

By the Committee on Education Pre-K - 12; and Senator Stargel

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

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33 for specific reasons; authorizing governing board
34 members to hold a certain number of public meetings
35 and participate in such meetings in person or through
36 communications media technology; revising charter
37 school student eligibility requirements; revising
38 requirements for payments to charter schools; allowing
39 for the use of certain surpluses and assets by
40 specific entities for certain educational purposes;
41 providing for an injunction under certain
42 circumstances; establishing the administrative fee
43 that a sponsor may withhold for charter schools
44 operating in a critical need area; providing an
45 exemption from certain administrative fees; amending
46 s. 1002.331, F.S.; providing an exemption from the
47 replication limitations for a high-performing charter
48 school; conforming a cross-reference; deleting
49 obsolete provisions; providing deadlines for a high-
50 performing charter contract renewal; providing for an
51 appeal to an administrative law judge under certain
52 circumstances; creating s. 1002.333, F.S.; providing
53 definitions; establishing a High Impact Charter
54 Network status for charter school operators serving
55 educationally disadvantaged students; defining
56 eligibility criteria; authorizing charter operators
57 holding the High Impact Charter Network status to
58 submit applications for charter schools in certain
59 areas; exempting certain charter schools from
60 specified fees; requiring the department to give
61 priority to certain charter schools applying for

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62 specified grants; prohibiting the use of certain
63 school grades when determining areas of critical need;
64 providing for rulemaking; amending s. 1002.37, F.S.;
65 revising the calculation of "full-time equivalent
66 student"; conforming a cross-reference; amending s.
67 1002.45, F.S.; conforming a cross-reference; deleting
68 a provision related to educational funding for
69 students enrolled in certain virtual education
70 courses; revising conditions for termination of a
71 virtual instruction provider's contract; repealing s.
72 1002.455, F.S., relating to student eligibility for K-
73 12 virtual instruction; amending s. 1003.4295, F.S.;
74 revising the purpose of the Credit Acceleration
75 Program; requiring students to earn passing scores on
76 specified assessments and examinations to earn course
77 credit; amending s. 1003.498, F.S.; deleting a
78 requirement that students in a blended learning course
79 must receive certain instruction in a classroom
80 setting; conforming a cross-reference; amending s.
81 1011.61, F.S.; revising the definition of "full-time
82 equivalent student"; amending s. 1011.62, F.S.;
83 conforming a cross-reference; amending s. 1012.56,
84 F.S.; authorizing a charter school to develop and
85 operate a professional development certification and
86 education competency program; amending s. 1013.62,
87 F.S.; revising eligibility requirements for charter
88 school capital outlay funding; revising charter school
89 funding allocations; providing an effective date.

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

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

100 1002.33 Charter schools.—

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

117 (2) GUIDING PRINCIPLES; PURPOSE.—

118 (a) Charter schools in Florida shall be guided by the
119 following principles:

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120 1. Meet high standards of student achievement while
121 providing parents flexibility to choose among diverse
122 educational opportunities within the state's public school
123 system.

124 2. Promote enhanced academic success and financial
125 efficiency by aligning responsibility with accountability.

126 3. Provide parents with sufficient information on whether
127 their child is reading at grade level and whether the child
128 gains at least a year's worth of learning for every year spent
129 in the charter school. For a student who exhibits a substantial
130 deficiency in reading, as determined by the charter school, the
131 school shall notify the parent of the deficiency, the intensive
132 interventions and supports used, and the student's progress in
133 accordance with s. 1008.25(5).

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

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

139 1. Demonstrates how the school will use the guiding
140 principles and meet the statutorily defined purpose of a charter
141 school.

142 2. Provides a detailed curriculum plan that illustrates how
143 students will be provided services to attain the Sunshine State
144 Standards.

145 3. Contains goals and objectives for improving student
146 learning and measuring that improvement. These goals and
147 objectives must indicate how much academic improvement students
148 are expected to show each year, how success will be evaluated,

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149 and the specific results to be attained through instruction.

150 4. Describes the reading curriculum and differentiated
151 strategies that will be used for students reading at grade level
152 or higher and a separate curriculum and strategies for students
153 who are reading below grade level. A sponsor shall deny an
154 application ~~a charter~~ if the school does not propose a reading
155 curriculum that is evidence-based and includes explicit,
156 systematic, and multisensory reading instructional strategies;
157 however, a sponsor may not require the charter school to
158 implement the reading plan adopted by the school district
159 pursuant to s. 1011.62(9) consistent with effective teaching
160 strategies that are grounded in scientifically based reading
161 research.

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

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

176 ~~7.6.~~ Contains additional information a sponsor may require,
177 which shall be attached as an addendum to the charter school

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178 application described in this paragraph.

179 ~~8.7.~~ For the establishment of a virtual charter school,
180 documents that the applicant has contracted with a provider of
181 virtual instruction services pursuant to s. 1002.45(1)(d).

182 (b) A sponsor shall receive and review all applications for
183 a charter school using the ~~an~~ evaluation instrument developed by
184 the Department of Education. A sponsor shall receive and
185 consider charter school applications received on or before
186 August 1 of each calendar year for charter schools to be opened
187 at the beginning of the school district's next school year, or
188 to be opened at a time agreed to by the applicant and the
189 sponsor. A sponsor may not refuse to receive a charter school
190 application submitted before August 1 and may receive an
191 application submitted later than August 1 if it chooses. In
192 order to facilitate greater collaboration in the application
193 process, an applicant may submit a draft charter school
194 application on or before May 1 with an application fee of \$500.
195 If a draft application is timely submitted, the sponsor shall
196 review and provide feedback as to material deficiencies in the
197 application by July 1. The applicant shall then have until
198 August 1 to resubmit a revised and final application. The
199 sponsor may approve the draft application. Except as provided
200 for a draft application, a sponsor may not charge an applicant
201 for a charter any fee for the processing or consideration of an
202 application, and a sponsor may not base its consideration or
203 approval of a final application upon the promise of future
204 payment of any kind. Before approving or denying any final
205 application, the sponsor shall allow the applicant, upon receipt
206 of written notification, at least 7 calendar days to make

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207 technical or nonsubstantive corrections and clarifications,
208 including, but not limited to, corrections of grammatical,
209 typographical, and like errors or missing signatures, if such
210 errors are identified by the sponsor as cause to deny the final
211 application.

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

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

228 3.a. A sponsor shall by a majority vote approve or deny an
229 application no later than 60 calendar days after the application
230 is received, unless the sponsor and the applicant mutually agree
231 in writing to temporarily postpone the vote to a specific date,
232 at which time the sponsor shall by a majority vote approve or
233 deny the application. If the sponsor fails to act on the
234 application, an applicant may appeal to the State Board of
235 Education as provided in paragraph (c). If an application is

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236 denied, the sponsor shall, within 10 calendar days after such
237 denial, articulate in writing the specific reasons, based upon
238 good cause, supporting its denial of the ~~charter~~ application and
239 shall provide the letter of denial and supporting documentation
240 to the applicant and to the Department of Education.

241 b. An application submitted by a high-performing charter
242 school identified pursuant to s. 1002.331 may be denied by the
243 sponsor only if the sponsor demonstrates by clear and convincing
244 evidence that:

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

247 (II) The charter school proposed in the application does
248 not materially comply with the requirements in paragraphs
249 (9) (a)-(f);

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

253 (IV) The applicant has made a material misrepresentation or
254 false statement or concealed an essential or material fact
255 during the application process; or

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

259
260 Material noncompliance is a failure to follow requirements or a
261 violation of prohibitions applicable to charter school
262 applications, which failure is quantitatively or qualitatively
263 significant either individually or when aggregated with other
264 noncompliance. An applicant is considered to be replicating a

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265 high-performing charter school if the proposed school is
266 substantially similar to at least one of the applicant's high-
267 performing charter schools and the organization or individuals
268 involved in the establishment and operation of the proposed
269 school are significantly involved in the operation of replicated
270 schools.

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

282 4. For budget projection purposes, the sponsor shall report
283 to the Department of Education the approval or denial of an a
284 ~~charter~~ application within 10 calendar days after such approval
285 or denial. In the event of approval, the report to the
286 Department of Education shall include the final projected FTE
287 for the approved charter school.

288 5. Upon approval of an a ~~charter~~ application, the initial
289 startup shall commence with the beginning of the public school
290 calendar for the district in which the charter is granted. A
291 charter school may defer the opening of the school's operations
292 for up to 2 years to provide time for adequate facility
293 planning. The charter school must provide written notice of such

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294 intent to the sponsor and the parents of enrolled students at
295 least 30 calendar days before the first day of school ~~unless the~~
296 ~~sponsor allows a waiver of this subparagraph for good cause.~~

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

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

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

306 2. The focus of the curriculum, the instructional methods
307 to be used, any distinctive instructional techniques to be
308 employed, and identification and acquisition of appropriate
309 technologies needed to improve educational and administrative
310 performance which include a means for promoting safe, ethical,
311 and appropriate uses of technology which comply with legal and
312 professional standards.

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

320 b. In order to provide students with access to diverse
321 instructional delivery models, to facilitate the integration of
322 technology within traditional classroom instruction, and to

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323 provide students with the skills they need to compete in the
324 21st century economy, the Legislature encourages instructional
325 methods for blended learning courses consisting of both
326 traditional classroom and online instructional techniques.
327 Charter schools may implement blended learning courses which
328 combine traditional classroom instruction and virtual
329 instruction. Students in a blended learning course must be full-
330 time students of the charter school pursuant to s.
331 1011.61(1)(a)1. ~~and receive the online instruction in a~~
332 ~~classroom setting at the charter school.~~ Instructional personnel
333 certified pursuant to s. 1012.55 who provide virtual instruction
334 for blended learning courses may be employees of the charter
335 school or may be under contract to provide instructional
336 services to charter school students. At a minimum, such
337 instructional personnel must hold an active state or school
338 district adjunct certification under s. 1012.57 for the subject
339 area of the blended learning course. The funding and performance
340 accountability requirements for blended learning courses are the
341 same as those for traditional courses.

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

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

348 b. How these baseline rates will be compared to rates of
349 academic progress achieved by these same students while
350 attending the charter school.

351 c. To the extent possible, how these rates of progress will

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352 be evaluated and compared with rates of progress of other
353 closely comparable student populations.

354

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

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

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

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

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

377 8. The ways by which the school will achieve a
378 racial/ethnic balance reflective of the community it serves or
379 within the racial/ethnic range of other public schools in the
380 same school district.

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381 9. The financial and administrative management of the
382 school, including a reasonable demonstration of the professional
383 experience or competence of those individuals or organizations
384 applying to operate the charter school or those hired or
385 retained to perform such professional services and the
386 description of clearly delineated responsibilities and the
387 policies and practices needed to effectively manage the charter
388 school. A description of internal audit procedures and
389 establishment of controls to ensure that financial resources are
390 properly managed must be included. Both public sector and
391 private sector professional experience shall be equally valid in
392 such a consideration.

393 10. The asset and liability projections required in the
394 application which are incorporated into the charter and shall be
395 compared with information provided in the annual report of the
396 charter school.

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

405 12. The term of the charter which shall provide for
406 cancellation of the charter if insufficient progress has been
407 made in attaining the student achievement objectives of the
408 charter and if it is not likely that such objectives can be
409 achieved before expiration of the charter. The initial term of a

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410 charter shall be for 4 or 5 years. In order to facilitate access
411 to long-term financial resources for charter school
412 construction, charter schools that are operated by a
413 municipality or other public entity as provided by law are
414 eligible for up to a 15-year charter, subject to approval by the
415 district school board. A charter lab school is eligible for a
416 charter for a term of up to 15 years. In addition, to facilitate
417 access to long-term financial resources for charter school
418 construction, charter schools that are operated by a private,
419 not-for-profit, s. 501(c)(3) status corporation are eligible for
420 up to a 15-year charter, subject to approval by the district
421 school board. Such long-term charters remain subject to annual
422 review and may be terminated during the term of the charter, but
423 only according to the provisions set forth in subsection (8).

424 13. The facilities to be used and their location. The
425 sponsor may not require a charter school to have a certificate
426 of occupancy or a temporary certificate of occupancy for such a
427 facility earlier than 15 calendar days before the first day of
428 school.

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

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

435 16. A timetable for implementing the charter which
436 addresses the implementation of each element thereof and the
437 date by which the charter shall be awarded in order to meet this
438 timetable.

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

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

462 19. Implementation of the activities authorized under s.
463 1002.331 by the charter school when it satisfies the eligibility
464 requirements for a high-performing charter school. A high-
465 performing charter school shall notify its sponsor in writing by
466 March 1 if it intends to increase enrollment or expand grade
467 levels the following school year. The written notice shall

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468 specify the amount of the enrollment increase and the grade
469 levels that will be added, as applicable.

470 (d)1. A charter may be terminated by a charter school's
471 governing board through voluntary closure. The decision to cease
472 operations must be determined at a public meeting. The governing
473 board shall notify the parents and sponsor of the public meeting
474 in writing before the public meeting. The governing board must
475 notify the sponsor, parents of enrolled students, and the
476 department in writing within 24 hours after the public meeting
477 of its determination. The notice shall state the charter
478 school's intent to continue operations or the reason for the
479 closure and acknowledge that the governing board agrees to
480 follow the procedures for dissolution and reversion of public
481 funds pursuant to paragraphs (8) (e)-(g) and (9) (o) Each charter
482 school's governing board must appoint a representative to
483 facilitate parental involvement, provide access to information,
484 assist parents and others with questions and concerns, and
485 resolve disputes. The representative must reside in the school
486 district in which the charter school is located and may be a
487 governing board member, charter school employee, or individual
488 contracted to represent the governing board. If the governing
489 board oversees multiple charter schools in the same school
490 district, the governing board must appoint a separate individual
491 representative for each charter school in the district. The
492 representative's contact information must be provided annually
493 in writing to parents and posted prominently on the charter
494 school's website if a website is maintained by the school. The
495 sponsor may not require that governing board members reside in
496 the school district in which the charter school is located if

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497 ~~the charter school complies with this paragraph.~~

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

506 (9) CHARTER SCHOOL REQUIREMENTS.-

507 (g)1. In order to provide financial information that is
508 comparable to that reported for other public schools, charter
509 schools are to maintain all financial records that constitute
510 their accounting system:

511 a. In accordance with the accounts and codes prescribed in
512 the most recent issuance of the publication titled "Financial
513 and Program Cost Accounting and Reporting for Florida Schools";
514 or

515 b. At the discretion of the charter school's governing
516 board, a charter school may elect to follow generally accepted
517 accounting standards for not-for-profit organizations, but must
518 reformat this information for reporting according to this
519 paragraph.

520 2. Charter schools shall provide annual financial report
521 and program cost report information in the state-required
522 formats for inclusion in district reporting in compliance with
523 s. 1011.60(1). Charter schools that are operated by a
524 municipality or are a component unit of a parent nonprofit
525 organization may use the accounting system of the municipality

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526 or the parent but must reformat this information for reporting
527 according to this paragraph.

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

541 4. A charter school shall maintain and provide financial
542 information as required in this paragraph. The financial
543 statement required in subparagraph 3. must be in a form
544 prescribed by the Department of Education.

545 (n)1. The director and a representative of the governing
546 board of a charter school that has earned a grade of "D" or "F"
547 pursuant to s. 1008.34 shall appear before the sponsor to
548 present information concerning each contract component having
549 noted deficiencies. The director and a representative of the
550 governing board shall submit to the sponsor for approval a
551 school improvement plan to raise student performance. Upon
552 approval by the sponsor, the charter school shall begin
553 implementation of the school improvement plan. The department
554 shall offer technical assistance and training to the charter

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555 school and its governing board and establish guidelines for
556 developing, submitting, and approving such plans.

557 2.a. If a charter school earns three consecutive grades of
558 "D," two consecutive grades of "D" followed by a grade of "F,"
559 or two nonconsecutive grades of "F" within a 3-year period, the
560 charter school governing board shall choose one of the following
561 corrective actions:

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

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

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

569 (IV) Voluntarily close the charter school.

570 b. The charter school must implement the corrective action
571 in the school year following receipt of a third consecutive
572 grade of "D," a grade of "F" following two consecutive grades of
573 "D," or a second nonconsecutive grade of "F" within a 3-year
574 period.

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

582 d. A charter school is no longer required to implement a
583 corrective action if it improves by at least one letter grade.

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584 However, the charter school must continue to implement
585 strategies identified in the school improvement plan. The
586 sponsor must annually review implementation of the school
587 improvement plan to monitor the school's continued improvement
588 pursuant to subparagraph 5.

589 e. A charter school implementing a corrective action that
590 does not improve by at least one letter grade after 2 full
591 school years of implementing the corrective action must select a
592 different corrective action. Implementation of the new
593 corrective action must begin in the school year following the
594 implementation period of the existing corrective action, unless
595 the sponsor determines that the charter school is likely to
596 improve a letter grade if additional time is provided to
597 implement the existing corrective action. Notwithstanding this
598 sub-subparagraph, a charter school that earns a second
599 consecutive grade of "F" while implementing a corrective action
600 is subject to subparagraph 4.

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

607 4. A charter school's charter contract is automatically
608 terminated if the school earns two consecutive grades of "F"
609 after all school grade appeals are final ~~The sponsor shall~~
610 ~~terminate a charter if the charter school earns two consecutive~~
611 ~~grades of "F" unless:~~

612 a. The charter school is established to turn around the

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613 performance of a district public school pursuant to s.
614 1008.33(4)(b)3. Such charter schools shall be governed by s.
615 1008.33;

616 b. The charter school serves a student population the
617 majority of which resides in a school zone served by a district
618 public school that earned a grade of "F" in the year before the
619 charter school opened and the charter school earns at least a
620 grade of "D" in its third year of operation. The exception
621 provided under this sub-subparagraph does not apply to a charter
622 school in its fourth year of operation and thereafter; or

623 c. The state board grants the charter school a waiver of
624 termination. The charter school must request the waiver within
625 15 days after the department's official release of school
626 grades. The state board may waive termination if the charter
627 school demonstrates that the Learning Gains of its students on
628 statewide assessments are comparable to or better than the
629 Learning Gains of similarly situated students enrolled in nearby
630 district public schools. The waiver is valid for 1 year and may
631 only be granted once. Charter schools that have been in
632 operation for more than 5 years are not eligible for a waiver
633 under this sub-subparagraph.

634
635 The sponsor shall notify the charter school's governing board,
636 the charter school principal, and the department in writing when
637 a charter contract is terminated under this subparagraph. The
638 letter of termination must meet the requirements of paragraph
639 (8)(c). A charter terminated under this subparagraph must follow
640 the procedures for dissolution and reversion of public funds
641 pursuant to paragraphs (8)(e)-(g) and (9)(o).

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642 5. The director and a representative of the governing board
643 of a graded charter school that has implemented a school
644 improvement plan under this paragraph shall appear before the
645 sponsor at least once a year to present information regarding
646 the progress of intervention and support strategies implemented
647 by the school pursuant to the school improvement plan and
648 corrective actions, if applicable. The sponsor shall communicate
649 at the meeting, and in writing to the director, the services
650 provided to the school to help the school address its
651 deficiencies.

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

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

664 2. Each charter school's governing board must appoint a
665 representative to facilitate parental involvement, provide
666 access to information, assist parents and others with questions
667 and concerns, and resolve disputes. The representative must
668 reside in the school district in which the charter school is
669 located and may be a governing board member, a charter school
670 employee, or an individual contracted to represent the governing

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671 board. If the governing board oversees multiple charter schools
672 in the same school district, the governing board must appoint a
673 separate representative for each charter school in the district.
674 The representative's contact information must be provided
675 annually in writing to parents and posted prominently on the
676 charter school's website. The sponsor may not require governing
677 board members to reside in the school district in which the
678 charter school is located if the charter school complies with
679 this subparagraph.

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

691 (10) ELIGIBLE STUDENTS.—

692 (a) A charter school shall be open to any student covered
693 in an interdistrict agreement or residing in the school district
694 in which the charter school is located; however, in the case of
695 a charter lab school, the charter lab school shall be open to
696 any student eligible to attend the lab school as provided in s.
697 1002.32 or who resides in the school district in which the
698 charter lab school is located. Any eligible student shall be
699 allowed interdistrict transfer to attend a charter school when

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700 based on good cause. Good cause shall include, but is not
701 limited to, geographic proximity to a charter school in a
702 neighboring school district. A charter school that has not
703 reached capacity, as determined by the charter school's
704 governing board, may be open for enrollment to any student in
705 the state.

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

708 1. Students who are siblings of a student enrolled in the
709 charter school.

710 2. Students who are the children of a member of the
711 governing board of the charter school.

712 3. Students who are the children of an employee of the
713 charter school.

714 4. Students who are the children of:

715 a. An employee of the business partner of a charter school-
716 in-the-workplace established under paragraph (15) (b) or a
717 resident of the municipality in which such charter school is
718 located; or

719 b. A resident of a municipality that operates a charter
720 school-in-a-municipality pursuant to paragraph (15) (c) or allows
721 a charter school to use a school facility or portion of land
722 owned by the municipality for the operation of the charter
723 school.

724 5. Students who have successfully completed a voluntary
725 prekindergarten education program under ss. 1002.51-1002.79
726 provided by the charter school or the charter school's governing
727 board during the previous year.

728 6. Students who are the children of an active duty member

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729 of any branch of the United States Armed Forces.

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

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

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

747 (b) The basis for the agreement for funding students
748 enrolled in a charter school shall be the sum of the school
749 district's operating funds from the Florida Education Finance
750 Program as provided in s. 1011.62 and the General Appropriations
751 Act, including gross state and local funds, discretionary
752 lottery funds, and funds from the school district's current
753 operating discretionary millage levy; divided by total funded
754 weighted full-time equivalent students in the school district;
755 multiplied by the weighted full-time equivalent students for the
756 charter school. Charter schools whose students or programs meet
757 the eligibility criteria in law are entitled to their

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758 proportionate share of categorical program funds included in the
759 total funds available in the Florida Education Finance Program
760 by the Legislature, including transportation, the research-based
761 reading allocation, and the Florida digital classrooms
762 allocation. Total funding for each charter school shall be
763 recalculated during the year to reflect the revised calculations
764 under the Florida Education Finance Program by the state and the
765 actual weighted full-time equivalent students reported by the
766 charter school during the full-time equivalent student survey
767 periods designated by the Commissioner of Education. Any
768 unrestricted surplus or unrestricted net assets identified in
769 the charter school's annual audit may be used for K-12
770 educational purposes for charter schools within the district
771 operated by the not-for-profit or municipal entity operating the
772 charter school with the surplus. Surplus operating funds shall
773 be used in accordance with s. 1011.62, and surplus capital
774 outlay funds shall be used in accordance with s. 1013.62(2).

775 (e) District school boards shall make timely and efficient
776 payment and reimbursement to charter schools, including
777 processing paperwork required to access special state and
778 federal funding for which they may be eligible. Payments of
779 funds under paragraph (b) shall be made monthly or twice a
780 month, beginning with the start of the district school board's
781 fiscal year. Each payment shall be one-twelfth, or one twenty-
782 fourth, as applicable, of the total state and local funds
783 described in paragraph (b) and adjusted as set forth therein.
784 For the first 2 years of a charter school's operation, if a
785 minimum of 75 percent of the projected enrollment is entered
786 into the sponsor's student information system by the first day

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787 of the current month, the district school board shall ~~may~~
788 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months
789 of July through October based on the projected full-time
790 equivalent student membership of the charter school as submitted
791 in the approved application. If less than 75 percent of the
792 projected enrollment is entered into the sponsor's student
793 information system by the first day of the current month, the
794 sponsor shall base payments on the actual number of student
795 enrollment entered into the sponsor's student information
796 system. Thereafter, the results of full-time equivalent student
797 membership surveys shall be used in adjusting the amount of
798 funds distributed monthly to the charter school for the
799 remainder of the fiscal year. The payments ~~payment~~ shall be
800 issued no later than 10 working days after the district school
801 board receives a distribution of state or federal funds or the
802 date the payment is due pursuant to this subsection. If a
803 warrant for payment is not issued within 10 working days after
804 receipt of funding by the district school board, the school
805 district shall pay to the charter school, in addition to the
806 amount of the scheduled disbursement, interest at a rate of 1
807 percent per month calculated on a daily basis on the unpaid
808 balance from the expiration of the 10 working days until such
809 time as the warrant is issued. The district school board may not
810 delay payment to a charter school of any portion of the funds
811 provided in paragraph (b) based on the timing of receipt of
812 local funds by the district school board.

813 (18) FACILITIES.—

814 (a) A startup charter school shall utilize facilities which
815 comply with the Florida Building Code pursuant to chapter 553

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816 except for the State Requirements for Educational Facilities.
817 Conversion charter schools shall utilize facilities that comply
818 with the State Requirements for Educational Facilities provided
819 that the school district and the charter school have entered
820 into a mutual management plan for the reasonable maintenance of
821 such facilities. The mutual management plan shall contain a
822 provision by which the district school board agrees to maintain
823 charter school facilities in the same manner as its other public
824 schools within the district. Charter schools, with the exception
825 of conversion charter schools, are not required to comply, but
826 may choose to comply, with the State Requirements for
827 Educational Facilities of the Florida Building Code adopted
828 pursuant to s. 1013.37. The local governing authority shall not
829 adopt or impose any local building requirements or site-
830 development restrictions, such as parking and site-size
831 criteria, that are addressed by and more stringent than those
832 found in the State Requirements for Educational Facilities of
833 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
834 governing authority must treat charter schools equitably in
835 comparison to similar requirements, restrictions, and site
836 planning processes imposed upon public schools that are not
837 charter schools. The agency having jurisdiction for inspection
838 of a facility and issuance of a certificate of occupancy or use
839 shall be the local municipality or, if in an unincorporated
840 area, the county governing authority. If an official or employee
841 of the local governing authority refuses to comply with this
842 paragraph, the aggrieved school or entity has an immediate right
843 to bring an action in circuit court to enforce its rights by
844 injunction. An aggrieved party that receives injunctive relief

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845 may be awarded attorney fees and court costs.

846 (20) SERVICES.—

847 (a)1. A sponsor shall provide certain administrative and
848 educational services to charter schools. These services shall
849 include contract management services; full-time equivalent and
850 data reporting services; exceptional student education
851 administration services; services related to eligibility and
852 reporting duties required to ensure that school lunch services
853 under the federal lunch program, consistent with the needs of
854 the charter school, are provided by the school district at the
855 request of the charter school, that any funds due to the charter
856 school under the federal lunch program be paid to the charter
857 school as soon as the charter school begins serving food under
858 the federal lunch program, and that the charter school is paid
859 at the same time and in the same manner under the federal lunch
860 program as other public schools serviced by the sponsor or the
861 school district; test administration services, including payment
862 of the costs of state-required or district-required student
863 assessments; processing of teacher certificate data services;
864 and information services, including equal access to student
865 information systems that are used by public schools in the
866 district in which the charter school is located. Student
867 performance data for each student in a charter school,
868 including, but not limited to, FCAT scores, standardized test
869 scores, previous public school student report cards, and student
870 performance measures, shall be provided by the sponsor to a
871 charter school in the same manner provided to other public
872 schools in the district.

873 2. A total administrative fee for the provision of such

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874 services shall be calculated based upon up to 5 percent of the
875 available funds defined in paragraph (17)(b) for all students,
876 except that when 75 percent or more of the students enrolled in
877 the charter school are exceptional students as defined in s.
878 1003.01(3), the 5 percent of those available funds shall be
879 calculated based on unweighted full-time equivalent students.
880 However, a sponsor may only withhold up to a 5-percent
881 administrative fee for enrollment for up to and including 250
882 students. For charter schools with a population of 251 or more
883 students, the difference between the total administrative fee
884 calculation and the amount of the administrative fee withheld
885 may only be used for capital outlay purposes specified in s.
886 1013.62(2).

887 3. For high-performing charter schools, as defined in s.
888 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
889 administrative fee of up to 2 percent for enrollment up to and
890 including 250 students per school.

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

895 a. Includes both conversion charter schools and
896 nonconversion charter schools;

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

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

900 d. Has the same governing board; and

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

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903 5. The difference between the total administrative fee
904 calculation and the amount of the administrative fee withheld
905 pursuant to subparagraph 4. may be used for instructional and
906 administrative purposes as well as for capital outlay purposes
907 specified in s. 1013.62(2).

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

912 7. Sponsors shall not charge charter schools any additional
913 fees or surcharges for administrative and educational services
914 in addition to the maximum 5-percent administrative fee withheld
915 pursuant to this paragraph.

916 8. The sponsor of a virtual charter school may withhold a
917 fee of up to 5 percent. The funds shall be used to cover the
918 cost of services provided under subparagraph 1. and
919 implementation of the school district's digital classrooms plan
920 pursuant to s. 1011.62.

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

925 10. A charter school whose initial application is submitted
926 under s. 1002.331 and denied by the district school board is
927 exempt from the administrative fee requirements of this
928 paragraph.

929 Section 2. Paragraph (e) of subsection (2), paragraph (b)
930 of subsection (3), and subsections (4) and (5) of section
931 1002.331, Florida Statutes, are amended to read:

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932 1002.331 High-performing charter schools.-

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

934 (e) Receive a modification of its charter to an additional

935 ~~a~~ term of 15 years or a 15-year charter renewal. The charter may

936 be modified or renewed for a shorter term at the option of the

937 high-performing charter school. The sponsor has 30 days after

938 the charter school receives its high-performing designation to

939 provide a charter renewal to the charter school. The charter

940 school and sponsor have 20 days to negotiate and provide notice

941 of the charter contract for final approval by the sponsor. The

942 proposed charter contract must be provided to the charter school

943 at least 7 days before the date of the meeting at which the

944 charter is scheduled for final approval by the sponsor. A

945 dispute may be appealed to an administrative law judge appointed

946 by the Division of Administrative Hearings pursuant to s.

947 1002.33(6)(h). The charter must be consistent with s.

948 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual

949 review by the sponsor, and may be terminated during its term

950 pursuant to s. 1002.33(8).

951

952 A high-performing charter school shall notify its sponsor in

953 writing by March 1 if it intends to increase enrollment or

954 expand grade levels the following school year. The written

955 notice shall specify the amount of the enrollment increase and

956 the grade levels that will be added, as applicable. If a charter

957 school notifies the sponsor of its intent to expand, the sponsor

958 shall modify the charter within 90 days to include the new

959 enrollment maximum and may not make any other changes. The

960 sponsor may deny a request to increase the enrollment of a high-

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961 performing charter school if the commissioner has declassified
962 the charter school as high-performing. If a high-performing
963 charter school requests to consolidate multiple charters, the
964 sponsor has ~~shall have~~ 40 days after receipt of that request to
965 provide an initial draft charter to the charter school. The
966 sponsor and charter school has ~~shall have~~ 50 days thereafter to
967 negotiate and notice the charter contract for final approval by
968 the sponsor.

969 (3)

970 (b) A high-performing charter school may not establish more
971 than one charter school within the state under paragraph (a) in
972 any year. A subsequent application to establish a charter school
973 under paragraph (a) may not be submitted unless each charter
974 school established in this manner achieves high-performing
975 charter school status. This paragraph does not apply to charter
976 schools established by a high-performing charter school in the
977 attendance zone of a public school that earns a grade of "F" or
978 three consecutive grades of "D" pursuant to s. 1008.34 or to
979 meet capacity needs or needs for innovative school choice
980 options identified by the district school board.

981 ~~(4) A high-performing charter school may not increase~~
982 ~~enrollment or expand grade levels following any school year in~~
983 ~~which it receives a school grade of "C" or below. If the charter~~
984 ~~school receives a school grade of "C" or below in any 2 years~~
985 ~~during the term of the charter awarded under subsection (2), the~~
986 ~~term of the charter may be modified by the sponsor and the~~
987 ~~charter school loses its high-performing charter school status~~
988 ~~until it regains that status under subsection (1).~~

989 (4) ~~(5)~~ The Commissioner of Education, upon request by a

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990 charter school, shall verify that the charter school meets the
991 criteria in subsection (1) and provide a letter to the charter
992 school and the sponsor stating that the charter school is a
993 high-performing charter school pursuant to this section. The
994 commissioner shall annually determine whether a high-performing
995 charter school under subsection (1) continues to meet the
996 criteria in that subsection. Such high-performing charter school
997 shall maintain its high-performing status unless the
998 commissioner determines that the charter school no longer meets
999 the criteria in subsection (1), at which time the commissioner
1000 shall send a letter to the charter school and its sponsor
1001 providing notification that the charter school has been
1002 declassified ~~of its declassification~~ as a high-performing
1003 charter school.

1004 Section 3. Section 1002.333, Florida Statutes, is created
1005 to read:

1006 1002.333 High Impact Charter Network.-

1007 (1) As used in this section, the term:

1008 (a) "Critical need area" means an area that is served by
1009 one or more nonalternative, traditional public schools that
1010 received a school grade of "D" or "F" pursuant to s. 1008.34 in
1011 4 of the most recent 5 years.

1012 (b) "Entity" means a nonprofit organization with tax exempt
1013 status under s. 501(c)(3) of the Internal Revenue Code that is
1014 authorized by law to operate a public charter school.

1015 (2) An entity that successfully operates a system of
1016 charter schools that primarily serves educationally
1017 disadvantaged students, as defined in the Elementary and
1018 Secondary Education Act, 20 U.S.C. s. 1115(b)(2), may apply to

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1019 the state board for status as a High Impact Charter Network. The
1020 state board shall adopt rules prescribing a process for
1021 determining whether the entity meets the requirements of this
1022 subsection by reviewing student demographic, academic, and
1023 financial performance data. The process shall include a review
1024 of all schools currently or previously operated by the entity,
1025 including schoolwide and subgroup performance on all statewide,
1026 standardized assessments for the most recent 3 years as compared
1027 to all students at the same grade level, and as compared with
1028 other schools serving similar demographics of students, and
1029 school-level financial performance. The review may also include
1030 performance on nationally norm-referenced assessments, student
1031 attendance and retention rates, graduation rates, college
1032 attendance rates, college persistence rates, and other outcome
1033 measures as determined by the state board.

1034 (3) An entity that is designated as a High Impact Charter
1035 Network pursuant to this subsection may submit an application
1036 pursuant to s. 1002.33 to establish and operate charter schools
1037 in critical need areas. Notwithstanding s. 1013.62(1)(a), a
1038 charter school operated by a High Impact Charter Network in a
1039 critical need area is eligible to receive charter school capital
1040 outlay.

1041 (4) The administrative fee provided for in s.
1042 1002.33(20)(a) shall be waived for a charter school established
1043 by a High Impact Charter Network in a critical need area as long
1044 as the network maintains its status as a High Impact Charter
1045 Network.

1046 (5) The department shall give priority to charter schools
1047 operated by a High Impact Charter Network in the department's

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1048 Public Charter School Grant Program competitions. Priority shall
1049 only be provided for new charter schools that will operate in a
1050 critical need area.

1051 (6) The initial High Impact Charter Network status is valid
1052 for up to 4 years. If an entity seeks renewal of its status, the
1053 state board shall review the academic and financial performance
1054 of the charter schools established in areas of critical need
1055 pursuant to subsection (2).

1056 (7) For purposes of determining areas of critical need,
1057 school grades issued for the 2014-2015 school year may not be
1058 considered.

1059 (8) The State Board of Education shall adopt rules to
1060 administer this section.

1061 Section 4. Paragraph (a) of subsection (3) and paragraph
1062 (a) of subsection (8) of section 1002.37, Florida Statutes, are
1063 amended to read:

1064 1002.37 The Florida Virtual School.—

1065 (3) Funding for the Florida Virtual School shall be
1066 provided as follows:

1067 (a)1. The calculation of "full-time equivalent student"
1068 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
1069 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~
1070 ~~time equivalent student" is one student who has successfully~~
1071 ~~completed six full-credit courses that count toward the minimum~~
1072 ~~number of credits required for high school graduation. A student~~
1073 ~~who completes fewer than six full-credit courses is a fraction~~
1074 ~~of a full-time equivalent student. Half-credit course~~
1075 ~~completions shall be included in determining a full-time~~
1076 ~~equivalent student.~~

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1077 ~~2. For a student in kindergarten through grade 8, a "full-~~
1078 ~~time equivalent student" is one student who has successfully~~
1079 ~~completed six courses or the prescribed level of content that~~
1080 ~~counts toward promotion to the next grade. A student who~~
1081 ~~completes fewer than six courses or the prescribed level of~~
1082 ~~content shall be a fraction of a full-time equivalent student.~~

1083 2.3. For a student in a home education program, funding
1084 shall be provided in accordance with this subsection upon course
1085 completion if the parent verifies, upon enrollment for each
1086 course, that the student is registered with the school district
1087 as a home education student pursuant to s. 1002.41(1)(a).
1088 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1089 ~~equivalent students and associated funding of students enrolled~~
1090 ~~in courses requiring passage of an end-of-course assessment~~
1091 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1092 ~~be adjusted if the student does not pass the end-of-course~~
1093 ~~assessment. However, no adjustment shall be made for home~~
1094 ~~education program students who choose not to take an end-of-~~
1095 ~~course assessment or for a student who enrolls in a segmented~~
1096 ~~remedial course delivered online.~~

1097
1098 ~~For purposes of this paragraph, the calculation of "full-time~~
1099 ~~equivalent student" shall be as prescribed in s.~~
1100 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1101 ~~1011.61(4).~~

1102 (8)(a) The Florida Virtual School may provide full-time and
1103 part-time instruction for students in kindergarten through grade
1104 12. ~~To receive part-time instruction in kindergarten through~~
1105 ~~grade 5, a student must meet at least one of the eligibility~~

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1106 ~~criteria in s. 1002.455(2).~~

1107 Section 5. Subsection (5), paragraph (e) of subsection (7),
1108 and paragraphs (c) and (d) of subsection (8) of section 1002.45,
1109 Florida Statutes, are amended to read:

1110 1002.45 Virtual instruction programs.—

1111 (5) STUDENT ELIGIBILITY.—Students in kindergarten through
1112 grade 12 ~~A student~~ may enroll in a virtual instruction program
1113 provided by the school district or by a virtual charter school
1114 operated in the district in which he or she resides ~~if the~~
1115 ~~student meets eligibility requirements for virtual instruction~~
1116 ~~pursuant to s. 1002.455.~~

1117 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
1118 FUNDING.—

1119 ~~(e) Beginning in the 2016-2017 fiscal year, the reported~~
1120 ~~full-time equivalent students and associated funding of students~~
1121 ~~enrolled in courses requiring passage of an end-of-course~~
1122 ~~assessment under s. 1003.4282 to earn a standard high school~~
1123 ~~diploma shall be adjusted if the student does not pass the end-~~
1124 ~~of-course assessment. However, no adjustment shall be made for a~~
1125 ~~student who enrolls in a segmented remedial course delivered~~
1126 ~~online.~~

1127 (8) ASSESSMENT AND ACCOUNTABILITY.—

1128 (c) An approved provider that receives a school grade of
1129 "D" or "F" under s. 1008.34 or a school improvement rating of
1130 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
1131 school improvement plan with the department for consultation to
1132 determine the causes for low performance and to develop a plan
1133 for correction and improvement.

1134 (d) An approved provider's contract is automatically ~~must~~

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1135 ~~be~~ terminated if the provider earns two consecutive school
1136 grades of ~~receives a school grade of "D" or "F" under s. 1008.34~~
1137 after all school grade appeals are final, receives two
1138 consecutive ~~or a school improvement ratings rating of~~
1139 "unsatisfactory" ~~"Declining"~~ under s. 1008.341, ~~for 2 years~~
1140 ~~during any consecutive 4-year period~~ or has violated any
1141 qualification requirement pursuant to subsection (2). A provider
1142 that has a contract terminated under this paragraph may not be
1143 an approved provider for a period of at least 1 year after the
1144 date upon which the contract was terminated and until the
1145 department determines that the provider is in compliance with
1146 subsection (2) and has corrected each cause of the provider's
1147 low performance.

1148 Section 6. Section 1002.455, Florida Statutes, is repealed.

1149 Section 7. Subsection (3) of section 1003.4295, Florida
1150 Statutes, is amended to read:

1151 1003.4295 Acceleration options.—

1152 (3) The Credit Acceleration Program (CAP) is created for
1153 the purpose of allowing a student to earn high school credit in
1154 courses required for high school graduation through passage of
1155 an end-of-course assessment ~~Algebra I, Algebra II, geometry,~~
1156 ~~United States history, or biology if the student passes the~~
1157 ~~statewide, standardized assessment~~ administered under s. 1008.22
1158 or an Advanced Placement Examination. Notwithstanding s.
1159 1003.436, a school district shall award course credit to a
1160 student who is not enrolled in the course, or who has not
1161 completed the course, if the student attains a passing score on
1162 the corresponding end-of-course assessment or Advanced Placement
1163 Examination ~~statewide, standardized assessment.~~ The school

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1164 district shall permit a public school or home education student
1165 who is not enrolled in the course, or who has not completed the
1166 course, to take the assessment or examination during the regular
1167 administration of the assessment or examination.

1168 Section 8. Subsections (1) and (2) of section 1003.498,
1169 Florida Statutes, are amended to read:

1170 1003.498 School district virtual course offerings.—

1171 (1) School districts may deliver courses in the traditional
1172 school setting by personnel certified pursuant to s. 1012.55 who
1173 provide direct instruction through virtual instruction or
1174 through blended learning courses consisting of both traditional
1175 classroom and online instructional techniques. Students in a
1176 blended learning course must be full-time students of the school
1177 pursuant to s. 1011.61(1)(a)1. ~~and receive the online~~
1178 ~~instruction in a classroom setting at the school.~~ The funding,
1179 performance, and accountability requirements for blended
1180 learning courses are the same as those for traditional courses.
1181 To facilitate the delivery and coding of blended learning
1182 courses, the department shall provide identifiers for existing
1183 courses to designate that they are being used for blended
1184 learning courses for the purpose of ensuring the efficient
1185 reporting of such courses. A district may report full-time
1186 equivalent student membership for credit earned by a student who
1187 is enrolled in a virtual education course provided by the
1188 district which is completed after the end of the regular school
1189 year if the FTE is reported no later than the deadline for
1190 amending the final student membership report for that year.

1191 (2) School districts may offer virtual courses for students
1192 enrolled in the school district. These courses must be

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1193 identified in the course code directory. ~~Students who meet the~~
1194 ~~eligibility requirements of s. 1002.455 may participate in these~~
1195 ~~virtual course offerings.~~

1196 (a) Any eligible student who is enrolled in a school
1197 district may register and enroll in an online course offered by
1198 his or her school district.

1199 (b)1. Any eligible student who is enrolled in a school
1200 district may register and enroll in an online course offered by
1201 any other school district in the state. The school district in
1202 which the student completes the course shall report the
1203 student's completion of that course for funding pursuant to s.
1204 1011.61(1)(c)1.b.(VI), and the home school district shall not
1205 report the student for funding for that course.

1206 2. The full-time equivalent student membership calculated
1207 under this subsection is subject to the requirements in s.
1208 1011.61(4). The Department of Education shall establish
1209 procedures to enable interdistrict coordination for the delivery
1210 and funding of this online option.

1211 Section 9. Subsection (1) of section 1011.61, Florida
1212 Statutes, is amended to read:

1213 1011.61 Definitions.—Notwithstanding the provisions of s.
1214 1000.21, the following terms are defined as follows for the
1215 purposes of the Florida Education Finance Program:

1216 (1) A "full-time equivalent student" in each program of the
1217 district is defined in terms of full-time students and part-time
1218 students as follows:

1219 (a) A "full-time student" is one student on the membership
1220 roll of one school program or a combination of school programs
1221 listed in s. 1011.62(1)(c) for the school year or the equivalent

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1222 for:

1223 1. Instruction in a standard school, comprising not less
1224 than 900 net hours for a student in or at the grade level of 4
1225 through 12, or not less than 720 net hours for a student in or
1226 at the grade level of kindergarten through grade 3 or in an
1227 authorized prekindergarten exceptional program; or

1228 ~~2. Instruction in a double-session school or a school~~
1229 ~~utilizing an experimental school calendar approved by the~~
1230 ~~Department of Education, comprising not less than the equivalent~~
1231 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
1232 ~~hours in kindergarten through grade 3; or~~

1233 2.3. Instruction comprising the appropriate number of net
1234 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
1235 students who, within the past year, have moved with their
1236 parents for the purpose of engaging in the farm labor or fish
1237 industries, if a plan furnishing such an extended school day or
1238 week, or a combination thereof, has been approved by the
1239 commissioner. Such plan may be approved to accommodate the needs
1240 of migrant students only or may serve all students in schools
1241 having a high percentage of migrant students. The plan described
1242 in this subparagraph is optional for any school district and is
1243 not mandated by the state.

1244 (b) A "part-time student" is a student on the active
1245 membership roll of a school program or combination of school
1246 programs listed in s. 1011.62(1)(c) who is less than a full-time
1247 student. A student who receives instruction in a school that
1248 operates for less than the minimum term shall generate full-time
1249 equivalent student membership proportional to the amount of
1250 instructional hours provided by the school divided by the

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1251 minimum term requirement as provided in s. 1011.60(2).

1252 (c)1. A "full-time equivalent student" is:

1253 a. A full-time student in any one of the programs listed in
1254 s. 1011.62(1)(c); or

1255 b. A combination of full-time or part-time students in any
1256 one of the programs listed in s. 1011.62(1)(c) which is the
1257 equivalent of one full-time student based on the following
1258 calculations:

1259 (I) A full-time student in a combination of programs listed
1260 in s. 1011.62(1)(c) shall be a fraction of a full-time
1261 equivalent membership in each special program equal to the
1262 number of net hours per school year for which he or she is a
1263 member, divided by the appropriate number of hours set forth in
1264 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
1265 that fraction or sum of fractions and the maximum value as set
1266 forth in subsection (4) for each full-time student is presumed
1267 to be the balance of the student's time not spent in a special
1268 program and shall be recorded as time in the appropriate basic
1269 program.

1270 (II) A prekindergarten student with a disability shall meet
1271 the requirements specified for kindergarten students.

1272 (III) A full-time equivalent student for students in
1273 kindergarten through grade 12 in a full-time virtual instruction
1274 program under s. 1002.45 or a virtual charter school under s.
1275 1002.33 shall consist of six full-credit completions or the
1276 prescribed level of content that counts toward promotion to the
1277 next grade in programs listed in s. 1011.62(1)(c). Credit
1278 completions may be a combination of full-credit courses or half-
1279 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~

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1280 ~~reported full-time equivalent students and associated funding of~~
1281 ~~students enrolled in courses requiring passage of an end-of-~~
1282 ~~course assessment under s. 1003.4282 to earn a standard high~~
1283 ~~school diploma shall be adjusted if the student does not pass~~
1284 ~~the end-of-course assessment. However, no adjustment shall be~~
1285 ~~made for a student who enrolls in a segmented remedial course~~
1286 ~~delivered online.~~

1287 (IV) A full-time equivalent student for students in
1288 kindergarten through grade 12 in a part-time virtual instruction
1289 program under s. 1002.45 shall consist of six full-credit
1290 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1291 Credit completions may be a combination of full-credit courses
1292 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
1293 ~~the reported full-time equivalent students and associated~~
1294 ~~funding of students enrolled in courses requiring passage of an~~
1295 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
1296 ~~high school diploma shall be adjusted if the student does not~~
1297 ~~pass the end-of-course assessment. However, no adjustment shall~~
1298 ~~be made for a student who enrolls in a segmented remedial course~~
1299 ~~delivered online.~~

1300 (V) A Florida Virtual School full-time equivalent student
1301 shall consist of six full-credit completions or the prescribed
1302 level of content that counts toward promotion to the next grade
1303 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1304 participating in kindergarten through grade 12 part-time virtual
1305 instruction and the programs listed in s. 1011.62(1)(c) for
1306 students participating in kindergarten through grade 12 full-
1307 time virtual instruction. Credit completions may be a
1308 combination of full-credit courses or half-credit courses.

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1309 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1310 ~~equivalent students and associated funding of students enrolled~~
1311 ~~in courses requiring passage of an end-of-course assessment~~
1312 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1313 ~~be adjusted if the student does not pass the end-of-course~~
1314 ~~assessment. However, no adjustment shall be made for a student~~
1315 ~~who enrolls in a segmented remedial course delivered online.~~

1316 (VI) Each successfully completed full-credit course earned
1317 through an online course delivered by a district other than the
1318 one in which the student resides shall be calculated as 1/6 FTE.

1319 (VII) A full-time equivalent student for courses requiring
1320 passage of a statewide, standardized end-of-course assessment
1321 under s. 1003.4282 to earn a standard high school diploma shall
1322 be defined and reported based on the number of instructional
1323 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
1324 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
1325 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
1326 ~~The reported FTE shall be adjusted if the student does not pass~~
1327 ~~the end-of-course assessment. However, no adjustment shall be~~
1328 ~~made for a student who enrolls in a segmented remedial course~~
1329 ~~delivered online.~~

1330 (VIII) For students enrolled in a school district as a
1331 full-time student, the district may report 1/6 FTE for each
1332 student who passes a statewide, standardized end-of-course
1333 assessment without being enrolled in the corresponding course.

1334 2. A student in membership in a program scheduled for more
1335 or less than 180 school days or the equivalent on an hourly
1336 basis as specified by rules of the State Board of Education is a
1337 fraction of a full-time equivalent membership equal to the

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1338 number of instructional hours in membership divided by the
1339 appropriate number of hours set forth in subparagraph (a)1.;
1340 however, for the purposes of this subparagraph, membership in
1341 programs scheduled for more than 180 days is limited to students
1342 enrolled in:

1343 a. Juvenile justice education programs.

1344 b. The Florida Virtual School.

1345 c. Virtual instruction programs and virtual charter schools
1346 for the purpose of course completion and credit recovery
1347 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1348 only to a student who is reported during the second or third
1349 membership surveys and who does not complete a virtual education
1350 course by the end of the regular school year. The course must be
1351 completed no later than the deadline for amending the final
1352 student enrollment survey for that year. Credit recovery applies
1353 only to a student who has unsuccessfully completed a traditional
1354 or virtual education course during the regular school year and
1355 must re-take the course in order to be eligible to graduate with
1356 the student's class.

1357
1358 The full-time equivalent student enrollment calculated under
1359 this subsection is subject to the requirements in subsection
1360 (4).

1361
1362 The department shall determine and implement an equitable method
1363 of equivalent funding for ~~experimental schools and for~~ schools
1364 operating under emergency conditions, which schools have been
1365 approved by the department to operate for less than the minimum
1366 term as provided in s. 1011.60(2) ~~school day~~.

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1367 Section 10. Subsection (11) of section 1011.62, Florida
1368 Statutes, is amended to read:

1369 1011.62 Funds for operation of schools.—If the annual
1370 allocation from the Florida Education Finance Program to each
1371 district for operation of schools is not determined in the
1372 annual appropriations act or the substantive bill implementing
1373 the annual appropriations act, it shall be determined as
1374 follows:

1375 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
1376 annually provide in the Florida Education Finance Program a
1377 virtual education contribution. The amount of the virtual
1378 education contribution shall be the difference between the
1379 amount per FTE established in the General Appropriations Act for
1380 virtual education and the amount per FTE for each district and
1381 the Florida Virtual School, which may be calculated by taking
1382 the sum of the base FEEP allocation, the discretionary local
1383 effort, the state-funded discretionary contribution, the
1384 discretionary millage compression supplement, the research-based
1385 reading instruction allocation, and the instructional materials
1386 allocation, and then dividing by the total unweighted FTE. This
1387 difference shall be multiplied by the virtual education
1388 unweighted FTE for programs and options identified in ss.
1389 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the
1390 Florida Virtual School and its franchises to equal the virtual
1391 education contribution and shall be included as a separate
1392 allocation in the funding formula.

1393 Section 11. Paragraph (b) of subsection (8) of section
1394 1012.56, Florida Statutes, is amended to read:

1395 1012.56 Educator certification requirements.—

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1396 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
1397 COMPETENCY PROGRAM.—

1398 (b)1. Each school district must and a private school or
1399 state-supported ~~state-supported~~ public school, including a
1400 charter school, ~~or a private school~~ may develop and maintain a
1401 system by which members of the instructional staff may
1402 demonstrate mastery of professional preparation and education
1403 competence as required by law. Each program must be based on
1404 classroom application of the Florida Educator Accomplished
1405 Practices and instructional performance and, for public schools,
1406 must be aligned with the district's or state-supported public
1407 school's evaluation system established ~~approved~~ under s.
1408 1012.34, as applicable.

1409 2. The Commissioner of Education shall determine the
1410 continued approval of programs implemented under this paragraph,
1411 based upon the department's review of performance data. The
1412 department shall review the performance data as a part of the
1413 periodic review of each school district's professional
1414 development system required under s. 1012.98.

1415 Section 12. Paragraph (a) of subsection (1) of section
1416 1013.62, Florida Statutes, is amended to read:

1417 1013.62 Charter schools capital outlay funding.—

1418 (1) In each year in which funds are appropriated for
1419 charter school capital outlay purposes, the Commissioner of
1420 Education shall allocate the funds among eligible charter
1421 schools.

1422 (a) To be eligible for a funding allocation, a charter
1423 school must:

1424 1.a. Have been in operation for 3 or more years;

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1425 b. Be governed by a governing board established in the
1426 state for 3 or more years which operates both charter schools
1427 and conversion charter schools within the state;

1428 c. Be an expanded feeder chain of a charter school within
1429 the same school district that is currently receiving charter
1430 school capital outlay funds;

1431 d. Have been accredited by the Commission on Schools of the
1432 Southern Association of Colleges and Schools; or

1433 e. Serve students in facilities that are provided by a
1434 business partner for a charter school-in-the-workplace pursuant
1435 to s. 1002.33(15) (b).

1436 2. Have an annual audit that does not reveal any of the
1437 financial emergency conditions provided in s. 218.503(1) for the
1438 most recent fiscal year for which such audit results are
1439 available ~~stability for future operation as a charter school.~~

1440 3. Have satisfactory student achievement based on state
1441 accountability standards applicable to the charter school.

1442 4. Have received final approval from its sponsor pursuant
1443 to s. 1002.33 for operation during that fiscal year.

1444 5. Serve students in facilities that are not provided by
1445 the charter school's sponsor.

1446 Section 13. This act shall take effect July 1, 2016.