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LEGISLATIVE ACTION

Senate

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House

Senator Stargel moved the following:

Senate Amendment (with title amendment)

Delete lines 1611 -1688

and insert:

Section 20. Paragraph (b) of subsection (6), paragraph (p) of subsection (9), paragraphs (a) and (d) of subsection (10), subsection (13), paragraph (b) of subsection (17), paragraph (a) of subsection (18), and paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school



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12 applications are subject to the following requirements:
13 (b) A sponsor shall receive and review all applications for
14 a charter school using the ~~an~~ evaluation instrument developed by
15 the Department of Education. A sponsor shall receive and
16 consider charter school applications received on or before
17 August 1 of each calendar year for charter schools to be opened
18 at the beginning of the school district's next school year, or
19 to be opened at a time agreed to by the applicant and the
20 sponsor. A sponsor may not refuse to receive a charter school
21 application submitted before August 1 and may receive an
22 application submitted later than August 1 if it chooses. In
23 order to facilitate greater collaboration in the application
24 process, an applicant may submit a draft charter school
25 application on or before May 1 with an application fee of \$500.
26 If a draft application is timely submitted, the sponsor shall
27 review and provide feedback as to material deficiencies in the
28 application by July 1. The applicant shall then have until
29 August 1 to resubmit a revised and final application. The
30 sponsor may approve the draft application. A sponsor may not
31 charge an applicant for a charter any fee for the processing or
32 consideration of an application, and a sponsor may not base its
33 consideration or approval of a final application upon the
34 promise of future payment of any kind. Before approving or
35 denying any final application, the sponsor shall allow the
36 applicant, upon receipt of written notification, at least 7
37 calendar days to make technical or nonsubstantive corrections
38 and clarifications, including, but not limited to, corrections
39 of grammatical, typographical, and like errors or missing
40 signatures, if such errors are identified by the sponsor as



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41 cause to deny the final application.

42 1. In order to facilitate an accurate budget projection
43 process, a sponsor shall be held harmless for FTE students who
44 are not included in the FTE projection due to approval of
45 charter school applications after the FTE projection deadline.
46 In a further effort to facilitate an accurate budget projection,
47 within 15 calendar days after receipt of a charter school
48 application, a sponsor shall report to the Department of
49 Education the name of the applicant entity, the proposed charter
50 school location, and its projected FTE.

51 2. In order to ensure fiscal responsibility, an application
52 for a charter school shall include a full accounting of expected
53 assets, a projection of expected sources and amounts of income,
54 including income derived from projected student enrollments and
55 from community support, and an expense projection that includes
56 full accounting of the costs of operation, including start-up
57 costs.

58 3.a. A sponsor shall by a majority vote approve or deny an
59 application no later than 60 calendar days after the application
60 is received, unless the sponsor and the applicant mutually agree
61 in writing to temporarily postpone the vote to a specific date,
62 at which time the sponsor shall by a majority vote approve or
63 deny the application. If the sponsor fails to act on the
64 application, an applicant may appeal to the State Board of
65 Education as provided in paragraph (c). If an application is
66 denied, the sponsor shall, within 10 calendar days after such
67 denial, articulate in writing the specific reasons, based upon
68 good cause, supporting its denial of the ~~charter~~ application and
69 shall provide the letter of denial and supporting documentation



70 to the applicant and to the Department of Education.

71 b. An application submitted by a high-performing charter
72 school identified pursuant to s. 1002.331 may be denied by the
73 sponsor only if the sponsor demonstrates by clear and convincing
74 evidence that:

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

77 (II) The charter school proposed in the application does
78 not materially comply with the requirements in paragraphs
79 (9) (a)-(f);

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

83 (IV) The applicant has made a material misrepresentation or
84 false statement or concealed an essential or material fact
85 during the application process; or

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

89
90 Material noncompliance is a failure to follow requirements or a
91 violation of prohibitions applicable to charter school
92 applications, which failure is quantitatively or qualitatively
93 significant either individually or when aggregated with other
94 noncompliance. An applicant is considered to be replicating a
95 high-performing charter school if the proposed school is
96 substantially similar to at least one of the applicant's high-
97 performing charter schools and the organization or individuals
98 involved in the establishment and operation of the proposed



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99 school are significantly involved in the operation of replicated
100 schools.

101 c. If the sponsor denies an application submitted by a
102 high-performing charter school, the sponsor must, within 10
103 calendar days after such denial, state in writing the specific
104 reasons, based upon the criteria in sub-subparagraph b.,
105 supporting its denial of the application and must provide the
106 letter of denial and supporting documentation to the applicant
107 and to the Department of Education. The applicant may appeal the
108 sponsor's denial of the application directly to the State Board
109 of Education pursuant to sub-subparagraph (c)3.b.

110 4. For budget projection purposes, the sponsor shall report
111 to the Department of Education the approval or denial of an a
112 ~~charter~~ application within 10 calendar days after such approval
113 or denial. In the event of approval, the report to the
114 Department of Education shall include the final projected FTE
115 for the approved charter school.

116 5. Upon approval of an a ~~charter~~ application, the initial
117 startup shall commence with the beginning of the public school
118 calendar for the district in which the charter is granted. A
119 charter school may defer the opening of the school's operations
120 for up to 2 years to provide time for adequate facility
121 planning. The charter school must provide written notice of such
122 intent to the sponsor and the parents of enrolled students at
123 least 30 calendar days before the first day of school unless the
124 sponsor allows a waiver of this subparagraph for good cause.

125 (9) CHARTER SCHOOL REQUIREMENTS.—

126 (p)1. Each charter school shall maintain a website that
127 enables the public to obtain information regarding the school;



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128 the school's academic performance; the names of the governing
129 board members; the programs at the school; any management
130 companies, service providers, or education management
131 corporations associated with the school; the school's annual
132 budget and its annual independent fiscal audit; the school's
133 grade pursuant to s. 1008.34; and, on a quarterly basis, the
134 minutes of governing board meetings.

135 2. Each charter school's governing board must appoint a
136 representative to facilitate parental involvement, provide
137 access to information, assist parents and others with questions
138 and concerns, and resolve disputes. The representative must
139 reside in the school district in which the charter school is
140 located and may be a governing board member, a charter school
141 employee, or an individual contracted to represent the governing
142 board. If the governing board oversees multiple charter schools
143 in the same school district, the governing board must appoint a
144 separate representative for each charter school in the district.
145 The representative's contact information must be provided
146 annually in writing to parents and posted prominently on the
147 charter school's website. The sponsor may not require governing
148 board members to reside in the school district in which the
149 charter school is located if the charter school complies with
150 this subparagraph.

151 3. Each charter school's governing board must hold at least
152 two public meetings per school year in the school district where
153 the charter school is located. The meetings must be noticed,
154 open, and accessible to the public, and attendees must be
155 provided an opportunity to receive information and provide input
156 regarding the charter school's operations. The appointed



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157 representative and charter school principal or director, or his
158 or her designee, must be physically present at each meeting.
159 Members of the governing board may attend in person or by means
160 of communications media technology used in accordance with rules
161 adopted by the Administration Commission under s. 120.54(5).

162 (10) ELIGIBLE STUDENTS.—

163 (a) A charter school shall be open to any student covered
164 in an interdistrict agreement or residing in the school district
165 in which the charter school is located; however, in the case of
166 a charter lab school, the charter lab school shall be open to
167 any student eligible to attend the lab school as provided in s.
168 1002.32 or who resides in the school district in which the
169 charter lab school is located. Any eligible student shall be
170 allowed interdistrict transfer to attend a charter school when
171 based on good cause. Good cause shall include, but is not
172 limited to, geographic proximity to a charter school in a
173 neighboring school district. A charter school that has not
174 reached capacity, as determined by the charter school's
175 governing board, may be open for enrollment to any student in
176 the state.

177 (d) A charter school may give enrollment preference to the
178 following student populations:

179 1. Students who are siblings of a student enrolled in the
180 charter school.

181 2. Students who are the children of a member of the
182 governing board of the charter school.

183 3. Students who are the children of an employee of the
184 charter school.

185 4. Students who are the children of:



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186 a. An employee of the business partner of a charter school-
187 in-the-workplace established under paragraph (15) (b) or a
188 resident of the municipality in which such charter school is
189 located; or

190 b. A resident or employee of a municipality that operates a
191 charter school-in-a-municipality pursuant to paragraph (15) (c)
192 or allows a charter school to use a school facility or portion
193 of land owned by the municipality for the operation of the
194 charter school.

195 5. Students who have successfully completed a voluntary
196 prekindergarten education program under ss. 1002.51-1002.79
197 provided by the charter school or the charter school's governing
198 board during the previous year.

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

201 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter
202 into cooperative agreements to form charter school cooperative
203 organizations that may provide ~~the following~~ services to further
204 educational, operational, and administrative initiatives in
205 which the participating charter schools share common interests-
206 ~~charter school planning and development, direct instructional~~
207 ~~services, and contracts with charter school governing boards to~~
208 ~~provide personnel administrative services, payroll services,~~
209 ~~human resource management, evaluation and assessment services,~~
210 ~~teacher preparation, and professional development.~~

211 (17) FUNDING.—Students enrolled in a charter school,
212 regardless of the sponsorship, shall be funded as if they are in
213 a basic program or a special program, the same as students
214 enrolled in other public schools in the school district. Funding



215 for a charter lab school shall be as provided in s. 1002.32.
216 (b) The basis for the agreement for funding students
217 enrolled in a charter school shall be the sum of the school
218 district's operating funds from the Florida Education Finance
219 Program as provided in s. 1011.62 and the General Appropriations
220 Act, including gross state and local funds, discretionary
221 lottery funds, and funds from the school district's current
222 operating discretionary millage levy; divided by total funded
223 weighted full-time equivalent students in the school district;
224 multiplied by the weighted full-time equivalent students for the
225 charter school. Charter schools whose students or programs meet
226 the eligibility criteria in law are entitled to their
227 proportionate share of categorical program funds included in the
228 total funds available in the Florida Education Finance Program
229 by the Legislature, including transportation, the research-based
230 reading allocation, and the Florida digital classrooms
231 allocation. Total funding for each charter school shall be
232 recalculated during the year to reflect the revised calculations
233 under the Florida Education Finance Program by the state and the
234 actual weighted full-time equivalent students reported by the
235 charter school during the full-time equivalent student survey
236 periods designated by the Commissioner of Education. Any
237 unrestricted surplus or unrestricted net assets identified in
238 the charter school's annual audit may be used for K-12
239 educational purposes for charter schools within the district
240 operated by the not-for-profit or municipal entity operating the
241 charter school with the surplus. Surplus operating funds shall
242 be used in accordance with s. 1011.62, and surplus capital
243 outlay funds shall be used in accordance with s. 1013.62(2).



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244 (18) FACILITIES.-

245 (a) A startup charter school shall utilize facilities which
246 comply with the Florida Building Code pursuant to chapter 553
247 except for the State Requirements for Educational Facilities.
248 Conversion charter schools shall utilize facilities that comply
249 with the State Requirements for Educational Facilities provided
250 that the school district and the charter school have entered
251 into a mutual management plan for the reasonable maintenance of
252 such facilities. The mutual management plan shall contain a
253 provision by which the district school board agrees to maintain
254 charter school facilities in the same manner as its other public
255 schools within the district. Charter schools, with the exception
256 of conversion charter schools, are not required to comply, but
257 may choose to comply, with the State Requirements for
258 Educational Facilities of the Florida Building Code adopted
259 pursuant to s. 1013.37. The local governing authority shall not
260 adopt or impose any local building requirements or site-
261 development restrictions, such as parking and site-size
262 criteria, that are addressed by and more stringent than those
263 found in the State Requirements for Educational Facilities of
264 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
265 governing authority must treat charter schools equitably in
266 comparison to similar requirements, restrictions, and site
267 planning processes imposed upon public schools that are not
268 charter schools. The agency having jurisdiction for inspection
269 of a facility and issuance of a certificate of occupancy or use
270 shall be the local municipality or, if in an unincorporated
271 area, the county governing authority. If an official or employee
272 of the local governing authority refuses to comply with this



273 paragraph, the aggrieved school or entity has an immediate right
274 to bring an action in circuit court to enforce its rights by
275 injunction. An aggrieved party that receives injunctive relief
276 may be awarded attorney fees and court costs.

277 (20) SERVICES.—

278 (a)1. A sponsor shall provide certain administrative and
279 educational services to charter schools. These services shall
280 include contract management services; full-time equivalent and
281 data reporting services; exceptional student education
282 administration services; services related to eligibility and
283 reporting duties required to ensure that school lunch services
284 under the federal lunch program, consistent with the needs of
285 the charter school, are provided by the school district at the
286 request of the charter school, that any funds due to the charter
287 school under the federal lunch program be paid to the charter
288 school as soon as the charter school begins serving food under
289 the federal lunch program, and that the charter school is paid
290 at the same time and in the same manner under the federal lunch
291 program as other public schools serviced by the sponsor or the
292 school district; test administration services, including payment
293 of the costs of state-required or district-required student
294 assessments; processing of teacher certificate data services;
295 and information services, including equal access to student
296 information systems that are used by public schools in the
297 district in which the charter school is located. Student
298 performance data for each student in a charter school,
299 including, but not limited to, FCAT scores, standardized test
300 scores, previous public school student report cards, and student
301 performance measures, shall be provided by the sponsor to a



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302 charter school in the same manner provided to other public
303 schools in the district.

304 2. A total administrative fee for the provision of such
305 services shall be calculated based upon up to 5 percent of the
306 available funds defined in paragraph (17)(b) for all students,
307 except that when 75 percent or more of the students enrolled in
308 the charter school are exceptional students as defined in s.
309 1003.01(3), the 5 percent of those available funds shall be
310 calculated based on unweighted full-time equivalent students.
311 However, a sponsor may only withhold up to a 5-percent
312 administrative fee for enrollment for up to and including 250
313 students. For charter schools with a population of 251 or more
314 students, the difference between the total administrative fee
315 calculation and the amount of the administrative fee withheld
316 may only be used for capital outlay purposes specified in s.
317 1013.62(3) ~~s. 1013.62(2)~~.

318 3. For high-performing charter schools, as defined in ch.
319 2011-232, a sponsor may withhold a total administrative fee of
320 up to 2 percent for enrollment up to and including 250 students
321 per school.

322 4. In addition, a sponsor may withhold only up to a 5-
323 percent administrative fee for enrollment for up to and
324 including 500 students within a system of charter schools which
325 meets all of the following:

326 a. Includes both conversion charter schools and
327 nonconversion charter schools;

328 b. Has all schools located in the same county;

329 c. Has a total enrollment exceeding the total enrollment of
330 at least one school district in the state;



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331 d. Has the same governing board; and
332 e. Does not contract with a for-profit service provider for
333 management of school operations.

334 5. The difference between the total administrative fee
335 calculation and the amount of the administrative fee withheld
336 pursuant to subparagraph 4. may be used for instructional and
337 administrative purposes as well as for capital outlay purposes
338 specified in s. 1013.62(3) ~~s. 1013.62(2)~~.

339 6. For a high-performing charter school system that also
340 meets the requirements in subparagraph 4., a sponsor may
341 withhold a 2-percent administrative fee for enrollments up to
342 and including 500 students per system.

343 7. Sponsors shall not charge charter schools any additional
344 fees or surcharges for administrative and educational services
345 in addition to the maximum 5-percent administrative fee withheld
346 pursuant to this paragraph.

347 8. The sponsor of a virtual charter school may withhold a
348 fee of up to 5 percent. The funds shall be used to cover the
349 cost of services provided under subparagraph 1. and
350 implementation of the school district's digital classrooms plan
351 pursuant to s. 1011.62.

352 Section 21. Paragraphs (c) and (d) of subsection (8) of
353 section 1002.45, Florida Statutes, are amended to read:

354 1002.45 Virtual instruction programs.—

355 (8) ASSESSMENT AND ACCOUNTABILITY.—

356 (c) An approved provider that receives a school grade of
357 "D" or "F" under s. 1008.34 or a school improvement rating of
358 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
359 school improvement plan with the department for consultation to



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360 determine the causes for low performance and to develop a plan
361 for correction and improvement.

362 (d) An approved provider's contract is automatically ~~must~~
363 ~~be~~ terminated if the provider earns two consecutive school
364 grades of receives a school grade of "D" or "F" under s. 1008.34
365 after all school grade appeals are final, receives two
366 consecutive or a school improvement ratings rating of
367 "unsatisfactory" "Declining" under s. 1008.341, for 2 years
368 ~~during any consecutive 4-year period~~ or has violated any
369 qualification requirement pursuant to subsection (2). A provider
370 that has a contract terminated under this paragraph may not be
371 an approved provider for a period of at least 1 year after the
372 date upon which the contract was terminated and until the
373 department determines that the provider is in compliance with
374 subsection (2) and has corrected each cause of the provider's
375 low performance.

376 Section 22. Subsection (1) of section 1003.498, Florida
377 Statutes, is amended to read:

378 1003.498 School district virtual course offerings.-

379 (1) School districts may deliver courses in the traditional
380 school setting by personnel certified pursuant to s. 1012.55 who
381 provide direct instruction through virtual instruction or
382 through blended learning courses consisting of both traditional
383 classroom and online instructional techniques. Students in a
384 blended learning course must be full-time students of the school
385 pursuant to s. 1011.61(1)(a)1. and receive the online
386 ~~instruction in a classroom setting at the school.~~ The funding,
387 performance, and accountability requirements for blended
388 learning courses are the same as those for traditional courses.



389 To facilitate the delivery and coding of blended learning
390 courses, the department shall provide identifiers for existing
391 courses to designate that they are being used for blended
392 learning courses for the purpose of ensuring the efficient
393 reporting of such courses. A district may report full-time
394 equivalent student membership for credit earned by a student who
395 is enrolled in a virtual education course provided by the
396 district which is completed after the end of the regular school
397 year if the FTE is reported no later than the deadline for
398 amending the final student membership report for that year.

399
400 ===== T I T L E A M E N D M E N T =====

401 And the title is amended as follows:

402 Delete line 163

403 and insert:

404 F.S.; authorizing a charter school to defer the
405 opening of its operations for up to a specified time;
406 requiring the charter school to provide written notice
407 to certain entities within a specified timeframe;
408 requiring each charter school governing board to
409 appoint certain representatives; requiring each
410 governing board to hold a certain number of public
411 meetings; authorizing the use of communications media
412 technology at such meetings; revising charter school
413 student eligibility requirements; revising
414 requirements for payments to charter schools; allowing
415 for the use of certain surpluses and assets by
416 specific entities for certain educational purposes;
417 providing for an injunction under certain



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418 circumstances; conforming cross-references; amending
419 s. 1002.45, F.S.; revising conditions for termination
420 of a virtual instruction provider's contract; amending
421 s. 1003.498, F.S.; deleting a requirement that
422 students in a blended learning course must receive
423 certain instruction in a classroom setting; providing
424 an