



1 A bill to be entitled
2 An act relating to school choice; amending s. 1002.33,
3 F.S.; making technical changes relating to
4 requirements for the creation of a virtual charter
5 school; conforming cross-references; specifying that a
6 sponsor may not require a charter school to adopt the
7 sponsor's reading plan and that charter schools are
8 eligible for the research-based reading allocation if
9 certain criteria are met; revising required contents
10 of charter school applications; conforming provisions
11 regarding the appeal process for denial of a high-
12 performing charter school application; requiring an
13 applicant to provide the sponsor with a copy of an
14 appeal to an application denial; authorizing a charter
15 school to defer the opening of its operations for up
16 to a specified time; requiring the charter school to
17 provide written notice to certain entities by a
18 specified date; revising provisions relating to long-
19 term charters and charter terminations; specifying
20 notice requirements for voluntary closure of a charter
21 school; deleting a requirement that students in a
22 blended learning course receive certain instruction in
23 a classroom setting; providing that a student may not
24 be dismissed from a charter school based on his or her
25 academic performance; requiring a charter school
26 applicant to provide monthly financial statements



27 | before opening; requiring a sponsor to review each
28 | financial statement of a charter school to identify
29 | the existence of certain conditions; providing for the
30 | automatic termination of a charter contract if certain
31 | conditions are met; requiring a sponsor to notify
32 | certain parties when a charter contract is terminated
33 | for specific reasons; authorizing governing board
34 | members to hold a certain number of public meetings
35 | and participate in such meetings in person or through
36 | communications media technology; revising charter
37 | school student eligibility requirements; revising
38 | requirements for payments to charter schools;
39 | providing eligibility requirements for receipt of
40 | public education capital outlay (PECO) funds; allowing
41 | for the use of certain surpluses and assets by
42 | specific entities for certain educational purposes;
43 | providing for an injunction under certain
44 | circumstances; establishing the administrative fee
45 | that a sponsor may withhold for charter schools
46 | operating in a critical need area; providing an
47 | exemption from certain administrative fees; amending
48 | s. 1002.331, F.S.; providing an exemption from the
49 | replication limitations for a high-performing charter
50 | school; conforming a cross-reference; deleting
51 | obsolete provisions; providing deadlines for a high-
52 | performing charter contract renewal; providing for an



53 | appeal to an administrative law judge under certain
54 | circumstances; creating s. 1002.333, F.S.; providing
55 | definitions; establishing a High Impact Charter
56 | Network status for charter school operators serving
57 | educationally disadvantaged students; defining
58 | eligibility criteria; authorizing charter operators
59 | holding the High Impact Charter Network status to
60 | submit applications for charter schools in certain
61 | areas; exempting certain charter schools from
62 | specified fees; requiring the department to give
63 | priority to certain charter schools applying for
64 | specified grants; prohibiting the use of certain
65 | school grades when determining areas of critical need;
66 | providing for rulemaking; amending s. 1002.37, F.S.;
67 | revising the calculation of "full-time equivalent
68 | student"; conforming a cross-reference; amending s.
69 | 1002.45, F.S.; conforming a cross-reference; deleting
70 | a provision related to educational funding for
71 | students enrolled in certain virtual education
72 | courses; revising conditions for termination of a
73 | virtual instruction provider's contract; repealing s.
74 | 1002.455, F.S., relating to student eligibility for K-
75 | 12 virtual instruction; amending s. 1003.4295, F.S.;
76 | revising the purpose of the Credit Acceleration
77 | Program; requiring students to earn passing scores on
78 | specified assessments and examinations to earn course



79 credit; amending s. 1003.498, F.S.; deleting a
80 requirement that students in a blended learning course
81 must receive certain instruction in a classroom
82 setting; conforming a cross-reference; amending s.
83 1011.61, F.S.; revising the definition of "full-time
84 equivalent student"; amending s. 1011.62, F.S.;
85 conforming a cross-reference; amending s. 1012.56,
86 F.S.; authorizing a charter school to develop and
87 operate a professional development certification and
88 education competency program; amending s. 1013.62,
89 F.S.; revising eligibility requirements for charter
90 school capital outlay funding; revising charter school
91 funding allocations; providing an effective date.

92
93 Be It Enacted by the Legislature of the State of Florida:

94
95 Section 1. Subsection (1), paragraph (a) of subsection
96 (2), paragraphs (a) and (b) of subsection (6), paragraphs (a)
97 and (d) of subsection (7), paragraphs (g), (n), and (p) of
98 subsection (9), paragraphs (a) and (d) of subsection (10),
99 subsection (13), paragraphs (b) and (e) of subsection (17),
100 paragraph (a) of subsection (18), and paragraph (a) of
101 subsection (20) of section 1002.33, Florida Statutes, are
102 amended, and paragraph (g) is added to subsection (17) of that
103 section, to read:

104 1002.33 Charter schools.—



105 (1) AUTHORIZATION.—Charter schools shall be part of the
106 state's program of public education. All charter schools in
107 Florida are public schools. A charter school may be formed by
108 creating a new school or converting an existing public school to
109 charter status. A charter school may operate a virtual charter
110 school pursuant to s. 1002.45(1)(d) to provide full-time online
111 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in
112 kindergarten through grade 12. An existing A charter school that
113 is seeking to become a virtual charter school must amend its
114 charter or submit a new application pursuant to subsection (6)
115 to become a virtual charter school. A virtual charter school is
116 subject to the requirements of this section; however, a virtual
117 charter school is exempt from subsections (18) and (19),
118 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
119 s. 1003.03. A public school may not use the term charter in its
120 name unless it has been approved under this section.

121 (2) GUIDING PRINCIPLES; PURPOSE.—

122 (a) Charter schools in Florida shall be guided by the
123 following principles:

124 1. Meet high standards of student achievement while
125 providing parents flexibility to choose among diverse
126 educational opportunities within the state's public school
127 system.

128 2. Promote enhanced academic success and financial
129 efficiency by aligning responsibility with accountability.

130 3. Provide parents with sufficient information on whether



131 their child is reading at grade level and whether the child
132 gains at least a year's worth of learning for every year spent
133 in the charter school. For a student who exhibits a substantial
134 deficiency in reading, as determined by the charter school, the
135 school shall notify the parent of the deficiency, the intensive
136 interventions and supports used, and the student's progress in
137 accordance with s. 1008.25(5).

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

140 (a) A person or entity seeking ~~wishing~~ to open a charter
141 school shall prepare and submit an application on a model
142 application form prepared by the Department of Education which:

143 1. Demonstrates how the school will use the guiding
144 principles and meet the statutorily defined purpose of a charter
145 school.

146 2. Provides a detailed curriculum plan that illustrates
147 how students will be provided services to attain the Sunshine
148 State Standards.

149 3. Contains goals and objectives for improving student
150 learning and measuring that improvement. These goals and
151 objectives must indicate how much academic improvement students
152 are expected to show each year, how success will be evaluated,
153 and the specific results to be attained through instruction.

154 4. Describes the reading curriculum and differentiated
155 strategies that will be used for students reading at grade level
156 or higher and a separate curriculum and strategies for students



157 | who are reading below grade level. A sponsor shall deny an
158 | application ~~a charter~~ if the school does not propose a reading
159 | curriculum that is evidence-based and includes explicit,
160 | systematic, and multisensory reading instructional strategies;
161 | however, a sponsor may not require the charter school to
162 | implement the reading plan adopted by the school district
163 | pursuant to s. 1011.62(9) ~~consistent with effective teaching~~
164 | ~~strategies that are grounded in scientifically based reading~~
165 | ~~research.~~

166 | 5. Contains an annual financial plan for each year
167 | requested by the charter for operation of the school for up to 5
168 | years. This plan must contain anticipated fund balances based on
169 | revenue projections, a spending plan based on projected revenues
170 | and expenses, and a description of controls that will safeguard
171 | finances and projected enrollment trends.

172 | 6. Discloses the name of each applicant, governing board
173 | member, and all proposed education services providers; the name
174 | and sponsor of any charter school operated by each applicant,
175 | each governing board member, and each proposed education
176 | services provider that has closed and the reasons for the
177 | closure; and the academic and financial history of such charter
178 | schools, which the sponsor shall consider in deciding whether to
179 | approve or deny the application.

180 | ~~7.6.~~ Contains additional information a sponsor may
181 | require, which shall be attached as an addendum to the charter
182 | school application described in this paragraph.



183 ~~8.7.~~ For the establishment of a virtual charter school,
184 documents that the applicant has contracted with a provider of
185 virtual instruction services pursuant to s. 1002.45(1)(d).

186 (b) A sponsor shall receive and review all applications
187 for a charter school using the ~~an~~ evaluation instrument
188 developed by the Department of Education. A sponsor shall
189 receive and consider charter school applications received on or
190 before August 1 of each calendar year for charter schools to be
191 opened at the beginning of the school district's next school
192 year, or to be opened at a time agreed to by the applicant and
193 the sponsor. A sponsor may not refuse to receive a charter
194 school application submitted before August 1 and may receive an
195 application submitted later than August 1 if it chooses. In
196 order to facilitate greater collaboration in the application
197 process, an applicant may submit a draft charter school
198 application on or before May 1 with an application fee of \$500.
199 If a draft application is timely submitted, the sponsor shall
200 review and provide feedback as to material deficiencies in the
201 application by July 1. The applicant shall then have until
202 August 1 to resubmit a revised and final application. The
203 sponsor may approve the draft application. Except as provided
204 for a draft application, a sponsor may not charge an applicant
205 for a charter any fee for the processing or consideration of an
206 application, and a sponsor may not base its consideration or
207 approval of a final application upon the promise of future
208 payment of any kind. Before approving or denying any final



209 application, the sponsor shall allow the applicant, upon receipt
210 of written notification, at least 7 calendar days to make
211 technical or nonsubstantive corrections and clarifications,
212 including, but not limited to, corrections of grammatical,
213 typographical, and like errors or missing signatures, if such
214 errors are identified by the sponsor as cause to deny the final
215 application.

216 1. In order to facilitate an accurate budget projection
217 process, a sponsor shall be held harmless for FTE students who
218 are not included in the FTE projection due to approval of
219 charter school applications after the FTE projection deadline.
220 In a further effort to facilitate an accurate budget projection,
221 within 15 calendar days after receipt of a charter school
222 application, a sponsor shall report to the Department of
223 Education the name of the applicant entity, the proposed charter
224 school location, and its projected FTE.

225 2. In order to ensure fiscal responsibility, an
226 application for a charter school shall include a full accounting
227 of expected assets, a projection of expected sources and amounts
228 of income, including income derived from projected student
229 enrollments and from community support, and an expense
230 projection that includes full accounting of the costs of
231 operation, including start-up costs.

232 3.a. A sponsor shall by a majority vote approve or deny an
233 application no later than 60 calendar days after the application
234 is received, unless the sponsor and the applicant mutually agree



235 | in writing to temporarily postpone the vote to a specific date,
236 | at which time the sponsor shall by a majority vote approve or
237 | deny the application. If the sponsor fails to act on the
238 | application, an applicant may appeal to the State Board of
239 | Education as provided in paragraph (c). If an application is
240 | denied, the sponsor shall, within 10 calendar days after such
241 | denial, articulate in writing the specific reasons, based upon
242 | good cause, supporting its denial of the ~~charter~~ application and
243 | shall provide the letter of denial and supporting documentation
244 | to the applicant and to the Department of Education.

245 | b. An application submitted by a high-performing charter
246 | school identified pursuant to s. 1002.331 may be denied by the
247 | sponsor only if the sponsor demonstrates by clear and convincing
248 | evidence that:

249 | (I) The application does not materially comply with the
250 | requirements in paragraph (a);

251 | (II) The charter school proposed in the application does
252 | not materially comply with the requirements in paragraphs
253 | (9) (a) - (f);

254 | (III) The proposed charter school's educational program
255 | does not substantially replicate that of the applicant or one of
256 | the applicant's high-performing charter schools;

257 | (IV) The applicant has made a material misrepresentation
258 | or false statement or concealed an essential or material fact
259 | during the application process; or

260 | (V) The proposed charter school's educational program and



261 financial management practices do not materially comply with the
262 requirements of this section.

263
264 Material noncompliance is a failure to follow requirements or a
265 violation of prohibitions applicable to charter school
266 applications, which failure is quantitatively or qualitatively
267 significant either individually or when aggregated with other
268 noncompliance. An applicant is considered to be replicating a
269 high-performing charter school if the proposed school is
270 substantially similar to at least one of the applicant's high-
271 performing charter schools and the organization or individuals
272 involved in the establishment and operation of the proposed
273 school are significantly involved in the operation of replicated
274 schools.

275 c. If the sponsor denies an application submitted by a
276 high-performing charter school, the sponsor must, within 10
277 calendar days after such denial, state in writing the specific
278 reasons, based upon the criteria in sub-subparagraph b.,
279 supporting its denial of the application and must provide the
280 letter of denial and supporting documentation to the applicant
281 and to the Department of Education. The applicant may appeal the
282 sponsor's denial of the application directly to the State Board
283 of Education and, if an appeal is filed, must provide a copy of
284 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
285 subparagraph (c)3.b.

286 4. For budget projection purposes, the sponsor shall



287 report to the Department of Education the approval or denial of
288 an ~~a charter~~ application within 10 calendar days after such
289 approval or denial. In the event of approval, the report to the
290 Department of Education shall include the final projected FTE
291 for the approved charter school.

292 5. Upon approval of an ~~a charter~~ application, the initial
293 startup shall commence with the beginning of the public school
294 calendar for the district in which the charter is granted. A
295 charter school may defer the opening of the school's operations
296 for up to 2 years to provide time for adequate facility
297 planning. The charter school must provide written notice of such
298 intent to the sponsor and the parents of enrolled students at
299 least 30 calendar days before the first day of school ~~unless the~~
300 ~~sponsor allows a waiver of this subparagraph for good cause.~~

301 (7) CHARTER.—The major issues involving the operation of a
302 charter school shall be considered in advance and written into
303 the charter. The charter shall be signed by the governing board
304 of the charter school and the sponsor, following a public
305 hearing to ensure community input.

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

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

310 2. The focus of the curriculum, the instructional methods
311 to be used, any distinctive instructional techniques to be
312 employed, and identification and acquisition of appropriate



313 technologies needed to improve educational and administrative
314 performance which include a means for promoting safe, ethical,
315 and appropriate uses of technology which comply with legal and
316 professional standards.

317 a. The charter shall ensure that reading is a primary
318 focus of the curriculum and that resources are provided to
319 identify and provide specialized instruction for students who
320 are reading below grade level. The curriculum and instructional
321 strategies for reading must be consistent with the Next
322 Generation Sunshine State Standards and evidence-based ~~grounded~~
323 ~~in scientifically based reading research.~~

324 b. In order to provide students with access to diverse
325 instructional delivery models, to facilitate the integration of
326 technology within traditional classroom instruction, and to
327 provide students with the skills they need to compete in the
328 21st century economy, the Legislature encourages instructional
329 methods for blended learning courses consisting of both
330 traditional classroom and online instructional techniques.
331 Charter schools may implement blended learning courses which
332 combine traditional classroom instruction and virtual
333 instruction. Students in a blended learning course must be full-
334 time students of the charter school pursuant to s.
335 1011.61(1)(a)1. ~~and receive the online instruction in a~~
336 ~~classroom setting at the charter school.~~ Instructional personnel
337 certified pursuant to s. 1012.55 who provide virtual instruction
338 for blended learning courses may be employees of the charter



339 school or may be under contract to provide instructional
340 services to charter school students. At a minimum, such
341 instructional personnel must hold an active state or school
342 district adjunct certification under s. 1012.57 for the subject
343 area of the blended learning course. The funding and performance
344 accountability requirements for blended learning courses are the
345 same as those for traditional courses.

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

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

352 b. How these baseline rates will be compared to rates of
353 academic progress achieved by these same students while
354 attending the charter school.

355 c. To the extent possible, how these rates of progress
356 will be evaluated and compared with rates of progress of other
357 closely comparable student populations.

358
359 The district school board is required to provide academic
360 student performance data to charter schools for each of their
361 students coming from the district school system, as well as
362 rates of academic progress of comparable student populations in
363 the district school system.

364 4. The methods used to identify the educational strengths



365 and needs of students and how well educational goals and
366 performance standards are met by students attending the charter
367 school. The methods shall provide a means for the charter school
368 to ensure accountability to its constituents by analyzing
369 student performance data and by evaluating the effectiveness and
370 efficiency of its major educational programs. Students in
371 charter schools shall, at a minimum, participate in the
372 statewide assessment program created under s. 1008.22.

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

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

378 7. The admissions procedures and dismissal procedures,
379 including the school's code of student conduct. Admission or
380 dismissal must not be based on a student's academic performance.

381 8. The ways by which the school will achieve a
382 racial/ethnic balance reflective of the community it serves or
383 within the racial/ethnic range of other public schools in the
384 same school district.

385 9. The financial and administrative management of the
386 school, including a reasonable demonstration of the professional
387 experience or competence of those individuals or organizations
388 applying to operate the charter school or those hired or
389 retained to perform such professional services and the
390 description of clearly delineated responsibilities and the



391 policies and practices needed to effectively manage the charter
392 school. A description of internal audit procedures and
393 establishment of controls to ensure that financial resources are
394 properly managed must be included. Both public sector and
395 private sector professional experience shall be equally valid in
396 such a consideration.

397 10. The asset and liability projections required in the
398 application which are incorporated into the charter and shall be
399 compared with information provided in the annual report of the
400 charter school.

401 11. A description of procedures that identify various
402 risks and provide for a comprehensive approach to reduce the
403 impact of losses; plans to ensure the safety and security of
404 students and staff; plans to identify, minimize, and protect
405 others from violent or disruptive student behavior; and the
406 manner in which the school will be insured, including whether or
407 not the school will be required to have liability insurance,
408 and, if so, the terms and conditions thereof and the amounts of
409 coverage.

410 12. The term of the charter which shall provide for
411 cancellation of the charter if insufficient progress has been
412 made in attaining the student achievement objectives of the
413 charter and if it is not likely that such objectives can be
414 achieved before expiration of the charter. The initial term of a
415 charter shall be for 4 or 5 years. In order to facilitate access
416 to long-term financial resources for charter school



417 construction, charter schools that are operated by a
418 municipality or other public entity as provided by law are
419 eligible for up to a 15-year charter, subject to approval by the
420 district school board. A charter lab school is eligible for a
421 charter for a term of up to 15 years. In addition, to facilitate
422 access to long-term financial resources for charter school
423 construction, charter schools that are operated by a private,
424 not-for-profit, s. 501(c)(3) status corporation are eligible for
425 up to a 15-year charter, subject to approval by the district
426 school board. Such long-term charters remain subject to annual
427 review and may be terminated during the term of the charter, but
428 only according to the provisions set forth in subsection (8).

429 13. The facilities to be used and their location. The
430 sponsor may not require a charter school to have a certificate
431 of occupancy or a temporary certificate of occupancy for such a
432 facility earlier than 15 calendar days before the first day of
433 school.

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

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

440 16. A timetable for implementing the charter which
441 addresses the implementation of each element thereof and the
442 date by which the charter shall be awarded in order to meet this



443 timetable.

444 17. In the case of an existing public school that is being
445 converted to charter status, alternative arrangements for
446 current students who choose not to attend the charter school and
447 for current teachers who choose not to teach in the charter
448 school after conversion in accordance with the existing
449 collective bargaining agreement or district school board rule in
450 the absence of a collective bargaining agreement. However,
451 alternative arrangements shall not be required for current
452 teachers who choose not to teach in a charter lab school, except
453 as authorized by the employment policies of the state university
454 which grants the charter to the lab school.

455 18. Full disclosure of the identity of all relatives
456 employed by the charter school who are related to the charter
457 school owner, president, chairperson of the governing board of
458 directors, superintendent, governing board member, principal,
459 assistant principal, or any other person employed by the charter
460 school who has equivalent decisionmaking authority. For the
461 purpose of this subparagraph, the term "relative" means father,
462 mother, son, daughter, brother, sister, uncle, aunt, first
463 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
464 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
465 stepfather, stepmother, stepson, stepdaughter, stepbrother,
466 stepsister, half brother, or half sister.

467 19. Implementation of the activities authorized under s.
468 1002.331 by the charter school when it satisfies the eligibility



469 requirements for a high-performing charter school. A high-
470 performing charter school shall notify its sponsor in writing by
471 March 1 if it intends to increase enrollment or expand grade
472 levels the following school year. The written notice shall
473 specify the amount of the enrollment increase and the grade
474 levels that will be added, as applicable.

475 (d)1. A charter may be terminated by a charter school's
476 governing board through voluntary closure. The decision to cease
477 operations must be determined at a public meeting. The governing
478 board shall notify the parents and sponsor of the public meeting
479 in writing before the public meeting. The governing board must
480 notify the sponsor, parents of enrolled students, and the
481 department in writing within 24 hours after the public meeting
482 of its determination. The notice shall state the charter
483 school's intent to continue operations or the reason for the
484 closure and acknowledge that the governing board agrees to
485 follow the procedures for dissolution and reversion of public
486 funds pursuant to paragraphs (8) (e)-(g) and (9) (o) ~~Each charter~~
487 school's governing board must appoint a representative to
488 facilitate parental involvement, provide access to information,
489 assist parents and others with questions and concerns, and
490 resolve disputes. The representative must reside in the school
491 district in which the charter school is located and may be a
492 governing board member, charter school employee, or individual
493 contracted to represent the governing board. If the governing
494 board oversees multiple charter schools in the same school



495 ~~district, the governing board must appoint a separate individual~~
496 ~~representative for each charter school in the district. The~~
497 ~~representative's contact information must be provided annually~~
498 ~~in writing to parents and posted prominently on the charter~~
499 ~~school's website if a website is maintained by the school. The~~
500 ~~sponsor may not require that governing board members reside in~~
501 ~~the school district in which the charter school is located if~~
502 ~~the charter school complies with this paragraph.~~

503 ~~2. Each charter school's governing board must hold at~~
504 ~~least two public meetings per school year in the school~~
505 ~~district. The meetings must be noticed, open, and accessible to~~
506 ~~the public, and attendees must be provided an opportunity to~~
507 ~~receive information and provide input regarding the charter~~
508 ~~school's operations. The appointed representative and charter~~
509 ~~school principal or director, or his or her equivalent, must be~~
510 ~~physically present at each meeting.~~

511 (9) CHARTER SCHOOL REQUIREMENTS.—

512 (g)1. In order to provide financial information that is
513 comparable to that reported for other public schools, charter
514 schools are to maintain all financial records that constitute
515 their accounting system:

516 a. In accordance with the accounts and codes prescribed in
517 the most recent issuance of the publication titled "Financial
518 and Program Cost Accounting and Reporting for Florida Schools";
519 or

520 b. At the discretion of the charter school's governing



521 board, a charter school may elect to follow generally accepted
522 accounting standards for not-for-profit organizations, but must
523 reformat this information for reporting according to this
524 paragraph.

525 2. Charter schools shall provide annual financial report
526 and program cost report information in the state-required
527 formats for inclusion in district reporting in compliance with
528 s. 1011.60(1). Charter schools that are operated by a
529 municipality or are a component unit of a parent nonprofit
530 organization may use the accounting system of the municipality
531 or the parent but must reformat this information for reporting
532 according to this paragraph.

533 3. A charter school shall, upon approval of the charter
534 contract, provide the sponsor with a concise, uniform, monthly
535 financial statement summary sheet that contains a balance sheet
536 and a statement of revenue, expenditures, and changes in fund
537 balance. The balance sheet and the statement of revenue,
538 expenditures, and changes in fund balance shall be in the
539 governmental funds format prescribed by the Governmental
540 Accounting Standards Board. A high-performing charter school
541 pursuant to s. 1002.331 may provide a quarterly financial
542 statement in the same format and requirements as the uniform
543 monthly financial statement summary sheet. The sponsor shall
544 review each monthly or quarterly financial statement to identify
545 the existence of any conditions identified in s. 1002.345(1)(a).

546 4. A charter school shall maintain and provide financial



547 information as required in this paragraph. The financial
548 statement required in subparagraph 3. must be in a form
549 prescribed by the Department of Education.

550 (n)1. The director and a representative of the governing
551 board of a charter school that has earned a grade of "D" or "F"
552 pursuant to s. 1008.34 shall appear before the sponsor to
553 present information concerning each contract component having
554 noted deficiencies. The director and a representative of the
555 governing board shall submit to the sponsor for approval a
556 school improvement plan to raise student performance. Upon
557 approval by the sponsor, the charter school shall begin
558 implementation of the school improvement plan. The department
559 shall offer technical assistance and training to the charter
560 school and its governing board and establish guidelines for
561 developing, submitting, and approving such plans.

562 2.a. If a charter school earns three consecutive grades of
563 "D," two consecutive grades of "D" followed by a grade of "F,"
564 or two nonconsecutive grades of "F" within a 3-year period, the
565 charter school governing board shall choose one of the following
566 corrective actions:

567 (I) Contract for educational services to be provided
568 directly to students, instructional personnel, and school
569 administrators, as prescribed in state board rule;

570 (II) Contract with an outside entity that has a
571 demonstrated record of effectiveness to operate the school;

572 (III) Reorganize the school under a new director or



573 principal who is authorized to hire new staff; or

574 (IV) Voluntarily close the charter school.

575 b. The charter school must implement the corrective action
576 in the school year following receipt of a third consecutive
577 grade of "D," a grade of "F" following two consecutive grades of
578 "D," or a second nonconsecutive grade of "F" within a 3-year
579 period.

580 c. The sponsor may annually waive a corrective action if
581 it determines that the charter school is likely to improve a
582 letter grade if additional time is provided to implement the
583 intervention and support strategies prescribed by the school
584 improvement plan. Notwithstanding this sub-subparagraph, a
585 charter school that earns a second consecutive grade of "F" is
586 subject to subparagraph 4.

587 d. A charter school is no longer required to implement a
588 corrective action if it improves by at least one letter grade.
589 However, the charter school must continue to implement
590 strategies identified in the school improvement plan. The
591 sponsor must annually review implementation of the school
592 improvement plan to monitor the school's continued improvement
593 pursuant to subparagraph 5.

594 e. A charter school implementing a corrective action that
595 does not improve by at least one letter grade after 2 full
596 school years of implementing the corrective action must select a
597 different corrective action. Implementation of the new
598 corrective action must begin in the school year following the



599 implementation period of the existing corrective action, unless
600 the sponsor determines that the charter school is likely to
601 improve a letter grade if additional time is provided to
602 implement the existing corrective action. Notwithstanding this
603 sub-subparagraph, a charter school that earns a second
604 consecutive grade of "F" while implementing a corrective action
605 is subject to subparagraph 4.

606 3. A charter school with a grade of "D" or "F" that
607 improves by at least one letter grade must continue to implement
608 the strategies identified in the school improvement plan. The
609 sponsor must annually review implementation of the school
610 improvement plan to monitor the school's continued improvement
611 pursuant to subparagraph 5.

612 4. A charter school's charter contract is automatically
613 terminated if the school earns two consecutive grades of "F"
614 after all school grade appeals are final ~~The sponsor shall~~
615 ~~terminate a charter if the charter school earns two consecutive~~
616 ~~grades of "F" unless:~~

617 a. The charter school is established to turn around the
618 performance of a district public school pursuant to s.
619 1008.33(4)(b)3. Such charter schools shall be governed by s.
620 1008.33;

621 b. The charter school serves a student population the
622 majority of which resides in a school zone served by a district
623 public school that earned a grade of "F" in the year before the
624 charter school opened and the charter school earns at least a



625 grade of "D" in its third year of operation. The exception
626 provided under this sub-subparagraph does not apply to a charter
627 school in its fourth year of operation and thereafter; or

628 c. The state board grants the charter school a waiver of
629 termination. The charter school must request the waiver within
630 15 days after the department's official release of school
631 grades. The state board may waive termination if the charter
632 school demonstrates that the Learning Gains of its students on
633 statewide assessments are comparable to or better than the
634 Learning Gains of similarly situated students enrolled in nearby
635 district public schools. The waiver is valid for 1 year and may
636 only be granted once. Charter schools that have been in
637 operation for more than 5 years are not eligible for a waiver
638 under this sub-subparagraph.

639
640 The sponsor shall notify the charter school's governing board,
641 the charter school principal, and the department in writing when
642 a charter contract is terminated under this subparagraph. The
643 letter of termination must meet the requirements of paragraph
644 (8) (c). A charter terminated under this subparagraph must follow
645 the procedures for dissolution and reversion of public funds
646 pursuant to paragraphs (8) (e)-(g) and (9) (o).

647 5. The director and a representative of the governing
648 board of a graded charter school that has implemented a school
649 improvement plan under this paragraph shall appear before the
650 sponsor at least once a year to present information regarding



651 the progress of intervention and support strategies implemented
652 by the school pursuant to the school improvement plan and
653 corrective actions, if applicable. The sponsor shall communicate
654 at the meeting, and in writing to the director, the services
655 provided to the school to help the school address its
656 deficiencies.

657 6. Notwithstanding any provision of this paragraph except
658 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
659 at any time pursuant to subsection (8).

660 (p)1. Each charter school shall maintain a website that
661 enables the public to obtain information regarding the school;
662 the school's academic performance; the names of the governing
663 board members; the programs at the school; any management
664 companies, service providers, or education management
665 corporations associated with the school; the school's annual
666 budget and its annual independent fiscal audit; the school's
667 grade pursuant to s. 1008.34; and, on a quarterly basis, the
668 minutes of governing board meetings.

669 2. Each charter school's governing board must appoint a
670 representative to facilitate parental involvement, provide
671 access to information, assist parents and others with questions
672 and concerns, and resolve disputes. The representative must
673 reside in the school district in which the charter school is
674 located and may be a governing board member, a charter school
675 employee, or an individual contracted to represent the governing
676 board. If the governing board oversees multiple charter schools



677 in the same school district, the governing board must appoint a
678 separate representative for each charter school in the district.
679 The representative's contact information must be provided
680 annually in writing to parents and posted prominently on the
681 charter school's website. The sponsor may not require governing
682 board members to reside in the school district in which the
683 charter school is located if the charter school complies with
684 this subparagraph.

685 3. Each charter school's governing board must hold at
686 least two public meetings per school year in the school district
687 where the charter school is located. The meetings must be
688 noticed, open, and accessible to the public, and attendees must
689 be provided an opportunity to receive information and provide
690 input regarding the charter school's operations. The appointed
691 representative and charter school principal or director, or his
692 or her designee, must be physically present at each meeting.
693 Members of the governing board may attend in person or by means
694 of communications media technology used in accordance with rules
695 adopted by the Administration Commission under s. 120.54(5).

696 (10) ELIGIBLE STUDENTS.—

697 (a) A charter school shall be open to any student covered
698 in an interdistrict agreement or residing in the school district
699 in which the charter school is located; however, in the case of
700 a charter lab school, the charter lab school shall be open to
701 any student eligible to attend the lab school as provided in s.
702 1002.32 or who resides in the school district in which the



703 charter lab school is located. Any eligible student shall be
704 allowed interdistrict transfer to attend a charter school when
705 based on good cause. Good cause shall include, but is not
706 limited to, geographic proximity to a charter school in a
707 neighboring school district. A charter school that has not
708 reached capacity, as determined by the charter school's
709 governing board, may be open for enrollment to any student in
710 the state.

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

713 1. Students who are siblings of a student enrolled in the
714 charter school.

715 2. Students who are the children of a member of the
716 governing board of the charter school.

717 3. Students who are the children of an employee of the
718 charter school.

719 4. Students who are the children of:

720 a. An employee of the business partner of a charter
721 school-in-the-workplace established under paragraph (15)(b) or a
722 resident of the municipality in which such charter school is
723 located; or

724 b. A resident or employee of a municipality that operates
725 a charter school-in-a-municipality pursuant to paragraph (15)(c)
726 or allows a charter school to use a school facility or portion
727 of land provided by the municipality for the operation of the
728 charter school.



729 5. Students who have successfully completed a voluntary
730 prekindergarten education program under ss. 1002.51-1002.79
731 provided by the charter school or the charter school's governing
732 board during the previous year.

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

735 7. Students who attended or are assigned to failing
736 schools pursuant to s. 1002.38(2).

737 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may
738 enter into cooperative agreements to form charter school
739 cooperative organizations that may provide ~~the following~~
740 services to further educational, operational, and administrative
741 initiatives in which the participating charter schools share
742 common interests: ~~charter school planning and development,~~
743 ~~direct instructional services, and contracts with charter school~~
744 ~~governing boards to provide personnel administrative services,~~
745 ~~payroll services, human resource management, evaluation and~~
746 ~~assessment services, teacher preparation, and professional~~
747 ~~development.~~

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

753 (b) The basis for the agreement for funding students
754 enrolled in a charter school shall be the sum of the school



755 district's operating funds from the Florida Education Finance
756 Program as provided in s. 1011.62 and the General Appropriations
757 Act, including gross state and local funds, discretionary
758 lottery funds, and funds from the school district's current
759 operating discretionary millage levy; divided by total funded
760 weighted full-time equivalent students in the school district;
761 multiplied by the weighted full-time equivalent students for the
762 charter school. Charter schools whose students or programs meet
763 the eligibility criteria in law are entitled to their
764 proportionate share of categorical program funds included in the
765 total funds available in the Florida Education Finance Program
766 by the Legislature, including transportation, the research-based
767 reading allocation, and the Florida digital classrooms
768 allocation. Total funding for each charter school shall be
769 recalculated during the year to reflect the revised calculations
770 under the Florida Education Finance Program by the state and the
771 actual weighted full-time equivalent students reported by the
772 charter school during the full-time equivalent student survey
773 periods designated by the Commissioner of Education. Any
774 unrestricted surplus or unrestricted net assets identified in
775 the charter school's annual audit may be used for K-12
776 educational purposes for charter schools within the district
777 operated by the not-for-profit or municipal entity operating the
778 charter school with the surplus. Surplus operating funds shall
779 be used in accordance with s. 1011.62, and surplus capital
780 outlay funds shall be used in accordance with s. 1013.62(2).



781 (e) District school boards shall make timely and efficient
782 payment and reimbursement to charter schools, including
783 processing paperwork required to access special state and
784 federal funding for which they may be eligible. Payments of
785 funds under paragraph (b) shall be made monthly or twice a
786 month, beginning with the start of the district school board's
787 fiscal year. Each payment shall be one-twelfth, or one twenty-
788 fourth, as applicable, of the total state and local funds
789 described in paragraph (b) and adjusted as set forth therein.
790 For the first 2 years of a charter school's operation, if a
791 minimum of 75 percent of the projected enrollment is entered
792 into the sponsor's student information system by the first day
793 of the current month, the district school board shall ~~may~~
794 distribute funds to the a charter school for the up to 3 months
795 of July through October based on the projected full-time
796 equivalent student membership of the charter school as submitted
797 in the approved application. If less than 75 percent of the
798 projected enrollment is entered into the sponsor's student
799 information system by the first day of the current month, the
800 sponsor shall base payments on the actual number of student
801 enrollment entered into the sponsor's student information
802 system. Thereafter, the results of full-time equivalent student
803 membership surveys shall be used in adjusting the amount of
804 funds distributed monthly to the charter school for the
805 remainder of the fiscal year. The payments ~~payment~~ shall be
806 issued no later than 10 working days after the district school



807 board receives a distribution of state or federal funds or the
808 date the payment is due pursuant to this subsection. If a
809 warrant for payment is not issued within 10 working days after
810 receipt of funding by the district school board, the school
811 district shall pay to the charter school, in addition to the
812 amount of the scheduled disbursement, interest at a rate of 1
813 percent per month calculated on a daily basis on the unpaid
814 balance from the expiration of the 10 working days until such
815 time as the warrant is issued. The district school board may not
816 delay payment to a charter school of any portion of the funds
817 provided in paragraph (b) based on the timing of receipt of
818 local funds by the district school board.

819 (g) To be eligible for public education capital outlay
820 (PECO) funds, a charter school must be located in the State of
821 Florida.

822 (18) FACILITIES.—

823 (a) A startup charter school shall utilize facilities
824 which comply with the Florida Building Code pursuant to chapter
825 553 except for the State Requirements for Educational
826 Facilities. Conversion charter schools shall utilize facilities
827 that comply with the State Requirements for Educational
828 Facilities provided that the school district and the charter
829 school have entered into a mutual management plan for the
830 reasonable maintenance of such facilities. The mutual management
831 plan shall contain a provision by which the district school
832 board agrees to maintain charter school facilities in the same



833 manner as its other public schools within the district. Charter
834 schools, with the exception of conversion charter schools, are
835 not required to comply, but may choose to comply, with the State
836 Requirements for Educational Facilities of the Florida Building
837 Code adopted pursuant to s. 1013.37. The local governing
838 authority shall not adopt or impose any local building
839 requirements or site-development restrictions, such as parking
840 and site-size criteria, that are addressed by and more stringent
841 than those found in the State Requirements for Educational
842 Facilities of the Florida Building Code. ~~Beginning July 1, 2011,~~
843 A local governing authority must treat charter schools equitably
844 in comparison to similar requirements, restrictions, and site
845 planning processes imposed upon public schools that are not
846 charter schools. The agency having jurisdiction for inspection
847 of a facility and issuance of a certificate of occupancy or use
848 shall be the local municipality or, if in an unincorporated
849 area, the county governing authority. If an official or employee
850 of the local governing authority refuses to comply with this
851 paragraph, the aggrieved school or entity has an immediate right
852 to bring an action in circuit court to enforce its rights by
853 injunction. An aggrieved party that receives injunctive relief
854 may be awarded attorney fees and court costs.

855 (20) SERVICES.—

856 (a)1. A sponsor shall provide certain administrative and
857 educational services to charter schools. These services shall
858 include contract management services; full-time equivalent and



859 data reporting services; exceptional student education
860 administration services; services related to eligibility and
861 reporting duties required to ensure that school lunch services
862 under the federal lunch program, consistent with the needs of
863 the charter school, are provided by the school district at the
864 request of the charter school, that any funds due to the charter
865 school under the federal lunch program be paid to the charter
866 school as soon as the charter school begins serving food under
867 the federal lunch program, and that the charter school is paid
868 at the same time and in the same manner under the federal lunch
869 program as other public schools serviced by the sponsor or the
870 school district; test administration services, including payment
871 of the costs of state-required or district-required student
872 assessments; processing of teacher certificate data services;
873 and information services, including equal access to student
874 information systems that are used by public schools in the
875 district in which the charter school is located. Student
876 performance data for each student in a charter school,
877 including, but not limited to, FCAT scores, standardized test
878 scores, previous public school student report cards, and student
879 performance measures, shall be provided by the sponsor to a
880 charter school in the same manner provided to other public
881 schools in the district.

882 2. A total administrative fee for the provision of such
883 services shall be calculated based upon up to 5 percent of the
884 available funds defined in paragraph (17) (b) for all students,



885 | except that when 75 percent or more of the students enrolled in
886 | the charter school are exceptional students as defined in s.
887 | 1003.01(3), the 5 percent of those available funds shall be
888 | calculated based on unweighted full-time equivalent students.
889 | However, a sponsor may only withhold up to a 5-percent
890 | administrative fee for enrollment for up to and including 250
891 | students. For charter schools with a population of 251 or more
892 | students, the difference between the total administrative fee
893 | calculation and the amount of the administrative fee withheld
894 | may only be used for capital outlay purposes specified in s.
895 | 1013.62(2).

896 | 3. For high-performing charter schools, as defined in s.
897 | 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
898 | administrative fee of up to 2 percent for enrollment up to and
899 | including 250 students per school.

900 | 4. In addition, a sponsor may withhold only up to a 5-
901 | percent administrative fee for enrollment for up to and
902 | including 500 students within a system of charter schools which
903 | meets all of the following:

- 904 | a. Includes both conversion charter schools and
905 | nonconversion charter schools;
- 906 | b. Has all schools located in the same county;
- 907 | c. Has a total enrollment exceeding the total enrollment
908 | of at least one school district in the state;
- 909 | d. Has the same governing board; and
- 910 | e. Does not contract with a for-profit service provider



911 for management of school operations.

912 5. The difference between the total administrative fee
913 calculation and the amount of the administrative fee withheld
914 pursuant to subparagraph 4. may be used for instructional and
915 administrative purposes as well as for capital outlay purposes
916 specified in s. 1013.62(2).

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

921 7. Sponsors shall not charge charter schools any
922 additional fees or surcharges for administrative and educational
923 services in addition to the maximum 5-percent administrative fee
924 withheld pursuant to this paragraph.

925 8. The sponsor of a virtual charter school may withhold a
926 fee of up to 5 percent. The funds shall be used to cover the
927 cost of services provided under subparagraph 1. and
928 implementation of the school district's digital classrooms plan
929 pursuant to s. 1011.62.

930 9. For charter schools that operate in a critical need
931 area, as defined in s. 1002.333, a sponsor may withhold a total
932 administrative fee of up to 3 percent for enrollment up to and
933 including 250 students per school.

934 10. A charter school whose initial application is
935 submitted under s. 1002.331 and denied by the district school
936 board is exempt from the administrative fee requirements of this



937 paragraph.

938 Section 2. Paragraph (e) of subsection (2), paragraph (b)
939 of subsection (3), and subsections (4) and (5) of section
940 1002.331, Florida Statutes, are amended to read:

941 1002.331 High-performing charter schools.—

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

943 (e) Receive a modification of its charter to an additional
944 ~~a~~ term of 15 years or a 15-year charter renewal. The charter may
945 be modified or renewed for a shorter term at the option of the
946 high-performing charter school. The sponsor has 30 days after
947 the charter school receives its high-performing designation to
948 provide a charter renewal to the charter school. The charter
949 school and sponsor have 20 days to negotiate and provide notice
950 of the charter contract for final approval by the sponsor. The
951 proposed charter contract must be provided to the charter school
952 at least 7 days before the date of the meeting at which the
953 charter is scheduled for final approval by the sponsor. A
954 dispute may be appealed to an administrative law judge appointed
955 by the Division of Administrative Hearings pursuant to s.

956 1002.33(6)(h). The charter must be consistent with s.

957 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
958 review by the sponsor, and may be terminated during its term
959 pursuant to s. 1002.33(8).

960

961 A high-performing charter school shall notify its sponsor in
962 writing by March 1 if it intends to increase enrollment or



963 expand grade levels the following school year. The written
964 notice shall specify the amount of the enrollment increase and
965 the grade levels that will be added, as applicable. If a charter
966 school notifies the sponsor of its intent to expand, the sponsor
967 shall modify the charter within 90 days to include the new
968 enrollment maximum and may not make any other changes. The
969 sponsor may deny a request to increase the enrollment of a high-
970 performing charter school if the commissioner has declassified
971 the charter school as high-performing. If a high-performing
972 charter school requests to consolidate multiple charters, the
973 sponsor has ~~shall have~~ 40 days after receipt of that request to
974 provide an initial draft charter to the charter school. The
975 sponsor and charter school has ~~shall have~~ 50 days thereafter to
976 negotiate and notice the charter contract for final approval by
977 the sponsor.

978 (3)

979 (b) A high-performing charter school may not establish
980 more than one charter school within the state under paragraph
981 (a) in any year. A subsequent application to establish a charter
982 school under paragraph (a) may not be submitted unless each
983 charter school established in this manner achieves high-
984 performing charter school status. This paragraph does not apply
985 to charter schools established by a high-performing charter
986 school in the attendance zone of a public school that earns a
987 grade of "F" or three consecutive grades of "D" pursuant to s.
988 1008.34 or to meet capacity needs or needs for innovative school



989 choice options identified by the district school board.

990 ~~(4) A high-performing charter school may not increase~~
991 ~~enrollment or expand grade levels following any school year in~~
992 ~~which it receives a school grade of "C" or below. If the charter~~
993 ~~school receives a school grade of "C" or below in any 2 years~~
994 ~~during the term of the charter awarded under subsection (2), the~~
995 ~~term of the charter may be modified by the sponsor and the~~
996 ~~charter school loses its high-performing charter school status~~
997 ~~until it regains that status under subsection (1).~~

998 (4)~~(5)~~ The Commissioner of Education, upon request by a
999 charter school, shall verify that the charter school meets the
1000 criteria in subsection (1) and provide a letter to the charter
1001 school and the sponsor stating that the charter school is a
1002 high-performing charter school pursuant to this section. The
1003 commissioner shall annually determine whether a high-performing
1004 charter school under subsection (1) continues to meet the
1005 criteria in that subsection. Such high-performing charter school
1006 shall maintain its high-performing status unless the
1007 commissioner determines that the charter school no longer meets
1008 the criteria in subsection (1), at which time the commissioner
1009 shall send a letter to the charter school and its sponsor
1010 providing notification that the charter school has been
1011 declassified ~~of its declassification~~ as a high-performing
1012 charter school.

1013 Section 3. Section 1002.333, Florida Statutes, is created
1014 to read:



1015 1002.333 High Impact Charter Network.—

1016 (1) As used in this section, the term:

1017 (a) "Critical need area" means an area that is served by
1018 one or more nonalternative, traditional public schools that
1019 received a school grade of "D" or "F" pursuant to s. 1008.34 in
1020 4 of the most recent 5 years.

1021 (b) "Entity" means a nonprofit organization with tax
1022 exempt status under s. 501(c)(3) of the Internal Revenue Code
1023 that is authorized by law to operate a public charter school.

1024 (2) An entity that successfully operates a system of
1025 charter schools that primarily serves the children described in
1026 20 U.S.C. s. 6315(b)(2), which is redesignated by s. 1009 of the
1027 Every Student Succeeds Act, Pub. L. No. 114-95, as 20 U.S.C. s.
1028 6315(c)(2), may apply to the state board for status as a High
1029 Impact Charter Network. The state board shall adopt rules
1030 prescribing a process for determining whether the entity meets
1031 the requirements of this subsection by reviewing student
1032 demographic, academic, and financial performance data. The
1033 process shall include a review of all schools currently or
1034 previously operated by the entity, including schoolwide and
1035 subgroup performance on all statewide, standardized assessments
1036 for the most recent 3 years as compared to all students at the
1037 same grade level, and as compared with other schools serving
1038 similar demographics of students, and school-level financial
1039 performance. The review may also include performance on
1040 nationally norm-referenced assessments, student attendance and



1041 retention rates, graduation rates, college attendance rates,
1042 college persistence rates, and other outcome measures as
1043 determined by the state board.

1044 (3) An entity that is designated as a High Impact Charter
1045 Network pursuant to this subsection may submit an application
1046 pursuant to s. 1002.33 to establish and operate charter schools
1047 in critical need areas. Notwithstanding s. 1013.62(1)(a), a
1048 charter school operated by a High Impact Charter Network in a
1049 critical need area is eligible to receive charter school capital
1050 outlay.

1051 (4) The administrative fee provided for in s.
1052 1002.33(20)(a) shall be waived for a charter school established
1053 by a High Impact Charter Network in a critical need area as long
1054 as the network maintains its status as a High Impact Charter
1055 Network.

1056 (5) The department shall give priority to charter schools
1057 operated by a High Impact Charter Network in the department's
1058 Public Charter School Grant Program competitions. Priority shall
1059 only be provided for new charter schools that will operate in a
1060 critical need area.

1061 (6) The initial High Impact Charter Network status is
1062 valid for up to 4 years. If an entity seeks renewal of its
1063 status, the state board shall review the academic and financial
1064 performance of the charter schools established in areas of
1065 critical need pursuant to subsection (2).

1066 (7) For purposes of determining areas of critical need,



1067 school grades issued for the 2014-2015 school year may not be
1068 considered.

1069 (8) The State Board of Education shall adopt rules to
1070 administer this section.

1071 Section 4. Paragraph (a) of subsection (3) and paragraph
1072 (a) of subsection (8) of section 1002.37, Florida Statutes, are
1073 amended to read:

1074 1002.37 The Florida Virtual School.—

1075 (3) Funding for the Florida Virtual School shall be
1076 provided as follows:

1077 (a)1. The calculation of "full-time equivalent student"
1078 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
1079 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~
1080 ~~time equivalent student" is one student who has successfully~~
1081 ~~completed six full-credit courses that count toward the minimum~~
1082 ~~number of credits required for high school graduation. A student~~
1083 ~~who completes fewer than six full-credit courses is a fraction~~
1084 ~~of a full-time equivalent student. Half-credit course~~
1085 ~~completions shall be included in determining a full-time~~
1086 ~~equivalent student.~~

1087 ~~2. For a student in kindergarten through grade 8, a "full-~~
1088 ~~time equivalent student" is one student who has successfully~~
1089 ~~completed six courses or the prescribed level of content that~~
1090 ~~counts toward promotion to the next grade. A student who~~
1091 ~~completes fewer than six courses or the prescribed level of~~
1092 ~~content shall be a fraction of a full-time equivalent student.~~



1093 2.3. For a student in a home education program, funding
1094 shall be provided in accordance with this subsection upon course
1095 completion if the parent verifies, upon enrollment for each
1096 course, that the student is registered with the school district
1097 as a home education student pursuant to s. 1002.41(1)(a).
1098 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1099 ~~equivalent students and associated funding of students enrolled~~
1100 ~~in courses requiring passage of an end-of-course assessment~~
1101 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1102 ~~be adjusted if the student does not pass the end-of-course~~
1103 ~~assessment. However, no adjustment shall be made for home~~
1104 ~~education program students who choose not to take an end-of-~~
1105 ~~course assessment or for a student who enrolls in a segmented~~
1106 ~~remedial course delivered online.~~

1107
1108 ~~For purposes of this paragraph, the calculation of "full-time~~
1109 ~~equivalent student" shall be as prescribed in s.~~
1110 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1111 ~~1011.61(4).~~

1112 (8)(a) The Florida Virtual School may provide full-time
1113 and part-time instruction for students in kindergarten through
1114 grade 12. ~~To receive part-time instruction in kindergarten~~
1115 ~~through grade 5, a student must meet at least one of the~~
1116 ~~eligibility criteria in s. 1002.455(2).~~

1117 Section 5. Subsection (5), paragraph (e) of subsection
1118 (7), and paragraphs (c) and (d) of subsection (8) of section



1119 1002.45, Florida Statutes, are amended to read:

1120 1002.45 Virtual instruction programs.—

1121 (5) STUDENT ELIGIBILITY.—Students in kindergarten through
1122 grade 12 ~~A student~~ may enroll in a virtual instruction program
1123 provided by the school district or by a virtual charter school
1124 operated in the district in which he or she resides ~~if the~~
1125 ~~student meets eligibility requirements for virtual instruction~~
1126 ~~pursuant to s. 1002.455.~~

1127 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
1128 FUNDING.—

1129 ~~(c) Beginning in the 2016-2017 fiscal year, the reported~~
1130 ~~full-time equivalent students and associated funding of students~~
1131 ~~enrolled in courses requiring passage of an end-of-course~~
1132 ~~assessment under s. 1003.4282 to earn a standard high school~~
1133 ~~diploma shall be adjusted if the student does not pass the end-~~
1134 ~~of-course assessment. However, no adjustment shall be made for a~~
1135 ~~student who enrolls in a segmented remedial course delivered~~
1136 ~~online.~~

1137 (8) ASSESSMENT AND ACCOUNTABILITY.—

1138 (c) An approved provider that receives a school grade of
1139 "D" or "F" under s. 1008.34 or a school improvement rating of
1140 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
1141 school improvement plan with the department for consultation to
1142 determine the causes for low performance and to develop a plan
1143 for correction and improvement.

1144 (d) An approved provider's contract is automatically ~~must~~



1145 ~~be~~ terminated if the provider earns two consecutive school
1146 grades of ~~receives a school grade of "D" or "F"~~ under s. 1008.34
1147 after all school grade appeals are final, receives two
1148 consecutive ~~or a~~ school improvement ratings ~~rating~~ of
1149 "unsatisfactory" "Declining" under s. 1008.341, ~~for 2 years~~
1150 ~~during any consecutive 4-year period~~ or has violated any
1151 qualification requirement pursuant to subsection (2). A provider
1152 that has a contract terminated under this paragraph may not be
1153 an approved provider for a period of at least 1 year after the
1154 date upon which the contract was terminated and until the
1155 department determines that the provider is in compliance with
1156 subsection (2) and has corrected each cause of the provider's
1157 low performance.

1158 Section 6. Section 1002.455, Florida Statutes, is
1159 repealed.

1160 Section 7. Subsection (3) of section 1003.4295, Florida
1161 Statutes, is amended to read:

1162 1003.4295 Acceleration options.—

1163 (3) The Credit Acceleration Program (CAP) is created for
1164 the purpose of allowing a student to earn high school credit in
1165 courses required for high school graduation through passage of
1166 an end-of-course assessment Algebra I, Algebra II, geometry,
1167 ~~United States history, or biology if the student passes the~~
1168 ~~statewide, standardized assessment~~ administered under s. 1008.22
1169 or an Advanced Placement Examination. Notwithstanding s.
1170 1003.436, a school district shall award course credit to a



1171 student who is not enrolled in the course, or who has not
1172 completed the course, if the student attains a passing score on
1173 the corresponding end-of-course assessment or Advanced Placement
1174 Examination ~~statewide, standardized assessment~~. The school
1175 district shall permit a public school or home education student
1176 who is not enrolled in the course, or who has not completed the
1177 course, to take the assessment or examination during the regular
1178 administration of the assessment or examination.

1179 Section 8. Subsections (1) and (2) of section 1003.498,
1180 Florida Statutes, are amended to read:

1181 1003.498 School district virtual course offerings.—

1182 (1) School districts may deliver courses in the
1183 traditional school setting by personnel certified pursuant to s.
1184 1012.55 who provide direct instruction through virtual
1185 instruction or through blended learning courses consisting of
1186 both traditional classroom and online instructional techniques.
1187 Students in a blended learning course must be full-time students
1188 of the school pursuant to s. 1011.61(1)(a)1. ~~and receive the~~
1189 ~~online instruction in a classroom setting at the school.~~ The
1190 funding, performance, and accountability requirements for
1191 blended learning courses are the same as those for traditional
1192 courses. To facilitate the delivery and coding of blended
1193 learning courses, the department shall provide identifiers for
1194 existing courses to designate that they are being used for
1195 blended learning courses for the purpose of ensuring the
1196 efficient reporting of such courses. A district may report full-



1197 time equivalent student membership for credit earned by a
1198 student who is enrolled in a virtual education course provided
1199 by the district which is completed after the end of the regular
1200 school year if the FTE is reported no later than the deadline
1201 for amending the final student membership report for that year.

1202 (2) School districts may offer virtual courses for
1203 students enrolled in the school district. These courses must be
1204 identified in the course code directory. ~~Students who meet the~~
1205 ~~eligibility requirements of s. 1002.455 may participate in these~~
1206 ~~virtual course offerings.~~

1207 (a) Any eligible student who is enrolled in a school
1208 district may register and enroll in an online course offered by
1209 his or her school district.

1210 (b)1. Any eligible student who is enrolled in a school
1211 district may register and enroll in an online course offered by
1212 any other school district in the state. The school district in
1213 which the student completes the course shall report the
1214 student's completion of that course for funding pursuant to s.
1215 1011.61(1)(c)1.b.(VI), and the home school district shall not
1216 report the student for funding for that course.

1217 2. The full-time equivalent student membership calculated
1218 under this subsection is subject to the requirements in s.
1219 1011.61(4). The Department of Education shall establish
1220 procedures to enable interdistrict coordination for the delivery
1221 and funding of this online option.

1222 Section 9. Subsection (1) of section 1011.61, Florida



1223 Statutes, is amended to read:

1224 1011.61 Definitions.—Notwithstanding the provisions of s.
1225 1000.21, the following terms are defined as follows for the
1226 purposes of the Florida Education Finance Program:

1227 (1) A "full-time equivalent student" in each program of
1228 the district is defined in terms of full-time students and part-
1229 time students as follows:

1230 (a) A "full-time student" is one student on the membership
1231 roll of one school program or a combination of school programs
1232 listed in s. 1011.62(1)(c) for the school year or the equivalent
1233 for:

1234 1. Instruction in a standard school, comprising not less
1235 than 900 net hours for a student in or at the grade level of 4
1236 through 12, or not less than 720 net hours for a student in or
1237 at the grade level of kindergarten through grade 3 or in an
1238 authorized prekindergarten exceptional program; or

1239 ~~2. Instruction in a double-session school or a school~~
1240 ~~utilizing an experimental school calendar approved by the~~
1241 ~~Department of Education, comprising not less than the equivalent~~
1242 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
1243 ~~hours in kindergarten through grade 3; or~~

1244 2. 3. Instruction comprising the appropriate number of net
1245 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
1246 students who, within the past year, have moved with their
1247 parents for the purpose of engaging in the farm labor or fish
1248 industries, if a plan furnishing such an extended school day or



1249 week, or a combination thereof, has been approved by the
1250 commissioner. Such plan may be approved to accommodate the needs
1251 of migrant students only or may serve all students in schools
1252 having a high percentage of migrant students. The plan described
1253 in this subparagraph is optional for any school district and is
1254 not mandated by the state.

1255 (b) A "part-time student" is a student on the active
1256 membership roll of a school program or combination of school
1257 programs listed in s. 1011.62(1)(c) who is less than a full-time
1258 student. A student who receives instruction in a school that
1259 operates for less than the minimum term shall generate full-time
1260 equivalent student membership proportional to the amount of
1261 instructional hours provided by the school divided by the
1262 minimum term requirement as provided in s. 1011.60(2).

1263 (c)1. A "full-time equivalent student" is:

1264 a. A full-time student in any one of the programs listed
1265 in s. 1011.62(1)(c); or

1266 b. A combination of full-time or part-time students in any
1267 one of the programs listed in s. 1011.62(1)(c) which is the
1268 equivalent of one full-time student based on the following
1269 calculations:

1270 (I) A full-time student in a combination of programs
1271 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
1272 equivalent membership in each special program equal to the
1273 number of net hours per school year for which he or she is a
1274 member, divided by the appropriate number of hours set forth in



1275 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
1276 that fraction or sum of fractions and the maximum value as set
1277 forth in subsection (4) for each full-time student is presumed
1278 to be the balance of the student's time not spent in a special
1279 program and shall be recorded as time in the appropriate basic
1280 program.

1281 (II) A prekindergarten student with a disability shall
1282 meet the requirements specified for kindergarten students.

1283 (III) A full-time equivalent student for students in
1284 kindergarten through grade 12 in a full-time virtual instruction
1285 program under s. 1002.45 or a virtual charter school under s.
1286 1002.33 shall consist of six full-credit completions or the
1287 prescribed level of content that counts toward promotion to the
1288 next grade in programs listed in s. 1011.62(1)(c). Credit
1289 completions may be a combination of full-credit courses or half-
1290 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
1291 ~~reported full-time equivalent students and associated funding of~~
1292 ~~students enrolled in courses requiring passage of an end-of-~~
1293 ~~course assessment under s. 1003.4282 to earn a standard high~~
1294 ~~school diploma shall be adjusted if the student does not pass~~
1295 ~~the end-of-course assessment. However, no adjustment shall be~~
1296 ~~made for a student who enrolls in a segmented remedial course~~
1297 ~~delivered online.~~

1298 (IV) A full-time equivalent student for students in
1299 kindergarten through grade 12 in a part-time virtual instruction
1300 program under s. 1002.45 shall consist of six full-credit



1301 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1302 Credit completions may be a combination of full-credit courses
1303 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
1304 ~~the reported full-time equivalent students and associated~~
1305 ~~funding of students enrolled in courses requiring passage of an~~
1306 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
1307 ~~high school diploma shall be adjusted if the student does not~~
1308 ~~pass the end-of-course assessment. However, no adjustment shall~~
1309 ~~be made for a student who enrolls in a segmented remedial course~~
1310 ~~delivered online.~~

1311 (V) A Florida Virtual School full-time equivalent student
1312 shall consist of six full-credit completions or the prescribed
1313 level of content that counts toward promotion to the next grade
1314 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1315 participating in kindergarten through grade 12 part-time virtual
1316 instruction and the programs listed in s. 1011.62(1)(c) for
1317 students participating in kindergarten through grade 12 full-
1318 time virtual instruction. Credit completions may be a
1319 combination of full-credit courses or half-credit courses.
1320 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1321 ~~equivalent students and associated funding of students enrolled~~
1322 ~~in courses requiring passage of an end-of-course assessment~~
1323 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1324 ~~be adjusted if the student does not pass the end-of-course~~
1325 ~~assessment. However, no adjustment shall be made for a student~~
1326 ~~who enrolls in a segmented remedial course delivered online.~~



1327 (VI) Each successfully completed full-credit course earned
1328 through an online course delivered by a district other than the
1329 one in which the student resides shall be calculated as 1/6
1330 FTE.

1331 (VII) A full-time equivalent student for courses requiring
1332 passage of a statewide, standardized end-of-course assessment
1333 under s. 1003.4282 to earn a standard high school diploma shall
1334 be defined and reported based on the number of instructional
1335 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
1336 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
1337 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
1338 ~~The reported FTE shall be adjusted if the student does not pass~~
1339 ~~the end-of-course assessment. However, no adjustment shall be~~
1340 ~~made for a student who enrolls in a segmented remedial course~~
1341 ~~delivered online.~~

1342 (VIII) For students enrolled in a school district as a
1343 full-time student, the district may report 1/6 FTE for each
1344 student who passes a statewide, standardized end-of-course
1345 assessment without being enrolled in the corresponding course.

1346 2. A student in membership in a program scheduled for more
1347 or less than 180 school days or the equivalent on an hourly
1348 basis as specified by rules of the State Board of Education is a
1349 fraction of a full-time equivalent membership equal to the
1350 number of instructional hours in membership divided by the
1351 appropriate number of hours set forth in subparagraph (a)1.;
1352 however, for the purposes of this subparagraph, membership in



1353 programs scheduled for more than 180 days is limited to students
1354 enrolled in:

- 1355 a. Juvenile justice education programs.
1356 b. The Florida Virtual School.
1357 c. Virtual instruction programs and virtual charter
1358 schools for the purpose of course completion and credit recovery
1359 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1360 only to a student who is reported during the second or third
1361 membership surveys and who does not complete a virtual education
1362 course by the end of the regular school year. The course must be
1363 completed no later than the deadline for amending the final
1364 student enrollment survey for that year. Credit recovery applies
1365 only to a student who has unsuccessfully completed a traditional
1366 or virtual education course during the regular school year and
1367 must re-take the course in order to be eligible to graduate with
1368 the student's class.

1369
1370 The full-time equivalent student enrollment calculated under
1371 this subsection is subject to the requirements in subsection
1372 (4).

1373
1374 The department shall determine and implement an equitable method
1375 of equivalent funding for ~~experimental schools and for~~ schools
1376 operating under emergency conditions, which schools have been
1377 approved by the department to operate for less than the minimum
1378 term as provided in s. 1011.60(2) ~~school day~~.



1379 Section 10. Subsection (11) of section 1011.62, Florida
1380 Statutes, is amended to read:

1381 1011.62 Funds for operation of schools.—If the annual
1382 allocation from the Florida Education Finance Program to each
1383 district for operation of schools is not determined in the
1384 annual appropriations act or the substantive bill implementing
1385 the annual appropriations act, it shall be determined as
1386 follows:

1387 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
1388 annually provide in the Florida Education Finance Program a
1389 virtual education contribution. The amount of the virtual
1390 education contribution shall be the difference between the
1391 amount per FTE established in the General Appropriations Act for
1392 virtual education and the amount per FTE for each district and
1393 the Florida Virtual School, which may be calculated by taking
1394 the sum of the base FEFP allocation, the discretionary local
1395 effort, the state-funded discretionary contribution, the
1396 discretionary millage compression supplement, the research-based
1397 reading instruction allocation, and the instructional materials
1398 allocation, and then dividing by the total unweighted FTE. This
1399 difference shall be multiplied by the virtual education
1400 unweighted FTE for programs and options identified in ss.
1401 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the
1402 Florida Virtual School and its franchises to equal the virtual
1403 education contribution and shall be included as a separate
1404 allocation in the funding formula.



1405 Section 11. Paragraph (b) of subsection (8) of section
1406 1012.56, Florida Statutes, is amended to read:

1407 1012.56 Educator certification requirements.—

1408 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
1409 COMPETENCY PROGRAM.—

1410 (b)1. Each school district must and a private school or
1411 state-supported ~~state-supported~~ public school, including a
1412 charter school, ~~or a private school~~ may develop and maintain a
1413 system by which members of the instructional staff may
1414 demonstrate mastery of professional preparation and education
1415 competence as required by law. Each program must be based on
1416 classroom application of the Florida Educator Accomplished
1417 Practices and instructional performance and, for public schools,
1418 must be aligned with the district's or state-supported public
1419 school's evaluation system established ~~approved~~ under s.
1420 1012.34, as applicable.

1421 2. The Commissioner of Education shall determine the
1422 continued approval of programs implemented under this paragraph,
1423 based upon the department's review of performance data. The
1424 department shall review the performance data as a part of the
1425 periodic review of each school district's professional
1426 development system required under s. 1012.98.

1427 Section 12. Paragraph (a) of subsection (1) of section
1428 1013.62, Florida Statutes, is amended to read:

1429 1013.62 Charter schools capital outlay funding.—

1430 (1) In each year in which funds are appropriated for



1431 charter school capital outlay purposes, the Commissioner of
1432 Education shall allocate the funds among eligible charter
1433 schools.

1434 (a) To be eligible for a funding allocation, a charter
1435 school must:

1436 1.a. Have been in operation for 3 or more years;

1437 b. Be governed by a governing board established in the
1438 state for 3 or more years which operates both charter schools
1439 and conversion charter schools within the state;

1440 c. Be an expanded feeder chain of a charter school within
1441 the same school district that is currently receiving charter
1442 school capital outlay funds;

1443 d. Have been accredited by the Commission on Schools of
1444 the Southern Association of Colleges and Schools; or

1445 e. Serve students in facilities that are provided by a
1446 business partner for a charter school-in-the-workplace pursuant
1447 to s. 1002.33(15) (b).

1448 2. Have an annual audit that does not reveal any of the
1449 financial emergency conditions provided in s. 218.503(1) for the
1450 most recent fiscal year for which such audit results are
1451 available ~~stability for future operation as a charter school.~~

1452 3. Have satisfactory student achievement based on state
1453 accountability standards applicable to the charter school.

1454 4. Have received final approval from its sponsor pursuant
1455 to s. 1002.33 for operation during that fiscal year.

1456 5. Serve students in facilities that are not provided by



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1457 | the charter school's sponsor.

1458 | Section 13. This act shall take effect July 1, 2016.