

By Senator Montford

3-00691A-16

20161136__

1 A bill to be entitled
2 An act relating to schools; amending s. 1002.33, F.S.;
3 revising the contents of the annual report submitted
4 by the sponsor of a charter school; requiring a
5 charter school application and charter to document
6 that the governing board is independent of a
7 management company; requiring that at least one member
8 of the governing board be the parent of a student
9 enrolled in the school; providing for the return of
10 all unexpended operating funds if a charter is not
11 renewed or is terminated; specifying circumstances
12 under which a student is considered to have
13 voluntarily withdrawn from a charter school; providing
14 an exception; requiring the transfer of funds if a
15 student voluntarily withdraws from a charter school;
16 prescribing procedures for the withdrawal of a student
17 from a charter school if the withdrawal is initiated
18 by the school; providing for the transfer of funds;
19 prohibiting a student from being dismissed or
20 requested to withdraw from a charter school under
21 certain circumstances; requiring a charter school to
22 post a performance bond; specifying requirements for
23 such bond; revising references to standard charter
24 contracts; prohibiting specified conflicts of interest
25 on the part of governing board members of a charter
26 school or specified contracts; providing an exception;
27 authorizing specified persons to file a complaint with
28 the Department of Education under certain
29 circumstances; establishing investigatory procedures
30 for such complaints; creating s. 1002.346, F.S.;
31 establishing procedures and requirements for audits
32 and investigations of charter schools; providing for

3-00691A-16

20161136__

33 oversight of a charter school by the district school
34 board; amending s. 1002.451, F.S.; deleting provisions
35 relating to performance contracts for innovation
36 schools of technology; requiring a district school
37 board to notify the State Board of Education of the
38 establishment of an innovation school of technology;
39 providing requirements for such notification; deleting
40 provisions limiting the number of innovation schools
41 of technology a district school board may operate;
42 deleting the requirement that the State Board of
43 Education adopt rules for specified purposes; amending
44 s. 1011.61, F.S.; revising the terms "full-time
45 student" and "part-time student" for purposes of the
46 Florida Education Finance Program; deleting a
47 requirement that the department determine and
48 implement a certain funding method for experimental
49 schools under certain circumstances; amending s.
50 1002.331, F.S.; conforming cross-references; providing
51 an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Paragraph (b) of subsection (5), paragraph (a)
56 of subsection (6), paragraph (a) of subsection (7), subsection
57 (10), paragraph (a) of subsection (21), and present subsection
58 (28) of section 1002.33, Florida Statutes, are amended,
59 paragraph (h) is added to subsection (8) of that section,
60 paragraph (g) is added to subsection (17) of that section, new
61 subsections (27) and (28) are added to that section, and present

3-00691A-16

20161136__

62 subsection (27) is redesignated as subsection (29), to read:

63 1002.33 Charter schools.—

64 (5) SPONSOR; DUTIES.—

65 (b) *Sponsor duties*.—

66 1.a. The sponsor shall monitor and review the charter
67 school in its progress toward the goals established in the
68 charter.

69 b. The sponsor shall monitor the revenues and expenditures
70 of the charter school and perform the duties provided in s.
71 1002.345.

72 c. The sponsor may approve a charter for a charter school
73 before the applicant has identified space, equipment, or
74 personnel, if the applicant indicates approval is necessary for
75 it to raise working funds.

76 d. The sponsor may ~~shall~~ not apply its policies to a
77 charter school unless mutually agreed to by both the sponsor and
78 the charter school. If the sponsor subsequently amends any
79 agreed-upon sponsor policy, the version of the policy in effect
80 at the time of the execution of the charter, or any subsequent
81 modification thereof, must ~~shall~~ remain in effect and the
82 sponsor may not hold the charter school responsible for any
83 provision of a newly revised policy until the revised policy is
84 mutually agreed upon.

85 e. The sponsor shall ensure that the charter is innovative
86 and consistent with the state education goals established by s.
87 1000.03(5).

88 f. The sponsor shall ensure that the charter school
89 participates in the state's education accountability system. If
90 a charter school falls short of performance measures included in

3-00691A-16

20161136__

91 the approved charter, the sponsor shall report such shortcomings
92 to the Department of Education.

93 g. The sponsor is ~~shall~~ not be liable for civil damages
94 under state law for personal injury, property damage, or death
95 resulting from an act or omission of an officer, employee,
96 agent, or governing body of the charter school.

97 h. The sponsor is ~~shall~~ not be liable for civil damages
98 under state law for any employment actions taken by an officer,
99 employee, agent, or governing body of the charter school.

100 i. The sponsor's duties to monitor the charter school do
101 ~~shall~~ not constitute the basis for a private cause of action.

102 j. The sponsor may ~~shall~~ not impose additional reporting
103 requirements on a charter school without providing reasonable
104 and specific justification in writing to the charter school.

105 k. The sponsor shall submit an annual report to the
106 Department of Education in a web-based format to be determined
107 by the department.

108 (I) The report must ~~shall~~ include the following
109 information:

110 (A) The number of draft applications received on or before
111 May 1 and each applicant's contact information.

112 (B) The number of final applications received on or before
113 August 1 and each applicant's contact information.

114 (C) The date each application was approved, denied, or
115 withdrawn.

116 (D) The date each final contract was executed.

117 (E) The number of students who have voluntarily or
118 involuntarily withdrawn from a charter school, the names of the
119 charter schools attended by such students, the reason for the

3-00691A-16

20161136__

120 voluntary or involuntary withdrawal of such students, and the
121 amount of pro rata funds transferred to the district school
122 board pursuant to the requirements of paragraphs (10)(h) and
123 (i).

124 (II) Beginning August 31, 2013, and each year thereafter,
125 the sponsor shall submit to the department the information for
126 the applications submitted the previous year.

127 (III) The department shall compile an annual report, by
128 district, and post the report on its website by November 1 of
129 each year.

130 2. Immunity for the sponsor of a charter school under
131 subparagraph 1. applies only with respect to acts or omissions
132 not under the sponsor's direct authority as described in this
133 section.

134 3. This paragraph does not waive a district school board's
135 sovereign immunity.

136 4. A Florida College System institution may work with the
137 school district or school districts in its designated service
138 area to develop charter schools that offer secondary education.
139 These charter schools must include an option for students to
140 receive an associate degree upon high school graduation. If a
141 Florida College System institution operates an approved teacher
142 preparation program under s. 1004.04 or s. 1004.85, the
143 institution may operate no more than one charter school that
144 serves students in kindergarten through grade 12. In
145 kindergarten through grade 8, the charter school shall implement
146 innovative blended learning instructional models in which, for a
147 given course, a student learns in part through online delivery
148 of content and instruction with some element of student control

3-00691A-16

20161136__

149 over time, place, path, or pace and in part at a supervised
150 brick-and-mortar location away from home. A student in a blended
151 learning course must be a full-time student of the charter
152 school and receive the online instruction in a classroom setting
153 at the charter school. District school boards shall cooperate
154 with and assist the Florida College System institution on the
155 charter application. Florida College System institution
156 applications for charter schools are not subject to the time
157 deadlines outlined in subsection (6) and may be approved by the
158 district school board at any time during the year. Florida
159 College System institutions may not report FTE for any students
160 who receive FTE funding through the Florida Education Finance
161 Program.

162 5. A school district may enter into nonexclusive interlocal
163 agreements with federal and state agencies, counties,
164 municipalities, and other governmental entities that operate
165 within the geographical borders of the school district to act on
166 behalf of such governmental entities in the inspection,
167 issuance, and other necessary activities for all necessary
168 permits, licenses, and other permissions that a charter school
169 needs in order for development, construction, or operation. A
170 charter school may use, but may not be required to use, a school
171 district for these services. The interlocal agreement must
172 include, but need not be limited to, the identification of fees
173 that charter schools will be charged for such services. The fees
174 must consist of the governmental entity's fees plus a fee for
175 the school district to recover no more than actual costs for
176 providing such services. These services and fees are not
177 included within the services to be provided pursuant to

3-00691A-16

20161136__

178 subsection (20).

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

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

184 1. Demonstrates how the school will use the guiding
185 principles and meet the statutorily defined purpose of a charter
186 school.

187 2. Provides a detailed curriculum plan that illustrates how
188 students will be provided services to attain the Sunshine State
189 Standards.

190 3. Contains goals and objectives for improving student
191 learning and measuring that improvement. These goals and
192 objectives must indicate how much academic improvement students
193 are expected to show each year, how success will be evaluated,
194 and the specific results to be attained through instruction.

195 4. Describes the reading curriculum and differentiated
196 strategies that will be used for students reading at grade level
197 or higher and a separate curriculum and strategies for students
198 who are reading below grade level. A sponsor shall deny a
199 charter if the school does not propose a reading curriculum that
200 is consistent with effective teaching strategies that are
201 grounded in scientifically based reading research.

202 5. Contains an annual financial plan for each year
203 requested by the charter for operation of the school for up to 5
204 years. This plan must contain anticipated fund balances based on
205 revenue projections, a spending plan based on projected revenues
206 and expenses, and a description of controls that will safeguard

3-00691A-16

20161136__

207 finances and projected enrollment trends.

208 6. Documents that the governing board is independent of any
209 management company and may, at its sole discretion, terminate a
210 contract with the management company at any time ~~Contains~~
211 ~~additional information a sponsor may require, which shall be~~
212 ~~attached as an addendum to the charter school application~~
213 ~~described in this paragraph.~~

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

217 (7) CHARTER.—The major issues involving the operation of a
218 charter school shall be considered in advance and written into
219 the charter. The charter shall be signed by the governing board
220 of the charter school and the sponsor, following a public
221 hearing to ensure community input.

222 (a) The charter must ~~shall~~ address and criteria for
223 approval of the charter must ~~shall~~ be based on:

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

226 2. The focus of the curriculum, the instructional methods
227 to be used, any distinctive instructional techniques to be
228 employed, and identification and acquisition of appropriate
229 technologies needed to improve educational and administrative
230 performance which include a means for promoting safe, ethical,
231 and appropriate uses of technology which comply with legal and
232 professional standards.

233 a. The charter shall ensure that reading is a primary focus
234 of the curriculum and that resources are provided to identify
235 and provide specialized instruction for students who are reading

3-00691A-16

20161136__

236 below grade level. The curriculum and instructional strategies
237 for reading must be consistent with the Next Generation Sunshine
238 State Standards and grounded in scientifically based reading
239 research.

240 b. In order to provide students with access to diverse
241 instructional delivery models, to facilitate the integration of
242 technology within traditional classroom instruction, and to
243 provide students with the skills they need to compete in the
244 21st century economy, the Legislature encourages instructional
245 methods for blended learning courses consisting of both
246 traditional classroom and online instructional techniques.
247 Charter schools may implement blended learning courses which
248 combine traditional classroom instruction and virtual
249 instruction. Students in a blended learning course must be full-
250 time students of the charter school and receive the online
251 instruction in a classroom setting at the charter school.
252 Instructional personnel certified pursuant to s. 1012.55 who
253 provide virtual instruction for blended learning courses may be
254 employees of the charter school or may be under contract to
255 provide instructional services to charter school students. At a
256 minimum, such instructional personnel must hold an active state
257 or school district adjunct certification under s. 1012.57 for
258 the subject area of the blended learning course. The funding and
259 performance accountability requirements for blended learning
260 courses are the same as those for traditional courses.

261 3. The current incoming baseline standard of student
262 academic achievement, the outcomes to be achieved, and the
263 method of measurement that will be used. The criteria listed in
264 this subparagraph must ~~shall~~ include a detailed description of:

3-00691A-16

20161136__

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

267 b. How these baseline rates will be compared to rates of
268 academic progress achieved by these same students while
269 attending the charter school.

270 c. To the extent possible, how these rates of progress will
271 be evaluated and compared with rates of progress of other
272 closely comparable student populations.

273

274 The district school board is required to provide academic
275 student performance data to charter schools for each of their
276 students coming from the district school system, as well as
277 rates of academic progress of comparable student populations in
278 the district school system.

279 4. The methods used to identify the educational strengths
280 and needs of students and how well educational goals and
281 performance standards are met by students attending the charter
282 school. The methods must ~~shall~~ provide a means for the charter
283 school to ensure accountability to its constituents by analyzing
284 student performance data and by evaluating the effectiveness and
285 efficiency of its major educational programs. Students in
286 charter schools shall, at a minimum, participate in the
287 statewide assessment program created under s. 1008.22.

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

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

293 7. The admissions procedures and dismissal procedures,

3-00691A-16

20161136__

294 including the school's code of student conduct.

295 8. The ways by which the school will achieve a
296 racial/ethnic balance reflective of the community it serves or
297 within the racial/ethnic range of other public schools in the
298 same school district.

299 9. The financial and administrative management of the
300 school, including a reasonable demonstration of the professional
301 experience or competence of those individuals or organizations
302 applying to operate the charter school or those hired or
303 retained to perform such professional services and the
304 description of clearly delineated responsibilities and the
305 policies and practices needed to effectively manage the charter
306 school. A description of internal audit procedures and
307 establishment of controls to ensure that financial resources are
308 properly managed must be included. Both public sector and
309 private sector professional experience are ~~shall be~~ equally
310 valid in such a consideration. The charter must document that
311 the governing board is independent of any management company and
312 may, at its sole discretion, terminate the contract with the
313 management company at any time.

314 10. The asset and liability projections required in the
315 application which are incorporated into the charter and must
316 ~~shall~~ be compared with information provided in the annual report
317 of the charter school.

318 11. A description of procedures that identify various risks
319 and provide for a comprehensive approach to reduce the impact of
320 losses; plans to ensure the safety and security of students and
321 staff; plans to identify, minimize, and protect others from
322 violent or disruptive student behavior; and the manner in which

3-00691A-16

20161136__

323 the school will be insured, including whether or not the school
324 will be required to have liability insurance, and, if so, the
325 terms and conditions thereof and the amounts of coverage.

326 12. The term of the charter, which must ~~shall~~ provide for
327 cancellation of the charter if insufficient progress has been
328 made in attaining the student achievement objectives of the
329 charter and if it is not likely that such objectives can be
330 achieved before expiration of the charter. The initial term of a
331 charter must ~~shall~~ be for 4 or 5 years. In order to facilitate
332 access to long-term financial resources for charter school
333 construction, charter schools that are operated by a
334 municipality or other public entity as provided by law are
335 eligible for up to a 15-year charter, subject to approval by the
336 district school board. A charter lab school is eligible for a
337 charter for a term of up to 15 years. In addition, to facilitate
338 access to long-term financial resources for charter school
339 construction, charter schools that are operated by a private,
340 not-for-profit, s. 501(c)(3) status corporation are eligible for
341 up to a 15-year charter, subject to approval by the district
342 school board. Such long-term charters remain subject to annual
343 review and may be terminated during the term of the charter, but
344 only according to the provisions set forth in subsection (8).

345 13. The facilities to be used and their location. The
346 sponsor may not require a charter school to have a certificate
347 of occupancy or a temporary certificate of occupancy for such a
348 facility earlier than 15 calendar days before the first day of
349 school.

350 14. The qualifications to be required of the teachers and
351 the potential strategies used to recruit, hire, train, and

3-00691A-16

20161136__

352 retain qualified staff to achieve best value.

353 15. The governance structure of the school, including the
354 status of the charter school as a public or private employer as
355 required in paragraph (12)(i). At least one member of the
356 charter school governing board must be the parent of a student
357 enrolled in that school.

358 16. A timetable for implementing the charter which
359 addresses the implementation of each element thereof and the
360 date by which the charter must ~~shall~~ be awarded in order to meet
361 this timetable.

362 17. In the case of an existing public school that is being
363 converted to charter status, alternative arrangements for
364 current students who choose not to attend the charter school and
365 for current teachers who choose not to teach in the charter
366 school after conversion in accordance with the existing
367 collective bargaining agreement or district school board rule in
368 the absence of a collective bargaining agreement. However,
369 alternative arrangements are ~~shall~~ ~~be~~ required for current
370 teachers who choose not to teach in a charter lab school, except
371 as authorized by the employment policies of the state university
372 which grants the charter to the lab school.

373 18. Full disclosure of the identity of all relatives
374 employed by the charter school who are related to the charter
375 school owner, president, chairperson of the governing board of
376 directors, superintendent, governing board member, principal,
377 assistant principal, or any other person employed by the charter
378 school who has equivalent decisionmaking authority. For the
379 purpose of this subparagraph, the term "relative" means father,
380 mother, son, daughter, brother, sister, uncle, aunt, first

3-00691A-16

20161136__

381 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
382 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
383 stepfather, stepmother, stepson, stepdaughter, stepbrother,
384 stepsister, half brother, or half sister.

385 19. Implementation of the activities authorized under s.
386 1002.331 by the charter school when it satisfies the eligibility
387 requirements for a high-performing charter school. A high-
388 performing charter school shall notify its sponsor in writing by
389 March 1 if it intends to increase enrollment or expand grade
390 levels the following school year. The written notice shall
391 specify the amount of the enrollment increase and the grade
392 levels that will be added, as applicable.

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

394 (h) If a charter is not renewed or is terminated, the
395 charter school and, if applicable, the management company, or
396 any other entity responsible for handling any operating funds,
397 shall return all unexpended operating funds, including state and
398 federal education operating and program funds, to the school
399 district. The charter school or the management company shall
400 cease all expenditures upon termination of the charter and shall
401 report to the school district all accounts due and payable on
402 the date of the termination of the charter. The school district
403 shall examine all accounts due and payable and determine those
404 accounts for which authorized expenses are eligible for payment.
405 After the approval of the school district, the charter school or
406 management company shall pay all outstanding accounts payable.
407 The school district shall have the authority to recover any
408 state and federal education operating and program funds that
409 were not expended from the charter school and the management

3-00691A-16

20161136__

410 company, or any other entity responsible for handling state and
411 federal funds.

412 (10) ELIGIBLE STUDENTS.—

413 (a) A charter school shall be open to any student covered
414 in an interdistrict agreement or residing in the school district
415 in which the charter school is located; however, in the case of
416 a charter lab school, the charter lab school shall be open to
417 any student eligible to attend the lab school as provided in s.
418 1002.32 or who resides in the school district in which the
419 charter lab school is located. Any eligible student shall be
420 allowed interdistrict transfer to attend a charter school when
421 based on good cause. Good cause includes ~~shall include~~, but is
422 not limited to, geographic proximity to a charter school in a
423 neighboring school district.

424 (b) The charter school shall enroll an eligible student who
425 submits a timely application, unless the number of applications
426 exceeds the capacity of a program, class, grade level, or
427 building. In such case, all applicants shall have an equal
428 chance of being admitted through a random selection process.

429 (c)1. For purposes of continuity of educational choice,
430 placement of a student in a charter school shall remain in force
431 until the student voluntarily withdraws from the charter school
432 or successfully completes the highest grade offered in the
433 charter school. A charter school student who voluntarily enrolls
434 in a different charter school, a district-operated public
435 school, a private school, a virtual education program, a home
436 education program, or another education program approved by law
437 is considered to have voluntarily withdrawn from the charter
438 school for the purpose of determining the end of the student's

3-00691A-16

20161136__

439 enrollment. However, if a student enters a Department of
440 Juvenile Justice detention center for less than 21 days, the
441 student is not considered to have withdrawn from the charter
442 school.

443 2. Before a student is voluntarily withdrawn from a charter
444 school, the parent and charter school personnel must sign a
445 document stating that the student is being voluntarily withdrawn
446 and that charter school personnel have not prohibited,
447 discouraged, or attempted to discourage the student from
448 continued enrollment in the charter school.

449 (d) ~~(e)~~ When a public school converts to charter status,
450 enrollment preference must ~~shall~~ be given to students who would
451 have otherwise attended that public school. The district school
452 board shall consult and negotiate with the conversion charter
453 school every 3 years to determine whether realignment of the
454 conversion charter school's attendance zone is appropriate in
455 order to ensure that students residing closest to the charter
456 school are provided with an enrollment preference.

457 (e) ~~(d)~~ A charter school may give enrollment preference to
458 the following student populations:

459 1. Students who are siblings of a student enrolled in the
460 charter school.

461 2. Students who are the children of a member of the
462 governing board of the charter school.

463 3. Students who are the children of an employee of the
464 charter school.

465 4. Students who are the children of:

466 a. An employee of the business partner of a charter school-
467 in-the-workplace established under paragraph (15) (b) or a

3-00691A-16

20161136__

468 resident of the municipality in which such charter school is
469 located; or

470 b. A resident of a municipality that operates a charter
471 school-in-a-municipality pursuant to paragraph (15)(c).

472 5. Students who have successfully completed a voluntary
473 prekindergarten education program under ss. 1002.51-1002.79
474 provided by the charter school or the charter school's governing
475 board during the previous year.

476 6. Students who are the children of an active duty member
477 of any branch of the United States Armed Forces.

478 (f)~~(e)~~ A charter school may limit the enrollment process
479 only to target the following student populations:

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

481 2. Students considered at risk of dropping out of school or
482 academic failure, including. ~~Such students shall include~~
483 exceptional education students.

484 3. Students enrolling in a charter school-in-the-workplace
485 or charter school-in-a-municipality established pursuant to
486 subsection (15).

487 4. Students residing within a reasonable distance of the
488 charter school, as described in paragraph (20)(c). Such students
489 shall be subject to a random lottery and to the racial/ethnic
490 balance provisions described in subparagraph (7)(a)8. or any
491 federal provisions that require a school to achieve a
492 racial/ethnic balance reflective of the community it serves or
493 within the racial/ethnic range of other public schools in the
494 same school district.

495 5. Students who meet reasonable academic, artistic, or
496 other eligibility standards established by the charter school

3-00691A-16

20161136__

497 and included in the charter school application and charter or,
498 in the case of existing charter schools, standards that are
499 consistent with the school's mission and purpose. Such standards
500 must ~~shall~~ be in accordance with current state law and practice
501 in public schools and may not discriminate against otherwise
502 qualified individuals.

503 6. Students articulating from one charter school to another
504 pursuant to an articulation agreement between the charter
505 schools that has been approved by the sponsor.

506 7. Students living in a development in which a business
507 entity provides the school facility and related property having
508 an appraised value of at least \$10 million to be used as a
509 charter school for the development. Students living in the
510 development shall be entitled to 50 percent of the student
511 stations in the charter school. The students who are eligible
512 for enrollment are subject to a random lottery, the
513 racial/ethnic balance provisions, or any federal provisions, as
514 described in subparagraph 4. The remainder of the student
515 stations shall be filled in accordance with subparagraph 4.

516 (g) ~~(f)~~ Students with disabilities and students served in
517 English for Speakers of Other Languages programs shall have an
518 equal opportunity of being selected for enrollment in a charter
519 school.

520 (h) ~~(g)~~ A student may voluntarily withdraw from a charter
521 school at any time and enroll in another public school as
522 determined by district school board rule. The charter school
523 from which a student voluntarily withdraws shall transfer a pro
524 rata share of the full-time equivalent student funding for that
525 student to the district school board that governs the school in

3-00691A-16

20161136__

526 which the student subsequently enrolls. The transfer of funds is
527 required within 15 days after the student withdraws from the
528 charter school. If the charter school does not timely transfer
529 the funds, the district school board in which the charter school
530 is located shall withhold the funds from the next payment due to
531 the charter school.

532 (i) If the withdrawal of a student from a charter school
533 and his or her transfer to another public school are initiated
534 by the charter school as a result of the student's commission of
535 an expellable offense, as that term is defined by district
536 school board rule, the charter school shall submit a
537 recommendation of expulsion to the district school board
538 immediately upon suspension of the student. The charter school
539 shall provide specific details and reasons warranting expulsion
540 within such recommendation and shall follow the expulsion
541 process of the district school board. If the district school
542 board grants the expulsion, the student shall be expelled from
543 all public education for the duration of the expulsion period.
544 If the district school board rejects the expulsion, the student
545 shall return to the charter school. If the district school board
546 recommends reassignment of the student to a district alternative
547 placement appropriate to the expellable offense reported by the
548 charter school, the charter school shall transfer a pro rata
549 share of funding for that student to the district school board
550 that governs the school in which the student is subsequently
551 placed. Such funding must be sufficient to pay for the per
552 student cost of delivering services to the student in the
553 alternative setting for the balance of the fiscal year or until
554 the student is counted by the district in its FTE funding

3-00691A-16

20161136__

555 survey. The transfer of funds is required within 15 days after
556 the entry of the district school board's decision on the charter
557 school's recommendation of expulsion. If the charter school does
558 not timely transfer the funds, the district school board in
559 which the charter school is located shall withhold the funds
560 from the next payment due to the charter school.

561 (j) A charter school student may not be dismissed or
562 requested to withdraw from the charter school because of actual
563 or anticipated poor academic performance, because of actual or
564 anticipated poor performance on statewide assessments, or
565 because of issues related to student behavior unless such
566 behavior is alleged to be an expellable offense, as that term is
567 defined by district school board rule.

568 (k)~~(h)~~ The capacity of the charter school shall be
569 determined annually by the governing board, in conjunction with
570 the sponsor, of the charter school in consideration of the
571 factors identified in this subsection unless the charter school
572 is designated as a high-performing charter school pursuant to s.
573 1002.331. A sponsor may not require a charter school to waive
574 the provisions of s. 1002.331 or require a student enrollment
575 cap that prohibits a high-performing charter school from
576 increasing enrollment in accordance with s. 1002.331(2) as a
577 condition of approval or renewal of a charter.

578 (l)~~(i)~~ The capacity of a high-performing charter school
579 identified pursuant to s. 1002.331 shall be determined annually
580 by the governing board of the charter school. The governing
581 board shall notify the sponsor of any increase in enrollment by
582 March 1 of the school year preceding the increase. A sponsor may
583 not require a charter school to identify the names of students

3-00691A-16

20161136__

584 to be enrolled or to enroll those students before the start of
585 the school year as a condition of approval or renewal of a
586 charter.

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

592 (g) Notwithstanding any other provision of this section, a
593 charter school, at the beginning of each school year, shall post
594 a performance bond naming the district school board as the
595 recipient. The amount of the performance bond shall equal one-
596 half of the school's projected operating funds, as provided in
597 paragraph (b). Such bond shall be annually renewed and shall be
598 invoked if the charter school defaults on any of its financial
599 obligations with the sponsor.

600 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

601 (a) The Department of Education shall provide information
602 to the public, directly and through sponsors, on how to form and
603 operate a charter school and how to enroll in a charter school
604 once it is created. This information must ~~shall~~ include a model
605 application form, model ~~standard~~ charter contract, standard
606 evaluation instrument, and model ~~standard~~ charter renewal
607 contract, which must ~~shall~~ include the information specified in
608 subsection (7) and shall be developed by consulting and
609 negotiating with both school districts and charter schools
610 before implementation. The charter and charter renewal contracts
611 may ~~shall~~ be used by charter school sponsors.

612 (27) CONFLICTS OF INTEREST AND ETHICS.—

3-00691A-16

20161136__

613 (a) An individual may not serve as a member of a governing
614 board of a charter school if he or she or an immediate family
615 member receives a pension or any compensation from the charter
616 school, or if the individual's partner is an owner or principal
617 with an entity or independent contractor with whom the charter
618 school does business or contracts, directly or indirectly, for
619 professional services, goods, or facilities. An individual may
620 not serve as a governing board member if an immediate family
621 member is an employee of the school. A violation of this
622 paragraph renders a contract voidable at the option of the
623 sponsor or the governing board. A governing board member who
624 violates this paragraph is individually liable to the charter
625 school for any damage caused by the violation.

626 (b) A governing board member or an employee, officer, or
627 agent of a charter school may not participate in selecting,
628 awarding, or administering a contract if a conflict of interest
629 exists. A conflict of interest exists if any of the following
630 has a financial or other interest in the entity with which the
631 charter school is contracting:

632 1. The governing board member, employee, officer, or agent.

633 2. The immediate family of the governing board member,
634 employee, officer, or agent.

635 3. The partner of the governing board member, employee,
636 officer, or agent.

637 4. An organization that employs, or is about to employ, any
638 individual listed in subparagraphs 1.-3.

639

640 A violation of this paragraph renders the contract void.

641 (c) An employee or governing board member of the sponsor

3-00691A-16

20161136__

642 who participates in the initial review and approval, ongoing
643 oversight and evaluation, or renewal or nonrenewal of the
644 charter may not serve on the governing board of a school
645 chartered by that sponsor.

646 (d) An individual may serve as a governing board member if
647 no conflict of interest under paragraph (a) exists.

648 (e) This subsection does not apply to compensation paid to
649 a teacher employed in that capacity by the charter school.

650 (28) UNLAWFUL ACTS.—A parent, another individual, or a
651 group that believes that a charter school has violated or is
652 violating any state or federal law or regulation may file a
653 complaint directly with the Department of Education. If the
654 department determines that the complaint demonstrates reasonable
655 cause to suspect that an unlawful act has been committed, the
656 department shall conduct an investigation and produce a fact-
657 finding report within 90 days after receiving the complaint. The
658 department shall provide the district school superintendent of
659 the complainant's district and the complainant with a copy of
660 the fact-finding report, which is admissible in any subsequent
661 or related administrative or judicial review.

662 (30)~~(28)~~ RULEMAKING.—The Department of Education, after
663 consultation with school districts and charter school directors,
664 shall recommend that the State Board of Education adopt rules to
665 implement specific subsections of this section. Such rules must
666 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter
667 school flexibility authorized by statute. The State Board of
668 Education shall adopt rules, ~~pursuant to ss. 120.536(1) and~~
669 ~~120.54,~~ to implement a charter model application form, standard
670 evaluation instrument, and model ~~standard~~ charter and model

3-00691A-16

20161136__

671 charter renewal contracts in accordance with this section.

672 Section 2. Section 1002.346, Florida Statutes, is created
673 to read:

674 1002.346 Charter school audits and investigations.—

675 (1) A charter school is subject to the audits, audit
676 procedures, and audit requirements established in the charter
677 and may be audited or investigated by the Auditor General, the
678 Department of Education's Office of Inspector General, and the
679 district school board, at their discretion. Such procedures and
680 requirements must be consistent with generally accepted audit
681 standards. The charter school and its governing board shall
682 allow the sponsor and state officials full access to its
683 financial and educational records, reports, files, and
684 documents.

685 (2) During the course of audits and investigations, the
686 sponsor and state officials may access, review, and audit
687 records of other entities that do business with the charter
688 school if a member of the school's governing board or a
689 director, an officer, a principal, an assistant principal, or
690 any other person employed by the charter school who has
691 equivalent decisionmaking authority also serves as a member,
692 director, or officer of such other entities.

693 (3) The district school board shall oversee each charter
694 school it has approved and may visit, examine, enter, and
695 inspect the charter school, including the records of such
696 school, under its oversight. Oversight by the district school
697 board must be sufficient to ensure that the charter school is in
698 compliance with all applicable laws, rules, and charter
699 provisions.

3-00691A-16

20161136__

700 (4) The Department of Education's Office of Inspector
 701 General or the district school board may conduct reviews as a
 702 result of a complaint received or on its own initiative to
 703 ensure compliance with applicable laws, rules, and charter
 704 provisions. The charter school and the specific individuals
 705 involved shall cooperate to the fullest extent with such
 706 reviews.

707 (5) A party who believes that his or her complaint has not
 708 been adequately addressed by the charter school's governing
 709 board or the district school board may submit the complaint in
 710 writing to the Department of Education's Office of Inspector
 711 General, which shall investigate such complaint and provide a
 712 written response within 90 days after receipt of the complaint.

713 Section 3. Subsections (3) and (6) of section 1002.451,
 714 Florida Statutes, are amended to read:

715 1002.451 District innovation school of technology program.—

716 (3) TERM OF OPERATION PERFORMANCE CONTRACT.—An innovation
 717 school of technology may operate ~~pursuant to a performance~~
 718 ~~contract with the State Board of Education~~ for a period of 5
 719 years.

720 ~~(a) Before expiration of the performance contract, the~~
 721 ~~school's performance shall be evaluated against the eligibility~~
 722 ~~criteria, purpose, guiding principles, and compliance with the~~
 723 ~~contract to determine whether the contract may be renewed. The~~
 724 ~~contract may be renewed every 5 years.~~

725 ~~(b) The innovation school of technology performance~~
 726 ~~contract shall be terminated by the State Board of Education if:~~

727 (a)1. The school receives a grade of "F" as an innovation
 728 school of technology for 2 consecutive years;

3-00691A-16

20161136__

729 (b)2. The school or district fails to comply with the
730 criteria in this section;

731 (c)3. The school ~~or district~~ does not comply with district
732 school board rules requiring terms of the contract which specify
733 that a violation result ~~results~~ in termination; or

734 (d)4. Other good cause is shown.

735 (6) NOTIFICATION TO THE STATE BOARD OF EDUCATION
736 APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

737 (a) A district school board shall notify ~~may apply to~~ the
738 State Board of Education of the establishment of ~~for~~ an
739 innovation school of technology if the district:

740 1. Has at least 20 percent of its total enrollment in
741 public school choice programs or at least 5 percent of its total
742 enrollment in charter schools;

743 2. Has no material weaknesses or instances of material
744 noncompliance noted in the annual financial audit conducted
745 pursuant to s. 218.39; and

746 3. Has received a district grade of "A," ~~or~~ "B," or "C" in
747 each of the past 3 years.

748 ~~(b) A district school board may operate one innovation~~
749 ~~school of technology upon an application being approved by the~~
750 ~~State Board of Education.~~

751 ~~1. A district school board may apply to the State Board of~~
752 ~~Education to establish additional schools of technology if each~~
753 ~~existing innovation school of technology in the district:~~

754 ~~a. Meets all requirements in this section and in the~~
755 ~~performance contract;~~

756 ~~b. Has a grade of "A" or "B"; and~~

757 ~~c. Has at least 50 percent of its students exceed the state~~

3-00691A-16

20161136__

758 ~~average on the statewide assessment program pursuant to s.~~
759 ~~1008.22. This comparison may take student subgroups, as defined~~
760 ~~in the federal Elementary and Secondary Education Act (ESEA), 20~~
761 ~~U.S.C. s. 6311(b)(2)(C)(v)(II), into specific consideration so~~
762 ~~that at least 50 percent of students in each student subgroup~~
763 ~~meet or exceed the statewide average performance, rounded to the~~
764 ~~nearest whole number, of that particular subgroup.~~

765 ~~2. Notwithstanding subparagraph 1., the number of schools~~
766 ~~of technology in a school district may not exceed:~~

767 ~~a. Seven in a school district that has 100,000 or more~~
768 ~~students.~~

769 ~~b. Five in a school district that has 50,000 to 99,999~~
770 ~~students.~~

771 ~~c. Three in a school district that has fewer than 50,000~~
772 ~~students.~~

773 ~~(b)(e)~~ A school district that meets the eligibility
774 requirements of paragraph (a) may ~~apply to the State Board of~~
775 ~~Education at any time to enter into a performance contract to~~
776 ~~operate an innovation school of technology. The notification to~~
777 ~~the State Board of Education application must, at a minimum:~~

778 ~~1. Demonstrate how the school district meets and will~~
779 ~~continue to meet the requirements of this section;~~

780 ~~2. Identify how the school will accomplish the purposes and~~
781 ~~guiding principles of this section;~~

782 ~~3. Identify the statutes or rules from which the district~~
783 ~~is seeking a waiver for the school;~~

784 ~~4. Identify and provide supporting documentation for the~~
785 ~~purpose and impact of each waiver, how each waiver would enable~~
786 ~~the school to achieve the purpose and guiding principles of this~~

3-00691A-16

20161136__

787 ~~section, and how the school would not be able to achieve the~~
788 ~~purpose and guiding principles of this section without each~~
789 ~~waiver; and~~

790 3.5. Confirm that the school board remains responsible for
791 the operation, control, and supervision of the school in
792 accordance with all applicable laws, rules, and district
793 procedures not waived pursuant to this section or waived
794 pursuant to other applicable law.

795 ~~(d) The State Board of Education shall approve or deny the~~
796 ~~application within 90 days or, with the agreement of the school~~
797 ~~district, at a later date.~~

798 ~~(e) The performance contract must address the terms under~~
799 ~~which the State Board of Education may cancel the contract and,~~
800 ~~at a minimum, the methods by which:~~

801 ~~1. Upon execution of the performance contract, the school~~
802 ~~district will plan the program during the first year, begin at~~
803 ~~least partial implementation of the program during the second~~
804 ~~year, and fully implement the program by the third year. A~~
805 ~~district may implement the program sooner than specified in this~~
806 ~~subparagraph if authorized in the performance contract.~~

807 ~~2. The school will integrate industry-leading technology~~
808 ~~into instruction, assessment, and professional development. The~~
809 ~~school may also restructure the school day or school year in a~~
810 ~~way that allows it to best accomplish its goals.~~

811 ~~3. The school and district will monitor performance~~
812 ~~progress based on skills that help students succeed in college~~
813 ~~and careers, including problem solving, research,~~
814 ~~interpretation, and communication.~~

815 ~~4. The school will incorporate industry certifications and~~

3-00691A-16

20161136__

816 ~~similar recognitions into performance expectations.~~

817 ~~5. The school and district will comply with this section~~
818 ~~and the performance contract.~~

819 (c)~~(f)~~ Three or more contiguous school districts may apply
820 to enter into a joint performance contract as a Region of
821 Technology, subject to terms and conditions contained in this
822 section for a single school district.

823 (d)~~(g)~~ The State Board of Education shall monitor schools
824 of technology to ensure that the respective school district is
825 in compliance with this section ~~and the performance contract.~~

826 ~~(h) The State Board of Education shall adopt rules pursuant~~
827 ~~to ss. 120.536(1) and 120.54 to implement this section,~~
828 ~~including, but not limited to, an application, evaluation~~
829 ~~instrument, and renewal evaluation instrument.~~

830 (e)~~(i)~~ This section does not supersede ~~the provisions of s.~~
831 768.28.

832 Section 4. Subsection (1) of section 1011.61, Florida
833 Statutes, is amended to read:

834 1011.61 Definitions.—Notwithstanding the provisions of s.
835 1000.21, the following terms are defined as follows for the
836 purposes of the Florida Education Finance Program:

837 (1) A "full-time equivalent student" in each program of the
838 district is defined in terms of full-time students and part-time
839 students as follows:

840 (a) A "full-time student" is one student on the membership
841 roll of one school program or a combination of school programs
842 listed in s. 1011.62(1)(c) for the school year or the equivalent
843 for:

844 1. Instruction in a standard school, comprising not less

3-00691A-16

20161136__

845 than 900 net hours for a student in or at the grade level of 4
846 through 12, or not less than 720 net hours for a student in or
847 at the grade level of kindergarten through grade 3 or in an
848 authorized prekindergarten exceptional program; or

849 ~~2. Instruction in a double-session school or a school~~
850 ~~utilizing an experimental school calendar approved by the~~
851 ~~Department of Education, comprising not less than the equivalent~~
852 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
853 ~~hours in kindergarten through grade 3; or~~

854 2.3. Instruction comprising the appropriate number of net
855 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
856 students who, within the past year, have moved with their
857 parents for the purpose of engaging in the farm labor or fish
858 industries, if a plan furnishing such an extended school day or
859 week, or a combination thereof, has been approved by the
860 commissioner. Such plan may be approved to accommodate the needs
861 of migrant students only or may serve all students in schools
862 having a high percentage of migrant students. The plan described
863 in this subparagraph is optional for any school district and is
864 not mandated by the state.

865 (b) A "part-time student" is a student on the active
866 membership roll of a school program or combination of school
867 programs listed in s. 1011.62(1)(c) who is less than a full-time
868 student. A student who receives instruction in a school that
869 operates for less than the minimum term shall generate a full-
870 time equivalent student proportional to the amount of
871 instructional hours provided by the school divided by the
872 minimum term required in s. 1011.60(2).

873 (c)1. A "full-time equivalent student" is:

3-00691A-16

20161136__

874 a. A full-time student in any one of the programs listed in
875 s. 1011.62(1)(c); or

876 b. A combination of full-time or part-time students in any
877 one of the programs listed in s. 1011.62(1)(c) which is the
878 equivalent of one full-time student based on the following
879 calculations:

880 (I) A full-time student in a combination of programs listed
881 in s. 1011.62(1)(c) shall be a fraction of a full-time
882 equivalent membership in each special program equal to the
883 number of net hours per school year for which he or she is a
884 member, divided by the appropriate number of hours set forth in
885 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
886 that fraction or sum of fractions and the maximum value as set
887 forth in subsection (4) for each full-time student is presumed
888 to be the balance of the student's time not spent in a special
889 program and shall be recorded as time in the appropriate basic
890 program.

891 (II) A prekindergarten student with a disability shall meet
892 the requirements specified for kindergarten students.

893 (III) A full-time equivalent student for students in
894 kindergarten through grade 12 in a full-time virtual instruction
895 program under s. 1002.45 or a virtual charter school under s.
896 1002.33 shall consist of six full-credit completions or the
897 prescribed level of content that counts toward promotion to the
898 next grade in programs listed in s. 1011.62(1)(c). Credit
899 completions may be a combination of full-credit courses or half-
900 credit courses. Beginning in the 2016-2017 fiscal year, the
901 reported full-time equivalent students and associated funding of
902 students enrolled in courses requiring passage of an end-of-

3-00691A-16

20161136__

903 course assessment under s. 1003.4282 to earn a standard high
904 school diploma shall be adjusted if the student does not pass
905 the end-of-course assessment. However, no adjustment shall be
906 made for a student who enrolls in a segmented remedial course
907 delivered online.

908 (IV) A full-time equivalent student for students in
909 kindergarten through grade 12 in a part-time virtual instruction
910 program under s. 1002.45 shall consist of six full-credit
911 completions in programs listed in s. 1011.62(1)(c)1. and 3.
912 Credit completions may be a combination of full-credit courses
913 or half-credit courses. Beginning in the 2016-2017 fiscal year,
914 the reported full-time equivalent students and associated
915 funding of students enrolled in courses requiring passage of an
916 end-of-course assessment under s. 1003.4282 to earn a standard
917 high school diploma shall be adjusted if the student does not
918 pass the end-of-course assessment. However, no adjustment shall
919 be made for a student who enrolls in a segmented remedial course
920 delivered online.

921 (V) A Florida Virtual School full-time equivalent student
922 shall consist of six full-credit completions or the prescribed
923 level of content that counts toward promotion to the next grade
924 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
925 participating in kindergarten through grade 12 part-time virtual
926 instruction and the programs listed in s. 1011.62(1)(c) for
927 students participating in kindergarten through grade 12 full-
928 time virtual instruction. Credit completions may be a
929 combination of full-credit courses or half-credit courses.
930 Beginning in the 2016-2017 fiscal year, the reported full-time
931 equivalent students and associated funding of students enrolled

3-00691A-16

20161136__

932 in courses requiring passage of an end-of-course assessment
933 under s. 1003.4282 to earn a standard high school diploma shall
934 be adjusted if the student does not pass the end-of-course
935 assessment. However, no adjustment shall be made for a student
936 who enrolls in a segmented remedial course delivered online.

937 (VI) Each successfully completed full-credit course earned
938 through an online course delivered by a district other than the
939 one in which the student resides shall be calculated as 1/6 FTE.

940 (VII) A full-time equivalent student for courses requiring
941 passage of a statewide, standardized end-of-course assessment
942 under s. 1003.4282 to earn a standard high school diploma shall
943 be defined and reported based on the number of instructional
944 hours as provided in this subsection until the 2016-2017 fiscal
945 year. Beginning in the 2016-2017 fiscal year, the FTE for the
946 course shall be assessment-based and shall be equal to 1/6 FTE.
947 The reported FTE shall be adjusted if the student does not pass
948 the end-of-course assessment. However, no adjustment shall be
949 made for a student who enrolls in a segmented remedial course
950 delivered online.

951 (VIII) For students enrolled in a school district as a
952 full-time student, the district may report 1/6 FTE for each
953 student who passes a statewide, standardized end-of-course
954 assessment without being enrolled in the corresponding course.

955 2. A student in membership in a program scheduled for more
956 or less than 180 school days or the equivalent on an hourly
957 basis as specified by rules of the State Board of Education is a
958 fraction of a full-time equivalent membership equal to the
959 number of instructional hours in membership divided by the
960 appropriate number of hours set forth in subparagraph (a)1.;

3-00691A-16

20161136__

961 however, for the purposes of this subparagraph, membership in
962 programs scheduled for more than 180 days is limited to students
963 enrolled in:

964 a. Juvenile justice education programs.

965 b. The Florida Virtual School.

966 c. Virtual instruction programs and virtual charter schools
967 for the purpose of course completion and credit recovery
968 pursuant to ss. 1002.45 and 1003.498. Course completion applies
969 only to a student who is reported during the second or third
970 membership surveys and who does not complete a virtual education
971 course by the end of the regular school year. The course must be
972 completed no later than the deadline for amending the final
973 student enrollment survey for that year. Credit recovery applies
974 only to a student who has unsuccessfully completed a traditional
975 or virtual education course during the regular school year and
976 must re-take the course in order to be eligible to graduate with
977 the student's class.

978
979 The full-time equivalent student enrollment calculated under
980 this subsection is subject to the requirements in subsection
981 (4).

982
983 The department shall determine and implement an equitable method
984 of equivalent funding for ~~experimental schools and for~~ schools
985 operating under emergency conditions, ~~which schools~~ have been
986 approved by the department to operate for less than the minimum
987 term required in s. 1011.60(2) ~~school-day~~.

988 Section 5. Paragraph (e) of subsection (2) of section
989 1002.331, Florida Statutes, is amended to read:

3-00691A-16

20161136__

990 1002.331 High-performing charter schools.-

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

992 (e) Receive a modification of its charter to a term of 15
993 years or a 15-year charter renewal. The charter may be modified
994 or renewed for a shorter term at the option of the high-
995 performing charter school. The charter must be consistent with
996 s. 1002.33(7)(a)19. and (10)(k) ~~(10)(h)~~ and (l) ~~(i)~~, is subject
997 to annual review by the sponsor, and may be terminated during
998 its term pursuant to s. 1002.33(8).

999

1000 A high-performing charter school shall notify its sponsor in
1001 writing by March 1 if it intends to increase enrollment or
1002 expand grade levels the following school year. The written
1003 notice shall specify the amount of the enrollment increase and
1004 the grade levels that will be added, as applicable. If a charter
1005 school notifies the sponsor of its intent to expand, the sponsor
1006 shall modify the charter within 90 days to include the new
1007 enrollment maximum and may not make any other changes. The
1008 sponsor may deny a request to increase the enrollment of a high-
1009 performing charter school if the commissioner has declassified
1010 the charter school as high-performing. If a high-performing
1011 charter school requests to consolidate multiple charters, the
1012 sponsor shall have 40 days after receipt of that request to
1013 provide an initial draft charter to the charter school. The
1014 sponsor and charter school shall have 50 days thereafter to
1015 negotiate and notice the charter contract for final approval by
1016 the sponsor.

1017 Section 6. This act shall take effect July 1, 2016.