

By Senator Montford

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1 A bill to be entitled
2 An act relating to charter schools; creating s.
3 1002.322, F.S.; providing a short title and
4 legislative findings; providing the purpose of the
5 act; creating s. 1002.323, F.S.; defining terms;
6 creating s. 1002.324, F.S.; specifying the duties and
7 responsibilities of the Department of Education with
8 respect to the issuance of statements of need and
9 exemptions; requiring the State Board of Education to
10 adopt certain rules; requiring the state board to
11 allow stakeholder participation in rule development;
12 creating s. 1002.325, F.S.; requiring an applicant to
13 file a letter of intent with the department before
14 applying for a statement of need; prescribing required
15 content for a letter of intent; requiring the
16 department to publish notice of filing of letters of
17 intent in the Florida Administrative Register;
18 specifying the content of a statement of need
19 application; requiring the state board to adopt a rule
20 regarding timeframes; establishing procedures
21 governing the submission and review of applications;
22 authorizing the department to hold a public hearing
23 regarding a proposed project under certain
24 circumstances; authorizing an applicant to submit a
25 response to a written statement of opposition;
26 specifying evaluation criteria for applications;
27 authorizing the department to assess fees on
28 applications; creating s. 1002.326, F.S.; establishing
29 procedures for the department to issue or deny
30 statements of need; requiring publication of the
31 department's report and notice of intent; authorizing
32 specified parties to file a request for an

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33 administrative hearing; requiring the department to
34 issue a final order within a certain timeframe of an
35 administrative law judge's recommended order;
36 authorizing an applicant to take legal action to
37 compel the department to act under certain
38 circumstances; authorizing a party to an
39 administrative hearing to seek judicial review;
40 authorizing the reviewing court to award attorney fees
41 and court costs under certain circumstances; creating
42 s. 1002.327, F.S.; specifying applicability of the
43 statement of need review process; authorizing
44 expedited review and exemption from review under
45 certain circumstances; creating s. 1002.328, F.S.;

46 authorizing the department to conditionally issue a
47 statement of need; authorizing a statement holder to
48 apply to the department for a modification of
49 conditions; requiring the state board to specify
50 factors constituting good cause for modification by
51 rule; authorizing the department to assess a fine
52 against a noncompliant statement of need or exemption
53 holder; requiring fine proceeds to be deposited into
54 the State School Trust Fund; specifying the length of
55 validity for a statement of need; requiring the
56 department to monitor the progress of a statement
57 holder; requiring the department to extend the length
58 of validity for a statement of need under certain
59 circumstances; creating s. 1002.3281, F.S.;

60 prohibiting a person from undertaking a project
61 subject to review without holding a statement of need;

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62 providing a penalty; creating s. 1002.3282, F.S.;

63 prohibiting the transfer of a statement of need;

64 providing a penalty; creating s. 1002.329, F.S.;

65 authorizing the department to seek injunctive relief;

66 amending s. 1002.33, F.S.; conforming provisions to

67 changes made by the act; providing an effective date.

68

69 Be It Enacted by the Legislature of the State of Florida:

70

71 Section 1. Section 1002.322, Florida Statutes, is created

72 to read:

73 1002.322 Short title; legislative findings; purpose.—

74 (1) Sections 1002.322-1002.329 may be cited as the "Charter

75 School Excellence Act."

76 (2) The Legislature finds that:

77 (a) Section 1, Art. IX of the State Constitution mandates a

78 uniform, efficient, safe, secure, and high quality system of

79 free public schools. Thus, a uniform and coherent system of

80 public education which is both equitable and fiscally efficient

81 is imperative. All charter schools in this state are public

82 schools and are, therefore, subject to the constitutional

83 mandate.

84 (b) The number of charter schools in this state has grown

85 steadily since the charter schools' inception in 1996 and

86 exceeded 640 in the 2014-2015 school year. Charter school

87 enrollment grew to more than 251,000 students in the 2014-2015

88 school year. A charter school can be independently opened and

89 operated by individuals, a municipality, or a legal entity

90 organized under the laws of this state. A volunteer governing

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91 board, rather than a district school board composed of elected
92 representatives, controls each individual charter school.

93 (c) The application process for new charter schools is
94 biased toward encouraging unmitigated growth of the charter
95 school industry, rather than focusing on the specific needs of
96 students or the safeguarding of taxpayer dollars. Unlike many
97 other states, Florida has not established a maximum cap on the
98 number of charter schools that are authorized to operate.

99 (d) The lack of transparency and local control over charter
100 schools has resulted in the inefficient use of taxpayer dollars.
101 School districts are limited in their ability to intervene in
102 the management or instruction of an individual charter school,
103 and this limited oversight of charter schools has exacerbated
104 the problem of failing charter schools. Delaying intervention
105 into a failing charter school's operation has repeatedly
106 resulted in the failure of the charter school and the resulting
107 displacement of students. In many instances, school districts
108 have been unable to recoup taxpayer dollars invested in a failed
109 charter school. Additionally, current standards of performance
110 for charter schools, compared to the standards applied to
111 traditional public schools, are inadequate, given a charter
112 school's ability to target and select particular students for
113 enrollment.

114 (e) For-profit companies that provide charter schools with
115 various administrative services can consume a significant
116 portion of the school's budget, which ultimately results in less
117 money going toward student education. Such administrative
118 services often duplicate services already available through the
119 school districts and are an inefficient use of taxpayer dollars.

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120 (f) Many charter schools have failed to assume the role
121 that was originally envisioned for them in the original
122 authorizing legislation. Instead, they offer the same
123 instructional services provided in traditional public schools
124 located in the same neighborhood. Duplicative programs in
125 charter schools which largely mirror programs available in
126 traditional public schools are burdens on the already
127 financially strained public school system. The state's charter
128 schools should complement, and not duplicate, the state's
129 traditional public schools.

130 (3) The purpose of this act is to develop and implement a
131 program that requires statements of need for charter schools to
132 ensure that such schools provide innovative educational services
133 not provided by traditional public schools in the community,
134 that such schools do not duplicate existing services provided by
135 school districts and traditional public schools, and that such
136 schools are responsible stewards of taxpayer money.

137 Section 2. Section 1002.323, Florida Statutes, is created
138 to read:

139 1002.323 Definitions.—As used in ss. 1002.322-1002.329, the
140 term:

141 (1) "Capital expenditure" means an expenditure, including
142 an expenditure for a construction project undertaken by a
143 charter school, which, under generally accepted accounting
144 principles, is not chargeable as an expense of operation and
145 maintenance; which is made to change the student enrollment
146 capacity of the charter school or substantially change the
147 educational services or grade levels of the charter school; and
148 which includes the cost of the studies, surveys, designs, plans,

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149 working drawings, specifications, initial financing costs, and
150 other activities essential to the acquisition, improvement,
151 expansion, or replacement of the plant and equipment.

152 (2) "Charter school" means a school that meets the
153 requirements of s. 1002.33 and that has been issued a statement
154 of need or an exemption.

155 (3) "Commenced construction" means initiation of and
156 continuous activities beyond site preparation associated with
157 erecting or modifying a charter school, including procuring a
158 building permit, securing an executed owner-contractor agreement
159 or an irrevocable or binding forced account, or actually
160 undertaking the building of the foundation with steel
161 installation and concrete placement.

162 (4) "Department" means the Department of Education.

163 (5) "Exemption" means an exemption granted to a school that
164 would otherwise require a statement of need.

165 (6) "Expedited review" means the process by which a
166 statement of need application is not subject to the review and
167 letter of intent requirements in s. 1002.325.

168 (7) "State board" means the State Board of Education.

169 (8) "Statement of need" means a written statement issued by
170 the department evidencing the need for a new, converted,
171 expanded, or otherwise significantly modified charter school in
172 a specific school district.

173 Section 3. Section 1002.324, Florida Statutes, is created
174 to read:

175 1002.324 Duties and responsibilities of department; rules.-

176 (1) The department shall be the sole agency that may issue,
177 revoke, or deny statements of need or exemptions in accordance

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178 with applicable law and rules.

179 (2) Before determining that there is a need for additional
180 charter schools in a school district, the department shall
181 assess whether a specific need can be satisfied through existing
182 traditional public schools and charter schools.

183 (3) The state board shall establish by rule:

184 (a) Uniform need methodologies for charter schools. In
185 developing such methodologies, the state board shall, at a
186 minimum, consider full-time equivalent student population
187 trends, student demographics, the number of existing charter
188 schools already operational in a school district, the need for
189 additional programs and educational services for students which
190 may be met by a charter school, and the need for innovative
191 educational services.

192 (b) A full-time equivalent student methodology with a goal
193 of maintaining an average enrollment rate of 95 percent.

194 (4) In developing rules, the state board shall involve all
195 stakeholders to the greatest extent practicable, including
196 school district personnel, charter school operators, and
197 statewide organizations that represent public school educators
198 and charter schools.

199 Section 4. Section 1002.325, Florida Statutes, is created
200 to read:

201 1002.325 Application process and review for statements of
202 need.—

203 (1) LETTERS OF INTENT.—

204 (a) At least 30 days before filing an application for a
205 statement of need, a prospective applicant must file a letter of
206 intent with the department stating the applicant's intent to

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207 open a charter school, subject to review by the department. The
208 letter of intent must also be filed with the district school
209 board of the school district in which the proposed charter
210 school would be located.

211 (b) A letter of intent must describe the proposed charter
212 school; specify the projected number of full-time equivalent
213 students to be enrolled; and identify the applicant, the
214 specific location of the charter school, and the educational
215 services to be provided.

216 (c) Within 21 days after receipt of the letter of intent,
217 the department shall publish a notice of the filing of the
218 letter of intent in the Florida Administrative Register. A
219 notice published under this paragraph must specify due dates
220 applicable to the timetable or cycle for filing applications and
221 for requesting an administrative hearing.

222 (2) APPLICATION.—An application for a statement of need
223 must include:

224 (a) A detailed description of the proposed charter school
225 project and a statement of purpose and need in relation to the
226 criteria used by the department in reviewing applications.

227 (b) A statement of the financial resources needed by and
228 available to the applicant to complete the proposed project. The
229 statement must include:

230 1. A complete listing of all capital projects, including
231 facility acquisitions applied for, pending, approved, or
232 underway in this state or any state at the time of application,
233 regardless of whether the state has a statement of need program.
234 This listing must include the applicant's actual or proposed
235 financial commitment to those projects and an assessment of

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236 their impact on the applicant's ability to provide adequate
237 funding for the proposed project.

238 2. A detailed listing of the needed capital expenditures,
239 including sources of funds.

240 3. A detailed financial projection, including a statement
241 of the projected revenue and expenses for the first 2 years of
242 operation after completion of the proposed project. This
243 statement must include a detailed evaluation of the impact of
244 the proposed project on the cost of other services provided by
245 the applicant.

246 (c) An audited financial statement of the applicant or the
247 applicant's parent corporation if the applicant does not have
248 audited financial statements. In an application submitted by an
249 existing charter school, financial condition documentation must
250 include, but need not be limited to, a balance sheet and a
251 profit-and-loss statement for the 2 previous fiscal years'
252 operation.

253 (3) REVIEW OF APPLICATIONS.-

254 (a) The state board shall adopt a rule that establishes a
255 timetable or cycle basis for the submission and review of
256 statement of need applications. The timetable or cycle for the
257 submission and review of statement of need applications must be
258 aligned and consistent with the charter school application and
259 review process established in s. 1002.33. The department shall
260 review applications on a timely basis and provide for all
261 completed applications and shall consider at least annually all
262 completed applications.

263 (b) Within 15 days after the applicable filing deadline for
264 the review cycle, the department shall determine if the

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265 application is complete. If the application is incomplete, the
266 department shall request specific information from the applicant
267 necessary to complete the application; however, the department
268 may make only one such request. If the requested information is
269 not filed with the department within 21 days after receipt of
270 the department's request, the application shall be withdrawn
271 from consideration.

272 (c) Upon the request of any applicant or substantially
273 affected person, including other charter schools and the
274 district school board, within 14 days after notice that an
275 application has been filed, a public hearing may be held at the
276 department's discretion if the department determines that a
277 proposed project involves issues of great public interest. In
278 such cases, the department shall attend the public hearing. The
279 public hearing shall allow applicants and other interested
280 parties reasonable time to present their positions and to
281 present rebuttal information. The department shall maintain a
282 recorded transcript of the hearing. A public hearing shall be
283 held at the local school district level within 21 days after the
284 application is deemed complete.

285 (d) If a written statement of opposition has been timely
286 filed with the department by an individual regarding a statement
287 of need application, the applicant may submit a written response
288 to the department. Such response must be received by the
289 department within 10 days after the written statement of
290 opposition is received by the department.

291 (4) CRITERIA.—The evaluation criteria for applications
292 submitted to the department must include the following:

293 (a) The need for the proposed charter school and

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294 educational services.

295 (b) The availability of the proposed educational services
296 in existing public schools and charter schools in the school
297 district.

298 (c) The ability of the applicant to provide quality
299 educational services and the applicant's record of providing
300 quality educational services, if applicable.

301 (d) The availability of resources, including teachers and
302 administrators, management personnel, and funds for capital and
303 operating expenditures, for project accomplishment and
304 operation.

305 (e) The extent to which the proposed educational services
306 will enhance the educational options in the school district and
307 are not duplicative of existing educational services.

308 (f) The immediate and long-term financial feasibility and
309 fiscal efficiency of the charter school.

310 (g) The costs and methods of the proposed construction,
311 including whether the charter school will be in compliance with
312 the State Requirements for Educational Facilities approved by
313 the state board, and if not, whether the charter school will be
314 in compliance with any applicable state and local building
315 codes.

316 (h) The applicant's record of providing educational
317 services to students who are from lower socioeconomic
318 backgrounds, who are low performing, or who have disabilities.

319 (5) FEES.—The department shall assess a fee on each
320 application for a statement of need as follows:

321 (a) A minimum base fee of \$10,000 per application.

322 (b) In addition to the base fee, \$50 for each full-time

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323 equivalent student projected to enroll based on the enrollment
324 capacity of the applicant school. The total fee assessed
325 pursuant to paragraph (a) and this paragraph may not exceed
326 \$50,000 in the aggregate.

327 (c) The department shall reduce the fee assessed pursuant
328 to paragraph (b) if the fees collected are projected to exceed
329 the cost of administering the statement of need program.

330 Section 5. Section 1002.326, Florida Statutes, is created
331 to read:

332 1002.326 Disposition of applications; administrative
333 hearing; judicial review.—

334 (1) The department's review of and final action on
335 applications submitted must be in accordance with the criteria
336 specified in s. 1002.325(4) and any applicable state board
337 rules.

338 (2) Within 60 days after all of the applications in a
339 review cycle are determined to be complete, the department shall
340 issue a report and notice of intent specifying statements of
341 need that are issued or denied for the review cycle. The
342 department's report shall specify its findings of fact and
343 determinations upon which its decision is based. If the
344 department intends to issue a statement of need, the report and
345 notice of intent must also include any conditions that the
346 department intends to attach to the statement of need. The state
347 board shall designate by rule a senior staff person, other than
348 the person who issues the final order and notice of intent, to
349 issue the report.

350 (3) The department shall publish the notice of intent in
351 the Florida Administrative Register within 14 days after

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352 issuance of the notice.

353 (4) If an administrative hearing is not requested pursuant
354 to subsection (5), the report and the notice of intent become
355 the final order of the department. The department shall provide
356 a copy of the final order to the appropriate district school
357 board.

358 (5) Within 21 days after publication of the report and
359 notice of intent, any person authorized to participate in a
360 hearing may file a request for an administrative hearing.
361 Failure to file a request for hearing within 21 days after
362 publication of the report and notice of intent constitutes a
363 waiver of the right to a hearing and a waiver of the right to
364 contest the final decision of the department. A copy of the
365 request for hearing shall be served on the applicant.

366 (a) Hearings must be held in the county in which the
367 charter school would be located unless the administrative law
368 judge determines that changing the location will facilitate the
369 proceedings. The department shall assign proceedings that
370 require hearings to the Division of Administrative Hearings of
371 the Department of Management Services within 10 days after the
372 time has expired for requesting a hearing. Except upon unanimous
373 consent of the parties or upon the granting by the
374 administrative law judge of a motion of continuance, a hearing
375 shall commence within 60 days after the administrative law judge
376 has been assigned, and a continuance may not be granted after
377 commencement of the proceedings absent a finding of
378 extraordinary circumstances by the administrative law judge. All
379 parties, except the department, shall bear their own expense of
380 preparing a transcript. In any application for a statement of

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381 need which is referred to the Division of Administrative
382 Hearings for a hearing, the administrative law judge shall
383 complete and submit to the parties a recommended order as
384 provided in ss. 120.569 and 120.57. The recommended order shall
385 be issued within 30 days after receipt of the proposed
386 recommended orders or the deadline for submission of such
387 proposed recommended orders, whichever is earlier. The division
388 shall adopt procedures for administrative hearings which
389 maximize the use of stipulated facts and shall provide for the
390 admission of prepared testimony.

391 (b) The department shall issue its final order within 45
392 days after receipt of the recommended order. If the department
393 fails to take action within such time, or as otherwise agreed to
394 by the applicant and the department, the applicant may take
395 appropriate legal action to compel the department to act. When
396 making a determination on an application for a statement of
397 need, the department is specifically exempt from the time
398 limitations provided in s. 120.60(1).

399 (6) (a) A party to an administrative hearing for an
400 application for a statement of need has the right, within 30
401 days after the date of the final order, to seek judicial review
402 in the appropriate district court of appeal pursuant to s.
403 120.68. The department shall be a party in any such proceeding.

404 (b) In such judicial review, the court shall affirm the
405 final order of the department unless the decision is arbitrary
406 or capricious or does not comply with the requirements for a
407 statement of need.

408 (c) The court may award reasonable attorney fees and costs
409 to the prevailing party if the court finds that there was a

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410 complete absence of a justiciable issue of law or fact raised by
411 the losing party.

412 Section 6. Section 1002.327, Florida Statutes, is created
413 to read:

414 1002.327 Applicability; expedited review; exemption.-

415 (1) Beginning July 1, 2017, all charter schools described
416 in this subsection are subject to review and must file an
417 application for a statement of need with the department. The
418 department is exclusively responsible for determining whether a
419 charter school project is subject to review. Schools subject to
420 review include:

421 (a) A charter school that is newly constructed or newly
422 established, including a replacement charter school, if the
423 proposed project site is not located on the same site as, or
424 within 1 mile of, the existing charter school.

425 (b) An existing traditional public school proposed to be
426 converted to a charter school.

427 (c) An existing charter school that increases the number of
428 students enrolled or the enrollment capacity.

429 (d) An existing charter school that increases the number of
430 grades being provided educational services.

431 (2) All charter schools that meet the criteria specified in
432 this subsection are eligible for an expedited review of an
433 application for a statement of need:

434 (a) Transfer of a previously issued statement of need. A
435 subsequent purchaser of a charter school that is not yet
436 operational, but has previously been issued a statement of need,
437 may acquire the school's statement of need without a transfer;

438 (b) Replacement of an existing charter school;

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439 (c) Expansion of a charter school designated as a high-
440 performing charter school in accordance with s. 1002.331; or

441 (d) Replication of a high-performing charter school in a
442 high-performing charter school system.

443 (3) An applicant may submit a request for exemption from
444 subsection (1) to the department. Any exemption request must
445 specifically document why an exemption is appropriate in a
446 particular circumstance.

447 Section 7. Section 1002.328, Florida Statutes, is created
448 to read:

449 1002.328 Conditions and monitoring.-

450 (1) (a) The department may conditionally issue a statement
451 of need, predicated upon statements of intent expressed by an
452 applicant in the application for a statement of need. Any
453 conditions imposed on a statement of need based on such
454 statements of intent shall be specified on the face of the
455 statement of need approval.

456 (b) A holder of a statement of need may apply to the
457 department for a modification of conditions imposed under
458 paragraph (a). If the holder of the statement of need shows good
459 cause why the statement of need should be modified, the
460 department shall reissue the statement of need with such
461 modifications as may be appropriate. The state board shall
462 define by rule the factors constituting good cause for
463 modification of a statement of need.

464 (c) If a holder of a statement of need or a charter school
465 that is granted an exemption fails to comply with a condition
466 upon which the issuance of the statement of need or exemption is
467 predicated, the department may assess an administrative fine

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468 against the holder of the statement of need or the charter
469 school in an amount not to exceed \$1,000 per each day of
470 noncompliance. Failure to annually report compliance with any
471 condition upon which the issuance of the statement of need or
472 exemption is predicated constitutes noncompliance. In assessing
473 the penalty, the department shall take into account as
474 mitigation the degree of noncompliance. Proceeds of such
475 penalties shall be deposited into the State School Trust Fund.

476 (2) (a) A statement of need terminates 18 months after the
477 date of issuance unless the applicant has commenced construction
478 on a project that requires construction or unless the applicant
479 has incurred an enforceable capital expenditure commitment on a
480 project that does not require construction. The department shall
481 monitor the progress of the holder of the statement of need in
482 meeting the timetable for school development specified in the
483 application and may revoke the statement of need if the holder
484 of the statement of need is not meeting such timetable and is
485 not making a good faith effort, as defined by rule, to meet the
486 timetable.

487 (b) The statement of need validity period for a project
488 shall be extended by the department if the applicant
489 demonstrates to the satisfaction of the department that the
490 applicant has made a good faith attempt at commencing
491 construction, but the project is delayed by litigation or by
492 governmental action or inaction with respect to regulations or
493 permitting which precludes commencing construction.

494 Section 8. Section 1002.3281, Florida Statutes, is created
495 to read:

496 1002.3281 Statement of need required; penalties.—It is

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497 unlawful for an individual to undertake a charter school project
498 that is subject to review without a valid statement of need. An
499 individual who violates this section commits a misdemeanor of
500 the second degree, punishable as provided in s. 775.082 or s.
501 775.083. Each day of continuing violation shall be considered a
502 separate offense.

503 Section 9. Section 1002.3282, Florida Statutes, is created
504 to read:

505 1002.3282 Transfer prohibited.—The holder of a statement of
506 need may not transfer a statement of need to another individual
507 unless that individual meets the requirements of s.
508 1002.327(2) (a). A holder that violates this section commits a
509 misdemeanor of the first degree, punishable as provided in s.
510 775.082, by a fine of up to \$10,000, or both.

511 Section 10. Section 1002.329, Florida Statutes, is created
512 to read:

513 1002.329 Injunction.—Notwithstanding the existence or
514 pursuit of any other remedy, the department may maintain an
515 action in the name of the state for injunction or other process
516 against any person to restrain or prevent the pursuit of a
517 project subject to review in absence of a valid statement of
518 need.

519 Section 11. Subsection (1), paragraph (a) of subsection
520 (6), and paragraph (a) of subsection (8) of section 1002.33,
521 Florida Statutes, are amended, and paragraph (e) is added to
522 subsection (7) of that section, to read:

523 1002.33 Charter schools.—

524 (1) AUTHORIZATION.—Charter schools shall be part of the
525 state's program of public education. All charter schools in

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526 Florida are public schools. A charter school may be formed by
527 creating a new school or converting an existing public school to
528 charter status. A charter school may operate a virtual charter
529 school pursuant to s. 1002.45(1)(d) to provide full-time online
530 instruction to eligible students, pursuant to s. 1002.455, in
531 kindergarten through grade 12. A charter school must amend its
532 charter or submit a new application pursuant to subsection (6)
533 to become a virtual charter school. A virtual charter school is
534 subject to the requirements of this section; however, a virtual
535 charter school is exempt from subsections (18) and (19),
536 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
537 s. 1003.03. A public school may not use the term charter in its
538 name unless it has been approved under this section. Effective
539 July 1, 2017, a district school board may not issue a charter to
540 a charter school that has not been issued a statement of need
541 pursuant to s. 1002.326.

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

544 (a) A person or entity wishing to open a charter school
545 shall prepare and submit an application on a model application
546 form prepared by the Department of Education which:

547 1. Demonstrates how the school will use the guiding
548 principles and meet the statutorily defined purpose of a charter
549 school.

550 2. Provides a detailed curriculum plan that illustrates how
551 students will be provided services to attain the Sunshine State
552 Standards.

553 3. Contains goals and objectives for improving student
554 learning and measuring that improvement. These goals and

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555 objectives must indicate how much academic improvement students
556 are expected to show each year, how success will be evaluated,
557 and the specific results to be attained through instruction.

558 4. Describes the reading curriculum and differentiated
559 strategies that will be used for students reading at grade level
560 or higher and a separate curriculum and strategies for students
561 who are reading below grade level. A sponsor shall deny a
562 charter if the school does not propose a reading curriculum that
563 is consistent with effective teaching strategies that are
564 grounded in scientifically based reading research.

565 5. Contains an annual financial plan for each year
566 requested by the charter for operation of the school for up to 5
567 years. This plan must contain anticipated fund balances based on
568 revenue projections, a spending plan based on projected revenues
569 and expenses, and a description of controls that will safeguard
570 finances and projected enrollment trends.

571 6. Contains additional information a sponsor may require,
572 which shall be attached as an addendum to the charter school
573 application described in this paragraph.

574 7. For the establishment of a virtual charter school,
575 documents that the applicant has contracted with a provider of
576 virtual instruction services pursuant to s. 1002.45(1)(d).

577 8. Documents that the applicant has been issued a statement
578 of need by the Department of Education. Issuance of a statement
579 of need does not guarantee approval of the charter school
580 application.

581 (7) CHARTER.—The major issues involving the operation of a
582 charter school shall be considered in advance and written into
583 the charter. The charter shall be signed by the governing board

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584 of the charter school and the sponsor, following a public
585 hearing to ensure community input.

586 (e) The charter must identify the issuance of a statement
587 of need by the Department of Education.

588 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

589 (a) The sponsor shall make student academic achievement for
590 all students the most important factor when determining whether
591 to renew or terminate the charter. The sponsor may also choose
592 not to renew or may terminate the charter for any of the
593 following grounds:

594 1. Failure to participate in the state's education
595 accountability system created in s. 1008.31, as required in this
596 section, or failure to meet the requirements for student
597 performance stated in the charter.

598 2. Failure to meet generally accepted standards of fiscal
599 management.

600 3. Violation of law.

601 4. Failure to maintain a valid statement of need.

602 5. Other good cause shown.

603 Section 12. This act shall take effect October 1, 2016.