

By Senator Brandes

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1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; authorizing a municipal governing
 4 authority to become a charter school sponsor in the
 5 municipality over which the municipal governing
 6 authority has jurisdiction; providing that certain
 7 long-term charters are subject to the approval of the
 8 municipal governing authority; requiring a municipal
 9 governing authority to make timely and efficient
 10 payment and reimbursement to charter schools;
 11 authorizing a municipal governing authority to
 12 distribute funds to a charter school for a specified
 13 period of time under certain circumstances; amending
 14 s. 1002.331, F.S.; deleting a provision that prohibits
 15 high-performing charter schools from establishing more
 16 than one charter school in any given year; providing
 17 an effective date.

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 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Paragraph (a) of subsection (5), paragraph (a)
 22 of subsection (7), subsection (14), paragraph (c) of subsection
 23 (15), paragraph (e) of subsection (17), and subsection (25) of
 24 section 1002.33, Florida Statutes, are amended to read:

25 1002.33 Charter schools.—

26 (5) SPONSOR; DUTIES.—

27 (a) *Sponsoring entities*.—

28 1. A district school board or a municipal governing
 29 authority may sponsor a charter school in the county or the

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30 municipality over which the district school board or the
31 municipal governing authority has jurisdiction.

32 2. A state university may grant a charter to a lab school
33 created under s. 1002.32 and shall be considered to be the
34 school's sponsor. Such school shall be considered a charter lab
35 school.

36 (7) CHARTER.—The major issues involving the operation of a
37 charter school shall be considered in advance and written into
38 the charter. The charter shall be signed by the governing board
39 of the charter school and the sponsor, following a public
40 hearing to ensure community input.

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

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

45 2. The focus of the curriculum, the instructional methods
46 to be used, any distinctive instructional techniques to be
47 employed, and identification and acquisition of appropriate
48 technologies needed to improve educational and administrative
49 performance which include a means for promoting safe, ethical,
50 and appropriate uses of technology which comply with legal and
51 professional standards.

52 a. The charter shall ensure that reading is a primary focus
53 of the curriculum and that resources are provided to identify
54 and provide specialized instruction for students who are reading
55 below grade level. The curriculum and instructional strategies
56 for reading must be consistent with the Next Generation Sunshine
57 State Standards and grounded in scientifically based reading
58 research.

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59 b. In order to provide students with access to diverse
60 instructional delivery models, to facilitate the integration of
61 technology within traditional classroom instruction, and to
62 provide students with the skills they need to compete in the
63 21st century economy, the Legislature encourages instructional
64 methods for blended learning courses consisting of both
65 traditional classroom and online instructional techniques.
66 Charter schools may implement blended learning courses which
67 combine traditional classroom instruction and virtual
68 instruction. Students in a blended learning course must be full-
69 time students of the charter school and receive the online
70 instruction in a classroom setting at the charter school.
71 Instructional personnel certified pursuant to s. 1012.55 who
72 provide virtual instruction for blended learning courses may be
73 employees of the charter school or may be under contract to
74 provide instructional services to charter school students. At a
75 minimum, such instructional personnel must hold an active state
76 or school district adjunct certification under s. 1012.57 for
77 the subject area of the blended learning course. The funding and
78 performance accountability requirements for blended learning
79 courses are the same as those for traditional courses.

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

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

86 b. How these baseline rates will be compared to rates of
87 academic progress achieved by these same students while

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88 attending the charter school.

89 c. To the extent possible, how these rates of progress will
90 be evaluated and compared with rates of progress of other
91 closely comparable student populations.

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93 The district school board is required to provide academic
94 student performance data to charter schools for each of their
95 students coming from the district school system, as well as
96 rates of academic progress of comparable student populations in
97 the district school system.

98 4. The methods used to identify the educational strengths
99 and needs of students and how well educational goals and
100 performance standards are met by students attending the charter
101 school. The methods shall provide a means for the charter school
102 to ensure accountability to its constituents by analyzing
103 student performance data and by evaluating the effectiveness and
104 efficiency of its major educational programs. Students in
105 charter schools shall, at a minimum, participate in the
106 statewide assessment program created under s. 1008.22.

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

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

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

114 8. The ways by which the school will achieve a
115 racial/ethnic balance reflective of the community it serves or
116 within the racial/ethnic range of other public schools in the

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117 same school district.

118 9. The financial and administrative management of the
119 school, including a reasonable demonstration of the professional
120 experience or competence of those individuals or organizations
121 applying to operate the charter school or those hired or
122 retained to perform such professional services and the
123 description of clearly delineated responsibilities and the
124 policies and practices needed to effectively manage the charter
125 school. A description of internal audit procedures and
126 establishment of controls to ensure that financial resources are
127 properly managed must be included. Both public sector and
128 private sector professional experience shall be equally valid in
129 such a consideration.

130 10. The asset and liability projections required in the
131 application which are incorporated into the charter and shall be
132 compared with information provided in the annual report of the
133 charter school.

134 11. A description of procedures that identify various risks
135 and provide for a comprehensive approach to reduce the impact of
136 losses; plans to ensure the safety and security of students and
137 staff; plans to identify, minimize, and protect others from
138 violent or disruptive student behavior; and the manner in which
139 the school will be insured, including whether or not the school
140 will be required to have liability insurance, and, if so, the
141 terms and conditions thereof and the amounts of coverage.

142 12. The term of the charter which shall provide for
143 cancellation of the charter if insufficient progress has been
144 made in attaining the student achievement objectives of the
145 charter and if it is not likely that such objectives can be

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146 achieved before expiration of the charter. The initial term of a
147 charter shall be for 4 or 5 years. In order to facilitate access
148 to long-term financial resources for charter school
149 construction, charter schools that are operated by a
150 municipality or other public entity as provided by law are
151 eligible for up to a 15-year charter, subject to approval by the
152 district school board or the municipal governing authority. A
153 charter lab school is eligible for a charter for a term of up to
154 15 years. In addition, to facilitate access to long-term
155 financial resources for charter school construction, charter
156 schools that are operated by a private, not-for-profit, s.
157 501(c)(3) status corporation are eligible for up to a 15-year
158 charter, subject to approval by the district school board or the
159 municipal governing authority. Such long-term charters remain
160 subject to annual review and may be terminated during the term
161 of the charter, but only according to the provisions set forth
162 in subsection (8).

163 13. The facilities to be used and their location. The
164 sponsor may not require a charter school to have a certificate
165 of occupancy or a temporary certificate of occupancy for such a
166 facility earlier than 15 calendar days before the first day of
167 school.

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

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

174 16. A timetable for implementing the charter which

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175 addresses the implementation of each element thereof and the
176 date by which the charter shall be awarded in order to meet this
177 timetable.

178 17. In the case of an existing public school that is being
179 converted to charter status, alternative arrangements for
180 current students who choose not to attend the charter school and
181 for current teachers who choose not to teach in the charter
182 school after conversion in accordance with the existing
183 collective bargaining agreement or district school board rule in
184 the absence of a collective bargaining agreement. However,
185 alternative arrangements shall not be required for current
186 teachers who choose not to teach in a charter lab school, except
187 as authorized by the employment policies of the state university
188 which grants the charter to the lab school.

189 18. Full disclosure of the identity of all relatives
190 employed by the charter school who are related to the charter
191 school owner, president, chairperson of the governing board of
192 directors, superintendent, governing board member, principal,
193 assistant principal, or any other person employed by the charter
194 school who has equivalent decisionmaking authority. For the
195 purpose of this subparagraph, the term "relative" means father,
196 mother, son, daughter, brother, sister, uncle, aunt, first
197 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
198 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
199 stepfather, stepmother, stepson, stepdaughter, stepbrother,
200 stepsister, half brother, or half sister.

201 19. Implementation of the activities authorized under s.
202 1002.331 by the charter school when it satisfies the eligibility
203 requirements for a high-performing charter school. A high-

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204 performing charter school shall notify its sponsor in writing by
205 March 1 if it intends to increase enrollment or expand grade
206 levels the following school year. The written notice shall
207 specify the amount of the enrollment increase and the grade
208 levels that will be added, as applicable.

209 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION
210 OF THE STATE AND SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO
211 BE PLEDGED.—Any arrangement entered into to borrow or otherwise
212 secure funds for a charter school authorized in this section
213 from a source other than the state or a school district shall
214 indemnify the state and the school district from any and all
215 liability, including, but not limited to, financial
216 responsibility for the payment of the principal or interest. Any
217 loans, bonds, or other financial agreements are not obligations
218 of the state or the school district but are obligations of the
219 charter school authority and are payable solely from the sources
220 of funds pledged by such agreement. The credit or taxing power
221 of the state or the school district shall not be pledged and no
222 debts shall be payable out of any moneys except those of the
223 legal entity in possession of a valid charter approved by a
224 district school board or a municipal governing authority
225 pursuant to this section.

226 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
227 A-MUNICIPALITY.—

228 (c) A charter school-in-a-municipality designation may be
229 granted to a municipality that possesses a charter; enrolls
230 students based upon a random lottery that involves all of the
231 children of the residents of that municipality who are seeking
232 enrollment, as provided for in subsection (10); and enrolls

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233 students according to the racial/ethnic balance provisions
234 described in subparagraph (7)(a)8. When a municipality has
235 submitted charter applications for the establishment of a
236 charter school feeder pattern, consisting of elementary, middle,
237 and senior high schools, and each individual charter application
238 is approved by the district school board or the municipal
239 governing authority, such schools shall then be designated as
240 one charter school for all purposes listed pursuant to this
241 section. Any portion of the land and facility used for a public
242 charter school shall be exempt from ad valorem taxes, as
243 provided for in s. 1013.54, for the duration of its use as a
244 public school.

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

250 (e) District school boards and municipal governing
251 authorities shall make timely and efficient payment and
252 reimbursement to charter schools, including processing paperwork
253 required to access special state and federal funding for which
254 they may be eligible. The district school board or the municipal
255 governing authority may distribute funds to a charter school for
256 up to 3 months based on the projected full-time equivalent
257 student membership of the charter school. Thereafter, the
258 results of full-time equivalent student membership surveys shall
259 be used in adjusting the amount of funds distributed monthly to
260 the charter school for the remainder of the fiscal year. The
261 payment shall be issued no later than 10 working days after the

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262 district school board or the municipal governing authority
263 receives a distribution of state or federal funds. If a warrant
264 for payment is not issued within 10 working days after receipt
265 of funding by the district school board or the municipal
266 governing authority, the school district or the municipality
267 shall pay to the charter school, in addition to the amount of
268 the scheduled disbursement, interest at a rate of 1 percent per
269 month calculated on a daily basis on the unpaid balance from the
270 expiration of the 10 working days until such time as the warrant
271 is issued.

272 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
273 SCHOOL SYSTEMS.—A charter school system's governing board shall
274 be designated a local educational agency for the purpose of
275 receiving federal funds, the same as though the charter school
276 system were a school district, if the governing board of the
277 charter school system has adopted and filed a resolution with
278 its sponsoring district school board or municipal governing
279 authority and the Department of Education in which the governing
280 board of the charter school system accepts the full
281 responsibility for all local education agency requirements and
282 the charter school system meets all of the following:

283 (a) Includes both conversion charter schools and
284 nonconversion charter schools;

285 (b) Has all schools located in the same county;

286 (c) Has a total enrollment exceeding the total enrollment
287 of at least one school district in the state;

288 (d) Has the same governing board; and

289 (e) Does not contract with a for-profit service provider
290 for management of school operations.

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Such designation does not apply to other provisions unless specifically provided in law.

Section 2. Subsection (3) of section 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

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

~~(b) A high-performing charter school may not establish more than one charter school within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status.~~

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