

By Senator Ring

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1                   A bill to be entitled  
2       An act relating to school choice; amending s. 1002.33,  
3       F.S.; requiring a person or officer of an entity who  
4       submits a charter school application to undergo  
5       background screening; prohibiting a sponsor from  
6       approving a charter school application until  
7       completion and receipt of the results of such  
8       screening; requiring a charter school applicant to  
9       provide evidence of accreditation; revising the  
10      deadline by which a charter school must have a  
11      certificate of occupancy or temporary certificate of  
12      occupancy; requiring that approval of a charter be  
13      based on documentation of adequate financial resources  
14      to support the charter school's operation; removing  
15      obsolete language; amending s. 1002.331, F.S.;  
16      conforming a cross-reference to changes made by the  
17      act; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21       Section 1. Paragraph (b) of subsection (6), paragraph (a)  
22      of subsection (7), and paragraph (c) of subsection (17) of  
23      section 1002.33, Florida Statutes, are amended, present  
24      paragraphs (g) and (h) of subsection (6) of that section are  
25      redesignated as paragraphs (h) and (i), respectively, and a new  
26      paragraph (g) is added to that subsection, to read:

27       1002.33 Charter schools.—

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

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30 (b) A sponsor shall receive and review all applications for  
31 a charter school using an evaluation instrument developed by the  
32 Department of Education. A sponsor shall receive and consider  
33 charter school applications received on or before August 1 of  
34 each calendar year for charter schools to be opened at the  
35 beginning of the school district's next school year, or to be  
36 opened at a time agreed to by the applicant and the sponsor. A  
37 sponsor may not refuse to receive a charter school application  
38 submitted before August 1 and may receive an application  
39 submitted later than August 1 if it chooses. In order to  
40 facilitate greater collaboration in the application process, an  
41 applicant may submit a draft charter school application on or  
42 before May 1 with an application fee of \$500. If a draft  
43 application is timely submitted, the sponsor shall review and  
44 provide feedback as to material deficiencies in the application  
45 by July 1. The applicant shall then have until August 1 to  
46 resubmit a revised and final application. The sponsor may  
47 approve the draft application. A sponsor may not charge an  
48 applicant for a charter any fee for the processing or  
49 consideration of an application, and a sponsor may not base its  
50 consideration or approval of a final application upon the  
51 promise of future payment of any kind. Before approving or  
52 denying any final application, the sponsor shall allow the  
53 applicant, upon receipt of written notification, at least 7  
54 calendar days to make technical or nonsubstantive corrections  
55 and clarifications, including, but not limited to, corrections  
56 of grammatical, typographical, and like errors or missing  
57 signatures, if such errors are identified by the sponsor as  
58 cause to deny the final application.

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59           1. In order to facilitate an accurate budget projection  
60 process, a sponsor shall be held harmless for FTE students who  
61 are not included in the FTE projection due to approval of  
62 charter school applications after the FTE projection deadline.  
63 In a further effort to facilitate an accurate budget projection,  
64 within 15 calendar days after receipt of a charter school  
65 application, a sponsor shall report to the Department of  
66 Education the name of the applicant entity, the proposed charter  
67 school location, and its projected FTE.

68           2. In order to ensure fiscal responsibility, an application  
69 for a charter school shall include a full accounting of expected  
70 assets, a projection of expected sources and amounts of income,  
71 including income derived from projected student enrollments and  
72 from community support, and an expense projection that includes  
73 full accounting of the costs of operation, including start-up  
74 costs.

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

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

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

94           (II) The charter school proposed in the application does  
95 not materially comply with the requirements in paragraphs  
96 (9) (a) - (f);

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

100           (IV) The applicant has made a material misrepresentation or  
101 false statement or concealed an essential or material fact  
102 during the application process; or

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

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

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117 schools.

118 c. If the sponsor denies an application submitted by a  
119 high-performing charter school, the sponsor must, within 10  
120 calendar days after such denial, state in writing the specific  
121 reasons, based upon the criteria in sub-subparagraph b.,  
122 supporting its denial of the application and must provide the  
123 letter of denial and supporting documentation to the applicant  
124 and to the Department of Education. The applicant may appeal the  
125 sponsor's denial of the application directly to the State Board  
126 of Education pursuant to sub-subparagraph (c)3.b.

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

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

137 6. A person, or an officer of an entity, who submits an  
138 application pursuant to this subsection must undergo background  
139 screening in the same manner as instructional and  
140 noninstructional personnel hired or contracted to fill positions  
141 in a charter school or as members of the governing board of a  
142 charter school undergo background screening under s. 1012.32.  
143 Notwithstanding any other provision of this subsection, a person  
144 may not receive approval of a charter application until the  
145 person's screening is completed and the results have been

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146 submitted to the sponsor.

147 (g) A charter school applicant, after approval of an  
148 application but before the first day of classes at the charter  
149 school, must provide verified evidence that the school has been  
150 accredited by the Southern Association of Colleges and Schools.

151 (7) CHARTER.—The major issues involving the operation of a  
152 charter school shall be considered in advance and written into  
153 the charter. The charter shall be signed by the governing board  
154 of the charter school and the sponsor, following a public  
155 hearing to ensure community input.

156 (a) The charter shall address and criteria for approval of  
157 the charter shall be based on:

158 1. The school's mission, the students to be served, and the  
159 ages and grades to be included.

160 2. The focus of the curriculum, the instructional methods  
161 to be used, any distinctive instructional techniques to be  
162 employed, and identification and acquisition of appropriate  
163 technologies needed to improve educational and administrative  
164 performance which include a means for promoting safe, ethical,  
165 and appropriate uses of technology which comply with legal and  
166 professional standards.

167 a. The charter shall ensure that reading is a primary focus  
168 of the curriculum and that resources are provided to identify  
169 and provide specialized instruction for students who are reading  
170 below grade level. The curriculum and instructional strategies  
171 for reading must be consistent with the Next Generation Sunshine  
172 State Standards and grounded in scientifically based reading  
173 research.

174 b. In order to provide students with access to diverse

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175 instructional delivery models, to facilitate the integration of  
176 technology within traditional classroom instruction, and to  
177 provide students with the skills they need to compete in the  
178 21st century economy, the Legislature encourages instructional  
179 methods for blended learning courses consisting of both  
180 traditional classroom and online instructional techniques.  
181 Charter schools may implement blended learning courses which  
182 combine traditional classroom instruction and virtual  
183 instruction. Students in a blended learning course must be full-  
184 time students of the charter school and receive the online  
185 instruction in a classroom setting at the charter school.  
186 Instructional personnel certified pursuant to s. 1012.55 who  
187 provide virtual instruction for blended learning courses may be  
188 employees of the charter school or may be under contract to  
189 provide instructional services to charter school students. At a  
190 minimum, such instructional personnel must hold an active state  
191 or school district adjunct certification under s. 1012.57 for  
192 the subject area of the blended learning course. The funding and  
193 performance accountability requirements for blended learning  
194 courses are the same as those for traditional courses.

195 3. The current incoming baseline standard of student  
196 academic achievement, the outcomes to be achieved, and the  
197 method of measurement that will be used. The criteria listed in  
198 this subparagraph shall include a detailed description of:

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

201 b. How these baseline rates will be compared to rates of  
202 academic progress achieved by these same students while  
203 attending the charter school.

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204 c. To the extent possible, how these rates of progress will  
205 be evaluated and compared with rates of progress of other  
206 closely comparable student populations.

207  
208 The district school board is required to provide academic  
209 student performance data to charter schools for each of their  
210 students coming from the district school system, as well as  
211 rates of academic progress of comparable student populations in  
212 the district school system.

213 4. The methods used to identify the educational strengths  
214 and needs of students and how well educational goals and  
215 performance standards are met by students attending the charter  
216 school. The methods shall provide a means for the charter school  
217 to ensure accountability to its constituents by analyzing  
218 student performance data and by evaluating the effectiveness and  
219 efficiency of its major educational programs. Students in  
220 charter schools shall, at a minimum, participate in the  
221 statewide assessment program created under s. 1008.22.

222 5. In secondary charter schools, a method for determining  
223 that a student has satisfied the requirements for graduation in  
224 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

225 6. A method for resolving conflicts between the governing  
226 board of the charter school and the sponsor.

227 7. The admissions procedures and dismissal procedures,  
228 including the school's code of student conduct.

229 8. The ways by which the school will achieve a  
230 racial/ethnic balance reflective of the community it serves or  
231 within the racial/ethnic range of other public schools in the  
232 same school district.



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233           9. The financial and administrative management of the  
234 school, including a reasonable demonstration of the professional  
235 experience or competence of those individuals or organizations  
236 applying to operate the charter school or those hired or  
237 retained to perform such professional services and the  
238 description of clearly delineated responsibilities and the  
239 policies and practices needed to effectively manage the charter  
240 school. A description of internal audit procedures and  
241 establishment of controls to ensure that financial resources are  
242 properly managed must be included. Both public sector and  
243 private sector professional experience shall be equally valid in  
244 such a consideration.

245           10. The asset and liability projections required in the  
246 application which are incorporated into the charter and shall be  
247 compared with information provided in the annual report of the  
248 charter school.

249           11. A description of procedures that identify various risks  
250 and provide for a comprehensive approach to reduce the impact of  
251 losses; plans to ensure the safety and security of students and  
252 staff; plans to identify, minimize, and protect others from  
253 violent or disruptive student behavior; and the manner in which  
254 the school will be insured, including whether or not the school  
255 will be required to have liability insurance, and, if so, the  
256 terms and conditions thereof and the amounts of coverage.

257           12. The term of the charter which shall provide for  
258 cancellation of the charter if insufficient progress has been  
259 made in attaining the student achievement objectives of the  
260 charter and if it is not likely that such objectives can be  
261 achieved before expiration of the charter. The initial term of a

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262 charter shall be for 4 or 5 years. In order to facilitate access  
263 to long-term financial resources for charter school  
264 construction, charter schools that are operated by a  
265 municipality or other public entity as provided by law are  
266 eligible for up to a 15-year charter, subject to approval by the  
267 district school board. A charter lab school is eligible for a  
268 charter for a term of up to 15 years. In addition, to facilitate  
269 access to long-term financial resources for charter school  
270 construction, charter schools that are operated by a private,  
271 not-for-profit, s. 501(c)(3) status corporation are eligible for  
272 up to a 15-year charter, subject to approval by the district  
273 school board. Such long-term charters remain subject to annual  
274 review and may be terminated during the term of the charter, but  
275 only according to the provisions set forth in subsection (8).

276 13. The facilities to be used and their location. The  
277 sponsor shall ~~may not~~ require a charter school to have a  
278 certificate of occupancy or a temporary certificate of occupancy  
279 for such a facility no later than 60 ~~earlier than 15~~ calendar  
280 days before the first day of school.

281 14. The qualifications to be required of the teachers and  
282 the potential strategies used to recruit, hire, train, and  
283 retain qualified staff to achieve best value.

284 15. The governance structure of the school, including the  
285 status of the charter school as a public or private employer as  
286 required in paragraph (12)(i).

287 16. A timetable for implementing the charter which  
288 addresses the implementation of each element thereof and the  
289 date by which the charter shall be awarded in order to meet this  
290 timetable.

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291           17. In the case of an existing public school that is being  
292 converted to charter status, alternative arrangements for  
293 current students who choose not to attend the charter school and  
294 for current teachers who choose not to teach in the charter  
295 school after conversion in accordance with the existing  
296 collective bargaining agreement or district school board rule in  
297 the absence of a collective bargaining agreement. However,  
298 alternative arrangements shall not be required for current  
299 teachers who choose not to teach in a charter lab school, except  
300 as authorized by the employment policies of the state university  
301 which grants the charter to the lab school.

302           18. Full disclosure of the identity of all relatives  
303 employed by the charter school who are related to the charter  
304 school owner, president, chairperson of the governing board of  
305 directors, superintendent, governing board member, principal,  
306 assistant principal, or any other person employed by the charter  
307 school who has equivalent decisionmaking authority. For the  
308 purpose of this subparagraph, the term "relative" means father,  
309 mother, son, daughter, brother, sister, uncle, aunt, first  
310 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
311 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
312 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
313 stepsister, half brother, or half sister.

314           19. Implementation of the activities authorized under s.  
315 1002.331 by the charter school when it satisfies the eligibility  
316 requirements for a high-performing charter school. A high-  
317 performing charter school shall notify its sponsor in writing by  
318 March 1 if it intends to increase enrollment or expand grade  
319 levels the following school year. The written notice shall

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320 specify the amount of the enrollment increase and the grade  
321 levels that will be added, as applicable.

322 20. Documentation of adequate financial resources to  
323 support the operation of the charter school no later than 60  
324 calendar days before the first day of school. Documentation may  
325 include bank statements, financial statements, loan documents,  
326 and any other business and financial records.

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

332 (c) If the district school board is providing programs or  
333 services to students funded by federal funds, any eligible  
334 students enrolled in charter schools in the school district  
335 shall be provided federal funds for the same level of service  
336 provided students in the schools operated by the district school  
337 board. ~~Pursuant to provisions of 20 U.S.C. 8061 s. 10306,~~ All  
338 charter schools shall receive all federal funding for which the  
339 school is otherwise eligible, including Title I funding, no ~~not~~  
340 later than 5 months after the charter school first opens and  
341 within 5 months after any subsequent expansion of enrollment.  
342 Unless otherwise mutually agreed to by the charter school and  
343 its sponsor, and consistent with state and federal rules and  
344 regulations governing the use and disbursement of federal funds,  
345 the sponsor shall reimburse the charter school on a monthly  
346 basis for all invoices submitted by the charter school for  
347 federal funds available to the sponsor for the benefit of the  
348 charter school, the charter school's students, and the charter

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349 school's students as public school students in the school  
350 district. Such federal funds include, but are not limited to,  
351 Title I, Title II, and Individuals with Disabilities Education  
352 Act (IDEA) funds. To receive timely reimbursement for an  
353 invoice, the charter school must submit the invoice to the  
354 sponsor at least 30 days before the monthly date of  
355 reimbursement set by the sponsor. In order to be reimbursed, any  
356 expenditures made by the charter school must comply with all  
357 applicable state rules and federal regulations, including, but  
358 not limited to, the applicable federal Office of Management and  
359 Budget Circulars; United States Department of Education ~~the~~  
360 ~~federal Education Department~~ General Administrative Regulations;  
361 and program-specific statutes, rules, and regulations. Such  
362 funds may not be made available to the charter school until a  
363 plan is submitted to the sponsor for approval of the use of the  
364 funds in accordance with applicable federal requirements. The  
365 sponsor has 30 days to review and approve any plan submitted  
366 pursuant to this paragraph.

367 Section 2. Paragraph (a) of subsection (3) of section  
368 1002.331, Florida Statutes, is amended to read:

369 1002.331 High-performing charter schools.—

370 (3) (a) A high-performing charter school may submit an  
371 application pursuant to s. 1002.33(6) in any school district in  
372 the state to establish and operate a new charter school that  
373 will substantially replicate its educational program. An  
374 application submitted by a high-performing charter school must  
375 state that the application is being submitted pursuant to this  
376 paragraph and must include the verification letter provided by  
377 the Commissioner of Education pursuant to subsection (5). If the

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378 sponsor fails to act on the application within 60 days after  
379 receipt, the application is deemed approved and the procedure in  
380 s. 1002.33(6)(i) ~~s. 1002.33(6)(h)~~ applies. If the sponsor denies  
381 the application, the high-performing charter school may appeal  
382 pursuant to s. 1002.33(6).

383 Section 3. This act shall take effect July 1, 2015.