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LEGISLATIVE ACTION

Senate

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House

Senator Stargel moved the following:

1 **Senate Amendment to Amendment (420294) (with title**
2 **amendment)**

3
4 Delete lines 1448 - 1525

5 and insert:

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

11 1002.33 Charter schools.—



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

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



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41 signatures, if such errors are identified by the sponsor as
42 cause to deny the final application.

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

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

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



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70 shall provide the letter of denial and supporting documentation
71 to the applicant and to the Department of Education.

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

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

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

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

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

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

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



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99 involved in the establishment and operation of the proposed
100 school are significantly involved in the operation of replicated
101 schools.

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

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

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

126 (9) CHARTER SCHOOL REQUIREMENTS.-

127 (p)1. Each charter school shall maintain a website that



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

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

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



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

163 (10) ELIGIBLE STUDENTS.—

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

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

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

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

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



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- 186 4. Students who are the children of:
- 187 a. An employee of the business partner of a charter school-
188 in-the-workplace established under paragraph (15) (b) or a
189 resident of the municipality in which such charter school is
190 located; or
- 191 b. A resident or employee of a municipality that operates a
192 charter school-in-a-municipality pursuant to paragraph (15) (c)
193 or allows a charter school to use a school facility or portion
194 of land owned by the municipality for the operation of the
195 charter school.
- 196 5. Students who have successfully completed a voluntary
197 prekindergarten education program under ss. 1002.51-1002.79
198 provided by the charter school or the charter school's governing
199 board during the previous year.
- 200 6. Students who are the children of an active duty member
201 of any branch of the United States Armed Forces.
- 202 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter
203 into cooperative agreements to form charter school cooperative
204 organizations that may provide the following services to further
205 educational, operational, and administrative initiatives in
206 which the participating charter schools share common interests;
207 ~~charter school planning and development, direct instructional~~
208 ~~services, and contracts with charter school governing boards to~~
209 ~~provide personnel administrative services, payroll services,~~
210 ~~human resource management, evaluation and assessment services,~~
211 ~~teacher preparation, and professional development.~~
- 212 (17) FUNDING.—Students enrolled in a charter school,
213 regardless of the sponsorship, shall be funded as if they are in
214 a basic program or a special program, the same as students



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215 enrolled in other public schools in the school district. Funding
216 for a charter lab school shall be as provided in s. 1002.32.

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



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244 outlay funds shall be used in accordance with s. 1013.62(2).

245 (18) FACILITIES.—

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



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

278 (20) SERVICES.—

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



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302 performance measures, shall be provided by the sponsor to a
303 charter school in the same manner provided to other public
304 schools in the district.

305 2. A total administrative fee for the provision of such
306 services shall be calculated based upon up to 5 percent of the
307 available funds defined in paragraph (17)(b) for all students,
308 except that when 75 percent or more of the students enrolled in
309 the charter school are exceptional students as defined in s.
310 1003.01(3), the 5 percent of those available funds shall be
311 calculated based on unweighted full-time equivalent students.
312 However, a sponsor may only withhold up to a 5-percent
313 administrative fee for enrollment for up to and including 250
314 students. For charter schools with a population of 251 or more
315 students, the difference between the total administrative fee
316 calculation and the amount of the administrative fee withheld
317 may only be used for capital outlay purposes specified in s.
318 1013.62(3) ~~s. 1013.62(2)~~.

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

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

- 327 a. Includes both conversion charter schools and
- 328 nonconversion charter schools;
- 329 b. Has all schools located in the same county;
- 330 c. Has a total enrollment exceeding the total enrollment of



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331 at least one school district in the state;
332 d. Has the same governing board; and
333 e. Does not contract with a for-profit service provider for
334 management of school operations.
335 5. The difference between the total administrative fee
336 calculation and the amount of the administrative fee withheld
337 pursuant to subparagraph 4. may be used for instructional and
338 administrative purposes as well as for capital outlay purposes
339 specified in s. 1013.62(3) ~~s. 1013.62(2)~~.
340 6. For a high-performing charter school system that also
341 meets the requirements in subparagraph 4., a sponsor may
342 withhold a 2-percent administrative fee for enrollments up to
343 and including 500 students per system.
344 7. Sponsors shall not charge charter schools any additional
345 fees or surcharges for administrative and educational services
346 in addition to the maximum 5-percent administrative fee withheld
347 pursuant to this paragraph.
348 8. The sponsor of a virtual charter school may withhold a
349 fee of up to 5 percent. The funds shall be used to cover the
350 cost of services provided under subparagraph 1. and
351 implementation of the school district's digital classrooms plan
352 pursuant to s. 1011.62.
353 Section 21. Paragraphs (c) and (d) of subsection (8) of
354 section 1002.45, Florida Statutes, are amended to read:
355 1002.45 Virtual instruction programs.—
356 (8) ASSESSMENT AND ACCOUNTABILITY.—
357 (c) An approved provider that receives a school grade of
358 "D" or "F" under s. 1008.34 or a school improvement rating of
359 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a



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360 school improvement plan with the department for consultation to
361 determine the causes for low performance and to develop a plan
362 for correction and improvement.

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

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

379 1003.498 School district virtual course offerings.—

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



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

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

402 And the title is amended as follows:

403 Delete line 1694

404 and insert:

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



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