

By Senator Ring

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1 A bill to be entitled
2 An act relating to school choice; amending s. 1002.33,
3 F.S.; requiring a charter school applicant to undergo
4 background screening; prohibiting a sponsor from
5 approving a charter school application until
6 completion and receipt of the results of such
7 screening; requiring a charter school applicant to
8 provide evidence of accreditation; revising the
9 deadline by which a charter school must have a
10 certificate of occupancy or temporary certificate of
11 occupancy; expanding the factors for approval of a
12 charter application to include documentation of
13 adequate financial resources, certain applicant
14 identifying information, disclosure of additional
15 charter schools sponsored by such parties and the
16 records of such schools, and the independent status of
17 any management company or cooperative; removing
18 obsolete language; amending s. 1002.331, F.S.;
19 conforming a cross-reference to changes made by the
20 act; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

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30 1002.33 Charter schools.—

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

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

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59 of grammatical, typographical, and like errors or missing
60 signatures, if such errors are identified by the sponsor as
61 cause to deny the final application.

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

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

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

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88 good cause, supporting its denial of the charter application and
89 shall provide the letter of denial and supporting documentation
90 to the applicant and to the Department of Education.

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

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

97 (II) The charter school proposed in the application does
98 not materially comply with the requirements in paragraphs
99 (9) (a) - (f);

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

103 (IV) The applicant has made a material misrepresentation or
104 false statement or concealed an essential or material fact
105 during the application process; or

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

109

110 Material noncompliance is a failure to follow requirements or a
111 violation of prohibitions applicable to charter school
112 applications, which failure is quantitatively or qualitatively
113 significant either individually or when aggregated with other
114 noncompliance. An applicant is considered to be replicating a
115 high-performing charter school if the proposed school is
116 substantially similar to at least one of the applicant's high-

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117 performing charter schools and the organization or individuals
118 involved in the establishment and operation of the proposed
119 school are significantly involved in the operation of replicated
120 schools.

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

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

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

140 6. A person, or an officer of an entity, who submits an
141 application pursuant to this subsection must undergo background
142 screening in the same manner as instructional and
143 noninstructional personnel hired or contracted to fill positions
144 in a charter school or as members of the charter school's
145 governing board are screened under s. 1012.32. Notwithstanding

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146 any other provision of this subsection, a charter application
147 may not be approved until the person's or officer's screening is
148 completed and the results have been submitted to the sponsor.

149 (g) After approval of an application but before the first
150 day of classes at the charter school, a charter school applicant
151 shall provide verified evidence that the school has been
152 accredited by the Southern Association of Colleges and Schools.

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

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

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

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

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

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175 research.

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

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

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

203 b. How these baseline rates will be compared to rates of

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204 academic progress achieved by these same students while
205 attending the charter school.

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

209

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

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

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

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

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

231 8. The ways by which the school will achieve a
232 racial/ethnic balance reflective of the community it serves or

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233 within the racial/ethnic range of other public schools in the
234 same school district.

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

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

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

259 12. The term of the charter which shall provide for
260 cancellation of the charter if insufficient progress has been
261 made in attaining the student achievement objectives of the

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

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

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

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

289 16. A timetable for implementing the charter which
290 addresses the implementation of each element thereof and the

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291 date by which the charter shall be awarded in order to meet this
292 timetable.

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

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

316 19. Implementation of the activities authorized under s.
317 1002.331 by the charter school when it satisfies the eligibility
318 requirements for a high-performing charter school. A high-
319 performing charter school shall notify its sponsor in writing by

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320 March 1 if it intends to increase enrollment or expand grade
321 levels the following school year. The written notice shall
322 specify the amount of the enrollment increase and the grade
323 levels that will be added, as applicable.

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

329 21. Disclosure of the name of each applicant, governing
330 board member, and proposed management company or cooperative, if
331 any; the name and sponsor of any charter school currently
332 operated or previously operated by such parties; and the
333 academic and financial history of such charter schools.

334 22. Documentation that the governing board is independent
335 of any management company or cooperative and may, at its sole
336 discretion, terminate a contract with the management company or
337 cooperative at any time.

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

343 (c) If the district school board is providing programs or
344 services to students funded by federal funds, any eligible
345 students enrolled in charter schools in the school district
346 shall be provided federal funds for the same level of service
347 provided students in the schools operated by the district school
348 board. ~~Pursuant to provisions of 20 U.S.C. 8061 s. 10306, All~~

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349 charter schools shall receive all federal funding for which the
350 school is otherwise eligible, including Title I funding, no ~~not~~
351 later than 5 months after the charter school first opens and
352 within 5 months after any subsequent expansion of enrollment.
353 Unless otherwise mutually agreed to by the charter school and
354 its sponsor, and consistent with state and federal rules and
355 regulations governing the use and disbursement of federal funds,
356 the sponsor shall reimburse the charter school on a monthly
357 basis for all invoices submitted by the charter school for
358 federal funds available to the sponsor for the benefit of the
359 charter school, the charter school's students, and the charter
360 school's students as public school students in the school
361 district. Such federal funds include, but are not limited to,
362 Title I, Title II, and Individuals with Disabilities Education
363 Act (IDEA) funds. To receive timely reimbursement for an
364 invoice, the charter school must submit the invoice to the
365 sponsor at least 30 days before the monthly date of
366 reimbursement set by the sponsor. In order to be reimbursed, any
367 expenditures made by the charter school must comply with all
368 applicable state rules and federal regulations, including, but
369 not limited to, the applicable federal Office of Management and
370 Budget Circulars; United States Department of Education ~~the~~
371 ~~federal Education Department~~ General Administrative Regulations;
372 and program-specific statutes, rules, and regulations. Such
373 funds may not be made available to the charter school until a
374 plan is submitted to the sponsor for approval of the use of the
375 funds in accordance with applicable federal requirements. The
376 sponsor has 30 days to review and approve any plan submitted
377 pursuant to this paragraph.

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378 Section 2. Paragraph (a) of subsection (3) of section
379 1002.331, Florida Statutes, is amended to read:

380 1002.331 High-performing charter schools.—

381 (3) (a) A high-performing charter school may submit an
382 application pursuant to s. 1002.33(6) in any school district in
383 the state to establish and operate a new charter school that
384 will substantially replicate its educational program. An
385 application submitted by a high-performing charter school must
386 state that the application is being submitted pursuant to this
387 paragraph and must include the verification letter provided by
388 the Commissioner of Education pursuant to subsection (5). If the
389 sponsor fails to act on the application within 60 days after
390 receipt, the application is deemed approved and the procedure in
391 s. 1002.33(6)(i) ~~s. 1002.33(6)(h)~~ applies. If the sponsor denies
392 the application, the high-performing charter school may appeal
393 pursuant to s. 1002.33(6).

394 Section 3. This act shall take effect July 1, 2016.