state for 3 or more years which operates both charter schools
 1178 and conversion charter schools within the state;
 1179 c. Be an expanded feeder chain of a charter school within
 1180 the same school district that is currently receiving charter
 1181 school capital outlay funds;
 1182 d. Have been accredited by the Commission on Schools of
 1183 the Southern Association of Colleges and Schools; or
 1184 e. Serve students in facilities that are provided by a
 1185 business partner for a charter school-in-the-workplace pursuant
 1186 to s. 1002.33(15) (b) .
 1187 2. Have an annual audit that does not reveal one or more
 1188 of the financial emergency conditions set forth in s. 218.503(1)
 1189 for the most recent fiscal year for which such audit is
 1190 available ~~stability for future operation as a charter school.~~
 1191 3. Have satisfactory student achievement based on state
 1192 accountability standards applicable to the charter school.
 1193 4. Have received final approval from its sponsor pursuant
 1194 to s. 1002.33 for operation during that fiscal year.
 1195 5. Serve students in facilities that are not provided by
 1196 the charter school's sponsor.

1197 Section 7. Subsection (14) of section 1003.01, Florida
 1198 Statutes, is amended to read:
 1199 1003.01 Definitions.—As used in this chapter, the term:
 1200 (14) "Core-curricula courses" means:
 1201 (a) Courses in language arts/reading, mathematics, social
 1202 studies, and science in prekindergarten through grade 3,
 1203 excluding any extracurricular courses pursuant to subsection
 1204 (15);
 1205 (b) Courses in grades 4 through 8 in subjects that are
 1206 measured by state assessment at any grade level and courses
 1207 required for middle school promotion, excluding any
 1208 extracurricular courses pursuant to subsection (15);
 1209 (c) Courses in grades 9 through 12 in subjects that are
 1210 measured by state assessment at any grade level and courses that
 1211 are specifically identified by name in statute as required for
 1212 high school graduation and that are not measured by state
 1213 assessment, excluding any extracurricular courses pursuant to
 1214 subsection (15);
 1215 (d) Exceptional student education courses; and
 1216 (e) English for Speakers of Other Languages courses.
 1217
 1218 The term is limited in meaning and used for the sole purpose of
 1219 designating classes that are subject to the maximum class size
 1220 requirements established in s. 1, Art. IX of the State
 1221 Constitution. This term does not include courses offered under
 1222 ss. 1002.321(4)(e), 1002.33(6)(a)2.b. ~~1002.33(7)(a)2.b.~~,

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1223 | 1002.37, 1002.415, 1002.45, and 1003.499.

1224 | Section 8. This act shall take effect July 1, 2014.