

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Diaz, M. offered the following:

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

4 Remove lines 208-224 and insert:

5 Section 4. Paragraphs (a) and (b) of subsection (6),  
6 paragraph (d) of subsection (7), paragraphs (g), (n), and (p) of  
7 subsection (9), paragraph (a) of subsection (10), subsection  
8 (13), and paragraphs (b) and (e) of subsection (17), of section  
9 1002.33, Florida Statutes, are amended to read:

10 1002.33 Charter schools.—

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

13 (a) A person or entity seeking ~~wishing~~ to open a charter  
14 school shall prepare and submit an application on a model

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15 application form prepared by the Department of Education which:

16 1. Demonstrates how the school will use the guiding  
17 principles and meet the statutorily defined purpose of a charter  
18 school.

19 2. Provides a detailed curriculum plan that illustrates  
20 how students will be provided services to attain the Sunshine  
21 State Standards.

22 3. Contains goals and objectives for improving student  
23 learning and measuring that improvement. These goals and  
24 objectives must indicate how much academic improvement students  
25 are expected to show each year, how success will be evaluated,  
26 and the specific results to be attained through instruction.

27 4. Describes the reading curriculum and differentiated  
28 strategies that will be used for students reading at grade level  
29 or higher and a separate curriculum and strategies for students  
30 who are reading below grade level. A sponsor shall deny an  
31 application ~~a charter~~ if the school does not propose a reading  
32 curriculum that is consistent with effective teaching strategies  
33 that are grounded in scientifically based reading research;  
34 however, a sponsor may not require the school to implement the  
35 reading curriculum adopted by the school district. The reading  
36 curriculum and instructional strategies approved in the  
37 application satisfy the research-based reading plan requirement  
38 of s. 1011.62(9).

39 5. Contains an annual financial plan for each year  
40 requested by the charter for operation of the school for up to 5

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41 years. This plan must contain anticipated fund balances based on  
42 revenue projections, a spending plan based on projected revenues  
43 and expenses, and a description of controls that will safeguard  
44 finances and projected enrollment trends.

45 6. Discloses the name of each applicant, governing board  
46 member, and proposed management company, if any; the name and  
47 sponsor of any charter school currently or previously operated  
48 by each applicant, each governing board member, and the proposed  
49 management company; and the academic and financial history of  
50 such charter schools, which the sponsor shall consider in  
51 deciding whether to approve or deny the application.

52 ~~7.6.~~ Contains additional information a sponsor may  
53 require, which shall be attached as an addendum to the charter  
54 school application described in this paragraph.

55 ~~8.7.~~ For the establishment of a virtual charter school,  
56 documents that the applicant has contracted with a provider of  
57 virtual instruction services pursuant to s. 1002.45(1)(d).

58 (b) A sponsor shall receive and review all applications  
59 for a charter school using the ~~an~~ evaluation instrument  
60 developed by the Department of Education. A sponsor shall  
61 receive and consider charter school applications received on or  
62 before August 1 of each calendar year for charter schools to be  
63 opened at the beginning of the school district's next school  
64 year, or to be opened at a time agreed to by the applicant and  
65 the sponsor. A sponsor may not refuse to receive a charter  
66 school application submitted before August 1 and may receive an

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67 application submitted later than August 1 if it chooses. In  
68 order to facilitate greater collaboration in the application  
69 process, an applicant may submit a draft charter school  
70 application on or before May 1 with an application fee of \$500.  
71 If a draft application is timely submitted, the sponsor shall  
72 review and provide feedback as to material deficiencies in the  
73 application by July 1. The applicant shall then have until  
74 August 1 to resubmit a revised and final application. The  
75 sponsor may approve the draft application. Except as provided  
76 for a draft application, a sponsor may not charge an applicant  
77 for a charter any fee for the processing or consideration of an  
78 application, and a sponsor may not base its consideration or  
79 approval of a final application upon the promise of future  
80 payment of any kind. Before approving or denying any final  
81 application, the sponsor shall allow the applicant, upon receipt  
82 of written notification, at least 7 calendar days to make  
83 technical or nonsubstantive corrections and clarifications,  
84 including, but not limited to, corrections of grammatical,  
85 typographical, and like errors or missing signatures, if such  
86 errors are identified by the sponsor as cause to deny the final  
87 application.

88 1. In order to facilitate an accurate budget projection  
89 process, a sponsor shall be held harmless for FTE students who  
90 are not included in the FTE projection due to approval of  
91 charter school applications after the FTE projection deadline.  
92 In a further effort to facilitate an accurate budget projection,

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93 within 15 calendar days after receipt of a charter school  
94 application, a sponsor shall report to the Department of  
95 Education the name of the applicant entity, the proposed charter  
96 school location, and its projected FTE.

97 2. In order to ensure fiscal responsibility, an  
98 application for a charter school shall include a full accounting  
99 of expected assets, a projection of expected sources and amounts  
100 of income, including income derived from projected student  
101 enrollments and from community support, and an expense  
102 projection that includes full accounting of the costs of  
103 operation, including start-up costs.

104 3.a. A sponsor shall by a majority vote approve or deny an  
105 application no later than 60 calendar days after the application  
106 is received, unless the sponsor and the applicant mutually agree  
107 in writing to temporarily postpone the vote to a specific date,  
108 at which time the sponsor shall by a majority vote approve or  
109 deny the application. If the sponsor fails to act on the  
110 application, an applicant may appeal to the State Board of  
111 Education as provided in paragraph (c). If an application is  
112 denied, the sponsor shall, within 10 calendar days after such  
113 denial, articulate in writing the specific reasons, based upon  
114 good cause, supporting its denial of the ~~charter~~ application and  
115 shall provide the letter of denial and supporting documentation  
116 to the applicant and to the Department of Education.

117 b. An application submitted by a high-performing charter  
118 school identified pursuant to s. 1002.331 may be denied by the

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119 sponsor only if the sponsor demonstrates by clear and convincing  
120 evidence that:

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

123 (II) The charter school proposed in the application does  
124 not materially comply with the requirements in paragraphs  
125 (9) (a) - (f);

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

129 (IV) The applicant has made a material misrepresentation  
130 or false statement or concealed an essential or material fact  
131 during the application process; or

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

135

136 Material noncompliance is a failure to follow requirements or a  
137 violation of prohibitions applicable to charter school  
138 applications, which failure is quantitatively or qualitatively  
139 significant either individually or when aggregated with other  
140 noncompliance. An applicant is considered to be replicating a  
141 high-performing charter school if the proposed school is  
142 substantially similar to at least one of the applicant's high-  
143 performing charter schools and the organization or individuals  
144 involved in the establishment and operation of the proposed

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145 school are significantly involved in the operation of replicated  
146 schools.

147 c. If the sponsor denies an application submitted by a  
148 high-performing charter school, the sponsor must, within 10  
149 calendar days after such denial, state in writing the specific  
150 reasons, based upon the criteria in sub-subparagraph b.,  
151 supporting its denial of the application and must provide the  
152 letter of denial and supporting documentation to the applicant  
153 and to the Department of Education. The applicant may appeal the  
154 sponsor's denial of the application directly to the State Board  
155 of Education pursuant to paragraph (c). If an applicant files an  
156 appeal, the applicant must provide the sponsor with a copy of  
157 the appeal ~~sub-subparagraph (c)3.b.~~

158 4. For budget projection purposes, the sponsor shall  
159 report to the Department of Education the approval or denial of  
160 an a-charter application within 10 calendar days after such  
161 approval or denial. In the event of approval, the report to the  
162 Department of Education shall include the final projected FTE  
163 for the approved charter school.

164 5. Upon approval of an a-charter application, the initial  
165 startup shall commence with the beginning of the public school  
166 calendar for the district in which the charter is granted. A  
167 charter school, at the school's option, may notify the sponsor  
168 of its intent to defer the opening of the school's operations  
169 for up to 2 years to provide time for adequate facility  
170 planning. The sponsor may not require the charter school to

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171 provide written notice of such intent earlier than 15 calendar  
172 days before the first day of school unless the sponsor allows a  
173 waiver of this subparagraph for good cause.

174 (7) CHARTER.—The major issues involving the operation of a  
175 charter school shall be considered in advance and written into  
176 the charter. The charter shall be signed by the governing board  
177 of the charter school and the sponsor, following a public  
178 hearing to ensure community input.

179 ~~(d)1. A charter may be terminated by a charter school's~~  
180 ~~governing board through voluntary closure. The governing board~~  
181 ~~must notify the sponsor and the department in writing within 7~~  
182 ~~calendar days after its decision to cease operations. The notice~~  
183 ~~shall state the reason for the closure and acknowledge that the~~  
184 ~~governing board agrees to follow the procedures for dissolution~~  
185 ~~and reversion of public funds pursuant to paragraphs (8) (e)-(g)~~  
186 ~~and (9) (o) Each charter school's governing board must appoint a~~  
187 ~~representative to facilitate parental involvement, provide~~  
188 ~~access to information, assist parents and others with questions~~  
189 ~~and concerns, and resolve disputes. The representative must~~  
190 ~~reside in the school district in which the charter school is~~  
191 ~~located and may be a governing board member, charter school~~  
192 ~~employee, or individual contracted to represent the governing~~  
193 ~~board. If the governing board oversees multiple charter schools~~  
194 ~~in the same school district, the governing board must appoint a~~  
195 ~~separate individual representative for each charter school in~~  
196 ~~the district. The representative's contact information must be~~

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197 ~~provided annually in writing to parents and posted prominently~~  
198 ~~on the charter school's website if a website is maintained by~~  
199 ~~the school. The sponsor may not require that governing board~~  
200 ~~members reside in the school district in which the charter~~  
201 ~~school is located if the charter school complies with this~~  
202 ~~paragraph.~~

203 ~~2. Each charter school's governing board must hold at~~  
204 ~~least two public meetings per school year in the school~~  
205 ~~district. The meetings must be noticed, open, and accessible to~~  
206 ~~the public, and attendees must be provided an opportunity to~~  
207 ~~receive information and provide input regarding the charter~~  
208 ~~school's operations. The appointed representative and charter~~  
209 ~~school principal or director, or his or her equivalent, must be~~  
210 ~~physically present at each meeting.~~

211 (9) CHARTER SCHOOL REQUIREMENTS.—

212 (g)1. In order to provide financial information that is  
213 comparable to that reported for other public schools, charter  
214 schools are to maintain all financial records that constitute  
215 their accounting system:

216 a. In accordance with the accounts and codes prescribed in  
217 the most recent issuance of the publication titled "Financial  
218 and Program Cost Accounting and Reporting for Florida Schools";  
219 or

220 b. At the discretion of the charter school's governing  
221 board, a charter school may elect to follow generally accepted  
222 accounting standards for not-for-profit organizations, but must

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223 reformat this information for reporting according to this  
224 paragraph.

225 2. Charter schools shall provide annual financial report  
226 and program cost report information in the state-required  
227 formats for inclusion in district reporting in compliance with  
228 s. 1011.60(1). Charter schools that are operated by a  
229 municipality or are a component unit of a parent nonprofit  
230 organization may use the accounting system of the municipality  
231 or the parent but must reformat this information for reporting  
232 according to this paragraph.

233 3. A charter school shall, upon approval of the contract,  
234 provide the sponsor with a concise, uniform, monthly financial  
235 statement summary sheet that contains a balance sheet and a  
236 statement of revenue, expenditures, and changes in fund balance.  
237 The balance sheet and the statement of revenue, expenditures,  
238 and changes in fund balance shall be in the governmental funds  
239 format prescribed by the Governmental Accounting Standards  
240 Board. A high-performing charter school pursuant to s. 1002.331  
241 may provide a quarterly financial statement in the same format  
242 and requirements as the uniform monthly financial statement  
243 summary sheet. The sponsor shall review each monthly or  
244 quarterly financial statement to identify the existence of any  
245 conditions identified in s. 1002.345(1)(a).

246 4. A charter school shall maintain and provide financial  
247 information as required in this paragraph. The financial  
248 statement required in subparagraph 3. must be in a form

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249 prescribed by the Department of Education.

250 (n)1. The director and a representative of the governing  
251 board of a charter school that has earned a grade of "D" or "F"  
252 pursuant to s. 1008.34 shall appear before the sponsor to  
253 present information concerning each contract component having  
254 noted deficiencies. The director and a representative of the  
255 governing board shall submit to the sponsor for approval a  
256 school improvement plan to raise student performance. Upon  
257 approval by the sponsor, the charter school shall begin  
258 implementation of the school improvement plan. The department  
259 shall offer technical assistance and training to the charter  
260 school and its governing board and establish guidelines for  
261 developing, submitting, and approving such plans.

262 2.a. If a charter school earns three consecutive grades of  
263 "D," two consecutive grades of "D" followed by a grade of "F,"  
264 or two nonconsecutive grades of "F" within a 3-year period, the  
265 charter school governing board shall choose one of the following  
266 corrective actions:

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

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

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

274 (IV) Voluntarily close the charter school.

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275           b. The charter school must implement the corrective action  
276 in the school year following receipt of a third consecutive  
277 grade of "D," a grade of "F" following two consecutive grades of  
278 "D," or a second nonconsecutive grade of "F" within a 3-year  
279 period.

280           c. The sponsor may annually waive a corrective action if  
281 it determines that the charter school is likely to improve a  
282 letter grade if additional time is provided to implement the  
283 intervention and support strategies prescribed by the school  
284 improvement plan. Notwithstanding this sub-subparagraph, a  
285 charter school that earns a second consecutive grade of "F" is  
286 subject to subparagraph 4.

287           d. A charter school is no longer required to implement a  
288 corrective action if it improves by at least one letter grade.  
289 However, the charter school must continue to implement  
290 strategies identified in the school improvement plan. The  
291 sponsor must annually review implementation of the school  
292 improvement plan to monitor the school's continued improvement  
293 pursuant to subparagraph 5.

294           e. A charter school implementing a corrective action that  
295 does not improve by at least one letter grade after 2 full  
296 school years of implementing the corrective action must select a  
297 different corrective action. Implementation of the new  
298 corrective action must begin in the school year following the  
299 implementation period of the existing corrective action, unless  
300 the sponsor determines that the charter school is likely to

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301 improve a letter grade if additional time is provided to  
302 implement the existing corrective action. Notwithstanding this  
303 sub-subparagraph, a charter school that earns a second  
304 consecutive grade of "F" while implementing a corrective action  
305 is subject to subparagraph 4.

306 3. A charter school with a grade of "D" or "F" that  
307 improves by at least one letter grade must continue to implement  
308 the strategies identified in the school improvement plan. The  
309 sponsor must annually review implementation of the school  
310 improvement plan to monitor the school's continued improvement  
311 pursuant to subparagraph 5.

312 4. A charter school's charter is automatically terminated  
313 if the school earns two consecutive grades of "F" after all  
314 school grade appeals are final ~~The sponsor shall terminate a~~  
315 ~~charter if the charter school earns two consecutive grades of~~  
316 ~~"F" unless:~~

317 a. The charter school is established to turn around the  
318 performance of a district public school pursuant to s.  
319 1008.33(4)(b)3. Such charter schools shall be governed by s.  
320 1008.33;

321 b. The charter school serves a student population the  
322 majority of which resides in a school zone served by a district  
323 public school that earned a grade of "F" in the year before the  
324 charter school opened and the charter school earns at least a  
325 grade of "D" in its third year of operation. The exception  
326 provided under this sub-subparagraph does not apply to a charter

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327 school in its fourth year of operation and thereafter; or  
328 c. The state board grants the charter school a waiver of  
329 termination. The charter school must request the waiver within  
330 15 days after the department's official release of school  
331 grades. The state board may waive termination if the charter  
332 school demonstrates that the Learning Gains of its students on  
333 statewide assessments are comparable to or better than the  
334 Learning Gains of similarly situated students enrolled in nearby  
335 district public schools. The waiver is valid for 1 year and may  
336 only be granted once. Charter schools that have been in  
337 operation for more than 5 years are not eligible for a waiver  
338 under this sub-subparagraph.

339  
340 The sponsor shall notify the charter school's governing board,  
341 the charter school principal, and the department in writing when  
342 a charter is terminated under this subparagraph. A charter  
343 terminated under this subparagraph is governed by the  
344 requirements of paragraphs (8) (e)-(g) and (9) (o).

345 5. The director and a representative of the governing  
346 board of a graded charter school that has implemented a school  
347 improvement plan under this paragraph shall appear before the  
348 sponsor at least once a year to present information regarding  
349 the progress of intervention and support strategies implemented  
350 by the school pursuant to the school improvement plan and  
351 corrective actions, if applicable. The sponsor shall communicate  
352 at the meeting, and in writing to the director, the services

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353 provided to the school to help the school address its  
354 deficiencies.

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

358 (p)1. Each charter school shall maintain a website that  
359 enables the public to obtain information regarding the school;  
360 the school's academic performance; the names of the governing  
361 board members; the programs at the school; any management  
362 companies, service providers, or education management  
363 corporations associated with the school; the school's annual  
364 budget and its annual independent fiscal audit; the school's  
365 grade pursuant to s. 1008.34; and, on a quarterly basis, the  
366 minutes of governing board meetings.

367 2. Each charter school's governing board must appoint a  
368 representative to facilitate parental involvement, provide  
369 access to information, assist parents and others with questions  
370 and concerns, and resolve disputes. The representative must  
371 reside in the school district in which the charter school is  
372 located and may be a governing board member, a charter school  
373 employee, or an individual contracted to represent the governing  
374 board. If the governing board oversees multiple charter schools  
375 in the same school district, the governing board must appoint a  
376 separate representative for each charter school in the district.  
377 The representative's contact information must be provided  
378 annually in writing to parents and posted prominently on the

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379 charter school's website. The sponsor may not require governing  
380 board members to reside in the school district in which the  
381 charter school is located if the charter school complies with  
382 this subparagraph.

383 3. Each charter school's governing board must hold at  
384 least two public meetings per school year in the school district  
385 where the charter school is located. The meetings must be  
386 noticed, open, and accessible to the public, and attendees must  
387 be provided an opportunity to receive information and provide  
388 input regarding the charter school's operations. The appointed  
389 representative and charter school principal or director, or his  
390 or her designee, must be physically present at each meeting.  
391 Members of the governing board may attend in person or by means  
392 of communications media technology used in accordance with rules  
393 adopted by the Administration Commission under s. 120.54(5).

394 (10) ELIGIBLE STUDENTS.—

395 (a) A charter school shall be open to any student covered  
396 in an interdistrict agreement or residing in the school district  
397 in which the charter school is located; however, in the case of  
398 a charter lab school, the charter lab school shall be open to  
399 any student eligible to attend the lab school as provided in s.  
400 1002.32 or who resides in the school district in which the  
401 charter lab school is located. Any eligible student shall be  
402 allowed interdistrict transfer to attend a charter school when  
403 based on good cause. Good cause shall include, but is not  
404 limited to, geographic proximity to a charter school in a

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405 neighboring school district. A charter school that has not  
406 reached capacity as defined in s. 1002.31(3)(g), as determined  
407 by the charter school's governing board, may be open to any  
408 student in the state.

409 (13) CHARTER SCHOOL COOPERATIVES.— Charter schools may  
410 enter into cooperative agreements to form charter school  
411 cooperative organizations that may provide ~~the following~~  
412 services to further educational, operational, and administrative  
413 initiatives in which the participating charter schools share  
414 common interests: ~~charter school planning and development,~~  
415 ~~direct instructional services, and contracts with charter school~~  
416 ~~governing boards to provide personnel administrative services,~~  
417 ~~payroll services, human resource management, evaluation and~~  
418 ~~assessment services, teacher preparation, and professional~~  
419 ~~development.~~

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

425 (b) The basis for the agreement for funding students  
426 enrolled in a charter school shall be the sum of the school  
427 district's operating funds from the Florida Education Finance  
428 Program as provided in s. 1011.62 and the General Appropriations  
429 Act, including gross state and local funds, discretionary  
430 lottery funds, and funds from the school district's current

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431 operating discretionary millage levy; divided by total funded  
432 weighted full-time equivalent students in the school district;  
433 multiplied by the weighted full-time equivalent students for the  
434 charter school. Charter schools whose students or programs meet  
435 the eligibility criteria in law are entitled to their  
436 proportionate share of categorical program funds included in the  
437 total funds available in the Florida Education Finance Program  
438 by the Legislature, including transportation, the research-based  
439 reading allocation, and the Florida digital classrooms  
440 allocation. Total funding for each charter school shall be  
441 recalculated during the year to reflect the revised calculations  
442 under the Florida Education Finance Program by the state and the  
443 actual weighted full-time equivalent students reported by the  
444 charter school during the full-time equivalent student survey  
445 periods designated by the Commissioner of Education. Any  
446 unrestricted surplus or unrestricted net assets identified in  
447 the charter school's annual audit may be used for K-12  
448 educational purposes by a not-for-profit or municipal entity  
449 organizing or operating the charter school.

450 (e) District school boards shall make timely and efficient  
451 payment and reimbursement to charter schools, including  
452 processing paperwork required to access special state and  
453 federal funding for which they may be eligible. The district  
454 school board may distribute funds to a charter school for up to  
455 3 months based on the projected full-time equivalent student  
456 membership of the charter school. Thereafter, the results of

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457 full-time equivalent student membership surveys shall be used in  
458 adjusting the amount of funds distributed monthly to the charter  
459 school for the remainder of the fiscal year. The payment shall  
460 be issued no later than 10 working days after the district  
461 school board receives a distribution of state or federal funds.  
462 If a warrant for payment is not issued within 10 working days  
463 after receipt of funding by the district school board, the  
464 school district shall pay to the charter school, in addition to  
465 the amount of the scheduled disbursement, interest at a rate of  
466 1 percent per month calculated on a daily basis on the unpaid  
467 balance from the expiration of the 10 working days until such  
468 time as the warrant is issued. The district school board may not  
469 delay payment to a charter school of any portion of the funds  
470 provided in paragraph (b) based on the timing of receipt of  
471 local funds by the district school board.

472 Section 5. Paragraph (e) of subsection (2) and subsections  
473 (3), (4), and (5) of section 1002.331, Florida Statutes, are  
474 amended to read:

475 1002.331 High-performing charter schools.-

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

477 (e) Receive a modification of its charter to a term of 15  
478 years or a 15-year charter renewal. The charter may be modified  
479 or renewed for a shorter term at the option of the high-  
480 performing charter school. The charter must be consistent with  
481 s. 1002.33(7)(a)20. ~~1002.33(7)(a)19.~~ and (10)(h) and (i), is  
482 subject to annual review by the sponsor, and may be terminated

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483 during its term pursuant to s. 1002.33(8).

484

485 A high-performing charter school shall notify its sponsor in  
486 writing by March 1 if it intends to increase enrollment or  
487 expand grade levels the following school year. The written  
488 notice shall specify the amount of the enrollment increase and  
489 the grade levels that will be added, as applicable. If a charter  
490 school notifies the sponsor of its intent to expand, the sponsor  
491 shall modify the charter within 90 days to include the new  
492 enrollment maximum and may not make any other changes. The  
493 sponsor may deny a request to increase the enrollment of a high-  
494 performing charter school if the commissioner has declassified  
495 the charter school as high-performing. If a high-performing  
496 charter school requests to consolidate multiple charters, the  
497 sponsor shall have 40 days after receipt of that request to  
498 provide an initial draft charter to the charter school. The  
499 sponsor and charter school shall have 50 days thereafter to  
500 negotiate and notice the charter contract for final approval by  
501 the sponsor.

502 (3) (a) A high-performing charter school may submit an  
503 application pursuant to s. 1002.33(6) in any school district in  
504 the state to establish and operate a new charter school that  
505 will substantially replicate its educational program. An  
506 application submitted by a high-performing charter school must  
507 state that the application is being submitted pursuant to this  
508 paragraph and must include the verification letter provided by

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509 the Commissioner of Education pursuant to subsection (4)~~(5)~~. If  
510 the sponsor fails to act on the application within 60 days after  
511 receipt, the application is deemed approved and the procedure in  
512 s. 1002.33(6)(h) applies. If the sponsor denies the application,  
513 the high-performing charter school may appeal pursuant to s.  
514 1002.33(6).

515 (b) A high-performing charter school may not establish  
516 more than one charter school within the state under paragraph  
517 (a) in any year. A subsequent application to establish a charter  
518 school under paragraph (a) may not be submitted unless each  
519 charter school established in this manner achieves high-  
520 performing charter school status. This paragraph does not apply  
521 to charter schools established by a high-performing charter  
522 school in the attendance zone of a school identified as in need  
523 of intervention and support pursuant to s. 1008.33(3)(b) or to  
524 meet capacity needs or needs for innovative school choice  
525 options identified by the district school board.

526 ~~(4) A high-performing charter school may not increase~~  
527 ~~enrollment or expand grade levels following any school year in~~  
528 ~~which it receives a school grade of "C" or below. If the charter~~  
529 ~~school receives a school grade of "C" or below in any 2 years~~  
530 ~~during the term of the charter awarded under subsection (2), the~~  
531 ~~term of the charter may be modified by the sponsor and the~~  
532 ~~charter school loses its high-performing charter school status~~  
533 ~~until it regains that status under subsection (1).~~

534 (4)~~(5)~~ The Commissioner of Education, upon request by a

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535 charter school, shall verify that the charter school meets the  
536 criteria in subsection (1) and provide a letter to the charter  
537 school and the sponsor stating that the charter school is a  
538 high-performing charter school pursuant to this section. The  
539 commissioner shall annually determine whether a high-performing  
540 charter school under subsection (1) continues to meet the  
541 criteria in that subsection. Such high-performing charter school  
542 shall maintain its high-performing status unless the  
543 commissioner determines that the charter school no longer meets  
544 the criteria in subsection (1), at which time the commissioner  
545 shall send a letter to the charter school and its sponsor  
546 providing notification that the charter school has been  
547 declassified of its declassification as a high-performing  
548 charter school.

549 Section 6. Section 1004.650, Florida Statutes, is created  
550 to read:

551 1004.650 Florida Institute for Charter School Innovation.-

552 (1) There is established the Florida Institute for Charter  
553 School Innovation within the Florida State University. The  
554 purposes of the institute are to advance charter school  
555 accountability, quality, and innovation; provide support for and  
556 technical assistance to charter school applicants and sponsors;  
557 provide opportunities for aspiring teachers to experience  
558 teaching in schools of choice; and conduct research for the  
559 development and promotion of best practices for the authorizing,  
560 accountability, financing, management, operation, and

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561 instructional practices of charter schools.

562 (2) The institute shall:

563 (a) Provide technical assistance and support to charter  
564 school applicants and sponsors.

565 (b) Conduct research to inform both policy and practices  
566 related to charter school authorizing, accountability,  
567 instructional practices, financing, management, and operations.

568 (c) Partner with state-approved teacher preparation  
569 programs around the state to provide opportunities for aspiring  
570 teachers to experience teaching in schools of choice.

571 (3) The President of the Florida State University shall  
572 appoint a director of the institute. The director is responsible  
573 for overall management of the institute and for developing and  
574 executing the work of the institute consistent with this  
575 section. The director may engage individuals in other state  
576 universities with accredited colleges of education to  
577 participate in the work of the institute.

578 (4) By October 1 of each year, the institute shall provide  
579 a written report to the Governor, the President of the Senate,  
580 and the Speaker of the House of Representatives that outlines  
581 its activities in the preceding year, reports significant  
582 research findings, details expenditures of state funds, and  
583 provides specific recommendations for improving the state's  
584 charter school policies and the institute's ability to fulfill  
585 its mission.

586 (5) Within 180 days after completion of the institute's

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587 fiscal year, the institute must provide to the Auditor General,  
588 the Board of Governors of the State University System, and the  
589 State Board of Education a report on the results of an annual  
590 financial audit conducted by an independent certified public  
591 accountant in accordance with s. 11.45.

592 Section 7. Paragraph (b) of subsection (8) of section  
593 1012.56, Florida Statutes, is amended to read:

594 1012.56 Educator certification requirements.—

595 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
596 COMPETENCY PROGRAM.—

597 (b)1. Each school district must and a private school or  
598 state-supported ~~state-supported~~ public school, including a  
599 charter school, or a private school may develop and maintain a  
600 system by which members of the instructional staff may  
601 demonstrate mastery of professional preparation and education  
602 competence as required by law. Each program must be based on  
603 classroom application of the Florida Educator Accomplished  
604 Practices and instructional performance and, for public schools,  
605 must be aligned with the district's or state-supported public  
606 school's evaluation system established ~~approved~~ under s.  
607 1012.34, as applicable.

608 2. The Commissioner of Education shall determine the  
609 continued approval of programs implemented under this paragraph,  
610 based upon the department's review of performance data. The  
611 department shall review the performance data as a part of the  
612 periodic review of each school district's professional

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613 development system required under s. 1012.98.

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**T I T L E   A M E N D M E N T**

617

Remove lines 33-35 and insert:

618

amending s. 1002.33, F.S.; revising required contents

619

of charter school applications; conforming provisions

620

regarding the appeal process for denial of a high-

621

performing charter school application; requiring an

622

applicant to provide the sponsor with a copy of the

623

appeal; providing that a charter school may defer

624

opening for a specified period; requiring a charter

625

school to notify the sponsor of its intent to defer;

626

specifying that the reading curriculum and

627

instructional strategies in a charter school's charter

628

satisfy the research-based reading plan requirement

629

and that charter schools are eligible for the

630

research-based reading allocation; revising provisions

631

relating to long-term charters and charter

632

terminations; requiring a charter school applicant to

633

provide monthly financial statements before opening;

634

requiring a sponsor to review charter school financial

635

statements to identify the existence of certain

636

conditions; providing for the automatic termination of

637

a charter if certain conditions are met; requiring a

638

sponsor to notify certain parties when a charter is

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639 terminated for specific reasons; authorizing governing  
640 board members to participate in public meetings in  
641 person or through communications media technology;  
642 authorizing a charter school not having reached  
643 capacity to be open to any student in the state;  
644 revising requirements for payments to charter schools;  
645 allowing for the use of certain surpluses and assets  
646 by specific entities for certain educational purposes;  
647 amending s. 1002.331, F.S.; providing an exemption  
648 from the replication limitations for high-performing  
649 charter school; conforming a cross-reference; deleting  
650 obsolete provisions; creating s. 1004.650;  
651 establishing the Florida Institute for Charter School  
652 Innovation; specifying requirements for the institute;  
653 providing for the appointment of a director of the  
654 institute; establishing duties of the director;  
655 requiring an annual report to the Governor and  
656 Legislature and an annual financial report to certain  
657 entities; amending s. 1012.56, F.S.; specifying that a  
658 charter school may develop and operate a professional  
659 development certification and education competency  
660 program; amending s. 1012.2315, F.S.;

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