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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraphs (a) and (b) of subsection (6), paragraphs (a) and (d) of subsection (7), paragraphs (g), (n), and (p) of subsection (9), paragraphs (a) and (d) of subsection (10), subsection (13), paragraphs (b) and (e) of subsection (17), paragraph (a) of subsection (18), and paragraph (a) of subsection (20) of section



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11 1002.33, Florida Statutes, are amended to read:

12 1002.33 Charter schools.—

13 (1) AUTHORIZATION.—Charter schools shall be part of the
14 state's program of public education. All charter schools in
15 Florida are public schools. A charter school may be formed by
16 creating a new school or converting an existing public school to
17 charter status. A charter school may operate a virtual charter
18 school pursuant to s. 1002.45(1)(d) to provide full-time online
19 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in
20 kindergarten through grade 12. An existing A charter school that
21 is seeking to become a virtual charter school must amend its
22 charter or submit a new application pursuant to subsection (6)
23 to become a virtual charter school. A virtual charter school is
24 subject to the requirements of this section; however, a virtual
25 charter school is exempt from subsections (18) and (19),
26 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
27 s. 1003.03. A public school may not use the term charter in its
28 name unless it has been approved under this section.

29 (2) GUIDING PRINCIPLES; PURPOSE.—

30 (a) Charter schools in Florida shall be guided by the
31 following principles:

32 1. Meet high standards of student achievement while
33 providing parents flexibility to choose among diverse
34 educational opportunities within the state's public school
35 system.

36 2. Promote enhanced academic success and financial
37 efficiency by aligning responsibility with accountability.

38 3. Provide parents with sufficient information on whether
39 their child is reading at grade level and whether the child



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40 gains at least a year's worth of learning for every year spent
41 in the charter school. For a student who exhibits a substantial
42 deficiency in reading, as determined by the charter school, the
43 school shall notify the parent of the deficiency, the intensive
44 interventions and supports used, and the student's progress in
45 accordance with s. 1008.25(5).

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

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

51 1. Demonstrates how the school will use the guiding
52 principles and meet the statutorily defined purpose of a charter
53 school.

54 2. Provides a detailed curriculum plan that illustrates how
55 students will be provided services to attain the Sunshine State
56 Standards.

57 3. Contains goals and objectives for improving student
58 learning and measuring that improvement. These goals and
59 objectives must indicate how much academic improvement students
60 are expected to show each year, how success will be evaluated,
61 and the specific results to be attained through instruction.

62 4. Describes the reading curriculum and differentiated
63 strategies that will be used for students reading at grade level
64 or higher and a separate curriculum and strategies for students
65 who are reading below grade level. A sponsor shall deny an
66 application ~~a charter~~ if the school does not propose a reading
67 curriculum that is evidence-based and includes explicit,
68 systematic, and multisensory reading instructional strategies;



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69 however, a sponsor may not require the charter school to
70 implement the reading plan adopted by the school district
71 pursuant to s. 1011.62(9) ~~consistent with effective teaching~~
72 ~~strategies that are grounded in scientifically based reading~~
73 ~~research.~~

74 5. Contains an annual financial plan for each year
75 requested by the charter for operation of the school for up to 5
76 years. This plan must contain anticipated fund balances based on
77 revenue projections, a spending plan based on projected revenues
78 and expenses, and a description of controls that will safeguard
79 finances and projected enrollment trends.

80 6. Discloses the name of each applicant, governing board
81 member, and all proposed education services providers; the name
82 and sponsor of any charter school operated by each applicant,
83 each governing board member, and each proposed education
84 services provider that has closed and the reasons for the
85 closure; and the academic and financial history of such charter
86 schools, which the sponsor shall consider in deciding whether to
87 approve or deny the application.

88 ~~7.6.~~ Contains additional information a sponsor may require,
89 which shall be attached as an addendum to the charter school
90 application described in this paragraph.

91 ~~8.7.~~ For the establishment of a virtual charter school,
92 documents that the applicant has contracted with a provider of
93 virtual instruction services pursuant to s. 1002.45(1)(d).

94 (b) A sponsor shall receive and review all applications for
95 a charter school using the ~~an~~ evaluation instrument developed by
96 the Department of Education. A sponsor shall receive and
97 consider charter school applications received on or before



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98 August 1 of each calendar year for charter schools to be opened
99 at the beginning of the school district's next school year, or
100 to be opened at a time agreed to by the applicant and the
101 sponsor. A sponsor may not refuse to receive a charter school
102 application submitted before August 1 and may receive an
103 application submitted later than August 1 if it chooses. In
104 order to facilitate greater collaboration in the application
105 process, an applicant may submit a draft charter school
106 application on or before May 1 with an application fee of \$500.
107 If a draft application is timely submitted, the sponsor shall
108 review and provide feedback as to material deficiencies in the
109 application by July 1. The applicant shall then have until
110 August 1 to resubmit a revised and final application. The
111 sponsor may approve the draft application. Except as provided
112 for a draft application, a sponsor may not charge an applicant
113 for a charter any fee for the processing or consideration of an
114 application, and a sponsor may not base its consideration or
115 approval of a final application upon the promise of future
116 payment of any kind. Before approving or denying any final
117 application, the sponsor shall allow the applicant, upon receipt
118 of written notification, at least 7 calendar days to make
119 technical or nonsubstantive corrections and clarifications,
120 including, but not limited to, corrections of grammatical,
121 typographical, and like errors or missing signatures, if such
122 errors are identified by the sponsor as cause to deny the final
123 application.

124 1. In order to facilitate an accurate budget projection
125 process, a sponsor shall be held harmless for FTE students who
126 are not included in the FTE projection due to approval of



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127 charter school applications after the FTE projection deadline.
128 In a further effort to facilitate an accurate budget projection,
129 within 15 calendar days after receipt of a charter school
130 application, a sponsor shall report to the Department of
131 Education the name of the applicant entity, the proposed charter
132 school location, and its projected FTE.

133 2. In order to ensure fiscal responsibility, an application
134 for a charter school shall include a full accounting of expected
135 assets, a projection of expected sources and amounts of income,
136 including income derived from projected student enrollments and
137 from community support, and an expense projection that includes
138 full accounting of the costs of operation, including start-up
139 costs.

140 3.a. A sponsor shall by a majority vote approve or deny an
141 application no later than 60 calendar days after the application
142 is received, unless the sponsor and the applicant mutually agree
143 in writing to temporarily postpone the vote to a specific date,
144 at which time the sponsor shall by a majority vote approve or
145 deny the application. If the sponsor fails to act on the
146 application, an applicant may appeal to the State Board of
147 Education as provided in paragraph (c). If an application is
148 denied, the sponsor shall, within 10 calendar days after such
149 denial, articulate in writing the specific reasons, based upon
150 good cause, supporting its denial of the ~~charter~~ application and
151 shall provide the letter of denial and supporting documentation
152 to the applicant and to the Department of Education.

153 b. An application submitted by a high-performing charter
154 school identified pursuant to s. 1002.331 may be denied by the
155 sponsor only if the sponsor demonstrates by clear and convincing



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156 evidence that:

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

159 (II) The charter school proposed in the application does
160 not materially comply with the requirements in paragraphs
161 (9) (a) - (f);

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

165 (IV) The applicant has made a material misrepresentation or
166 false statement or concealed an essential or material fact
167 during the application process; or

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

171
172 Material noncompliance is a failure to follow requirements or a
173 violation of prohibitions applicable to charter school
174 applications, which failure is quantitatively or qualitatively
175 significant either individually or when aggregated with other
176 noncompliance. An applicant is considered to be replicating a
177 high-performing charter school if the proposed school is
178 substantially similar to at least one of the applicant's high-
179 performing charter schools and the organization or individuals
180 involved in the establishment and operation of the proposed
181 school are significantly involved in the operation of replicated
182 schools.

183 c. If the sponsor denies an application submitted by a
184 high-performing charter school, the sponsor must, within 10



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185 calendar days after such denial, state in writing the specific
186 reasons, based upon the criteria in sub-subparagraph b.,
187 supporting its denial of the application and must provide the
188 letter of denial and supporting documentation to the applicant
189 and to the Department of Education. The applicant may appeal the
190 sponsor's denial of the application directly to the State Board
191 of Education and, if an appeal is filed, must provide a copy of
192 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
193 subparagraph (c)3.b.

194 4. For budget projection purposes, the sponsor shall report
195 to the Department of Education the approval or denial of an a
196 ~~charter~~ application within 10 calendar days after such approval
197 or denial. In the event of approval, the report to the
198 Department of Education shall include the final projected FTE
199 for the approved charter school.

200 5. Upon approval of an a ~~charter~~ application, the initial
201 startup shall commence with the beginning of the public school
202 calendar for the district in which the charter is granted. A
203 charter school may defer the opening of the school's operations
204 for up to 2 years to provide time for adequate facility
205 planning. The charter school must provide written notice of such
206 intent to the sponsor and the parents of enrolled students at
207 least 30 calendar days before the first day of school unless the
208 sponsor allows a waiver of this subparagraph for good cause.

209 (7) CHARTER.—The major issues involving the operation of a
210 charter school shall be considered in advance and written into
211 the charter. The charter shall be signed by the governing board
212 of the charter school and the sponsor, following a public
213 hearing to ensure community input.



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

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

218 2. The focus of the curriculum, the instructional methods
219 to be used, any distinctive instructional techniques to be
220 employed, and identification and acquisition of appropriate
221 technologies needed to improve educational and administrative
222 performance which include a means for promoting safe, ethical,
223 and appropriate uses of technology which comply with legal and
224 professional standards.

225 a. The charter shall ensure that reading is a primary focus
226 of the curriculum and that resources are provided to identify
227 and provide specialized instruction for students who are reading
228 below grade level. The curriculum and instructional strategies
229 for reading must be consistent with the Next Generation Sunshine
230 State Standards and evidence-based ~~grounded in scientifically~~
231 ~~based reading research~~.

232 b. In order to provide students with access to diverse
233 instructional delivery models, to facilitate the integration of
234 technology within traditional classroom instruction, and to
235 provide students with the skills they need to compete in the
236 21st century economy, the Legislature encourages instructional
237 methods for blended learning courses consisting of both
238 traditional classroom and online instructional techniques.
239 Charter schools may implement blended learning courses which
240 combine traditional classroom instruction and virtual
241 instruction. Students in a blended learning course must be full-
242 time students of the charter school pursuant to s.



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243 1011.61(1)(a)1. ~~and receive the online instruction in a~~
244 ~~classroom setting at the charter school.~~ Instructional personnel
245 certified pursuant to s. 1012.55 who provide virtual instruction
246 for blended learning courses may be employees of the charter
247 school or may be under contract to provide instructional
248 services to charter school students. At a minimum, such
249 instructional personnel must hold an active state or school
250 district adjunct certification under s. 1012.57 for the subject
251 area of the blended learning course. The funding and performance
252 accountability requirements for blended learning courses are the
253 same as those for traditional courses.

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

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

260 b. How these baseline rates will be compared to rates of
261 academic progress achieved by these same students while
262 attending the charter school.

263 c. To the extent possible, how these rates of progress will
264 be evaluated and compared with rates of progress of other
265 closely comparable student populations.

266
267 The district school board is required to provide academic
268 student performance data to charter schools for each of their
269 students coming from the district school system, as well as
270 rates of academic progress of comparable student populations in
271 the district school system.



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272 4. The methods used to identify the educational strengths
273 and needs of students and how well educational goals and
274 performance standards are met by students attending the charter
275 school. The methods shall provide a means for the charter school
276 to ensure accountability to its constituents by analyzing
277 student performance data and by evaluating the effectiveness and
278 efficiency of its major educational programs. Students in
279 charter schools shall, at a minimum, participate in the
280 statewide assessment program created under s. 1008.22.

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

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

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

289 8. The ways by which the school will achieve a
290 racial/ethnic balance reflective of the community it serves or
291 within the racial/ethnic range of other public schools in the
292 same school district.

293 9. The financial and administrative management of the
294 school, including a reasonable demonstration of the professional
295 experience or competence of those individuals or organizations
296 applying to operate the charter school or those hired or
297 retained to perform such professional services and the
298 description of clearly delineated responsibilities and the
299 policies and practices needed to effectively manage the charter
300 school. A description of internal audit procedures and



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301 establishment of controls to ensure that financial resources are
302 properly managed must be included. Both public sector and
303 private sector professional experience shall be equally valid in
304 such a consideration.

305 10. The asset and liability projections required in the
306 application which are incorporated into the charter and shall be
307 compared with information provided in the annual report of the
308 charter school.

309 11. A description of procedures that identify various risks
310 and provide for a comprehensive approach to reduce the impact of
311 losses; plans to ensure the safety and security of students and
312 staff; plans to identify, minimize, and protect others from
313 violent or disruptive student behavior; and the manner in which
314 the school will be insured, including whether or not the school
315 will be required to have liability insurance, and, if so, the
316 terms and conditions thereof and the amounts of coverage.

317 12. The term of the charter which shall provide for
318 cancellation of the charter if insufficient progress has been
319 made in attaining the student achievement objectives of the
320 charter and if it is not likely that such objectives can be
321 achieved before expiration of the charter. The initial term of a
322 charter shall be for 4 or 5 years. In order to facilitate access
323 to long-term financial resources for charter school
324 construction, charter schools that are operated by a
325 municipality or other public entity as provided by law are
326 eligible for up to a 15-year charter, subject to approval by the
327 district school board. A charter lab school is eligible for a
328 charter for a term of up to 15 years. In addition, to facilitate
329 access to long-term financial resources for charter school



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330 construction, charter schools that are operated by a private,
331 not-for-profit, s. 501(c)(3) status corporation are eligible for
332 up to a 15-year charter, subject to approval by the district
333 school board. Such long-term charters remain subject to annual
334 review and may be terminated during the term of the charter, but
335 only according to the provisions set forth in subsection (8).

336 13. The facilities to be used and their location. The
337 sponsor may not require a charter school to have a certificate
338 of occupancy or a temporary certificate of occupancy for such a
339 facility earlier than 15 calendar days before the first day of
340 school.

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

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

347 16. A timetable for implementing the charter which
348 addresses the implementation of each element thereof and the
349 date by which the charter shall be awarded in order to meet this
350 timetable.

351 17. In the case of an existing public school that is being
352 converted to charter status, alternative arrangements for
353 current students who choose not to attend the charter school and
354 for current teachers who choose not to teach in the charter
355 school after conversion in accordance with the existing
356 collective bargaining agreement or district school board rule in
357 the absence of a collective bargaining agreement. However,
358 alternative arrangements shall not be required for current



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359 teachers who choose not to teach in a charter lab school, except
360 as authorized by the employment policies of the state university
361 which grants the charter to the lab school.

362 18. Full disclosure of the identity of all relatives
363 employed by the charter school who are related to the charter
364 school owner, president, chairperson of the governing board of
365 directors, superintendent, governing board member, principal,
366 assistant principal, or any other person employed by the charter
367 school who has equivalent decisionmaking authority. For the
368 purpose of this subparagraph, the term "relative" means father,
369 mother, son, daughter, brother, sister, uncle, aunt, first
370 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
371 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
372 stepfather, stepmother, stepson, stepdaughter, stepbrother,
373 stepsister, half brother, or half sister.

374 19. Implementation of the activities authorized under s.
375 1002.331 by the charter school when it satisfies the eligibility
376 requirements for a high-performing charter school. A high-
377 performing charter school shall notify its sponsor in writing by
378 March 1 if it intends to increase enrollment or expand grade
379 levels the following school year. The written notice shall
380 specify the amount of the enrollment increase and the grade
381 levels that will be added, as applicable.

382 (d)1. A charter may be terminated by a charter school's
383 governing board through voluntary closure. The decision to cease
384 operations must be determined at a public meeting. The governing
385 board shall notify the parents and sponsor of the public meeting
386 in writing before the public meeting. The governing board must
387 notify the sponsor, parents of enrolled students, and the



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388 department in writing within 24 hours after the public meeting
389 of its determination. The notice shall state the charter
390 school's intent to continue operations or the reason for the
391 closure and acknowledge that the governing board agrees to
392 follow the procedures for dissolution and reversion of public
393 funds pursuant to paragraphs (8) (e)-(g) and (9) (o) ~~Each charter~~
394 ~~school's governing board must appoint a representative to~~
395 ~~facilitate parental involvement, provide access to information,~~
396 ~~assist parents and others with questions and concerns, and~~
397 ~~resolve disputes. The representative must reside in the school~~
398 ~~district in which the charter school is located and may be a~~
399 ~~governing board member, charter school employee, or individual~~
400 ~~contracted to represent the governing board. If the governing~~
401 ~~board oversees multiple charter schools in the same school~~
402 ~~district, the governing board must appoint a separate individual~~
403 ~~representative for each charter school in the district. The~~
404 ~~representative's contact information must be provided annually~~
405 ~~in writing to parents and posted prominently on the charter~~
406 ~~school's website if a website is maintained by the school. The~~
407 ~~sponsor may not require that governing board members reside in~~
408 ~~the school district in which the charter school is located if~~
409 ~~the charter school complies with this paragraph.~~

410 ~~2. Each charter school's governing board must hold at least~~
411 ~~two public meetings per school year in the school district. The~~
412 ~~meetings must be noticed, open, and accessible to the public,~~
413 ~~and attendees must be provided an opportunity to receive~~
414 ~~information and provide input regarding the charter school's~~
415 ~~operations. The appointed representative and charter school~~
416 ~~principal or director, or his or her equivalent, must be~~



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417 ~~physically present at each meeting.~~

418 (9) CHARTER SCHOOL REQUIREMENTS.—

419 (g)1. In order to provide financial information that is
420 comparable to that reported for other public schools, charter
421 schools are to maintain all financial records that constitute
422 their accounting system:

423 a. In accordance with the accounts and codes prescribed in
424 the most recent issuance of the publication titled "Financial
425 and Program Cost Accounting and Reporting for Florida Schools";
426 or

427 b. At the discretion of the charter school's governing
428 board, a charter school may elect to follow generally accepted
429 accounting standards for not-for-profit organizations, but must
430 reformat this information for reporting according to this
431 paragraph.

432 2. Charter schools shall provide annual financial report
433 and program cost report information in the state-required
434 formats for inclusion in district reporting in compliance with
435 s. 1011.60(1). Charter schools that are operated by a
436 municipality or are a component unit of a parent nonprofit
437 organization may use the accounting system of the municipality
438 or the parent but must reformat this information for reporting
439 according to this paragraph.

440 3. A charter school shall, upon approval of the charter
441 contract, provide the sponsor with a concise, uniform, monthly
442 financial statement summary sheet that contains a balance sheet
443 and a statement of revenue, expenditures, and changes in fund
444 balance. The balance sheet and the statement of revenue,
445 expenditures, and changes in fund balance shall be in the



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446 governmental funds format prescribed by the Governmental
447 Accounting Standards Board. A high-performing charter school
448 pursuant to s. 1002.331 may provide a quarterly financial
449 statement in the same format and requirements as the uniform
450 monthly financial statement summary sheet. The sponsor shall
451 review each monthly or quarterly financial statement to identify
452 the existence of any conditions identified in s. 1002.345(1)(a).

453 4. A charter school shall maintain and provide financial
454 information as required in this paragraph. The financial
455 statement required in subparagraph 3. must be in a form
456 prescribed by the Department of Education.

457 (n)1. The director and a representative of the governing
458 board of a charter school that has earned a grade of "D" or "F"
459 pursuant to s. 1008.34 shall appear before the sponsor to
460 present information concerning each contract component having
461 noted deficiencies. The director and a representative of the
462 governing board shall submit to the sponsor for approval a
463 school improvement plan to raise student performance. Upon
464 approval by the sponsor, the charter school shall begin
465 implementation of the school improvement plan. The department
466 shall offer technical assistance and training to the charter
467 school and its governing board and establish guidelines for
468 developing, submitting, and approving such plans.

469 2.a. If a charter school earns three consecutive grades of
470 "D," two consecutive grades of "D" followed by a grade of "F,"
471 or two nonconsecutive grades of "F" within a 3-year period, the
472 charter school governing board shall choose one of the following
473 corrective actions:

474 (I) Contract for educational services to be provided



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475 directly to students, instructional personnel, and school
476 administrators, as prescribed in state board rule;

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

479 (III) Reorganize the school under a new director or
480 principal who is authorized to hire new staff; or

481 (IV) Voluntarily close the charter school.

482 b. The charter school must implement the corrective action
483 in the school year following receipt of a third consecutive
484 grade of "D," a grade of "F" following two consecutive grades of
485 "D," or a second nonconsecutive grade of "F" within a 3-year
486 period.

487 c. The sponsor may annually waive a corrective action if it
488 determines that the charter school is likely to improve a letter
489 grade if additional time is provided to implement the
490 intervention and support strategies prescribed by the school
491 improvement plan. Notwithstanding this sub-subparagraph, a
492 charter school that earns a second consecutive grade of "F" is
493 subject to subparagraph 4.

494 d. A charter school is no longer required to implement a
495 corrective action if it improves by at least one letter grade.
496 However, the charter school must continue to implement
497 strategies identified in the school improvement plan. The
498 sponsor must annually review implementation of the school
499 improvement plan to monitor the school's continued improvement
500 pursuant to subparagraph 5.

501 e. A charter school implementing a corrective action that
502 does not improve by at least one letter grade after 2 full
503 school years of implementing the corrective action must select a



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504 different corrective action. Implementation of the new
505 corrective action must begin in the school year following the
506 implementation period of the existing corrective action, unless
507 the sponsor determines that the charter school is likely to
508 improve a letter grade if additional time is provided to
509 implement the existing corrective action. Notwithstanding this
510 sub-subparagraph, a charter school that earns a second
511 consecutive grade of "F" while implementing a corrective action
512 is subject to subparagraph 4.

513 3. A charter school with a grade of "D" or "F" that
514 improves by at least one letter grade must continue to implement
515 the strategies identified in the school improvement plan. The
516 sponsor must annually review implementation of the school
517 improvement plan to monitor the school's continued improvement
518 pursuant to subparagraph 5.

519 4. A charter school's charter contract is automatically
520 terminated if the school earns two consecutive grades of "F"
521 after all school grade appeals are final ~~The sponsor shall~~
522 ~~terminate a charter if the charter school earns two consecutive~~
523 ~~grades of "F" unless:~~

524 a. The charter school is established to turn around the
525 performance of a district public school pursuant to s.
526 1008.33(4)(b)3. Such charter schools shall be governed by s.
527 1008.33;

528 b. The charter school serves a student population the
529 majority of which resides in a school zone served by a district
530 public school that earned a grade of "F" in the year before the
531 charter school opened and the charter school earns at least a
532 grade of "D" in its third year of operation. The exception



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533 provided under this sub-subparagraph does not apply to a charter
534 school in its fourth year of operation and thereafter; or

535 c. The state board grants the charter school a waiver of
536 termination. The charter school must request the waiver within
537 15 days after the department's official release of school
538 grades. The state board may waive termination if the charter
539 school demonstrates that the Learning Gains of its students on
540 statewide assessments are comparable to or better than the
541 Learning Gains of similarly situated students enrolled in nearby
542 district public schools. The waiver is valid for 1 year and may
543 only be granted once. Charter schools that have been in
544 operation for more than 5 years are not eligible for a waiver
545 under this sub-subparagraph.

546
547 The sponsor shall notify the charter school's governing board,
548 the charter school principal, and the department in writing when
549 a charter contract is terminated under this subparagraph. The
550 letter of termination must meet the requirements of paragraph
551 (8) (c). A charter terminated under this subparagraph must follow
552 the procedures for dissolution and reversion of public funds
553 pursuant to paragraphs (8) (e)-(g) and (9) (o).

554 5. The director and a representative of the governing board
555 of a graded charter school that has implemented a school
556 improvement plan under this paragraph shall appear before the
557 sponsor at least once a year to present information regarding
558 the progress of intervention and support strategies implemented
559 by the school pursuant to the school improvement plan and
560 corrective actions, if applicable. The sponsor shall communicate
561 at the meeting, and in writing to the director, the services



562 provided to the school to help the school address its
563 deficiencies.

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

567 (p)1. Each charter school shall maintain a website that
568 enables the public to obtain information regarding the school;
569 the school's academic performance; the names of the governing
570 board members; the programs at the school; any management
571 companies, service providers, or education management
572 corporations associated with the school; the school's annual
573 budget and its annual independent fiscal audit; the school's
574 grade pursuant to s. 1008.34; and, on a quarterly basis, the
575 minutes of governing board meetings.

576 2. Each charter school's governing board must appoint a
577 representative to facilitate parental involvement, provide
578 access to information, assist parents and others with questions
579 and concerns, and resolve disputes. The representative must
580 reside in the school district in which the charter school is
581 located and may be a governing board member, a charter school
582 employee, or an individual contracted to represent the governing
583 board. If the governing board oversees multiple charter schools
584 in the same school district, the governing board must appoint a
585 separate representative for each charter school in the district.
586 The representative's contact information must be provided
587 annually in writing to parents and posted prominently on the
588 charter school's website. The sponsor may not require governing
589 board members to reside in the school district in which the
590 charter school is located if the charter school complies with



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591 this subparagraph.

592 3. Each charter school's governing board must hold at least
593 two public meetings per school year in the school district where
594 the charter school is located. The meetings must be noticed,
595 open, and accessible to the public, and attendees must be
596 provided an opportunity to receive information and provide input
597 regarding the charter school's operations. The appointed
598 representative and charter school principal or director, or his
599 or her designee, must be physically present at each meeting.
600 Members of the governing board may attend in person or by means
601 of communications media technology used in accordance with rules
602 adopted by the Administration Commission under s. 120.54(5).

603 (10) ELIGIBLE STUDENTS.—

604 (a) A charter school shall be open to any student covered
605 in an interdistrict agreement or residing in the school district
606 in which the charter school is located; however, in the case of
607 a charter lab school, the charter lab school shall be open to
608 any student eligible to attend the lab school as provided in s.
609 1002.32 or who resides in the school district in which the
610 charter lab school is located. Any eligible student shall be
611 allowed interdistrict transfer to attend a charter school when
612 based on good cause. Good cause shall include, but is not
613 limited to, geographic proximity to a charter school in a
614 neighboring school district. A charter school that has not
615 reached capacity, as determined by the charter school's
616 governing board, may be open for enrollment to any student in
617 the state.

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



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620 1. Students who are siblings of a student enrolled in the
621 charter school.

622 2. Students who are the children of a member of the
623 governing board of the charter school.

624 3. Students who are the children of an employee of the
625 charter school.

626 4. Students who are the children of:

627 a. An employee of the business partner of a charter school-
628 in-the-workplace established under paragraph (15) (b) or a
629 resident of the municipality in which such charter school is
630 located; or

631 b. A resident of a municipality that operates a charter
632 school-in-a-municipality pursuant to paragraph (15) (c) or allows
633 a charter school to use a school facility or portion of land
634 owned by the municipality for the operation of the charter
635 school.

636 5. Students who have successfully completed a voluntary
637 prekindergarten education program under ss. 1002.51-1002.79
638 provided by the charter school or the charter school's governing
639 board during the previous year.

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

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

644 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter
645 into cooperative agreements to form charter school cooperative
646 organizations that may provide ~~the following~~ services to further
647 educational, operational, and administrative initiatives in
648 which the participating charter schools share common interests.



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649 ~~charter school planning and development, direct instructional~~
650 ~~services, and contracts with charter school governing boards to~~
651 ~~provide personnel administrative services, payroll services,~~
652 ~~human resource management, evaluation and assessment services,~~
653 ~~teacher preparation, and professional development.~~

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

659 (b) The basis for the agreement for funding students
660 enrolled in a charter school shall be the sum of the school
661 district's operating funds from the Florida Education Finance
662 Program as provided in s. 1011.62 and the General Appropriations
663 Act, including gross state and local funds, discretionary
664 lottery funds, and funds from the school district's current
665 operating discretionary millage levy; divided by total funded
666 weighted full-time equivalent students in the school district;
667 multiplied by the weighted full-time equivalent students for the
668 charter school. Charter schools whose students or programs meet
669 the eligibility criteria in law are entitled to their
670 proportionate share of categorical program funds included in the
671 total funds available in the Florida Education Finance Program
672 by the Legislature, including transportation, the research-based
673 reading allocation, and the Florida digital classrooms
674 allocation. Total funding for each charter school shall be
675 recalculated during the year to reflect the revised calculations
676 under the Florida Education Finance Program by the state and the
677 actual weighted full-time equivalent students reported by the



678 charter school during the full-time equivalent student survey
679 periods designated by the Commissioner of Education. Any
680 unrestricted surplus or unrestricted net assets identified in
681 the charter school's annual audit may be used for K-12
682 educational purposes for charter schools within the district
683 operated by the not-for-profit or municipal entity operating the
684 charter school with the surplus. Surplus operating funds shall
685 be used in accordance with s. 1011.62, and surplus capital
686 outlay funds shall be used in accordance with s. 1013.62(2).

687 (e) District school boards shall make timely and efficient
688 payment and reimbursement to charter schools, including
689 processing paperwork required to access special state and
690 federal funding for which they may be eligible. Payments of
691 funds under paragraph (b) shall be made monthly or twice a
692 month, beginning with the start of the district school board's
693 fiscal year. Each payment shall be one-twelfth, or one twenty-
694 fourth, as applicable, of the total state and local funds
695 described in paragraph (b) and adjusted as set forth therein.
696 For the first 2 years of a charter school's operation, if a
697 minimum of 75 percent of the projected enrollment is entered
698 into the sponsor's student information system by the first day
699 of the current month, the district school board shall ~~may~~
700 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months
701 of July through October based on the projected full-time
702 equivalent student membership of the charter school as submitted
703 in the approved application. If less than 75 percent of the
704 projected enrollment is entered into the sponsor's student
705 information system by the first day of the current month, the
706 sponsor shall base payments on the actual number of student



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707 enrollment entered into the sponsor's student information
708 system. Thereafter, the results of full-time equivalent student
709 membership surveys shall be used in adjusting the amount of
710 funds distributed monthly to the charter school for the
711 remainder of the fiscal year. The payments ~~payment~~ shall be
712 issued no later than 10 working days after the district school
713 board receives a distribution of state or federal funds or the
714 date the payment is due pursuant to this subsection. If a
715 warrant for payment is not issued within 10 working days after
716 receipt of funding by the district school board, the school
717 district shall pay to the charter school, in addition to the
718 amount of the scheduled disbursement, interest at a rate of 1
719 percent per month calculated on a daily basis on the unpaid
720 balance from the expiration of the 10 working days until such
721 time as the warrant is issued. The district school board may not
722 delay payment to a charter school of any portion of the funds
723 provided in paragraph (b) based on the timing of receipt of
724 local funds by the district school board.

725 (18) FACILITIES.—

726 (a) A startup charter school shall utilize facilities which
727 comply with the Florida Building Code pursuant to chapter 553
728 except for the State Requirements for Educational Facilities.
729 Conversion charter schools shall utilize facilities that comply
730 with the State Requirements for Educational Facilities provided
731 that the school district and the charter school have entered
732 into a mutual management plan for the reasonable maintenance of
733 such facilities. The mutual management plan shall contain a
734 provision by which the district school board agrees to maintain
735 charter school facilities in the same manner as its other public



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736 schools within the district. Charter schools, with the exception
737 of conversion charter schools, are not required to comply, but
738 may choose to comply, with the State Requirements for
739 Educational Facilities of the Florida Building Code adopted
740 pursuant to s. 1013.37. The local governing authority shall not
741 adopt or impose any local building requirements or site-
742 development restrictions, such as parking and site-size
743 criteria, that are addressed by and more stringent than those
744 found in the State Requirements for Educational Facilities of
745 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
746 governing authority must treat charter schools equitably in
747 comparison to similar requirements, restrictions, and site
748 planning processes imposed upon public schools that are not
749 charter schools. The agency having jurisdiction for inspection
750 of a facility and issuance of a certificate of occupancy or use
751 shall be the local municipality or, if in an unincorporated
752 area, the county governing authority. If an official or employee
753 of the local governing authority refuses to comply with this
754 paragraph, the aggrieved school or entity has an immediate right
755 to bring an action in circuit court to enforce its rights by
756 injunction. An aggrieved party that receives injunctive relief
757 may be awarded attorney fees and court costs.

758 (20) SERVICES.—

759 (a)1. A sponsor shall provide certain administrative and
760 educational services to charter schools. These services shall
761 include contract management services; full-time equivalent and
762 data reporting services; exceptional student education
763 administration services; services related to eligibility and
764 reporting duties required to ensure that school lunch services



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765 under the federal lunch program, consistent with the needs of
766 the charter school, are provided by the school district at the
767 request of the charter school, that any funds due to the charter
768 school under the federal lunch program be paid to the charter
769 school as soon as the charter school begins serving food under
770 the federal lunch program, and that the charter school is paid
771 at the same time and in the same manner under the federal lunch
772 program as other public schools serviced by the sponsor or the
773 school district; test administration services, including payment
774 of the costs of state-required or district-required student
775 assessments; processing of teacher certificate data services;
776 and information services, including equal access to student
777 information systems that are used by public schools in the
778 district in which the charter school is located. Student
779 performance data for each student in a charter school,
780 including, but not limited to, FCAT scores, standardized test
781 scores, previous public school student report cards, and student
782 performance measures, shall be provided by the sponsor to a
783 charter school in the same manner provided to other public
784 schools in the district.

785 2. A total administrative fee for the provision of such
786 services shall be calculated based upon up to 5 percent of the
787 available funds defined in paragraph (17)(b) for all students,
788 except that when 75 percent or more of the students enrolled in
789 the charter school are exceptional students as defined in s.
790 1003.01(3), the 5 percent of those available funds shall be
791 calculated based on unweighted full-time equivalent students.
792 However, a sponsor may only withhold up to a 5-percent
793 administrative fee for enrollment for up to and including 250



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794 students. For charter schools with a population of 251 or more
795 students, the difference between the total administrative fee
796 calculation and the amount of the administrative fee withheld
797 may only be used for capital outlay purposes specified in s.
798 1013.62(2).

799 3. For high-performing charter schools, as defined in s.
800 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
801 administrative fee of up to 2 percent for enrollment up to and
802 including 250 students per school.

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

807 a. Includes both conversion charter schools and
808 nonconversion charter schools;

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

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

812 d. Has the same governing board; and

813 e. Does not contract with a for-profit service provider for
814 management of school operations.

815 5. The difference between the total administrative fee
816 calculation and the amount of the administrative fee withheld
817 pursuant to subparagraph 4. may be used for instructional and
818 administrative purposes as well as for capital outlay purposes
819 specified in s. 1013.62(2).

820 6. For a high-performing charter school system that also
821 meets the requirements in subparagraph 4., a sponsor may
822 withhold a 2-percent administrative fee for enrollments up to



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823 and including 500 students per system.

824 7. Sponsors shall not charge charter schools any additional
825 fees or surcharges for administrative and educational services
826 in addition to the maximum 5-percent administrative fee withheld
827 pursuant to this paragraph.

828 8. The sponsor of a virtual charter school may withhold a
829 fee of up to 5 percent. The funds shall be used to cover the
830 cost of services provided under subparagraph 1. and
831 implementation of the school district's digital classrooms plan
832 pursuant to s. 1011.62.

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

837 10. A charter school whose initial application is submitted
838 under s. 1002.331 and denied by the district school board is
839 exempt from the administrative fee requirements of this
840 paragraph.

841 Section 2. Paragraph (e) of subsection (2), paragraph (b)
842 of subsection (3), and subsections (4) and (5) of section
843 1002.331, Florida Statutes, are amended to read:

844 1002.331 High-performing charter schools.—

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

846 (e) Receive a modification of its charter to an additional
847 a term of 15 years or a 15-year charter renewal. The charter may
848 be modified or renewed for a shorter term at the option of the
849 high-performing charter school. The sponsor has 30 days after
850 the charter school receives its high-performing designation to
851 provide a charter renewal to the charter school. The charter



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852 school and sponsor have 20 days to negotiate and provide notice
853 of the charter contract for final approval by the sponsor. The
854 proposed charter contract must be provided to the charter school
855 at least 7 days before the date of the meeting at which the
856 charter is scheduled for final approval by the sponsor. A
857 dispute may be appealed to an administrative law judge appointed
858 by the Division of Administrative Hearings pursuant to s.
859 1002.33(6)(h). The charter must be consistent with s.
860 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
861 review by the sponsor, and may be terminated during its term
862 pursuant to s. 1002.33(8).

863
864 A high-performing charter school shall notify its sponsor in
865 writing by March 1 if it intends to increase enrollment or
866 expand grade levels the following school year. The written
867 notice shall specify the amount of the enrollment increase and
868 the grade levels that will be added, as applicable. If a charter
869 school notifies the sponsor of its intent to expand, the sponsor
870 shall modify the charter within 90 days to include the new
871 enrollment maximum and may not make any other changes. The
872 sponsor may deny a request to increase the enrollment of a high-
873 performing charter school if the commissioner has declassified
874 the charter school as high-performing. If a high-performing
875 charter school requests to consolidate multiple charters, the
876 sponsor has ~~shall have~~ 40 days after receipt of that request to
877 provide an initial draft charter to the charter school. The
878 sponsor and charter school has ~~shall have~~ 50 days thereafter to
879 negotiate and notice the charter contract for final approval by
880 the sponsor.



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881 (3)
882 (b) A high-performing charter school may not establish more
883 than one charter school within the state under paragraph (a) in
884 any year. A subsequent application to establish a charter school
885 under paragraph (a) may not be submitted unless each charter
886 school established in this manner achieves high-performing
887 charter school status. This paragraph does not apply to charter
888 schools established by a high-performing charter school in the
889 attendance zone of a public school that earns a grade of "F" or
890 three consecutive grades of "D" pursuant to s. 1008.34 or to
891 meet capacity needs or needs for innovative school choice
892 options identified by the district school board.

893 ~~(4) A high-performing charter school may not increase~~
894 ~~enrollment or expand grade levels following any school year in~~
895 ~~which it receives a school grade of "C" or below. If the charter~~
896 ~~school receives a school grade of "C" or below in any 2 years~~
897 ~~during the term of the charter awarded under subsection (2), the~~
898 ~~term of the charter may be modified by the sponsor and the~~
899 ~~charter school loses its high-performing charter school status~~
900 ~~until it regains that status under subsection (1).~~

901 (4)-(5) The Commissioner of Education, upon request by a
902 charter school, shall verify that the charter school meets the
903 criteria in subsection (1) and provide a letter to the charter
904 school and the sponsor stating that the charter school is a
905 high-performing charter school pursuant to this section. The
906 commissioner shall annually determine whether a high-performing
907 charter school under subsection (1) continues to meet the
908 criteria in that subsection. Such high-performing charter school
909 shall maintain its high-performing status unless the



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910 commissioner determines that the charter school no longer meets
911 the criteria in subsection (1), at which time the commissioner
912 shall send a letter to the charter school and its sponsor
913 providing notification that the charter school has been
914 declassified ~~of its declassification~~ as a high-performing
915 charter school.

916 Section 3. Section 1002.333, Florida Statutes, is created
917 to read:

918 1002.333 High Impact Charter Network.—

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

920 (a) "Critical need area" means an area that is served by
921 one or more nonalternative, traditional public schools that
922 received a school grade of "D" or "F" pursuant to s. 1008.34 in
923 4 of the most recent 5 years.

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

927 (2) An entity that successfully operates a system of
928 charter schools that primarily serves educationally
929 disadvantaged students, as defined in the Elementary and
930 Secondary Education Act, 20 U.S.C. s. 1115(b)(2), may apply to
931 the state board for status as a High Impact Charter Network. The
932 state board shall adopt rules prescribing a process for
933 determining whether the entity meets the requirements of this
934 subsection by reviewing student demographic, academic, and
935 financial performance data. The process shall include a review
936 of all schools currently or previously operated by the entity,
937 including schoolwide and subgroup performance on all statewide,
938 standardized assessments for the most recent 3 years as compared



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939 to all students at the same grade level, and as compared with
940 other schools serving similar demographics of students, and
941 school-level financial performance. The review may also include
942 performance on nationally norm-referenced assessments, student
943 attendance and retention rates, graduation rates, college
944 attendance rates, college persistence rates, and other outcome
945 measures as determined by the state board.

946 (3) An entity that is designated as a High Impact Charter
947 Network pursuant to this subsection may submit an application
948 pursuant to s. 1002.33 to establish and operate charter schools
949 in critical need areas. Notwithstanding s. 1013.62(1)(a), a
950 charter school operated by a High Impact Charter Network in a
951 critical need area is eligible to receive charter school capital
952 outlay.

953 (4) The administrative fee provided for in s.
954 1002.33(20)(a) shall be waived for a charter school established
955 by a High Impact Charter Network in a critical need area as long
956 as the network maintains its status as a High Impact Charter
957 Network.

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

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



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968 (7) For purposes of determining areas of critical need,
969 school grades issued for the 2014-2015 school year may not be
970 considered.

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

973 Section 4. Paragraph (a) of subsection (3) and paragraph
974 (a) of subsection (8) of section 1002.37, Florida Statutes, are
975 amended to read:

976 1002.37 The Florida Virtual School.—

977 (3) Funding for the Florida Virtual School shall be
978 provided as follows:

979 (a)1. The calculation of "full-time equivalent student"
980 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
981 to s. 1011.61(4) For a student in grades 9 through 12, a "full-
982 time equivalent student" is one student who has successfully
983 completed six full-credit courses that count toward the minimum
984 number of credits required for high school graduation. A student
985 who completes fewer than six full-credit courses is a fraction
986 of a full-time equivalent student. Half-credit course
987 completions shall be included in determining a full-time
988 equivalent student.

989 ~~2. For a student in kindergarten through grade 8, a "full-~~
990 ~~time equivalent student" is one student who has successfully~~
991 ~~completed six courses or the prescribed level of content that~~
992 ~~counts toward promotion to the next grade. A student who~~
993 ~~completes fewer than six courses or the prescribed level of~~
994 ~~content shall be a fraction of a full-time equivalent student.~~

995 ~~2.3.~~ For a student in a home education program, funding
996 shall be provided in accordance with this subsection upon course



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997 completion if the parent verifies, upon enrollment for each
998 course, that the student is registered with the school district
999 as a home education student pursuant to s. 1002.41(1)(a).

1000 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1001 ~~equivalent students and associated funding of students enrolled~~
1002 ~~in courses requiring passage of an end-of-course assessment~~
1003 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1004 ~~be adjusted if the student does not pass the end-of-course~~
1005 ~~assessment. However, no adjustment shall be made for home~~
1006 ~~education program students who choose not to take an end-of-~~
1007 ~~course assessment or for a student who enrolls in a segmented~~
1008 ~~remedial course delivered online.~~

1009
1010 ~~For purposes of this paragraph, the calculation of "full-time~~
1011 ~~equivalent student" shall be as prescribed in s.~~
1012 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1013 ~~1011.61(4).~~

1014 (8)(a) The Florida Virtual School may provide full-time and
1015 part-time instruction for students in kindergarten through grade
1016 12. ~~To receive part-time instruction in kindergarten through~~
1017 ~~grade 5, a student must meet at least one of the eligibility~~
1018 ~~criteria in s. 1002.455(2).~~

1019 Section 5. Subsection (5), paragraph (e) of subsection (7),
1020 and paragraphs (c) and (d) of subsection (8) of section 1002.45,
1021 Florida Statutes, are amended to read:

1022 1002.45 Virtual instruction programs.—

1023 (5) STUDENT ELIGIBILITY.—Students in kindergarten through
1024 grade 12 ~~A student~~ may enroll in a virtual instruction program
1025 provided by the school district or by a virtual charter school



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1026 operated in the district in which he or she resides ~~if the~~
1027 ~~student meets eligibility requirements for virtual instruction~~
1028 ~~pursuant to s. 1002.455.~~

1029 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
1030 FUNDING.—

1031 ~~(c) Beginning in the 2016-2017 fiscal year, the reported~~
1032 ~~full-time equivalent students and associated funding of students~~
1033 ~~enrolled in courses requiring passage of an end-of-course~~
1034 ~~assessment under s. 1003.4282 to earn a standard high school~~
1035 ~~diploma shall be adjusted if the student does not pass the end-~~
1036 ~~of-course assessment. However, no adjustment shall be made for a~~
1037 ~~student who enrolls in a segmented remedial course delivered~~
1038 ~~online.~~

1039 (8) ASSESSMENT AND ACCOUNTABILITY.—

1040 (c) An approved provider that receives a school grade of
1041 "D" or "F" under s. 1008.34 or a school improvement rating of
1042 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
1043 school improvement plan with the department for consultation to
1044 determine the causes for low performance and to develop a plan
1045 for correction and improvement.

1046 (d) An approved provider's contract is automatically ~~must~~
1047 ~~be~~ terminated if the provider earns two consecutive school
1048 grades of ~~receives a school grade of "D" or "F"~~ under s. 1008.34
1049 after all school grade appeals are final, receives two
1050 consecutive ~~or a school improvement ratings rating~~ of
1051 "unsatisfactory" ~~"Declining"~~ under s. 1008.341, ~~for 2 years~~
1052 ~~during any consecutive 4-year period~~ or has violated any
1053 qualification requirement pursuant to subsection (2). A provider
1054 that has a contract terminated under this paragraph may not be



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1055 an approved provider for a period of at least 1 year after the
1056 date upon which the contract was terminated and until the
1057 department determines that the provider is in compliance with
1058 subsection (2) and has corrected each cause of the provider's
1059 low performance.

1060 Section 6. Section 1002.455, Florida Statutes, is repealed.

1061 Section 7. Subsection (3) of section 1003.4295, Florida
1062 Statutes, is amended to read:

1063 1003.4295 Acceleration options.—

1064 (3) The Credit Acceleration Program (CAP) is created for
1065 the purpose of allowing a student to earn high school credit in
1066 courses required for high school graduation through passage of
1067 an end-of-course assessment ~~Algebra I, Algebra II, geometry,~~
1068 ~~United States history, or biology if the student passes the~~
1069 ~~statewide, standardized assessment~~ administered under s. 1008.22
1070 or an Advanced Placement Examination. Notwithstanding s.

1071 1003.436, a school district shall award course credit to a
1072 student who is not enrolled in the course, or who has not
1073 completed the course, if the student attains a passing score on
1074 the corresponding end-of-course assessment or Advanced Placement
1075 Examination ~~statewide, standardized assessment~~. The school
1076 district shall permit a public school or home education student
1077 who is not enrolled in the course, or who has not completed the
1078 course, to take the assessment or examination during the regular
1079 administration of the assessment or examination.

1080 Section 8. Subsections (1) and (2) of section 1003.498,
1081 Florida Statutes, are amended to read:

1082 1003.498 School district virtual course offerings.—

1083 (1) School districts may deliver courses in the traditional



1084 school setting by personnel certified pursuant to s. 1012.55 who
1085 provide direct instruction through virtual instruction or
1086 through blended learning courses consisting of both traditional
1087 classroom and online instructional techniques. Students in a
1088 blended learning course must be full-time students of the school
1089 pursuant to s. 1011.61(1)(a)1. ~~and receive the online~~
1090 ~~instruction in a classroom setting at the school.~~ The funding,
1091 performance, and accountability requirements for blended
1092 learning courses are the same as those for traditional courses.
1093 To facilitate the delivery and coding of blended learning
1094 courses, the department shall provide identifiers for existing
1095 courses to designate that they are being used for blended
1096 learning courses for the purpose of ensuring the efficient
1097 reporting of such courses. A district may report full-time
1098 equivalent student membership for credit earned by a student who
1099 is enrolled in a virtual education course provided by the
1100 district which is completed after the end of the regular school
1101 year if the FTE is reported no later than the deadline for
1102 amending the final student membership report for that year.

1103 (2) School districts may offer virtual courses for students
1104 enrolled in the school district. These courses must be
1105 identified in the course code directory. ~~Students who meet the~~
1106 ~~eligibility requirements of s. 1002.455 may participate in these~~
1107 ~~virtual course offerings.~~

1108 (a) Any eligible student who is enrolled in a school
1109 district may register and enroll in an online course offered by
1110 his or her school district.

1111 (b)1. Any eligible student who is enrolled in a school
1112 district may register and enroll in an online course offered by



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1113 any other school district in the state. The school district in
1114 which the student completes the course shall report the
1115 student's completion of that course for funding pursuant to s.
1116 1011.61(1)(c)1.b.(VI), and the home school district shall not
1117 report the student for funding for that course.

1118 2. The full-time equivalent student membership calculated
1119 under this subsection is subject to the requirements in s.
1120 1011.61(4). The Department of Education shall establish
1121 procedures to enable interdistrict coordination for the delivery
1122 and funding of this online option.

1123 Section 9. Subsection (1) of section 1011.61, Florida
1124 Statutes, is amended to read:

1125 1011.61 Definitions.—Notwithstanding the provisions of s.
1126 1000.21, the following terms are defined as follows for the
1127 purposes of the Florida Education Finance Program:

1128 (1) A "full-time equivalent student" in each program of the
1129 district is defined in terms of full-time students and part-time
1130 students as follows:

1131 (a) A "full-time student" is one student on the membership
1132 roll of one school program or a combination of school programs
1133 listed in s. 1011.62(1)(c) for the school year or the equivalent
1134 for:

1135 1. Instruction in a standard school, comprising not less
1136 than 900 net hours for a student in or at the grade level of 4
1137 through 12, or not less than 720 net hours for a student in or
1138 at the grade level of kindergarten through grade 3 or in an
1139 authorized prekindergarten exceptional program; or

1140 ~~2. Instruction in a double-session school or a school~~
1141 ~~utilizing an experimental school calendar approved by the~~



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1142 ~~Department of Education, comprising not less than the equivalent~~
1143 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
1144 ~~hours in kindergarten through grade 3; or~~

1145 ~~2.3.~~ Instruction comprising the appropriate number of net
1146 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
1147 students who, within the past year, have moved with their
1148 parents for the purpose of engaging in the farm labor or fish
1149 industries, if a plan furnishing such an extended school day or
1150 week, or a combination thereof, has been approved by the
1151 commissioner. Such plan may be approved to accommodate the needs
1152 of migrant students only or may serve all students in schools
1153 having a high percentage of migrant students. The plan described
1154 in this subparagraph is optional for any school district and is
1155 not mandated by the state.

1156 (b) A "part-time student" is a student on the active
1157 membership roll of a school program or combination of school
1158 programs listed in s. 1011.62(1)(c) who is less than a full-time
1159 student. A student who receives instruction in a school that
1160 operates for less than the minimum term shall generate full-time
1161 equivalent student membership proportional to the amount of
1162 instructional hours provided by the school divided by the
1163 minimum term requirement as provided in s. 1011.60(2).

1164 (c)1. A "full-time equivalent student" is:

1165 a. A full-time student in any one of the programs listed in
1166 s. 1011.62(1)(c); or

1167 b. A combination of full-time or part-time students in any
1168 one of the programs listed in s. 1011.62(1)(c) which is the
1169 equivalent of one full-time student based on the following
1170 calculations:



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1171 (I) A full-time student in a combination of programs listed
1172 in s. 1011.62(1)(c) shall be a fraction of a full-time
1173 equivalent membership in each special program equal to the
1174 number of net hours per school year for which he or she is a
1175 member, divided by the appropriate number of hours set forth in
1176 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
1177 that fraction or sum of fractions and the maximum value as set
1178 forth in subsection (4) for each full-time student is presumed
1179 to be the balance of the student's time not spent in a special
1180 program and shall be recorded as time in the appropriate basic
1181 program.

1182 (II) A prekindergarten student with a disability shall meet
1183 the requirements specified for kindergarten students.

1184 (III) A full-time equivalent student for students in
1185 kindergarten through grade 12 in a full-time virtual instruction
1186 program under s. 1002.45 or a virtual charter school under s.
1187 1002.33 shall consist of six full-credit completions or the
1188 prescribed level of content that counts toward promotion to the
1189 next grade in programs listed in s. 1011.62(1)(c). Credit
1190 completions may be a combination of full-credit courses or half-
1191 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
1192 ~~reported full-time equivalent students and associated funding of~~
1193 ~~students enrolled in courses requiring passage of an end-of-~~
1194 ~~course assessment under s. 1003.4282 to earn a standard high~~
1195 ~~school diploma shall be adjusted if the student does not pass~~
1196 ~~the end-of-course assessment. However, no adjustment shall be~~
1197 ~~made for a student who enrolls in a segmented remedial course~~
1198 ~~delivered online.~~

1199 (IV) A full-time equivalent student for students in



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1200 kindergarten through grade 12 in a part-time virtual instruction
1201 program under s. 1002.45 shall consist of six full-credit
1202 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1203 Credit completions may be a combination of full-credit courses
1204 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
1205 ~~the reported full-time equivalent students and associated~~
1206 ~~funding of students enrolled in courses requiring passage of an~~
1207 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
1208 ~~high school diploma shall be adjusted if the student does not~~
1209 ~~pass the end-of-course assessment. However, no adjustment shall~~
1210 ~~be made for a student who enrolls in a segmented remedial course~~
1211 ~~delivered online.~~

1212 (V) A Florida Virtual School full-time equivalent student
1213 shall consist of six full-credit completions or the prescribed
1214 level of content that counts toward promotion to the next grade
1215 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1216 participating in kindergarten through grade 12 part-time virtual
1217 instruction and the programs listed in s. 1011.62(1)(c) for
1218 students participating in kindergarten through grade 12 full-
1219 time virtual instruction. Credit completions may be a
1220 combination of full-credit courses or half-credit courses.
1221 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1222 ~~equivalent students and associated funding of students enrolled~~
1223 ~~in courses requiring passage of an end-of-course assessment~~
1224 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1225 ~~be adjusted if the student does not pass the end-of-course~~
1226 ~~assessment. However, no adjustment shall be made for a student~~
1227 ~~who enrolls in a segmented remedial course delivered online.~~

1228 (VI) Each successfully completed full-credit course earned



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1229 through an online course delivered by a district other than the
1230 one in which the student resides shall be calculated as 1/6 FTE.

1231 (VII) A full-time equivalent student for courses requiring
1232 passage of a statewide, standardized end-of-course assessment
1233 under s. 1003.4282 to earn a standard high school diploma shall
1234 be defined and reported based on the number of instructional
1235 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
1236 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
1237 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
1238 ~~The reported FTE shall be adjusted if the student does not pass~~
1239 ~~the end-of-course assessment. However, no adjustment shall be~~
1240 ~~made for a student who enrolls in a segmented remedial course~~
1241 ~~delivered online.~~

1242 (VIII) For students enrolled in a school district as a
1243 full-time student, the district may report 1/6 FTE for each
1244 student who passes a statewide, standardized end-of-course
1245 assessment without being enrolled in the corresponding course.

1246 2. A student in membership in a program scheduled for more
1247 or less than 180 school days or the equivalent on an hourly
1248 basis as specified by rules of the State Board of Education is a
1249 fraction of a full-time equivalent membership equal to the
1250 number of instructional hours in membership divided by the
1251 appropriate number of hours set forth in subparagraph (a)1.;

1252 however, for the purposes of this subparagraph, membership in
1253 programs scheduled for more than 180 days is limited to students
1254 enrolled in:

- 1255 a. Juvenile justice education programs.
- 1256 b. The Florida Virtual School.
- 1257 c. Virtual instruction programs and virtual charter schools



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1258 for the purpose of course completion and credit recovery
1259 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1260 only to a student who is reported during the second or third
1261 membership surveys and who does not complete a virtual education
1262 course by the end of the regular school year. The course must be
1263 completed no later than the deadline for amending the final
1264 student enrollment survey for that year. Credit recovery applies
1265 only to a student who has unsuccessfully completed a traditional
1266 or virtual education course during the regular school year and
1267 must re-take the course in order to be eligible to graduate with
1268 the student's class.

1269
1270 The full-time equivalent student enrollment calculated under
1271 this subsection is subject to the requirements in subsection
1272 (4).

1273
1274 The department shall determine and implement an equitable method
1275 of equivalent funding for ~~experimental schools and for~~ schools
1276 operating under emergency conditions, which schools have been
1277 approved by the department to operate for less than the minimum
1278 term as provided in s. 1011.60(2) school day.

1279 Section 10. Subsection (11) of section 1011.62, Florida
1280 Statutes, is amended to read:

1281 1011.62 Funds for operation of schools.—If the annual
1282 allocation from the Florida Education Finance Program to each
1283 district for operation of schools is not determined in the
1284 annual appropriations act or the substantive bill implementing
1285 the annual appropriations act, it shall be determined as
1286 follows:



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1287 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
1288 annually provide in the Florida Education Finance Program a
1289 virtual education contribution. The amount of the virtual
1290 education contribution shall be the difference between the
1291 amount per FTE established in the General Appropriations Act for
1292 virtual education and the amount per FTE for each district and
1293 the Florida Virtual School, which may be calculated by taking
1294 the sum of the base FEFP allocation, the discretionary local
1295 effort, the state-funded discretionary contribution, the
1296 discretionary millage compression supplement, the research-based
1297 reading instruction allocation, and the instructional materials
1298 allocation, and then dividing by the total unweighted FTE. This
1299 difference shall be multiplied by the virtual education
1300 unweighted FTE for programs and options identified in ss.
1301 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the
1302 Florida Virtual School and its franchises to equal the virtual
1303 education contribution and shall be included as a separate
1304 allocation in the funding formula.

1305 Section 11. Paragraph (b) of subsection (8) of section
1306 1012.56, Florida Statutes, is amended to read:

1307 1012.56 Educator certification requirements.—

1308 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
1309 COMPETENCY PROGRAM.—

1310 (b)1. Each school district must and a private school or
1311 state-supported ~~state-supported~~ public school, including a
1312 charter school, ~~or a private school~~ may develop and maintain a
1313 system by which members of the instructional staff may
1314 demonstrate mastery of professional preparation and education
1315 competence as required by law. Each program must be based on



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1316 classroom application of the Florida Educator Accomplished
1317 Practices and instructional performance and, for public schools,
1318 must be aligned with the district's or state-supported public
1319 school's evaluation system established ~~approved~~ under s.
1320 1012.34, as applicable.

1321 2. The Commissioner of Education shall determine the
1322 continued approval of programs implemented under this paragraph,
1323 based upon the department's review of performance data. The
1324 department shall review the performance data as a part of the
1325 periodic review of each school district's professional
1326 development system required under s. 1012.98.

1327 Section 12. Paragraph (a) of subsection (1) of section
1328 1013.62, Florida Statutes, is amended to read:

1329 1013.62 Charter schools capital outlay funding.—

1330 (1) In each year in which funds are appropriated for
1331 charter school capital outlay purposes, the Commissioner of
1332 Education shall allocate the funds among eligible charter
1333 schools.

1334 (a) To be eligible for a funding allocation, a charter
1335 school must:

1336 1.a. Have been in operation for 3 or more years;

1337 b. Be governed by a governing board established in the
1338 state for 3 or more years which operates both charter schools
1339 and conversion charter schools within the state;

1340 c. Be an expanded feeder chain of a charter school within
1341 the same school district that is currently receiving charter
1342 school capital outlay funds;

1343 d. Have been accredited by the Commission on Schools of the
1344 Southern Association of Colleges and Schools; or



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1345 e. Serve students in facilities that are provided by a
1346 business partner for a charter school-in-the-workplace pursuant
1347 to s. 1002.33(15) (b) .

1348 2. Have an annual audit that does not reveal any of the
1349 financial emergency conditions provided in s. 218.503(1) for the
1350 most recent fiscal year for which such audit results are
1351 available ~~stability for future operation as a charter school.~~

1352 3. Have satisfactory student achievement based on state
1353 accountability standards applicable to the charter school.

1354 4. Have received final approval from its sponsor pursuant
1355 to s. 1002.33 for operation during that fiscal year.

1356 5. Serve students in facilities that are not provided by
1357 the charter school's sponsor.

1358 Section 13. This act shall take effect July 1, 2016.

1359
1360 ===== T I T L E A M E N D M E N T =====

1361 And the title is amended as follows:

1362 Delete everything before the enacting clause
1363 and insert:

1364 A bill to be entitled
1365 An act relating to school choice; amending s. 1002.33,
1366 F.S.; making technical changes relating to
1367 requirements for the creation of a virtual charter
1368 school; conforming cross-references; specifying that a
1369 sponsor may not require a charter school to adopt the
1370 sponsor's reading plan and that charter schools are
1371 eligible for the research-based reading allocation if
1372 certain criteria are met; revising required contents
1373 of charter school applications; conforming provisions



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1374 regarding the appeal process for denial of a high-
1375 performing charter school application; requiring an
1376 applicant to provide the sponsor with a copy of an
1377 appeal to an application denial; authorizing a charter
1378 school to defer the opening of its operations for up
1379 to a specified time; requiring the charter school to
1380 provide written notice to certain entities by a
1381 specified date; revising provisions relating to long-
1382 term charters and charter terminations; specifying
1383 notice requirements for voluntary closure of a charter
1384 school; deleting a requirement that students in a
1385 blended learning course receive certain instruction in
1386 a classroom setting; providing that a student may not
1387 be dismissed from a charter school based on his or her
1388 academic performance; requiring a charter school
1389 applicant to provide monthly financial statements
1390 before opening; requiring a sponsor to review each
1391 financial statement of a charter school to identify
1392 the existence of certain conditions; providing for the
1393 automatic termination of a charter contract if certain
1394 conditions are met; requiring a sponsor to notify
1395 certain parties when a charter contract is terminated
1396 for specific reasons; authorizing governing board
1397 members to hold a certain number of public meetings
1398 and participate in such meetings in person or through
1399 communications media technology; revising charter
1400 school student eligibility requirements; revising
1401 requirements for payments to charter schools; allowing
1402 for the use of certain surpluses and assets by



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1403 specific entities for certain educational purposes;
1404 providing for an injunction under certain
1405 circumstances; establishing the administrative fee
1406 that a sponsor may withhold for charter schools
1407 operating in a critical need area; providing an
1408 exemption from certain administrative fees; amending
1409 s. 1002.331, F.S.; providing an exemption from the
1410 replication limitations for a high-performing charter
1411 school; conforming a cross-reference; deleting
1412 obsolete provisions; providing deadlines for a high-
1413 performing charter contract renewal; providing for an
1414 appeal to an administrative law judge under certain
1415 circumstances; creating s. 1002.333, F.S.; providing
1416 definitions; establishing a High Impact Charter
1417 Network status for charter school operators serving
1418 educationally disadvantaged students; defining
1419 eligibility criteria; authorizing charter operators
1420 holding the High Impact Charter Network status to
1421 submit applications for charter schools in certain
1422 areas; exempting certain charter schools from
1423 specified fees; requiring the department to give
1424 priority to certain charter schools applying for
1425 specified grants; prohibiting the use of certain
1426 school grades when determining areas of critical need;
1427 providing for rulemaking; amending s. 1002.37, F.S.;
1428 revising the calculation of "full-time equivalent
1429 student"; conforming a cross-reference; amending s.
1430 1002.45, F.S.; conforming a cross-reference; deleting
1431 a provision related to educational funding for



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1432 students enrolled in certain virtual education
1433 courses; revising conditions for termination of a
1434 virtual instruction provider's contract; repealing s.
1435 1002.455, F.S., relating to student eligibility for K-
1436 12 virtual instruction; amending s. 1003.4295, F.S.;
1437 revising the purpose of the Credit Acceleration
1438 Program; requiring students to earn passing scores on
1439 specified assessments and examinations to earn course
1440 credit; amending s. 1003.498, F.S.; deleting a
1441 requirement that students in a blended learning course
1442 must receive certain instruction in a classroom
1443 setting; conforming a cross-reference; amending s.
1444 1011.61, F.S.; revising the definition of "full-time
1445 equivalent student"; amending s. 1011.62, F.S.;
1446 conforming a cross-reference; amending s. 1012.56,
1447 F.S.; authorizing a charter school to develop and
1448 operate a professional development certification and
1449 education competency program; amending s. 1013.62,
1450 F.S.; revising eligibility requirements for charter
1451 school capital outlay funding; revising charter school
1452 funding allocations; providing an effective date.