



890458

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
05/01/2017	.	
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The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1), paragraphs (a), (b), (c), and (h) of subsection (6), subsection (7), paragraph (b) of subsection (8), paragraph (a) of subsection (10), paragraph (h) of subsection (12), subsection (13), paragraphs (b) and (c) of subsection (17), paragraph (c) of subsection (18), subsection (20), paragraphs (a) and (b) of subsection (21), and subsections



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11 (25) and (28) of section 1002.33, Florida Statutes, are amended
12 to read:

13 1002.33 Charter schools.—

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

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

33 (a) A person or entity seeking to open a charter school
34 shall prepare and submit an application on the standard ~~a model~~
35 application form prepared by the Department of Education which:

36 1. Demonstrates how the school will use the guiding
37 principles and meet the statutorily defined purpose of a charter
38 school.

39 2. Provides a detailed curriculum plan that illustrates how



40 students will be provided services to attain the Sunshine State
41 Standards.

42 3. Contains goals and objectives for improving student
43 learning and measuring that improvement. These goals and
44 objectives must indicate how much academic improvement students
45 are expected to show each year, how success will be evaluated,
46 and the specific results to be attained through instruction.

47 4. Describes the reading curriculum and differentiated
48 strategies that will be used for students reading at grade level
49 or higher and a separate curriculum and strategies for students
50 who are reading below grade level. A sponsor shall deny an
51 application if the school does not propose a reading curriculum
52 that is consistent with effective teaching strategies that are
53 grounded in scientifically based reading research.

54 5. Contains an annual financial plan for each year
55 requested by the charter for operation of the school for up to 5
56 years. This plan must contain anticipated fund balances based on
57 revenue projections, a spending plan based on projected revenues
58 and expenses, and a description of controls that will safeguard
59 finances and projected enrollment trends.

60 6. Discloses the name of each applicant, governing board
61 member, and all proposed education services providers; the name
62 and sponsor of any charter school operated by each applicant,
63 each governing board member, and each proposed education
64 services provider that has closed and the reasons for the
65 closure; and the academic and financial history of such charter
66 schools, which the sponsor shall consider in deciding whether to
67 approve or deny the application.

68 7. Contains additional information a sponsor may require,



69 which shall be attached as an addendum to the charter school
70 application described in this paragraph.

71 8. For the establishment of a virtual charter school,
72 documents that the applicant has contracted with a provider of
73 virtual instruction services pursuant to s. 1002.45(1)(d).

74 (b) A sponsor shall receive and review all applications for
75 a charter school using the evaluation instrument developed by
76 the Department of Education. A sponsor shall receive and
77 consider charter school applications received on or before
78 August 1 of each calendar year for charter schools to be opened
79 at the beginning of the school district's next school year, or
80 to be opened at a time agreed to by the applicant and the
81 sponsor. A sponsor may not refuse to receive a charter school
82 application submitted before August 1 and may receive an
83 application submitted later than August 1 if it chooses.

84 Beginning in 2018 and thereafter, a sponsor shall receive and
85 consider charter school applications received on or before
86 February 1 of each calendar year for charter schools to be
87 opened 18 months later at the beginning of the school district's
88 school year, or to be opened at a time agreed to by the
89 applicant and the sponsor. A sponsor may not refuse to receive a
90 charter school application submitted before February 1 and may
91 receive an application submitted later than February 1 if it
92 chooses. In order to facilitate greater collaboration in the
93 application process, an applicant may submit a draft charter
94 school application on or before May 1 with an application fee of
95 \$500. If a draft application is timely submitted, the sponsor
96 shall review and provide feedback as to material deficiencies in
97 the application by July 1. The applicant shall then have until



98 ~~August 1 to resubmit a revised and final application. The~~
99 ~~sponsor may approve the draft application. Except as provided~~
100 ~~for a draft application,~~ A sponsor may not charge an applicant
101 for a charter any fee for the processing or consideration of an
102 application, and a sponsor may not base its consideration or
103 approval of a final application upon the promise of future
104 payment of any kind. Before approving or denying any ~~final~~
105 application, the sponsor shall allow the applicant, upon receipt
106 of written notification, at least 7 calendar days to make
107 technical or nonsubstantive corrections and clarifications,
108 including, but not limited to, corrections of grammatical,
109 typographical, and like errors or missing signatures, if such
110 errors are identified by the sponsor as cause to deny the final
111 application.

112 1. In order to facilitate an accurate budget projection
113 process, a sponsor shall be held harmless for FTE students who
114 are not included in the FTE projection due to approval of
115 charter school applications after the FTE projection deadline.
116 In a further effort to facilitate an accurate budget projection,
117 within 15 calendar days after receipt of a charter school
118 application, a sponsor shall report to the Department of
119 Education the name of the applicant entity, the proposed charter
120 school location, and its projected FTE.

121 2. In order to ensure fiscal responsibility, an application
122 for a charter school shall include a full accounting of expected
123 assets, a projection of expected sources and amounts of income,
124 including income derived from projected student enrollments and
125 from community support, and an expense projection that includes
126 full accounting of the costs of operation, including start-up



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127 costs.

128 3.a. A sponsor shall by a majority vote approve or deny an
129 application no later than 90 ~~60~~ calendar days after the
130 application is received, unless the sponsor and the applicant
131 mutually agree in writing to temporarily postpone the vote to a
132 specific date, at which time the sponsor shall by a majority
133 vote approve or deny the application. If the sponsor fails to
134 act on the application, an applicant may appeal to the State
135 Board of Education as provided in paragraph (c). If an
136 application is denied, the sponsor shall, within 10 calendar
137 days after such denial, articulate in writing the specific
138 reasons, based upon good cause, supporting its denial of the
139 application and shall provide the letter of denial and
140 supporting documentation to the applicant and to the Department
141 of Education.

142 b. An application submitted by a high-performing charter
143 school identified pursuant to s. 1002.331 or a high-performing
144 charter school system identified pursuant to s. 1002.332 may be
145 denied by the sponsor only if the sponsor demonstrates by clear
146 and convincing evidence that:

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

149 (II) The charter school proposed in the application does
150 not materially comply with the requirements in paragraphs
151 (9) (a) - (f);

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

155 (IV) The applicant has made a material misrepresentation or



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156 false statement or concealed an essential or material fact
157 during the application process; or

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

161
162 Material noncompliance is a failure to follow requirements or a
163 violation of prohibitions applicable to charter school
164 applications, which failure is quantitatively or qualitatively
165 significant either individually or when aggregated with other
166 noncompliance. An applicant is considered to be replicating a
167 high-performing charter school if the proposed school is
168 substantially similar to at least one of the applicant's high-
169 performing charter schools and the organization or individuals
170 involved in the establishment and operation of the proposed
171 school are significantly involved in the operation of replicated
172 schools.

173 c. If the sponsor denies an application submitted by a
174 high-performing charter school or a high-performing charter
175 school system, the sponsor must, within 10 calendar days after
176 such denial, state in writing the specific reasons, based upon
177 the criteria in sub-subparagraph b., supporting its denial of
178 the application and must provide the letter of denial and
179 supporting documentation to the applicant and to the Department
180 of Education. The applicant may appeal the sponsor's denial of
181 the application in accordance with ~~directly to the State Board~~
182 ~~of Education and, if an appeal is filed, must provide a copy of~~
183 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

184 4. For budget projection purposes, the sponsor shall report



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185 to the Department of Education the approval or denial of an
186 application within 10 calendar days after such approval or
187 denial. In the event of approval, the report to the Department
188 of Education shall include the final projected FTE for the
189 approved charter school.

190 5. Upon approval of an application, the initial startup
191 shall commence with the beginning of the public school calendar
192 for the district in which the charter is granted. A charter
193 school may defer the opening of the school's operations for up
194 to 2 years to provide time for adequate facility planning. The
195 charter school must provide written notice of such intent to the
196 sponsor and the parents of enrolled students at least 30
197 calendar days before the first day of school.

198 (c)1. An applicant may appeal any denial of that
199 applicant's application or failure to act on an application to
200 the State Board of Education no later than 30 calendar days
201 after receipt of the sponsor's decision or failure to act and
202 shall notify the sponsor of its appeal. Any response of the
203 sponsor shall be submitted to the State Board of Education
204 within 30 calendar days after notification of the appeal. Upon
205 receipt of notification from the State Board of Education that a
206 charter school applicant is filing an appeal, the Commissioner
207 of Education shall convene a meeting of the Charter School
208 Appeal Commission to study and make recommendations to the State
209 Board of Education regarding its pending decision about the
210 appeal. The commission shall forward its recommendation to the
211 state board at least 7 calendar days before the date on which
212 the appeal is to be heard. ~~An appeal regarding the denial of an~~
213 ~~application submitted by a high-performing charter school~~



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214 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~
215 ~~Education in accordance with this paragraph, except that the~~
216 ~~commission shall not convene to make recommendations regarding~~
217 ~~the appeal. However, the Commissioner of Education shall review~~
218 ~~the appeal and make a recommendation to the state board.~~

219 2. The Charter School Appeal Commission ~~or, in the case of~~
220 ~~an appeal regarding an application submitted by a high-~~
221 ~~performing charter school, the State Board of Education~~ may
222 reject an appeal submission for failure to comply with
223 procedural rules governing the appeals process. The rejection
224 shall describe the submission errors. The appellant shall have
225 15 calendar days after notice of rejection in which to resubmit
226 an appeal that meets the requirements set forth in State Board
227 of Education rule. An appeal submitted subsequent to such
228 rejection is considered timely if the original appeal was filed
229 within 30 calendar days after receipt of notice of the specific
230 reasons for the sponsor's denial of the charter application.

231 3.a. The State Board of Education shall by majority vote
232 accept or reject the decision of the sponsor no later than 90
233 calendar days after an appeal is filed in accordance with State
234 Board of Education rule. The State Board of Education shall
235 remand the application to the sponsor with its written decision
236 that the sponsor approve or deny the application. The sponsor
237 shall implement the decision of the State Board of Education.
238 The decision of the State Board of Education is not subject to
239 the provisions of the Administrative Procedure Act, chapter 120.

240 b. If an appeal concerns an application submitted by a
241 high-performing charter school identified pursuant to s.
242 1002.331 or a high-performing charter school system identified



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243 pursuant to s. 1002.332, the State Board of Education shall
244 determine whether the sponsor's denial was in accordance with
245 sub-subparagraph (b)3.b. ~~sponsor has shown, by clear and~~
246 ~~convincing evidence, that:~~

247 ~~(I) The application does not materially comply with the~~
248 ~~requirements in paragraph (a);~~

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

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

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

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

261
262 ~~The State Board of Education shall approve or reject the~~
263 ~~sponsor's denial of an application no later than 90 calendar~~
264 ~~days after an appeal is filed in accordance with State Board of~~
265 ~~Education rule. The State Board of Education shall remand the~~
266 ~~application to the sponsor with its written decision that the~~
267 ~~sponsor approve or deny the application. The sponsor shall~~
268 ~~implement the decision of the State Board of Education. The~~
269 ~~decision of the State Board of Education is not subject to the~~
270 ~~Administrative Procedure Act, chapter 120.~~

271 ~~(h) The terms and conditions for the operation of a charter~~



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272 ~~school shall be set forth by the sponsor and the applicant in a~~
273 ~~written contractual agreement, called a charter. The sponsor may~~
274 ~~not impose unreasonable rules or regulations that violate the~~
275 ~~intent of giving charter schools greater flexibility to meet~~
276 ~~educational goals. The sponsor has 30 days after approval of the~~
277 ~~application to provide an initial proposed charter contract to~~
278 ~~the charter school. The applicant and the sponsor have 40 days~~
279 ~~thereafter to negotiate and notice the charter contract for~~
280 ~~final approval by the sponsor unless both parties agree to an~~
281 ~~extension. The proposed charter contract shall be provided to~~
282 ~~the charter school at least 7 calendar days prior to the date of~~
283 ~~the meeting at which the charter is scheduled to be voted upon~~
284 ~~by the sponsor. The Department of Education shall provide~~
285 ~~mediation services for any dispute regarding this section~~
286 ~~subsequent to the approval of a charter application and for any~~
287 ~~dispute relating to the approved charter, except disputes~~
288 ~~regarding charter school application denials. If the~~
289 ~~Commissioner of Education determines that the dispute cannot be~~
290 ~~settled through mediation, the dispute may be appealed to an~~
291 ~~administrative law judge appointed by the Division of~~
292 ~~Administrative Hearings. The administrative law judge has final~~
293 ~~order authority to rule on issues of equitable treatment of the~~
294 ~~charter school as a public school, whether proposed provisions~~
295 ~~of the charter violate the intended flexibility granted charter~~
296 ~~schools by statute, or on any other matter regarding this~~
297 ~~section except a charter school application denial, a charter~~
298 ~~termination, or a charter nonrenewal and shall award the~~
299 ~~prevailing party reasonable attorney's fees and costs incurred~~
300 ~~to be paid by the losing party. The costs of the administrative~~



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301 ~~hearing shall be paid by the party whom the administrative law~~
302 ~~judge rules against.~~

303 (7) CHARTER.—The terms and conditions for the operation of
304 a charter school shall be set forth by the sponsor and the
305 applicant in a written contractual agreement, called a charter.
306 The sponsor and the governing board of the charter school shall
307 use the standard charter contract pursuant to subsection (21),
308 which shall incorporate the approved application and any addenda
309 approved with the application. Any term or condition of a
310 proposed charter contract that differs from the standard charter
311 contract adopted by rule of the State Board of Education shall
312 be presumed a limitation on charter school flexibility. The
313 sponsor may not impose unreasonable rules or regulations that
314 violate the intent of giving charter schools greater flexibility
315 to meet educational goals ~~The major issues involving the~~
316 ~~operation of a charter school shall be considered in advance and~~
317 ~~written into the charter.~~ The charter shall be signed by the
318 governing board of the charter school and the sponsor, following
319 a public hearing to ensure community input.

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

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

324 2. The focus of the curriculum, the instructional methods
325 to be used, any distinctive instructional techniques to be
326 employed, and identification and acquisition of appropriate
327 technologies needed to improve educational and administrative
328 performance which include a means for promoting safe, ethical,
329 and appropriate uses of technology which comply with legal and



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330 professional standards.

331 a. The charter shall ensure that reading is a primary focus
332 of the curriculum and that resources are provided to identify
333 and provide specialized instruction for students who are reading
334 below grade level. The curriculum and instructional strategies
335 for reading must be consistent with the Next Generation Sunshine
336 State Standards and grounded in scientifically based reading
337 research.

338 b. In order to provide students with access to diverse
339 instructional delivery models, to facilitate the integration of
340 technology within traditional classroom instruction, and to
341 provide students with the skills they need to compete in the
342 21st century economy, the Legislature encourages instructional
343 methods for blended learning courses consisting of both
344 traditional classroom and online instructional techniques.
345 Charter schools may implement blended learning courses which
346 combine traditional classroom instruction and virtual
347 instruction. Students in a blended learning course must be full-
348 time students of the charter school pursuant to s.
349 1011.61(1)(a)1. ~~and receive the online instruction in a~~
350 ~~classroom setting at the charter school.~~ Instructional personnel
351 certified pursuant to s. 1012.55 who provide virtual instruction
352 for blended learning courses may be employees of the charter
353 school or may be under contract to provide instructional
354 services to charter school students. At a minimum, such
355 instructional personnel must hold an active state or school
356 district adjunct certification under s. 1012.57 for the subject
357 area of the blended learning course. The funding and performance
358 accountability requirements for blended learning courses are the



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359 same as those for traditional courses.

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

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

366 b. How these baseline rates will be compared to rates of
367 academic progress achieved by these same students while
368 attending the charter school.

369 c. To the extent possible, how these rates of progress will
370 be evaluated and compared with rates of progress of other
371 closely comparable student populations.

372
373 The district school board is required to provide academic
374 student performance data to charter schools for each of their
375 students coming from the district school system, as well as
376 rates of academic progress of comparable student populations in
377 the district school system.

378 4. The methods used to identify the educational strengths
379 and needs of students and how well educational goals and
380 performance standards are met by students attending the charter
381 school. The methods shall provide a means for the charter school
382 to ensure accountability to its constituents by analyzing
383 student performance data and by evaluating the effectiveness and
384 efficiency of its major educational programs. Students in
385 charter schools shall, at a minimum, participate in the
386 statewide assessment program created under s. 1008.22.

387 5. In secondary charter schools, a method for determining



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388 that a student has satisfied the requirements for graduation in
389 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

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

395 8. The ways by which the school will achieve a
396 racial/ethnic balance reflective of the community it serves or
397 within the racial/ethnic range of other public schools in the
398 same school district.

399 9. The financial and administrative management of the
400 school, including a reasonable demonstration of the professional
401 experience or competence of those individuals or organizations
402 applying to operate the charter school or those hired or
403 retained to perform such professional services and the
404 description of clearly delineated responsibilities and the
405 policies and practices needed to effectively manage the charter
406 school. A description of internal audit procedures and
407 establishment of controls to ensure that financial resources are
408 properly managed must be included. Both public sector and
409 private sector professional experience shall be equally valid in
410 such a consideration.

411 10. The asset and liability projections required in the
412 application which are incorporated into the charter and shall be
413 compared with information provided in the annual report of the
414 charter school.

415 11. A description of procedures that identify various risks
416 and provide for a comprehensive approach to reduce the impact of



417 losses; plans to ensure the safety and security of students and
418 staff; plans to identify, minimize, and protect others from
419 violent or disruptive student behavior; and the manner in which
420 the school will be insured, including whether or not the school
421 will be required to have liability insurance, and, if so, the
422 terms and conditions thereof and the amounts of coverage.

423 12. The term of the charter which shall provide for
424 cancellation of the charter if insufficient progress has been
425 made in attaining the student achievement objectives of the
426 charter and if it is not likely that such objectives can be
427 achieved before expiration of the charter. The initial term of a
428 charter shall be for 4 or 5 years. In order to facilitate access
429 to long-term financial resources for charter school
430 construction, charter schools that are operated by a
431 municipality or other public entity as provided by law are
432 eligible for up to a 15-year charter, subject to approval by the
433 district school board. A charter lab school is eligible for a
434 charter for a term of up to 15 years. In addition, to facilitate
435 access to long-term financial resources for charter school
436 construction, charter schools that are operated by a private,
437 not-for-profit, s. 501(c)(3) status corporation are eligible for
438 up to a 15-year charter, subject to approval by the district
439 school board. Such long-term charters remain subject to annual
440 review and may be terminated during the term of the charter, but
441 only according to the provisions set forth in subsection (8).

442 13. The facilities to be used and their location. The
443 sponsor may not require a charter school to have a certificate
444 of occupancy or a temporary certificate of occupancy for such a
445 facility earlier than 15 calendar days before the first day of



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446 school.

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

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

453 16. A timetable for implementing the charter which
454 addresses the implementation of each element thereof and the
455 date by which the charter shall be awarded in order to meet this
456 timetable.

457 17. In the case of an existing public school that is being
458 converted to charter status, alternative arrangements for
459 current students who choose not to attend the charter school and
460 for current teachers who choose not to teach in the charter
461 school after conversion in accordance with the existing
462 collective bargaining agreement or district school board rule in
463 the absence of a collective bargaining agreement. However,
464 alternative arrangements shall not be required for current
465 teachers who choose not to teach in a charter lab school, except
466 as authorized by the employment policies of the state university
467 which grants the charter to the lab school.

468 18. Full disclosure of the identity of all relatives
469 employed by the charter school who are related to the charter
470 school owner, president, chairperson of the governing board of
471 directors, superintendent, governing board member, principal,
472 assistant principal, or any other person employed by the charter
473 school who has equivalent decisionmaking authority. For the
474 purpose of this subparagraph, the term "relative" means father,



475 mother, son, daughter, brother, sister, uncle, aunt, first
476 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
477 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
478 stepfather, stepmother, stepson, stepdaughter, stepbrother,
479 stepsister, half brother, or half sister.

480 19. Implementation of the activities authorized under s.
481 1002.331 by the charter school when it satisfies the eligibility
482 requirements for a high-performing charter school. A high-
483 performing charter school shall notify its sponsor in writing by
484 March 1 if it intends to increase enrollment or expand grade
485 levels the following school year. The written notice shall
486 specify the amount of the enrollment increase and the grade
487 levels that will be added, as applicable.

488 (b) The sponsor has 30 days after approval of the
489 application to provide an initial proposed charter contract to
490 the charter school. The applicant and the sponsor have 40 days
491 thereafter to negotiate and notice the charter contract for
492 final approval by the sponsor unless both parties agree to an
493 extension. The proposed charter contract shall be provided to
494 the charter school at least 7 calendar days before the date of
495 the meeting at which the charter is scheduled to be voted upon
496 by the sponsor. The Department of Education shall provide
497 mediation services for any dispute regarding this section
498 subsequent to the approval of a charter application and for any
499 dispute relating to the approved charter, except a dispute
500 regarding a charter school application denial. If the
501 Commissioner of Education determines that the dispute cannot be
502 settled through mediation, the dispute may be appealed to an
503 administrative law judge appointed by the Division of



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504 Administrative Hearings. The administrative law judge has final
505 order authority to rule on issues of equitable treatment of the
506 charter school as a public school, whether proposed provisions
507 of the charter violate the intended flexibility granted charter
508 schools by statute, or any other matter regarding this section,
509 except a dispute regarding charter school application denial, a
510 charter termination, or a charter nonrenewal. The administrative
511 law judge shall award the prevailing party reasonable attorney
512 fees and costs incurred during the mediation process,
513 administrative proceeding, and any appeals, to be paid by the
514 party whom the administrative law judge rules against.

515 (c) ~~(b)~~1. A charter may be renewed provided that a program
516 review demonstrates that the criteria in paragraph (a) have been
517 successfully accomplished and that none of the grounds for
518 nonrenewal established by paragraph (8) (a) has been documented.
519 In order to facilitate long-term financing for charter school
520 construction, charter schools operating for a minimum of 3 years
521 and demonstrating exemplary academic programming and fiscal
522 management are eligible for a 15-year charter renewal. Such
523 long-term charter is subject to annual review and may be
524 terminated during the term of the charter.

525 2. The 15-year charter renewal that may be granted pursuant
526 to subparagraph 1. shall be granted to a charter school that has
527 received a school grade of "A" or "B" pursuant to s. 1008.34 in
528 3 of the past 4 years and is not in a state of financial
529 emergency or deficit position as defined by this section. Such
530 long-term charter is subject to annual review and may be
531 terminated during the term of the charter pursuant to subsection
532 (8).



533 (d)~~(e)~~ A charter may be modified during its initial term or
534 any renewal term upon the recommendation of the sponsor or the
535 charter school's governing board and the approval of both
536 parties to the agreement. Modification may include, but is not
537 limited to, consolidation of multiple charters into a single
538 charter if the charters are operated under the same governing
539 board and physically located on the same campus, regardless of
540 the renewal cycle.

541 (e)~~(d)~~ A charter may be terminated by a charter school's
542 governing board through voluntary closure. The decision to cease
543 operations must be determined at a public meeting. The governing
544 board shall notify the parents and sponsor of the public meeting
545 in writing before the public meeting. The governing board must
546 notify the sponsor, parents of enrolled students, and the
547 department in writing within 24 hours after the public meeting
548 of its determination. The notice shall state the charter
549 school's intent to continue operations or the reason for the
550 closure and acknowledge that the governing board agrees to
551 follow the procedures for dissolution and reversion of public
552 funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

553 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

554 (b) At least 90 days before ~~prior to~~ renewing, nonrenewing,
555 or terminating a charter, the sponsor shall notify the governing
556 board of the school of the proposed action in writing. The
557 notice shall state in reasonable detail the grounds for the
558 proposed action and stipulate that the school's governing board
559 may, within 14 calendar days after receiving the notice, request
560 a hearing. The hearing shall be conducted at the sponsor's
561 election in accordance with one of the following procedures:



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562 1. A direct hearing conducted by the sponsor within 60 days
563 after receipt of the request for a hearing. The hearing shall be
564 conducted in accordance with ss. 120.569 and 120.57. The sponsor
565 shall decide upon nonrenewal or termination by a majority vote.
566 The sponsor's decision shall be a final order; or

567 2. A hearing conducted by an administrative law judge
568 assigned by the Division of Administrative Hearings. The hearing
569 shall be conducted within 60 days after receipt of the request
570 for a hearing and in accordance with chapter 120. The
571 administrative law judge's recommended order shall be submitted
572 to the sponsor. A majority vote by the sponsor shall be required
573 to adopt or modify the administrative law judge's recommended
574 order. The sponsor shall issue a final order.

575 (10) ELIGIBLE STUDENTS.—

576 (a) A charter school may be exempt from the requirements of
577 s. 1002.31 if the school is ~~shall be~~ open to any student covered
578 in an interdistrict agreement and any student ~~or~~ residing in the
579 school district in which the charter school is located.†

580 However, in the case of a charter lab school, the charter lab
581 school shall be open to any student eligible to attend the lab
582 school as provided in s. 1002.32 or who resides in the school
583 district in which the charter lab school is located. Any
584 eligible student shall be allowed interdistrict transfer to
585 attend a charter school when based on good cause. Good cause
586 shall include, but is not limited to, geographic proximity to a
587 charter school in a neighboring school district.

588 (12) EMPLOYEES OF CHARTER SCHOOLS.—

589 (h) For the purposes of tort liability, the charter school,
590 including its governing body and employees, ~~of a charter school~~



591 shall be governed by s. 768.28. This paragraph does not include
592 any for-profit entity contracted by the charter school or its
593 governing body.

594 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter
595 into cooperative agreements to form charter school cooperative
596 organizations that may provide ~~the following services to further~~
597 educational, operational, and administrative initiatives in
598 which the participating charter schools share common interests-
599 ~~charter school planning and development, direct instructional~~
600 ~~services, and contracts with charter school governing boards to~~
601 ~~provide personnel administrative services, payroll services,~~
602 ~~human resource management, evaluation and assessment services,~~
603 ~~teacher preparation, and professional development.~~

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

609 (b) The basis for the agreement for funding students
610 enrolled in a charter school shall be the sum of the school
611 district's operating funds from the Florida Education Finance
612 Program as provided in s. 1011.62 and the General Appropriations
613 Act, including gross state and local funds, discretionary
614 lottery funds, and funds from the school district's current
615 operating discretionary millage levy; divided by total funded
616 weighted full-time equivalent students in the school district;
617 multiplied by the weighted full-time equivalent students for the
618 charter school. Charter schools whose students or programs meet
619 the eligibility criteria in law are entitled to their



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620 proportionate share of categorical program funds included in the
621 total funds available in the Florida Education Finance Program
622 by the Legislature, including transportation, the research-based
623 reading allocation, and the Florida digital classrooms
624 allocation. Total funding for each charter school shall be
625 recalculated during the year to reflect the revised calculations
626 under the Florida Education Finance Program by the state and the
627 actual weighted full-time equivalent students reported by the
628 charter school during the full-time equivalent student survey
629 periods designated by the Commissioner of Education. For charter
630 schools operated by a not-for-profit or municipal entity, any
631 unrestricted surplus operating funds, unrestricted surplus
632 capital outlay funds, or unrestricted net assets identified in
633 the charter school's annual audit may be used for other charter
634 schools in the district operated by the not-for-profit or
635 municipal entity. Unrestricted surplus operating funds shall be
636 used in accordance with s. 1011.62, and unrestricted surplus
637 capital outlay funds shall be used in accordance with s.
638 1013.62(2).

639 ~~(c) If the district school board is providing programs or~~
640 ~~services to students funded by federal funds, any eligible~~
641 ~~students enrolled in charter schools in the school district~~
642 ~~shall be provided federal funds for the same level of service~~
643 ~~provided students in the schools operated by the district school~~
644 ~~board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all~~
645 charter schools shall receive all federal funding for which the
646 school is otherwise eligible, including Title I funding, not
647 later than 5 months after the charter school first opens and
648 within 5 months after any subsequent expansion of enrollment.



649 Unless otherwise mutually agreed to by the charter school and
650 its sponsor, and consistent with state and federal rules and
651 regulations governing the use and disbursement of federal funds,
652 the sponsor shall reimburse the charter school on a monthly
653 basis for all invoices submitted by the charter school for
654 federal funds available to the sponsor for the benefit of the
655 charter school, the charter school's students, and the charter
656 school's students as public school students in the school
657 district. Such federal funds include, but are not limited to,
658 Title I, Title II, and Individuals with Disabilities Education
659 Act (IDEA) funds. To receive timely reimbursement for an
660 invoice, the charter school must submit the invoice to the
661 sponsor at least 30 days before the monthly date of
662 reimbursement set by the sponsor. In order to be reimbursed, any
663 expenditures made by the charter school must comply with all
664 applicable state rules and federal regulations, including, but
665 not limited to, the applicable federal Office of Management and
666 Budget Circulars; the federal Education Department General
667 Administrative Regulations; and program-specific statutes,
668 rules, and regulations. Such funds may not be made available to
669 the charter school until a plan is submitted to the sponsor for
670 approval of the use of the funds in accordance with applicable
671 federal requirements. The sponsor has 30 days to review and
672 approve any plan submitted pursuant to this paragraph.

673 (18) FACILITIES.—

674 (c) Any facility, or portion thereof, used to house a
675 charter school whose charter has been approved by the sponsor
676 and the governing board, pursuant to subsection (7), shall be
677 exempt from ad valorem taxes pursuant to s. 196.1983. Library,



678 community service, museum, performing arts, theatre, cinema,
679 church, Florida College System institution, college, and
680 university facilities may provide space to charter schools
681 within their facilities under their preexisting zoning and land
682 use designations without obtaining a special exception,
683 rezoning, a land use charter, or any other form of approval.

684 (20) SERVICES.—

685 (a)1. A sponsor shall provide certain administrative and
686 educational services to charter schools. These services shall
687 include contract management services; full-time equivalent and
688 data reporting services; exceptional student education
689 administration services; services related to eligibility and
690 reporting duties required to ensure that school lunch services
691 under the federal lunch program, consistent with the needs of
692 the charter school, are provided by the school district at the
693 request of the charter school, that any funds due to the charter
694 school under the federal lunch program be paid to the charter
695 school as soon as the charter school begins serving food under
696 the federal lunch program, and that the charter school is paid
697 at the same time and in the same manner under the federal lunch
698 program as other public schools serviced by the sponsor or the
699 school district; test administration services, including payment
700 of the costs of state-required or district-required student
701 assessments; processing of teacher certificate data services;
702 and information services, including equal access to student
703 information systems that are used by public schools in the
704 district in which the charter school is located. Student
705 performance data for each student in a charter school,
706 including, but not limited to, FCAT scores, standardized test



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707 scores, previous public school student report cards, and student
708 performance measures, shall be provided by the sponsor to a
709 charter school in the same manner provided to other public
710 schools in the district.

711 2. A sponsor may withhold an administrative fee for the
712 provision of such services which shall be a percentage of the
713 available funds defined in paragraph (17) (b) calculated based on
714 weighted full-time equivalent students. If the charter school
715 serves 75 percent or more exceptional education students as
716 defined in s. 1003.01(3), the percentage shall be calculated
717 based on unweighted full-time equivalent students. The
718 administrative fee shall be calculated as follows:

719 a. Up to 5 percent for:

720 (I) Enrollment of up to and including 250 students in a
721 charter school as defined in this section.

722 (II) Enrollment of up to and including 500 students within
723 a charter school system which meets all of the following:

724 (A) Includes conversion charter schools and nonconversion
725 charter schools.

726 (B) Has all of its schools located in the same county.

727 (C) Has a total enrollment exceeding the total enrollment
728 of at least one school district in the state.

729 (D) Has the same governing board for all of its schools.

730 (E) Does not contract with a for-profit service provider
731 for management of school operations.

732 (III) Enrollment of up to and including 250 students in a
733 virtual charter school.

734 b. Up to 2 percent for enrollment of up to and including
735 250 students in a high-performing charter school as defined in



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736 s. 1002.331.

737 3. A sponsor may not charge charter schools any additional
738 fees or surcharges for administrative and educational services
739 in addition to the maximum percentage of administrative fees
740 withheld pursuant to this paragraph. ~~A total administrative fee~~
741 ~~for the provision of such services shall be calculated based~~
742 ~~upon up to 5 percent of the available funds defined in paragraph~~
743 ~~(17) (b) for all students, except that when 75 percent or more of~~
744 ~~the students enrolled in the charter school are exceptional~~
745 ~~students as defined in s. 1003.01(3), the 5 percent of those~~
746 ~~available funds shall be calculated based on unweighted full-~~
747 ~~time equivalent students. However, a sponsor may only withhold~~
748 ~~up to a 5 percent administrative fee for enrollment for up to~~
749 ~~and including 250 students. For charter schools with a~~
750 ~~population of 251 or more students, the difference between the~~
751 ~~total administrative fee calculation and the amount of the~~
752 ~~administrative fee withheld may only be used for capital outlay~~
753 ~~purposes specified in s. 1013.62(3).~~

754 ~~3. For high-performing charter schools, as defined in s.~~
755 ~~1002.331, a sponsor may withhold a total administrative fee of~~
756 ~~up to 2 percent for enrollment up to and including 250 students~~
757 ~~per school.~~

758 ~~4. In addition, a sponsor may withhold only up to a 5-~~
759 ~~percent administrative fee for enrollment for up to and~~
760 ~~including 500 students within a system of charter schools which~~
761 ~~meets all of the following:~~

762 ~~a. Includes both conversion charter schools and~~
763 ~~nonconversion charter schools;~~

764 ~~b. Has all schools located in the same county;~~



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765 ~~e. Has a total enrollment exceeding the total enrollment of~~
766 ~~at least one school district in the state;~~

767 ~~d. Has the same governing board; and~~

768 ~~e. Does not contract with a for-profit service provider for~~
769 ~~management of school operations.~~

770 ~~5. The difference between the total administrative fee~~
771 ~~calculation and the amount of the administrative fee withheld~~
772 ~~pursuant to subparagraph 4. may be used for instructional and~~
773 ~~administrative purposes as well as for capital outlay purposes~~
774 ~~specified in s. 1013.62(3).~~

775 ~~6. For a high-performing charter school system that also~~
776 ~~meets the requirements in subparagraph 4., a sponsor may~~
777 ~~withhold a 2-percent administrative fee for enrollments up to~~
778 ~~and including 500 students per system.~~

779 ~~7. Sponsors shall not charge charter schools any additional~~
780 ~~fees or surcharges for administrative and educational services~~
781 ~~in addition to the maximum 5-percent administrative fee withheld~~
782 ~~pursuant to this paragraph.~~

783 ~~8. The sponsor of a virtual charter school may withhold a~~
784 ~~fee of up to 5 percent. The funds shall be used to cover the~~
785 ~~cost of services provided under subparagraph 1. and~~
786 ~~implementation of the school district's digital classrooms plan~~
787 ~~pursuant to s. 1011.62.~~

788 (b) If goods and services are made available to the charter
789 school through the contract with the school district, they shall
790 be provided to the charter school at a rate no greater than the
791 district's actual cost unless mutually agreed upon by the
792 charter school and the sponsor in a contract negotiated
793 separately from the charter. When mediation has failed to



794 resolve disputes over contracted services or contractual matters
795 not included in the charter, an appeal may be made for a dispute
796 resolution hearing before the Charter School Appeal Commission.
797 To maximize the use of state funds, school districts shall allow
798 charter schools to participate in the sponsor's bulk purchasing
799 program if applicable.

800 (c) Transportation of charter school students shall be
801 provided by the charter school consistent with the requirements
802 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
803 body of the charter school may provide transportation through an
804 agreement or contract with the district school board, a private
805 provider, or parents. The charter school and the sponsor shall
806 cooperate in making arrangements that ensure that transportation
807 is not a barrier to equal access for all students residing
808 within a reasonable distance of the charter school as determined
809 in its charter.

810 (d) Each charter school shall annually complete and submit
811 a survey, provided in a format specified by the Department of
812 Education, to rate the timeliness and quality of services
813 provided by the district in accordance with this section. The
814 department shall compile the results, by district, and include
815 the results in the report required under sub-sub-subparagraph
816 (5) (b) 1.k. (III).

817 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

818 (a) The Department of Education shall provide information
819 to the public, directly and through sponsors, on how to form and
820 operate a charter school and how to enroll in a charter school
821 once it is created. This information shall include the standard
822 ~~a model~~ application form, standard charter contract, standard



823 evaluation instrument, and standard charter renewal contract,
824 which shall include the information specified in subsection (7)
825 and shall be developed by consulting and negotiating with both
826 school districts and charter schools before implementation. The
827 charter and charter renewal contracts shall be used by charter
828 school sponsors.

829 (b)1. The Department of Education shall report to each
830 charter school receiving a school grade pursuant to s. 1008.34
831 or a school improvement rating pursuant to s. 1008.341 the
832 school's student assessment data.

833 2. The charter school shall report the information in
834 subparagraph 1. to each parent of a student at the charter
835 school, the parent of a child on a waiting list for the charter
836 school, the district in which the charter school is located, and
837 the governing board of the charter school. This paragraph does
838 not abrogate the provisions of s. 1002.22, relating to student
839 records, or the requirements of 20 U.S.C. s. 1232g, the Family
840 Educational Rights and Privacy Act.

841 ~~3.a. Pursuant to this paragraph, the Department of~~
842 ~~Education shall compare the charter school student performance~~
843 ~~data for each charter school in subparagraph 1. with the student~~
844 ~~performance data in traditional public schools in the district~~
845 ~~in which the charter school is located and other charter schools~~
846 ~~in the state. For alternative charter schools, the department~~
847 ~~shall compare the student performance data described in this~~
848 ~~paragraph with all alternative schools in the state. The~~
849 ~~comparative data shall be provided by the following grade~~
850 ~~groupings:~~

851 ~~(I) Grades 3 through 5;~~



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852 ~~(II) Grades 6 through 8; and~~

853 ~~(III) Grades 9 through 11.~~

854 ~~b. Each charter school shall provide the information~~
855 ~~specified in this paragraph on its Internet website and also~~
856 ~~provide notice to the public at large in a manner provided by~~
857 ~~the rules of the State Board of Education. The State Board of~~
858 ~~Education shall adopt rules to administer the notice~~
859 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~
860 ~~120.54. The website shall include, through links or actual~~
861 ~~content, other information related to school performance.~~

862 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
863 SCHOOL SYSTEMS.—

864 (a) A charter school system's governing board shall be
865 designated a local educational agency for the purpose of
866 receiving federal funds, the same as though the charter school
867 system were a school district, if the governing board of the
868 charter school system has adopted and filed a resolution with
869 its sponsoring district school board and the Department of
870 Education in which the governing board of the charter school
871 system accepts the full responsibility for all local education
872 agency requirements and the charter school system meets all of
873 the following:

874 ~~(a) Includes both conversion charter schools and~~
875 ~~nonconversion charter schools;~~

876 1.(b) Has all schools located in the same county;

877 2.(e) Has a total enrollment exceeding the total enrollment
878 of at least one school district in the state; and

879 3.(d) Has the same governing board. ~~;~~ and

880 (b) A charter school system's governing board may be



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881 designated a local educational agency for the purpose of
882 receiving federal funds for all schools within a school district
883 that are established pursuant to s. 1008.33 and are under the
884 jurisdiction of the governing board. The governing board must
885 adopt and file a resolution with its sponsoring district school
886 board and the Department of Education and accept full
887 responsibility for all local educational agency requirements.

888 ~~(c) Does not contract with a for-profit service provider~~
889 ~~for management of school operations.~~

890

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

893 (28) RULEMAKING.—The Department of Education, after
894 consultation with school districts and charter school directors,
895 shall recommend that the State Board of Education adopt rules to
896 implement specific subsections of this section. Such rules shall
897 require minimum paperwork and shall not limit charter school
898 flexibility authorized by statute. The State Board of Education
899 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
900 implement a standard charter model application form, standard
901 application form for the replication of charter schools in a
902 high-performing charter school system, standard evaluation
903 instrument, and standard charter and charter renewal contracts
904 in accordance with this section.

905 Section 2. Paragraph (b) of subsection (2) of section
906 1002.3305, Florida Statutes, is amended to read:

907 1002.3305 College-preparatory Boarding Academy Pilot
908 Program for at-risk students.—

909 (2) DEFINITIONS.—As used in this section, the term:



910 (b) "Eligible student" means a student who is a resident of
911 the state and entitled to attend school in a participating
912 school district, is at risk of academic failure, is currently
913 enrolled in grade 5-12, if it is determined by the operator that
914 a seat is available ~~grade 5 or 6~~, is from a family whose gross
915 income is at or below 200 percent of the federal poverty
916 guidelines, is eligible for benefits or services funded by
917 Temporary Assistance for Needy Families (TANF) or Title IV-E of
918 the Social Security Act, and meets at least one of the following
919 additional risk factors:

920 1. The child is in foster care or has been declared an
921 adjudicated dependent by a court.

922 2. The student's head of household is not the student's
923 custodial parent.

924 3. The student resides in a household that receives a
925 housing voucher or has been determined eligible for public
926 housing assistance.

927 4. A member of the student's immediate family has been
928 incarcerated.

929 5. The child is covered under the terms of the state's
930 Child Welfare Waiver Demonstration project with the United
931 States Department of Health and Human Services.

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

934 1002.331 High-performing charter schools.-

935 (3) (a) 1. A high-performing charter school may submit an
936 application pursuant to s. 1002.33(6) in any school district in
937 the state to establish and operate a new charter school that
938 will substantially replicate its educational program. An



939 application submitted by a high-performing charter school must
940 state that the application is being submitted pursuant to this
941 paragraph and must include the verification letter provided by
942 the Commissioner of Education pursuant to subsection (4).

943 2. If the sponsor fails to act on the application within 90
944 ~~60~~ days after receipt, the application is deemed approved and
945 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~
946 ~~sponsor denies the application, the high-performing charter~~
947 ~~school may appeal pursuant to s. 1002.33(6).~~

948 (b) A high-performing charter school may not establish more
949 than one charter school within the state under paragraph (a) in
950 any year. A subsequent application to establish a charter school
951 under paragraph (a) may not be submitted unless each charter
952 school established in this manner achieves high-performing
953 charter school status. However, a high-performing charter school
954 may establish more than one charter school within the state
955 under paragraph (a) in any year if it operates in the area of a
956 persistently low-performing school and serves students from that
957 school.

958 Section 4. Paragraph (b) of subsection (2) of section
959 1002.332, Florida Statutes is amended, and paragraph (c) is
960 added to that subsection, to read:

961 1002.332 High-performing charter school system.—

962 (2) (b) A high-performing charter school system may
963 replicate its high-performing charter schools in any school
964 district in the state. The applicant must submit an application
965 using the standard application form prepared by the Department
966 of Education which:

967 1. Contains goals and objectives for improving student



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968 learning and a process for measuring student improvement. These
969 goals and objectives must indicate how much academic improvement
970 students are expected to demonstrate each year, how success will
971 be evaluated, and the specific results to be attained through
972 instruction.

973 2. Contains an annual financial plan for each year
974 requested by the charter for operation of the school for up to 5
975 years. This plan must contain anticipated fund balances based on
976 revenue projections, a spending plan based on projected revenue
977 and expenses, and a description of controls that will safeguard
978 finances and projected enrollment trends.

979 3. Discloses the name of each applicant, governing board
980 member, and all proposed education services providers; the name
981 and sponsor of any charter school operated by each applicant,
982 each governing board member, and each proposed education
983 services provider that has closed and the reasons for the
984 closure; and the academic and financial history of such charter
985 schools, which the sponsor shall consider when deciding whether
986 to approve or deny the application.

987 (c) An application submitted by a high-performing charter
988 school system must state that the application is being submitted
989 pursuant to this section and must include the verification
990 letter provided by the Commissioner of Education pursuant to
991 this subsection. If the sponsor fails to act on the application
992 within 90 days after receipt, the application is deemed approved
993 and the procedure in s. 1002.33(7) applies ~~pursuant to s.~~
994 ~~1002.331(3).~~

995 Section 5. Subsection (1) of section 1003.498, Florida
996 Statutes, is amended to read:



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997 1003.498 School district virtual course offerings.—

998 (1) School districts may deliver courses in the traditional
999 school setting by personnel certified pursuant to s. 1012.55 who
1000 provide direct instruction through virtual instruction or
1001 through blended learning courses consisting of both traditional
1002 classroom and online instructional techniques. Students in a
1003 blended learning course must be full-time students of the school
1004 pursuant to s. 1011.61(1)(a)1. ~~and receive the online~~
1005 ~~instruction in a classroom setting at the school.~~ The funding,
1006 performance, and accountability requirements for blended
1007 learning courses are the same as those for traditional courses.
1008 To facilitate the delivery and coding of blended learning
1009 courses, the department shall provide identifiers for existing
1010 courses to designate that they are being used for blended
1011 learning courses for the purpose of ensuring the efficient
1012 reporting of such courses. A district may report full-time
1013 equivalent student membership for credit earned by a student who
1014 is enrolled in a virtual education course provided by the
1015 district which is completed after the end of the regular school
1016 year if the FTE is reported no later than the deadline for
1017 amending the final student membership report for that year.

1018 Section 6. Subsection (5), paragraph (j) of subsection (6),
1019 and paragraph (a) of subsection (8) of section 1007.35, Florida
1020 Statutes, are amended to read:

1021 1007.35 Florida Partnership for Minority and
1022 Underrepresented Student Achievement.—

1023 (5) Each public high school, including, but not limited to,
1024 schools and alternative sites and centers of the Department of
1025 Juvenile Justice, shall provide for the administration of the



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1026 Preliminary SAT/National Merit Scholarship Qualifying Test
1027 (PSAT/NMSQT), or the preliminary ACT Aspire to all enrolled 10th
1028 grade students. However, a written notice shall be provided to
1029 each parent which must ~~that shall~~ include the opportunity to
1030 exempt his or her child from taking the PSAT/NMSQT or the
1031 preliminary ACT Aspire.

1032 (a) Test results will provide each high school with a
1033 database of student assessment data which certified school
1034 counselors will use to identify students who are prepared or who
1035 need additional work to be prepared to enroll and be successful
1036 in AP courses or other advanced high school courses.

1037 (b) Funding for the PSAT/NMSQT or the preliminary ACT
1038 ~~Aspire~~ for all 10th grade students shall be contingent upon
1039 annual funding in the General Appropriations Act.

1040 (c) Public school districts must choose either the
1041 PSAT/NMSQT or the preliminary ACT Aspire for districtwide
1042 administration.

1043 (6) The partnership shall:

1044 (j) Provide information to students, parents, teachers,
1045 counselors, administrators, districts, Florida College System
1046 institutions, and state universities regarding PSAT/NMSQT or the
1047 preliminary ACT Aspire administration, including, but not
1048 limited to:

1049 1. Test administration dates and times.

1050 2. That participation in the PSAT/NMSQT or the preliminary
1051 ~~ACT Aspire~~ is open to all 10th grade students.

1052 3. The value of such tests in providing diagnostic feedback
1053 on student skills.

1054 4. The value of student scores in predicting the



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1055 probability of success on AP or other advanced course
1056 examinations.

1057 (8) (a) By September 30 of each year, the partnership shall
1058 submit to the department a report that contains an evaluation of
1059 the effectiveness of the delivered services and activities.
1060 Activities and services must be evaluated on their effectiveness
1061 at raising student achievement and increasing the number of AP
1062 or other advanced course examinations in low-performing middle
1063 and high schools. Other indicators that must be addressed in the
1064 evaluation report include the number of middle and high school
1065 teachers trained; the effectiveness of the training; measures of
1066 postsecondary readiness of the students affected by the program;
1067 levels of participation in 10th grade PSAT/NMSQT or the
1068 preliminary ACT ~~Aspire~~ testing; and measures of student, parent,
1069 and teacher awareness of and satisfaction with the services of
1070 the partnership.

1071 Section 7. Paragraph (d) of subsection (3) of section
1072 1008.34, Florida Statutes, is amended to read:

1073 1008.34 School grading system; school report cards;
1074 district grade.—

1075 (3) DESIGNATION OF SCHOOL GRADES.—

1076 (d) The data performance of students attending alternative
1077 schools, ~~and~~ students designated as hospital or homebound, and
1078 students who transfer to a private school shall be factored into
1079 a school grade as follows:

1080 1. The student performance data for eligible students
1081 attending alternative schools that provide dropout prevention
1082 and academic intervention services pursuant to s. 1003.53 shall
1083 be included in the calculation of the home school's grade. The



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1084 term "eligible students" in this subparagraph does not include
1085 students attending an alternative school who are subject to
1086 district school board policies for expulsion for repeated or
1087 serious offenses, who are in dropout retrieval programs serving
1088 students who have officially been designated as dropouts, or who
1089 are in programs operated or contracted by the Department of
1090 Juvenile Justice. As used in this subparagraph, the term "home
1091 school" means the school to which the student would be assigned
1092 if the student were not assigned to an alternative school. If an
1093 alternative school chooses to be graded under this section,
1094 student performance data for eligible students identified in
1095 this subparagraph shall not be included in the home school's
1096 grade but shall be included only in the calculation of the
1097 alternative school's grade. A school district that fails to
1098 assign statewide, standardized end-of-course assessment scores
1099 of each of its students to his or her home school or to the
1100 alternative school that receives a grade shall forfeit Florida
1101 School Recognition Program funds for one fiscal year. School
1102 districts must require collaboration between the home school and
1103 the alternative school in order to promote student success. This
1104 collaboration must include an annual discussion between the
1105 principal of the alternative school and the principal of each
1106 student's home school concerning the most appropriate school
1107 assignment of the student.

1108 2. Student performance data for students designated as
1109 hospital or homebound shall be assigned to their home school for
1110 the purposes of school grades. As used in this subparagraph, the
1111 term "home school" means the school to which a student would be
1112 assigned if the student were not assigned to a hospital or



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1113 homebound program.

1114 3. A high school must include a student in its graduation
1115 rate if the student transfers from the high school to a private
1116 school with which the school district has a contractual
1117 relationship.

1118 Section 8. Subsection (3) of section 1008.341, Florida
1119 Statutes, is amended to read:

1120 1008.341 School improvement rating for alternative
1121 schools.—

1122 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student
1123 Learning Gains based on statewide, standardized assessments,
1124 including retakes, administered under s. 1008.22 for all
1125 eligible students who were assigned to and enrolled in the
1126 school during the October or February FTE count and who have
1127 assessment scores, concordant scores, or comparable scores for
1128 the preceding school year shall be used in determining an
1129 alternative school's school improvement rating. An alternative
1130 school's rating shall be based on the following components:

1131 (a) The percentage of eligible students who make Learning
1132 Gains in English Language Arts as measured by statewide,
1133 standardized assessments under s. 1008.22(3).

1134 (b) The percentage of eligible students who make Learning
1135 Gains in mathematics as measured by statewide, standardized
1136 assessments under s. 1008.22(3).

1137
1138 Student performance results of students who are subject to
1139 district school board policies for expulsion for repeated or
1140 serious offenses, who are in dropout retrieval programs serving
1141 students who have officially been designated as dropouts, or who



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1142 are in programs operated or contracted by the Department of
1143 Juvenile Justice may not be included in an alternative school's
1144 school improvement rating.

1145 Section 9. Paragraph (i) of subsection (1) of section
1146 1011.62, Florida Statutes, is amended to read:

1147 1011.62 Funds for operation of schools.—If the annual
1148 allocation from the Florida Education Finance Program to each
1149 district for operation of schools is not determined in the
1150 annual appropriations act or the substantive bill implementing
1151 the annual appropriations act, it shall be determined as
1152 follows:

1153 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1154 OPERATION.—The following procedure shall be followed in
1155 determining the annual allocation to each district for
1156 operation:

1157 (i) *Calculation of full-time equivalent membership with*
1158 *respect to dual enrollment instruction.*—Students enrolled in
1159 dual enrollment instruction pursuant to s. 1007.271 may be
1160 included in calculations of full-time equivalent student
1161 memberships for basic programs for grades 9 through 12 by a
1162 district school board. Instructional time for dual enrollment
1163 may vary from 900 hours; however, the full-time equivalent
1164 student membership value shall be subject to the provisions in
1165 s. 1011.61(4). Dual enrollment full-time equivalent student
1166 membership shall be calculated in an amount equal to the hours
1167 of instruction that would be necessary to earn the full-time
1168 equivalent student membership for an equivalent course if it
1169 were taught in the school district. Students in dual enrollment
1170 courses may also be calculated as the proportional shares of



1171 full-time equivalent enrollments they generate for a Florida
1172 College System institution or university conducting the dual
1173 enrollment instruction. Early admission students shall be
1174 considered dual enrollments for funding purposes. Students may
1175 be enrolled in dual enrollment instruction provided by an
1176 eligible independent college or university and may be included
1177 in calculations of full-time equivalent student memberships for
1178 basic programs for grades 9 through 12 by a district school
1179 board. However, those provisions of law which exempt dual
1180 enrolled and early admission students from payment of
1181 instructional materials and tuition and fees, including
1182 laboratory fees, shall not apply to students who select the
1183 option of enrolling in an eligible independent institution. An
1184 independent college or university, ~~which is located and~~
1185 ~~chartered in Florida,~~ is not for profit, is accredited by a
1186 regional or national accrediting agency recognized by the United
1187 States Department of Education ~~the Commission on Colleges of the~~
1188 ~~Southern Association of Colleges and Schools or the Accrediting~~
1189 ~~Council for Independent Colleges and Schools,~~ and confers
1190 degrees as defined in s. 1005.02 shall be eligible for inclusion
1191 in the dual enrollment or early admission program. Students
1192 enrolled in dual enrollment instruction shall be exempt from the
1193 payment of tuition and fees, including laboratory fees. No
1194 student enrolled in college credit mathematics or English dual
1195 enrollment instruction shall be funded as a dual enrollment
1196 unless the student has successfully completed the relevant
1197 section of the entry-level examination required pursuant to s.
1198 1008.30.

1199 Section 10. Subsection (5) is added to section 1011.69,



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1200 Florida Statutes, to read:
1201 1011.69 Equity in School-Level Funding Act.—
1202 (5) To help meet the academic needs of economically
1203 disadvantaged students, school districts shall provide Title I
1204 funds directly to all eligible schools as provided in this
1205 subsection. For purposes of this subsection, the term "eligible
1206 school" means a school, including a charter school, that is
1207 eligible to receive Title I funds. The threshold for identifying
1208 eligible schools shall not exceed the statewide percentage of
1209 economically disadvantaged students.
1210 (a) Before the allocation of Title I funds to eligible
1211 schools, a school district may withhold funds only as follows:
1212 1. One percent for parent involvement;
1213 2. A necessary and reasonable amount for administration,
1214 not to exceed 8 percent; and
1215 3. A reasonable and necessary amount to provide:
1216 a. Homeless programs;
1217 b. Delinquent and neglected programs; and
1218 c. Private school equitable services.
1219 (b) All remaining Title I funds shall be distributed to all
1220 eligible schools in accordance with federal law and regulations.
1221 An eligible school may use funds received under this subsection
1222 to participate in discretionary educational services provided by
1223 the school district.
1224 Section 11. This act shall take effect July 1, 2017.
1225
1226 ===== T I T L E A M E N D M E N T =====
1227 And the title is amended as follows:
1228 Delete everything before the enacting clause



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1229 and insert:

1230 A bill to be entitled
1231 An act relating to K-12 education; amending s.
1232 1002.33, F.S.; revising the charter school application
1233 process; revising the appeals process for a denied
1234 charter school application; requiring the use of the
1235 standard charter contract by specified entities;
1236 revising eligibility requirements for charter school
1237 students enrolled in blended learning courses;
1238 authorizing a charter school to be exempt from
1239 provisions relating to controlled open enrollment
1240 under certain circumstances; clarifying provisions
1241 relating to charter schools and tort liability;
1242 revising the purpose of charter school cooperatives;
1243 authorizing the use of unrestricted net assets and
1244 certain unrestricted surplus for specified charter
1245 schools; requiring such funds to be used in accordance
1246 with specified provisions; authorizing certain
1247 entities to share facilities with charter schools
1248 without additional approval; revising the
1249 administrative fees that a district may withhold from
1250 charter schools; requiring charter schools to complete
1251 and submit an annual survey; revising the public
1252 information disclosures of charter schools; deleting a
1253 requirement that the Department of Education compare
1254 certain data; revising eligibility criteria for
1255 designated local educational agency status;
1256 authorizing the governing board of a charter school
1257 system to be designated a local educational agency for



1258 certain schools; amending s. 1002.3305, F.S.; revising
1259 the definition for the term "eligible student" for
1260 purposes of the College-preparatory Boarding Academy
1261 Pilot Program; amending s. 1002.331, F.S.; conforming
1262 provisions to changes made by the act; authorizing a
1263 high-performing charter school to establish more than
1264 one charter school in any year under certain
1265 circumstances; amending s. 1002.332, F.S.; authorizing
1266 a high-performing charter school system to replicate
1267 its schools in any school district and providing
1268 application requirements therefor; amending s.
1269 1003.498, F.S.; revising eligibility requirements for
1270 students enrolled in blended learning courses;
1271 amending s. 1007.35, F.S.; revising the name of an ACT
1272 assessment for specified purposes; amending s.
1273 1008.34, F.S.; revising the student performance data
1274 to be included in school grades; amending s. 1008.341,
1275 F.S.; including concordant scores in the calculation
1276 of an alternative school's school improvement rating;
1277 amending s. 1011.62, F.S.; revising eligibility
1278 criteria for postsecondary institutions to participate
1279 in the dual enrollment and early admission programs;
1280 amending s. 1011.69, F.S.; requiring school districts
1281 to provide specified funds directly to schools
1282 eligible to receive Title I funds; providing a
1283 definition; authorizing school districts to withhold
1284 certain funds for specified purposes; authorizing
1285 eligible schools to use funds to participate in
1286 certain services; providing an effective date.