

By the Committees on Appropriations; and Education; and Senators Broxson and Stargel

576-04746-17

20171362c2

1 A bill to be entitled
2 An act relating to K-12 education; amending s.
3 1002.33, F.S.; revising the charter school application
4 process; revising the appeals process for a denied
5 charter school application; requiring the use of the
6 standard charter contract by specified entities;
7 revising eligibility requirements for charter school
8 students enrolled in blended learning courses;
9 authorizing a charter school to be exempt from
10 provisions relating to controlled open enrollment
11 under certain circumstances; clarifying provisions
12 relating to charter schools and tort liability;
13 revising the purpose of charter school cooperatives;
14 authorizing the use of unrestricted net assets and
15 certain unrestricted surplus for specified charter
16 schools; requiring such funds to be used in accordance
17 with specified provisions; authorizing certain
18 entities to share facilities with charter schools
19 without additional approval; revising the
20 administrative fees that a district may withhold from
21 charter schools; requiring charter schools to complete
22 and submit an annual survey; revising the public
23 information disclosures of charter schools; deleting a
24 requirement that the Department of Education compare
25 certain data; revising eligibility criteria for
26 designated local educational agency status;
27 authorizing the governing board of a charter school
28 system to be designated a local educational agency for
29 certain schools; amending s. 1002.3305, F.S.; revising

576-04746-17

20171362c2

30 the definition for the term "eligible student" for
31 purposes of the College-preparatory Boarding Academy
32 Pilot Program; amending s. 1002.331, F.S.; conforming
33 provisions to changes made by the act; authorizing a
34 high-performing charter school to establish more than
35 one charter school in any year under certain
36 circumstances; amending s. 1002.332, F.S.; authorizing
37 a high-performing charter school system to replicate
38 its schools in any school district and providing
39 application requirements therefor; amending s.
40 1003.498, F.S.; revising eligibility requirements for
41 students enrolled in blended learning courses;
42 amending s. 1007.35, F.S.; revising the name of an ACT
43 assessment for specified purposes; amending s.
44 1008.34, F.S.; revising the student performance data
45 to be included in school grades; amending s. 1008.341,
46 F.S.; including concordant scores in the calculation
47 of an alternative school's school improvement rating;
48 amending s. 1011.62, F.S.; revising eligibility
49 criteria for postsecondary institutions to participate
50 in the dual enrollment and early admission programs;
51 amending s. 1011.69, F.S.; requiring school districts
52 to provide specified funds directly to schools
53 eligible to receive Title I funds; providing a
54 definition; authorizing school districts to withhold
55 certain funds for specified purposes; authorizing
56 eligible schools to use funds to participate in
57 certain services; providing an effective date.

58

576-04746-17

20171362c2

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

60
61 Section 1. Subsection (1), paragraphs (a), (b), (c), and
62 (h) of subsection (6), subsection (7), paragraph (b) of
63 subsection (8), paragraph (a) of subsection (10), paragraph (h)
64 of subsection (12), subsection (13), paragraphs (b) and (c) of
65 subsection (17), paragraph (c) of subsection (18), subsection
66 (20), paragraphs (a) and (b) of subsection (21), and subsections
67 (25) and (28) of section 1002.33, Florida Statutes, are amended
68 to read:

69 1002.33 Charter schools.—

70 (1) AUTHORIZATION. ~~Charter schools shall be part of the~~
71 ~~state's program of public education.~~ All charter schools in
72 Florida are public schools and shall be part of the state's
73 program of public education. A charter school may be formed by
74 creating a new school or converting an existing public school to
75 charter status. A charter school may operate a virtual charter
76 school pursuant to s. 1002.45(1)(d) to provide full-time online
77 instruction to eligible students, pursuant to s. 1002.455, in
78 kindergarten through grade 12. An existing charter school that
79 is seeking to become a virtual charter school must amend its
80 charter or submit a new application pursuant to subsection (6)
81 to become a virtual charter school. A virtual charter school is
82 subject to the requirements of this section; however, a virtual
83 charter school is exempt from subsections (18) and (19),
84 ~~subparagraphs (20)(a)2., 4., 5., and 7.,~~ paragraph (20)(c), and
85 s. 1003.03. A public school may not use the term charter in its
86 name unless it has been approved under this section.

87 (6) APPLICATION PROCESS AND REVIEW.—Charter school

576-04746-17

20171362c2

88 applications are subject to the following requirements:

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

92 1. Demonstrates how the school will use the guiding
93 principles and meet the statutorily defined purpose of a charter
94 school.

95 2. Provides a detailed curriculum plan that illustrates how
96 students will be provided services to attain the Sunshine State
97 Standards.

98 3. Contains goals and objectives for improving student
99 learning and measuring that improvement. These goals and
100 objectives must indicate how much academic improvement students
101 are expected to show each year, how success will be evaluated,
102 and the specific results to be attained through instruction.

103 4. Describes the reading curriculum and differentiated
104 strategies that will be used for students reading at grade level
105 or higher and a separate curriculum and strategies for students
106 who are reading below grade level. A sponsor shall deny an
107 application if the school does not propose a reading curriculum
108 that is consistent with effective teaching strategies that are
109 grounded in scientifically based reading research.

110 5. Contains an annual financial plan for each year
111 requested by the charter for operation of the school for up to 5
112 years. This plan must contain anticipated fund balances based on
113 revenue projections, a spending plan based on projected revenues
114 and expenses, and a description of controls that will safeguard
115 finances and projected enrollment trends.

116 6. Discloses the name of each applicant, governing board

576-04746-17

20171362c2

117 member, and all proposed education services providers; the name
118 and sponsor of any charter school operated by each applicant,
119 each governing board member, and each proposed education
120 services provider that has closed and the reasons for the
121 closure; and the academic and financial history of such charter
122 schools, which the sponsor shall consider in deciding whether to
123 approve or deny the application.

124 7. Contains additional information a sponsor may require,
125 which shall be attached as an addendum to the charter school
126 application described in this paragraph.

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

130 (b) A sponsor shall receive and review all applications for
131 a charter school using the evaluation instrument developed by
132 the Department of Education. A sponsor shall receive and
133 consider charter school applications received on or before
134 August 1 of each calendar year for charter schools to be opened
135 at the beginning of the school district's next school year, or
136 to be opened at a time agreed to by the applicant and the
137 sponsor. A sponsor may not refuse to receive a charter school
138 application submitted before August 1 and may receive an
139 application submitted later than August 1 if it chooses.

140 Beginning in 2018 and thereafter, a sponsor shall receive and
141 consider charter school applications received on or before
142 February 1 of each calendar year for charter schools to be
143 opened 18 months later at the beginning of the school district's
144 school year, or to be opened at a time agreed to by the
145 applicant and the sponsor. A sponsor may not refuse to receive a

576-04746-17

20171362c2

146 charter school application submitted before February 1 and may
147 receive an application submitted later than February 1 if it
148 chooses. In order to facilitate greater collaboration in the
149 application process, an applicant may submit a draft charter
150 school application on or before May 1 with an application fee of
151 \$500. If a draft application is timely submitted, the sponsor
152 shall review and provide feedback as to material deficiencies in
153 the application by July 1. The applicant shall then have until
154 August 1 to resubmit a revised and final application. The
155 sponsor may approve the draft application. Except as provided
156 for a draft application, A sponsor may not charge an applicant
157 for a charter any fee for the processing or consideration of an
158 application, and a sponsor may not base its consideration or
159 approval of a final application upon the promise of future
160 payment of any kind. Before approving or denying any final
161 application, the sponsor shall allow the applicant, upon receipt
162 of written notification, at least 7 calendar days to make
163 technical or nonsubstantive corrections and clarifications,
164 including, but not limited to, corrections of grammatical,
165 typographical, and like errors or missing signatures, if such
166 errors are identified by the sponsor as cause to deny the final
167 application.

168 1. In order to facilitate an accurate budget projection
169 process, a sponsor shall be held harmless for FTE students who
170 are not included in the FTE projection due to approval of
171 charter school applications after the FTE projection deadline.
172 In a further effort to facilitate an accurate budget projection,
173 within 15 calendar days after receipt of a charter school
174 application, a sponsor shall report to the Department of

576-04746-17

20171362c2

175 Education the name of the applicant entity, the proposed charter
176 school location, and its projected FTE.

177 2. In order to ensure fiscal responsibility, an application
178 for a charter school shall include a full accounting of expected
179 assets, a projection of expected sources and amounts of income,
180 including income derived from projected student enrollments and
181 from community support, and an expense projection that includes
182 full accounting of the costs of operation, including start-up
183 costs.

184 3.a. A sponsor shall by a majority vote approve or deny an
185 application no later than 90 ~~60~~ calendar days after the
186 application is received, unless the sponsor and the applicant
187 mutually agree in writing to temporarily postpone the vote to a
188 specific date, at which time the sponsor shall by a majority
189 vote approve or deny the application. If the sponsor fails to
190 act on the application, an applicant may appeal to the State
191 Board of Education as provided in paragraph (c). If an
192 application is denied, the sponsor shall, within 10 calendar
193 days after such denial, articulate in writing the specific
194 reasons, based upon good cause, supporting its denial of the
195 application and shall provide the letter of denial and
196 supporting documentation to the applicant and to the Department
197 of Education.

198 b. An application submitted by a high-performing charter
199 school identified pursuant to s. 1002.331 or a high-performing
200 charter school system identified pursuant to s. 1002.332 may be
201 denied by the sponsor only if the sponsor demonstrates by clear
202 and convincing evidence that:

203 (I) The application does not materially comply with the

576-04746-17

20171362c2

204 requirements in paragraph (a);

205 (II) The charter school proposed in the application does
206 not materially comply with the requirements in paragraphs
207 (9) (a)-(f);

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

211 (IV) The applicant has made a material misrepresentation or
212 false statement or concealed an essential or material fact
213 during the application process; or

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

217

218 Material noncompliance is a failure to follow requirements or a
219 violation of prohibitions applicable to charter school
220 applications, which failure is quantitatively or qualitatively
221 significant either individually or when aggregated with other
222 noncompliance. An applicant is considered to be replicating a
223 high-performing charter school if the proposed school is
224 substantially similar to at least one of the applicant's high-
225 performing charter schools and the organization or individuals
226 involved in the establishment and operation of the proposed
227 school are significantly involved in the operation of replicated
228 schools.

229 c. If the sponsor denies an application submitted by a
230 high-performing charter school or a high-performing charter
231 school system, the sponsor must, within 10 calendar days after
232 such denial, state in writing the specific reasons, based upon

576-04746-17

20171362c2

233 the criteria in sub-subparagraph b., supporting its denial of
234 the application and must provide the letter of denial and
235 supporting documentation to the applicant and to the Department
236 of Education. The applicant may appeal the sponsor's denial of
237 the application in accordance with ~~directly to the State Board~~
238 ~~of Education and, if an appeal is filed, must provide a copy of~~
239 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

240 4. For budget projection purposes, the sponsor shall report
241 to the Department of Education the approval or denial of an
242 application within 10 calendar days after such approval or
243 denial. In the event of approval, the report to the Department
244 of Education shall include the final projected FTE for the
245 approved charter school.

246 5. Upon approval of an application, the initial startup
247 shall commence with the beginning of the public school calendar
248 for the district in which the charter is granted. A charter
249 school may defer the opening of the school's operations for up
250 to 2 years to provide time for adequate facility planning. The
251 charter school must provide written notice of such intent to the
252 sponsor and the parents of enrolled students at least 30
253 calendar days before the first day of school.

254 (c)1. An applicant may appeal any denial of that
255 applicant's application or failure to act on an application to
256 the State Board of Education no later than 30 calendar days
257 after receipt of the sponsor's decision or failure to act and
258 shall notify the sponsor of its appeal. Any response of the
259 sponsor shall be submitted to the State Board of Education
260 within 30 calendar days after notification of the appeal. Upon
261 receipt of notification from the State Board of Education that a

576-04746-17

20171362c2

262 charter school applicant is filing an appeal, the Commissioner
263 of Education shall convene a meeting of the Charter School
264 Appeal Commission to study and make recommendations to the State
265 Board of Education regarding its pending decision about the
266 appeal. The commission shall forward its recommendation to the
267 state board at least 7 calendar days before the date on which
268 the appeal is to be heard. ~~An appeal regarding the denial of an~~
269 ~~application submitted by a high-performing charter school~~
270 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~
271 ~~Education in accordance with this paragraph, except that the~~
272 ~~commission shall not convene to make recommendations regarding~~
273 ~~the appeal. However, the Commissioner of Education shall review~~
274 ~~the appeal and make a recommendation to the state board.~~

275 2. The Charter School Appeal Commission ~~or, in the case of~~
276 ~~an appeal regarding an application submitted by a high-~~
277 ~~performing charter school, the State Board of Education may~~
278 reject an appeal submission for failure to comply with
279 procedural rules governing the appeals process. The rejection
280 shall describe the submission errors. The appellant shall have
281 15 calendar days after notice of rejection in which to resubmit
282 an appeal that meets the requirements set forth in State Board
283 of Education rule. An appeal submitted subsequent to such
284 rejection is considered timely if the original appeal was filed
285 within 30 calendar days after receipt of notice of the specific
286 reasons for the sponsor's denial of the charter application.

287 3.a. The State Board of Education shall by majority vote
288 accept or reject the decision of the sponsor no later than 90
289 calendar days after an appeal is filed in accordance with State
290 Board of Education rule. The State Board of Education shall

576-04746-17

20171362c2

291 remand the application to the sponsor with its written decision
292 that the sponsor approve or deny the application. The sponsor
293 shall implement the decision of the State Board of Education.
294 The decision of the State Board of Education is not subject to
295 the provisions of the Administrative Procedure Act, chapter 120.

296 b. If an appeal concerns an application submitted by a
297 high-performing charter school identified pursuant to s.
298 1002.331 or a high-performing charter school system identified
299 pursuant to s. 1002.332, the State Board of Education shall
300 determine whether the sponsor's denial was in accordance with
301 sub-subparagraph (b)3.b. sponsor has shown, by clear and
302 convincing evidence, that:

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

305 ~~(II) The charter school proposed in the application does~~
306 ~~not materially comply with the requirements in paragraphs~~
307 ~~(9)(a)-(f);~~

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

311 ~~(IV) The applicant has made a material misrepresentation or~~
312 ~~false statement or concealed an essential or material fact~~
313 ~~during the application process; or~~

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

317
318 ~~The State Board of Education shall approve or reject the~~
319 ~~sponsor's denial of an application no later than 90 calendar~~

576-04746-17

20171362c2

320 ~~days after an appeal is filed in accordance with State Board of~~
321 ~~Education rule. The State Board of Education shall remand the~~
322 ~~application to the sponsor with its written decision that the~~
323 ~~sponsor approve or deny the application. The sponsor shall~~
324 ~~implement the decision of the State Board of Education. The~~
325 ~~decision of the State Board of Education is not subject to the~~
326 ~~Administrative Procedure Act, chapter 120.~~

327 ~~(h) The terms and conditions for the operation of a charter~~
328 ~~school shall be set forth by the sponsor and the applicant in a~~
329 ~~written contractual agreement, called a charter. The sponsor may~~
330 ~~not impose unreasonable rules or regulations that violate the~~
331 ~~intent of giving charter schools greater flexibility to meet~~
332 ~~educational goals. The sponsor has 30 days after approval of the~~
333 ~~application to provide an initial proposed charter contract to~~
334 ~~the charter school. The applicant and the sponsor have 40 days~~
335 ~~thereafter to negotiate and notice the charter contract for~~
336 ~~final approval by the sponsor unless both parties agree to an~~
337 ~~extension. The proposed charter contract shall be provided to~~
338 ~~the charter school at least 7 calendar days prior to the date of~~
339 ~~the meeting at which the charter is scheduled to be voted upon~~
340 ~~by the sponsor. The Department of Education shall provide~~
341 ~~mediation services for any dispute regarding this section~~
342 ~~subsequent to the approval of a charter application and for any~~
343 ~~dispute relating to the approved charter, except disputes~~
344 ~~regarding charter school application denials. If the~~
345 ~~Commissioner of Education determines that the dispute cannot be~~
346 ~~settled through mediation, the dispute may be appealed to an~~
347 ~~administrative law judge appointed by the Division of~~
348 ~~Administrative Hearings. The administrative law judge has final~~

576-04746-17

20171362c2

349 ~~order authority to rule on issues of equitable treatment of the~~
350 ~~charter school as a public school, whether proposed provisions~~
351 ~~of the charter violate the intended flexibility granted charter~~
352 ~~schools by statute, or on any other matter regarding this~~
353 ~~section except a charter school application denial, a charter~~
354 ~~termination, or a charter nonrenewal and shall award the~~
355 ~~prevailing party reasonable attorney's fees and costs incurred~~
356 ~~to be paid by the losing party. The costs of the administrative~~
357 ~~hearing shall be paid by the party whom the administrative law~~
358 ~~judge rules against.~~

359 (7) CHARTER.—The terms and conditions for the operation of
360 a charter school shall be set forth by the sponsor and the
361 applicant in a written contractual agreement, called a charter.
362 The sponsor and the governing board of the charter school shall
363 use the standard charter contract pursuant to subsection (21),
364 which shall incorporate the approved application and any addenda
365 approved with the application. Any term or condition of a
366 proposed charter contract that differs from the standard charter
367 contract adopted by rule of the State Board of Education shall
368 be presumed a limitation on charter school flexibility. The
369 sponsor may not impose unreasonable rules or regulations that
370 violate the intent of giving charter schools greater flexibility
371 to meet educational goals ~~The major issues involving the~~
372 ~~operation of a charter school shall be considered in advance and~~
373 ~~written into the charter. The charter shall be signed by the~~
374 ~~governing board of the charter school and the sponsor, following~~
375 ~~a public hearing to ensure community input.~~

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

576-04746-17

20171362c2

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

380 2. The focus of the curriculum, the instructional methods
381 to be used, any distinctive instructional techniques to be
382 employed, and identification and acquisition of appropriate
383 technologies needed to improve educational and administrative
384 performance which include a means for promoting safe, ethical,
385 and appropriate uses of technology which comply with legal and
386 professional standards.

387 a. The charter shall ensure that reading is a primary focus
388 of the curriculum and that resources are provided to identify
389 and provide specialized instruction for students who are reading
390 below grade level. The curriculum and instructional strategies
391 for reading must be consistent with the Next Generation Sunshine
392 State Standards and grounded in scientifically based reading
393 research.

394 b. In order to provide students with access to diverse
395 instructional delivery models, to facilitate the integration of
396 technology within traditional classroom instruction, and to
397 provide students with the skills they need to compete in the
398 21st century economy, the Legislature encourages instructional
399 methods for blended learning courses consisting of both
400 traditional classroom and online instructional techniques.
401 Charter schools may implement blended learning courses which
402 combine traditional classroom instruction and virtual
403 instruction. Students in a blended learning course must be full-
404 time students of the charter school pursuant to s.
405 1011.61(1)(a)1. ~~and receive the online instruction in a~~
406 ~~classroom setting at the charter school.~~ Instructional personnel

576-04746-17

20171362c2

407 certified pursuant to s. 1012.55 who provide virtual instruction
408 for blended learning courses may be employees of the charter
409 school or may be under contract to provide instructional
410 services to charter school students. At a minimum, such
411 instructional personnel must hold an active state or school
412 district adjunct certification under s. 1012.57 for the subject
413 area of the blended learning course. The funding and performance
414 accountability requirements for blended learning courses are the
415 same as those for traditional courses.

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

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

422 b. How these baseline rates will be compared to rates of
423 academic progress achieved by these same students while
424 attending the charter school.

425 c. To the extent possible, how these rates of progress will
426 be evaluated and compared with rates of progress of other
427 closely comparable student populations.

428

429 The district school board is required to provide academic
430 student performance data to charter schools for each of their
431 students coming from the district school system, as well as
432 rates of academic progress of comparable student populations in
433 the district school system.

434 4. The methods used to identify the educational strengths
435 and needs of students and how well educational goals and

576-04746-17

20171362c2

436 performance standards are met by students attending the charter
437 school. The methods shall provide a means for the charter school
438 to ensure accountability to its constituents by analyzing
439 student performance data and by evaluating the effectiveness and
440 efficiency of its major educational programs. Students in
441 charter schools shall, at a minimum, participate in the
442 statewide assessment program created under s. 1008.22.

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

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

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

451 8. The ways by which the school will achieve a
452 racial/ethnic balance reflective of the community it serves or
453 within the racial/ethnic range of other public schools in the
454 same school district.

455 9. The financial and administrative management of the
456 school, including a reasonable demonstration of the professional
457 experience or competence of those individuals or organizations
458 applying to operate the charter school or those hired or
459 retained to perform such professional services and the
460 description of clearly delineated responsibilities and the
461 policies and practices needed to effectively manage the charter
462 school. A description of internal audit procedures and
463 establishment of controls to ensure that financial resources are
464 properly managed must be included. Both public sector and

576-04746-17

20171362c2

465 private sector professional experience shall be equally valid in
466 such a consideration.

467 10. The asset and liability projections required in the
468 application which are incorporated into the charter and shall be
469 compared with information provided in the annual report of the
470 charter school.

471 11. A description of procedures that identify various risks
472 and provide for a comprehensive approach to reduce the impact of
473 losses; plans to ensure the safety and security of students and
474 staff; plans to identify, minimize, and protect others from
475 violent or disruptive student behavior; and the manner in which
476 the school will be insured, including whether or not the school
477 will be required to have liability insurance, and, if so, the
478 terms and conditions thereof and the amounts of coverage.

479 12. The term of the charter which shall provide for
480 cancellation of the charter if insufficient progress has been
481 made in attaining the student achievement objectives of the
482 charter and if it is not likely that such objectives can be
483 achieved before expiration of the charter. The initial term of a
484 charter shall be for 4 or 5 years. In order to facilitate access
485 to long-term financial resources for charter school
486 construction, charter schools that are operated by a
487 municipality or other public entity as provided by law are
488 eligible for up to a 15-year charter, subject to approval by the
489 district school board. A charter lab school is eligible for a
490 charter for a term of up to 15 years. In addition, to facilitate
491 access to long-term financial resources for charter school
492 construction, charter schools that are operated by a private,
493 not-for-profit, s. 501(c)(3) status corporation are eligible for

576-04746-17

20171362c2

494 up to a 15-year charter, subject to approval by the district
495 school board. Such long-term charters remain subject to annual
496 review and may be terminated during the term of the charter, but
497 only according to the provisions set forth in subsection (8).

498 13. The facilities to be used and their location. The
499 sponsor may not require a charter school to have a certificate
500 of occupancy or a temporary certificate of occupancy for such a
501 facility earlier than 15 calendar days before the first day of
502 school.

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

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

509 16. A timetable for implementing the charter which
510 addresses the implementation of each element thereof and the
511 date by which the charter shall be awarded in order to meet this
512 timetable.

513 17. In the case of an existing public school that is being
514 converted to charter status, alternative arrangements for
515 current students who choose not to attend the charter school and
516 for current teachers who choose not to teach in the charter
517 school after conversion in accordance with the existing
518 collective bargaining agreement or district school board rule in
519 the absence of a collective bargaining agreement. However,
520 alternative arrangements shall not be required for current
521 teachers who choose not to teach in a charter lab school, except
522 as authorized by the employment policies of the state university

576-04746-17

20171362c2

523 which grants the charter to the lab school.

524 18. Full disclosure of the identity of all relatives
525 employed by the charter school who are related to the charter
526 school owner, president, chairperson of the governing board of
527 directors, superintendent, governing board member, principal,
528 assistant principal, or any other person employed by the charter
529 school who has equivalent decisionmaking authority. For the
530 purpose of this subparagraph, the term "relative" means father,
531 mother, son, daughter, brother, sister, uncle, aunt, first
532 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
533 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
534 stepfather, stepmother, stepson, stepdaughter, stepbrother,
535 stepsister, half brother, or half sister.

536 19. Implementation of the activities authorized under s.
537 1002.331 by the charter school when it satisfies the eligibility
538 requirements for a high-performing charter school. A high-
539 performing charter school shall notify its sponsor in writing by
540 March 1 if it intends to increase enrollment or expand grade
541 levels the following school year. The written notice shall
542 specify the amount of the enrollment increase and the grade
543 levels that will be added, as applicable.

544 (b) The sponsor has 30 days after approval of the
545 application to provide an initial proposed charter contract to
546 the charter school. The applicant and the sponsor have 40 days
547 thereafter to negotiate and notice the charter contract for
548 final approval by the sponsor unless both parties agree to an
549 extension. The proposed charter contract shall be provided to
550 the charter school at least 7 calendar days before the date of
551 the meeting at which the charter is scheduled to be voted upon

576-04746-17

20171362c2

552 by the sponsor. The Department of Education shall provide
553 mediation services for any dispute regarding this section
554 subsequent to the approval of a charter application and for any
555 dispute relating to the approved charter, except a dispute
556 regarding a charter school application denial. If the
557 Commissioner of Education determines that the dispute cannot be
558 settled through mediation, the dispute may be appealed to an
559 administrative law judge appointed by the Division of
560 Administrative Hearings. The administrative law judge has final
561 order authority to rule on issues of equitable treatment of the
562 charter school as a public school, whether proposed provisions
563 of the charter violate the intended flexibility granted charter
564 schools by statute, or any other matter regarding this section,
565 except a dispute regarding charter school application denial, a
566 charter termination, or a charter nonrenewal. The administrative
567 law judge shall award the prevailing party reasonable attorney
568 fees and costs incurred during the mediation process,
569 administrative proceeding, and any appeals, to be paid by the
570 party whom the administrative law judge rules against.

571 (c) ~~(b)~~1. A charter may be renewed provided that a program
572 review demonstrates that the criteria in paragraph (a) have been
573 successfully accomplished and that none of the grounds for
574 nonrenewal established by paragraph (8) (a) has been documented.
575 In order to facilitate long-term financing for charter school
576 construction, charter schools operating for a minimum of 3 years
577 and demonstrating exemplary academic programming and fiscal
578 management are eligible for a 15-year charter renewal. Such
579 long-term charter is subject to annual review and may be
580 terminated during the term of the charter.

576-04746-17

20171362c2

581 2. The 15-year charter renewal that may be granted pursuant
582 to subparagraph 1. shall be granted to a charter school that has
583 received a school grade of "A" or "B" pursuant to s. 1008.34 in
584 3 of the past 4 years and is not in a state of financial
585 emergency or deficit position as defined by this section. Such
586 long-term charter is subject to annual review and may be
587 terminated during the term of the charter pursuant to subsection
588 (8).

589 (d)~~(e)~~ A charter may be modified during its initial term or
590 any renewal term upon the recommendation of the sponsor or the
591 charter school's governing board and the approval of both
592 parties to the agreement. Modification may include, but is not
593 limited to, consolidation of multiple charters into a single
594 charter if the charters are operated under the same governing
595 board and physically located on the same campus, regardless of
596 the renewal cycle.

597 (e)~~(d)~~ A charter may be terminated by a charter school's
598 governing board through voluntary closure. The decision to cease
599 operations must be determined at a public meeting. The governing
600 board shall notify the parents and sponsor of the public meeting
601 in writing before the public meeting. The governing board must
602 notify the sponsor, parents of enrolled students, and the
603 department in writing within 24 hours after the public meeting
604 of its determination. The notice shall state the charter
605 school's intent to continue operations or the reason for the
606 closure and acknowledge that the governing board agrees to
607 follow the procedures for dissolution and reversion of public
608 funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

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

576-04746-17

20171362c2

610 (b) At least 90 days before ~~prior to~~ renewing, nonrenewing,
611 or terminating a charter, the sponsor shall notify the governing
612 board of the school of the proposed action in writing. The
613 notice shall state in reasonable detail the grounds for the
614 proposed action and stipulate that the school's governing board
615 may, within 14 calendar days after receiving the notice, request
616 a hearing. The hearing shall be conducted at the sponsor's
617 election in accordance with one of the following procedures:

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

623 2. A hearing conducted by an administrative law judge
624 assigned by the Division of Administrative Hearings. The hearing
625 shall be conducted within 60 days after receipt of the request
626 for a hearing and in accordance with chapter 120. The
627 administrative law judge's recommended order shall be submitted
628 to the sponsor. A majority vote by the sponsor shall be required
629 to adopt or modify the administrative law judge's recommended
630 order. The sponsor shall issue a final order.

631 (10) ELIGIBLE STUDENTS.—

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

636 However, in the case of a charter lab school, the charter lab
637 school shall be open to any student eligible to attend the lab
638 school as provided in s. 1002.32 or who resides in the school

576-04746-17

20171362c2

639 district in which the charter lab school is located. Any
640 eligible student shall be allowed interdistrict transfer to
641 attend a charter school when based on good cause. Good cause
642 shall include, but is not limited to, geographic proximity to a
643 charter school in a neighboring school district.

644 (12) EMPLOYEES OF CHARTER SCHOOLS.—

645 (h) For the purposes of tort liability, the charter school,
646 including its governing body and employees, ~~of a charter school~~
647 shall be governed by s. 768.28. This paragraph does not include
648 any for-profit entity contracted by the charter school or its
649 governing body.

650 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter
651 into cooperative agreements to form charter school cooperative
652 organizations that may provide ~~the following services~~ to further
653 educational, operational, and administrative initiatives in
654 which the participating charter schools share common interests~~;~~
655 ~~charter school planning and development, direct instructional~~
656 ~~services, and contracts with charter school governing boards to~~
657 ~~provide personnel administrative services, payroll services,~~
658 ~~human resource management, evaluation and assessment services,~~
659 ~~teacher preparation, and professional development.~~

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

665 (b) The basis for the agreement for funding students
666 enrolled in a charter school shall be the sum of the school
667 district's operating funds from the Florida Education Finance

576-04746-17

20171362c2

668 Program as provided in s. 1011.62 and the General Appropriations
669 Act, including gross state and local funds, discretionary
670 lottery funds, and funds from the school district's current
671 operating discretionary millage levy; divided by total funded
672 weighted full-time equivalent students in the school district;
673 multiplied by the weighted full-time equivalent students for the
674 charter school. Charter schools whose students or programs meet
675 the eligibility criteria in law are entitled to their
676 proportionate share of categorical program funds included in the
677 total funds available in the Florida Education Finance Program
678 by the Legislature, including transportation, the research-based
679 reading allocation, and the Florida digital classrooms
680 allocation. Total funding for each charter school shall be
681 recalculated during the year to reflect the revised calculations
682 under the Florida Education Finance Program by the state and the
683 actual weighted full-time equivalent students reported by the
684 charter school during the full-time equivalent student survey
685 periods designated by the Commissioner of Education. For charter
686 schools operated by a not-for-profit or municipal entity, any
687 unrestricted surplus operating funds, unrestricted surplus
688 capital outlay funds, or unrestricted net assets identified in
689 the charter school's annual audit may be used for other charter
690 schools in the district operated by the not-for-profit or
691 municipal entity. Unrestricted surplus operating funds shall be
692 used in accordance with s. 1011.62, and unrestricted surplus
693 capital outlay funds shall be used in accordance with s.
694 1013.62(2).

695 (c) ~~If the district school board is providing programs or~~
696 ~~services to students funded by federal funds, any eligible~~

576-04746-17

20171362c2

697 ~~students enrolled in charter schools in the school district~~
698 ~~shall be provided federal funds for the same level of service~~
699 ~~provided students in the schools operated by the district school~~
700 ~~board.~~ Pursuant to ~~provisions of~~ 20 U.S.C. 8061 s. 10306, all
701 charter schools shall receive all federal funding for which the
702 school is otherwise eligible, including Title I funding, not
703 later than 5 months after the charter school first opens and
704 within 5 months after any subsequent expansion of enrollment.
705 Unless otherwise mutually agreed to by the charter school and
706 its sponsor, and consistent with state and federal rules and
707 regulations governing the use and disbursement of federal funds,
708 the sponsor shall reimburse the charter school on a monthly
709 basis for all invoices submitted by the charter school for
710 federal funds available to the sponsor for the benefit of the
711 charter school, the charter school's students, and the charter
712 school's students as public school students in the school
713 district. Such federal funds include, but are not limited to,
714 Title I, Title II, and Individuals with Disabilities Education
715 Act (IDEA) funds. To receive timely reimbursement for an
716 invoice, the charter school must submit the invoice to the
717 sponsor at least 30 days before the monthly date of
718 reimbursement set by the sponsor. In order to be reimbursed, any
719 expenditures made by the charter school must comply with all
720 applicable state rules and federal regulations, including, but
721 not limited to, the applicable federal Office of Management and
722 Budget Circulars; the federal Education Department General
723 Administrative Regulations; and program-specific statutes,
724 rules, and regulations. Such funds may not be made available to
725 the charter school until a plan is submitted to the sponsor for

576-04746-17

20171362c2

726 approval of the use of the funds in accordance with applicable
727 federal requirements. The sponsor has 30 days to review and
728 approve any plan submitted pursuant to this paragraph.

729 (18) FACILITIES.—

730 (c) Any facility, or portion thereof, used to house a
731 charter school whose charter has been approved by the sponsor
732 and the governing board, pursuant to subsection (7), shall be
733 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
734 community service, museum, performing arts, theatre, cinema,
735 church, Florida College System institution, college, and
736 university facilities may provide space to charter schools
737 within their facilities under their preexisting zoning and land
738 use designations without obtaining a special exception,
739 rezoning, a land use charter, or any other form of approval.

740 (20) SERVICES.—

741 (a)1. A sponsor shall provide certain administrative and
742 educational services to charter schools. These services shall
743 include contract management services; full-time equivalent and
744 data reporting services; exceptional student education
745 administration services; services related to eligibility and
746 reporting duties required to ensure that school lunch services
747 under the federal lunch program, consistent with the needs of
748 the charter school, are provided by the school district at the
749 request of the charter school, that any funds due to the charter
750 school under the federal lunch program be paid to the charter
751 school as soon as the charter school begins serving food under
752 the federal lunch program, and that the charter school is paid
753 at the same time and in the same manner under the federal lunch
754 program as other public schools serviced by the sponsor or the

576-04746-17

20171362c2

755 school district; test administration services, including payment
756 of the costs of state-required or district-required student
757 assessments; processing of teacher certificate data services;
758 and information services, including equal access to student
759 information systems that are used by public schools in the
760 district in which the charter school is located. Student
761 performance data for each student in a charter school,
762 including, but not limited to, FCAT scores, standardized test
763 scores, previous public school student report cards, and student
764 performance measures, shall be provided by the sponsor to a
765 charter school in the same manner provided to other public
766 schools in the district.

767 2. A sponsor may withhold an administrative fee for the
768 provision of such services which shall be a percentage of the
769 available funds defined in paragraph (17)(b) calculated based on
770 weighted full-time equivalent students. If the charter school
771 serves 75 percent or more exceptional education students as
772 defined in s. 1003.01(3), the percentage shall be calculated
773 based on unweighted full-time equivalent students. The
774 administrative fee shall be calculated as follows:

775 a. Up to 5 percent for:

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

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

780 (A) Includes conversion charter schools and nonconversion
781 charter schools.

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

783 (C) Has a total enrollment exceeding the total enrollment

576-04746-17

20171362c2

784 of at least one school district in the state.

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

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

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

790 b. Up to 2 percent for enrollment of up to and including
791 250 students in a high-performing charter school as defined in
792 s. 1002.331.

793 3. A sponsor may not charge charter schools any additional
794 fees or surcharges for administrative and educational services
795 in addition to the maximum percentage of administrative fees
796 withheld pursuant to this paragraph ~~A total administrative fee~~
797 ~~for the provision of such services shall be calculated based~~
798 ~~upon up to 5 percent of the available funds defined in paragraph~~
799 ~~(17) (b) for all students, except that when 75 percent or more of~~
800 ~~the students enrolled in the charter school are exceptional~~
801 ~~students as defined in s. 1003.01(3), the 5 percent of those~~
802 ~~available funds shall be calculated based on unweighted full-~~
803 ~~time equivalent students. However, a sponsor may only withhold~~
804 ~~up to a 5 percent administrative fee for enrollment for up to~~
805 ~~and including 250 students. For charter schools with a~~
806 ~~population of 251 or more students, the difference between the~~
807 ~~total administrative fee calculation and the amount of the~~
808 ~~administrative fee withheld may only be used for capital outlay~~
809 ~~purposes specified in s. 1013.62(3).~~

810 ~~3. For high-performing charter schools, as defined in s.~~
811 ~~1002.331, a sponsor may withhold a total administrative fee of~~
812 ~~up to 2 percent for enrollment up to and including 250 students~~

576-04746-17

20171362c2

813 ~~per school.~~

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

818 ~~a. Includes both conversion charter schools and~~
819 ~~nonconversion charter schools;~~

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

821 ~~c. Has a total enrollment exceeding the total enrollment of~~
822 ~~at least one school district in the state;~~

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

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

826 ~~5. The difference between the total administrative fee~~
827 ~~calculation and the amount of the administrative fee withheld~~
828 ~~pursuant to subparagraph 4. may be used for instructional and~~
829 ~~administrative purposes as well as for capital outlay purposes~~
830 ~~specified in s. 1013.62(3).~~

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

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

839 ~~8. The sponsor of a virtual charter school may withhold a~~
840 ~~fee of up to 5 percent. The funds shall be used to cover the~~
841 ~~cost of services provided under subparagraph 1. and~~

576-04746-17

20171362c2

842 ~~implementation of the school district's digital classrooms plan~~
843 ~~pursuant to s. 1011.62.~~

844 (b) If goods and services are made available to the charter
845 school through the contract with the school district, they shall
846 be provided to the charter school at a rate no greater than the
847 district's actual cost unless mutually agreed upon by the
848 charter school and the sponsor in a contract negotiated
849 separately from the charter. When mediation has failed to
850 resolve disputes over contracted services or contractual matters
851 not included in the charter, an appeal may be made for a dispute
852 resolution hearing before the Charter School Appeal Commission.
853 To maximize the use of state funds, school districts shall allow
854 charter schools to participate in the sponsor's bulk purchasing
855 program if applicable.

856 (c) Transportation of charter school students shall be
857 provided by the charter school consistent with the requirements
858 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
859 body of the charter school may provide transportation through an
860 agreement or contract with the district school board, a private
861 provider, or parents. The charter school and the sponsor shall
862 cooperate in making arrangements that ensure that transportation
863 is not a barrier to equal access for all students residing
864 within a reasonable distance of the charter school as determined
865 in its charter.

866 (d) Each charter school shall annually complete and submit
867 a survey, provided in a format specified by the Department of
868 Education, to rate the timeliness and quality of services
869 provided by the district in accordance with this section. The
870 department shall compile the results, by district, and include

576-04746-17

20171362c2

871 the results in the report required under sub-sub-subparagraph
872 (5) (b) 1.k. (III) .

873 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

874 (a) The Department of Education shall provide information
875 to the public, directly and through sponsors, on how to form and
876 operate a charter school and how to enroll in a charter school
877 once it is created. This information shall include the standard
878 ~~a model~~ application form, standard charter contract, standard
879 evaluation instrument, and standard charter renewal contract,
880 which shall include the information specified in subsection (7)
881 and shall be developed by consulting and negotiating with both
882 school districts and charter schools before implementation. The
883 charter and charter renewal contracts shall be used by charter
884 school sponsors.

885 (b) 1. The Department of Education shall report to each
886 charter school receiving a school grade pursuant to s. 1008.34
887 or a school improvement rating pursuant to s. 1008.341 the
888 school's student assessment data.

889 2. The charter school shall report the information in
890 subparagraph 1. to each parent of a student at the charter
891 school, the parent of a child on a waiting list for the charter
892 school, the district in which the charter school is located, and
893 the governing board of the charter school. This paragraph does
894 not abrogate the provisions of s. 1002.22, relating to student
895 records, or the requirements of 20 U.S.C. s. 1232g, the Family
896 Educational Rights and Privacy Act.

897 ~~3.a. Pursuant to this paragraph, the Department of~~
898 ~~Education shall compare the charter school student performance~~
899 ~~data for each charter school in subparagraph 1. with the student~~

576-04746-17

20171362c2

900 ~~performance data in traditional public schools in the district~~
901 ~~in which the charter school is located and other charter schools~~
902 ~~in the state. For alternative charter schools, the department~~
903 ~~shall compare the student performance data described in this~~
904 ~~paragraph with all alternative schools in the state. The~~
905 ~~comparative data shall be provided by the following grade~~
906 ~~groupings:~~

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

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

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

910 ~~b. Each charter school shall provide the information~~
911 ~~specified in this paragraph on its Internet website and also~~
912 ~~provide notice to the public at large in a manner provided by~~
913 ~~the rules of the State Board of Education. The State Board of~~
914 ~~Education shall adopt rules to administer the notice~~
915 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~
916 ~~120.54. The website shall include, through links or actual~~
917 ~~content, other information related to school performance.~~

918 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
919 SCHOOL SYSTEMS.—

920 (a) A charter school system's governing board shall be
921 designated a local educational agency for the purpose of
922 receiving federal funds, the same as though the charter school
923 system were a school district, if the governing board of the
924 charter school system has adopted and filed a resolution with
925 its sponsoring district school board and the Department of
926 Education in which the governing board of the charter school
927 system accepts the full responsibility for all local education
928 agency requirements and the charter school system meets all of

576-04746-17

20171362c2

929 the following:

930 ~~(a) Includes both conversion charter schools and~~
 931 ~~nonconversion charter schools;~~

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

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

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

936 (b) A charter school system's governing board may be
 937 designated a local educational agency for the purpose of
 938 receiving federal funds for all schools within a school district
 939 that are established pursuant to s. 1008.33 and are under the
 940 jurisdiction of the governing board. The governing board must
 941 adopt and file a resolution with its sponsoring district school
 942 board and the Department of Education and accept full
 943 responsibility for all local educational agency requirements.

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

946

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

949 (28) RULEMAKING.—The Department of Education, after
 950 consultation with school districts and charter school directors,
 951 shall recommend that the State Board of Education adopt rules to
 952 implement specific subsections of this section. Such rules shall
 953 require minimum paperwork and shall not limit charter school
 954 flexibility authorized by statute. The State Board of Education
 955 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 956 implement a standard charter ~~model~~ application form, standard
 957 application form for the replication of charter schools in a

576-04746-17

20171362c2

958 high-performing charter school system, standard evaluation
959 instrument, and standard charter and charter renewal contracts
960 in accordance with this section.

961 Section 2. Paragraph (b) of subsection (2) of section
962 1002.3305, Florida Statutes, is amended to read:

963 1002.3305 College-preparatory Boarding Academy Pilot
964 Program for at-risk students.—

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

966 (b) "Eligible student" means a student who is a resident of
967 the state and entitled to attend school in a participating
968 school district, is at risk of academic failure, is currently
969 enrolled in grade 5-12, if it is determined by the operator that
970 a seat is available ~~grade 5 or 6~~, is from a family whose gross
971 income is at or below 200 percent of the federal poverty
972 guidelines, is eligible for benefits or services funded by
973 Temporary Assistance for Needy Families (TANF) or Title IV-E of
974 the Social Security Act, and meets at least one of the following
975 additional risk factors:

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

978 2. The student's head of household is not the student's
979 custodial parent.

980 3. The student resides in a household that receives a
981 housing voucher or has been determined eligible for public
982 housing assistance.

983 4. A member of the student's immediate family has been
984 incarcerated.

985 5. The child is covered under the terms of the state's
986 Child Welfare Waiver Demonstration project with the United

576-04746-17

20171362c2

987 States Department of Health and Human Services.

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

990 1002.331 High-performing charter schools.—

991 (3) (a) 1. A high-performing charter school may submit an
992 application pursuant to s. 1002.33(6) in any school district in
993 the state to establish and operate a new charter school that
994 will substantially replicate its educational program. An
995 application submitted by a high-performing charter school must
996 state that the application is being submitted pursuant to this
997 paragraph and must include the verification letter provided by
998 the Commissioner of Education pursuant to subsection (4).

999 2. If the sponsor fails to act on the application within 90
1000 ~~60~~ days after receipt, the application is deemed approved and
1001 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~
1002 ~~sponsor denies the application, the high-performing charter~~
1003 ~~school may appeal pursuant to s. 1002.33(6).~~

1004 (b) A high-performing charter school may not establish more
1005 than one charter school within the state under paragraph (a) in
1006 any year. A subsequent application to establish a charter school
1007 under paragraph (a) may not be submitted unless each charter
1008 school established in this manner achieves high-performing
1009 charter school status. However, a high-performing charter school
1010 may establish more than one charter school within the state
1011 under paragraph (a) in any year if it operates in the area of a
1012 persistently low-performing school and serves students from that
1013 school.

1014 Section 4. Paragraph (b) of subsection (2) of section
1015 1002.332, Florida Statutes is amended, and paragraph (c) is

576-04746-17

20171362c2

1016 added to that subsection, to read:

1017 1002.332 High-performing charter school system.—

1018 (2) (b) A high-performing charter school system may
1019 replicate its high-performing charter schools in any school
1020 district in the state. The applicant must submit an application
1021 using the standard application form prepared by the Department
1022 of Education which:

1023 1. Contains goals and objectives for improving student
1024 learning and a process for measuring student improvement. These
1025 goals and objectives must indicate how much academic improvement
1026 students are expected to demonstrate each year, how success will
1027 be evaluated, and the specific results to be attained through
1028 instruction.

1029 2. Contains an annual financial plan for each year
1030 requested by the charter for operation of the school for up to 5
1031 years. This plan must contain anticipated fund balances based on
1032 revenue projections, a spending plan based on projected revenue
1033 and expenses, and a description of controls that will safeguard
1034 finances and projected enrollment trends.

1035 3. Discloses the name of each applicant, governing board
1036 member, and all proposed education services providers; the name
1037 and sponsor of any charter school operated by each applicant,
1038 each governing board member, and each proposed education
1039 services provider that has closed and the reasons for the
1040 closure; and the academic and financial history of such charter
1041 schools, which the sponsor shall consider when deciding whether
1042 to approve or deny the application.

1043 (c) An application submitted by a high-performing charter
1044 school system must state that the application is being submitted

576-04746-17

20171362c2

1045 pursuant to this section and must include the verification
1046 letter provided by the Commissioner of Education pursuant to
1047 this subsection. If the sponsor fails to act on the application
1048 within 90 days after receipt, the application is deemed approved
1049 and the procedure in s. 1002.33(7) applies pursuant to s.
1050 1002.331(3).

1051 Section 5. Subsection (1) of section 1003.498, Florida
1052 Statutes, is amended to read:

1053 1003.498 School district virtual course offerings.—

1054 (1) School districts may deliver courses in the traditional
1055 school setting by personnel certified pursuant to s. 1012.55 who
1056 provide direct instruction through virtual instruction or
1057 through blended learning courses consisting of both traditional
1058 classroom and online instructional techniques. Students in a
1059 blended learning course must be full-time students of the school
1060 pursuant to s. 1011.61(1)(a)1. and receive the online
1061 instruction in a classroom setting at the school. The funding,
1062 performance, and accountability requirements for blended
1063 learning courses are the same as those for traditional courses.
1064 To facilitate the delivery and coding of blended learning
1065 courses, the department shall provide identifiers for existing
1066 courses to designate that they are being used for blended
1067 learning courses for the purpose of ensuring the efficient
1068 reporting of such courses. A district may report full-time
1069 equivalent student membership for credit earned by a student who
1070 is enrolled in a virtual education course provided by the
1071 district which is completed after the end of the regular school
1072 year if the FTE is reported no later than the deadline for
1073 amending the final student membership report for that year.

576-04746-17

20171362c2

1074 Section 6. Subsection (5), paragraph (j) of subsection (6),
1075 and paragraph (a) of subsection (8) of section 1007.35, Florida
1076 Statutes, are amended to read:

1077 1007.35 Florida Partnership for Minority and
1078 Underrepresented Student Achievement.—

1079 (5) Each public high school, including, but not limited to,
1080 schools and alternative sites and centers of the Department of
1081 Juvenile Justice, shall provide for the administration of the
1082 Preliminary SAT/National Merit Scholarship Qualifying Test
1083 (PSAT/NMSQT), or the preliminary ACT Aspire to all enrolled 10th
1084 grade students. However, a written notice shall be provided to
1085 each parent which must ~~that shall~~ include the opportunity to
1086 exempt his or her child from taking the PSAT/NMSQT or the
1087 preliminary ACT Aspire.

1088 (a) Test results will provide each high school with a
1089 database of student assessment data which certified school
1090 counselors will use to identify students who are prepared or who
1091 need additional work to be prepared to enroll and be successful
1092 in AP courses or other advanced high school courses.

1093 (b) Funding for the PSAT/NMSQT or the preliminary ACT
1094 ~~Aspire~~ for all 10th grade students shall be contingent upon
1095 annual funding in the General Appropriations Act.

1096 (c) Public school districts must choose either the
1097 PSAT/NMSQT or the preliminary ACT Aspire for districtwide
1098 administration.

1099 (6) The partnership shall:

1100 (j) Provide information to students, parents, teachers,
1101 counselors, administrators, districts, Florida College System
1102 institutions, and state universities regarding PSAT/NMSQT or the

576-04746-17

20171362c2

1103 preliminary ACT ~~Aspire~~ administration, including, but not
1104 limited to:

1105 1. Test administration dates and times.

1106 2. That participation in the PSAT/NMSQT or the preliminary
1107 ACT ~~Aspire~~ is open to all 10th grade students.

1108 3. The value of such tests in providing diagnostic feedback
1109 on student skills.

1110 4. The value of student scores in predicting the
1111 probability of success on AP or other advanced course
1112 examinations.

1113 (8) (a) By September 30 of each year, the partnership shall
1114 submit to the department a report that contains an evaluation of
1115 the effectiveness of the delivered services and activities.
1116 Activities and services must be evaluated on their effectiveness
1117 at raising student achievement and increasing the number of AP
1118 or other advanced course examinations in low-performing middle
1119 and high schools. Other indicators that must be addressed in the
1120 evaluation report include the number of middle and high school
1121 teachers trained; the effectiveness of the training; measures of
1122 postsecondary readiness of the students affected by the program;
1123 levels of participation in 10th grade PSAT/NMSQT or the
1124 preliminary ACT ~~Aspire~~ testing; and measures of student, parent,
1125 and teacher awareness of and satisfaction with the services of
1126 the partnership.

1127 Section 7. Paragraph (d) of subsection (3) of section
1128 1008.34, Florida Statutes, is amended to read:

1129 1008.34 School grading system; school report cards;
1130 district grade.—

1131 (3) DESIGNATION OF SCHOOL GRADES.—

576-04746-17

20171362c2

1132 (d) The data performance of students attending alternative
1133 schools, ~~and~~ students designated as hospital or homebound, and
1134 students who transfer to a private school shall be factored into
1135 a school grade as follows:

1136 1. The student performance data for eligible students
1137 attending alternative schools that provide dropout prevention
1138 and academic intervention services pursuant to s. 1003.53 shall
1139 be included in the calculation of the home school's grade. The
1140 term "eligible students" in this subparagraph does not include
1141 students attending an alternative school who are subject to
1142 district school board policies for expulsion for repeated or
1143 serious offenses, who are in dropout retrieval programs serving
1144 students who have officially been designated as dropouts, or who
1145 are in programs operated or contracted by the Department of
1146 Juvenile Justice. As used in this subparagraph, the term "home
1147 school" means the school to which the student would be assigned
1148 if the student were not assigned to an alternative school. If an
1149 alternative school chooses to be graded under this section,
1150 student performance data for eligible students identified in
1151 this subparagraph shall not be included in the home school's
1152 grade but shall be included only in the calculation of the
1153 alternative school's grade. A school district that fails to
1154 assign statewide, standardized end-of-course assessment scores
1155 of each of its students to his or her home school or to the
1156 alternative school that receives a grade shall forfeit Florida
1157 School Recognition Program funds for one fiscal year. School
1158 districts must require collaboration between the home school and
1159 the alternative school in order to promote student success. This
1160 collaboration must include an annual discussion between the

576-04746-17

20171362c2

1161 principal of the alternative school and the principal of each
1162 student's home school concerning the most appropriate school
1163 assignment of the student.

1164 2. Student performance data for students designated as
1165 hospital or homebound shall be assigned to their home school for
1166 the purposes of school grades. As used in this subparagraph, the
1167 term "home school" means the school to which a student would be
1168 assigned if the student were not assigned to a hospital or
1169 homebound program.

1170 3. A high school must include a student in its graduation
1171 rate if the student transfers from the high school to a private
1172 school with which the school district has a contractual
1173 relationship.

1174 Section 8. Subsection (3) of section 1008.341, Florida
1175 Statutes, is amended to read:

1176 1008.341 School improvement rating for alternative
1177 schools.—

1178 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student
1179 Learning Gains based on statewide, standardized assessments,
1180 including retakes, administered under s. 1008.22 for all
1181 eligible students who were assigned to and enrolled in the
1182 school during the October or February FTE count and who have
1183 assessment scores, concordant scores, or comparable scores for
1184 the preceding school year shall be used in determining an
1185 alternative school's school improvement rating. An alternative
1186 school's rating shall be based on the following components:

1187 (a) The percentage of eligible students who make Learning
1188 Gains in English Language Arts as measured by statewide,
1189 standardized assessments under s. 1008.22(3).

576-04746-17

20171362c2

1190 (b) The percentage of eligible students who make Learning
1191 Gains in mathematics as measured by statewide, standardized
1192 assessments under s. 1008.22(3).
1193

1194 Student performance results of students who are subject to
1195 district school board policies for expulsion for repeated or
1196 serious offenses, who are in dropout retrieval programs serving
1197 students who have officially been designated as dropouts, or who
1198 are in programs operated or contracted by the Department of
1199 Juvenile Justice may not be included in an alternative school's
1200 school improvement rating.

1201 Section 9. Paragraph (i) of subsection (1) of section
1202 1011.62, Florida Statutes, is amended to read:

1203 1011.62 Funds for operation of schools.—If the annual
1204 allocation from the Florida Education Finance Program to each
1205 district for operation of schools is not determined in the
1206 annual appropriations act or the substantive bill implementing
1207 the annual appropriations act, it shall be determined as
1208 follows:

1209 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1210 OPERATION.—The following procedure shall be followed in
1211 determining the annual allocation to each district for
1212 operation:

1213 (i) *Calculation of full-time equivalent membership with*
1214 *respect to dual enrollment instruction.*—Students enrolled in
1215 dual enrollment instruction pursuant to s. 1007.271 may be
1216 included in calculations of full-time equivalent student
1217 memberships for basic programs for grades 9 through 12 by a
1218 district school board. Instructional time for dual enrollment

576-04746-17

20171362c2

1219 may vary from 900 hours; however, the full-time equivalent
1220 student membership value shall be subject to the provisions in
1221 s. 1011.61(4). Dual enrollment full-time equivalent student
1222 membership shall be calculated in an amount equal to the hours
1223 of instruction that would be necessary to earn the full-time
1224 equivalent student membership for an equivalent course if it
1225 were taught in the school district. Students in dual enrollment
1226 courses may also be calculated as the proportional shares of
1227 full-time equivalent enrollments they generate for a Florida
1228 College System institution or university conducting the dual
1229 enrollment instruction. Early admission students shall be
1230 considered dual enrollments for funding purposes. Students may
1231 be enrolled in dual enrollment instruction provided by an
1232 eligible independent college or university and may be included
1233 in calculations of full-time equivalent student memberships for
1234 basic programs for grades 9 through 12 by a district school
1235 board. However, those provisions of law which exempt dual
1236 enrolled and early admission students from payment of
1237 instructional materials and tuition and fees, including
1238 laboratory fees, shall not apply to students who select the
1239 option of enrolling in an eligible independent institution. An
1240 independent college or university, which is located and
1241 ~~chartered in Florida,~~ is not for profit, is accredited by a
1242 regional or national accrediting agency recognized by the United
1243 States Department of Education ~~the Commission on Colleges of the~~
1244 ~~Southern Association of Colleges and Schools or the Accrediting~~
1245 ~~Council for Independent Colleges and Schools,~~ and confers
1246 degrees as defined in s. 1005.02 shall be eligible for inclusion
1247 in the dual enrollment or early admission program. Students

576-04746-17

20171362c2

1248 enrolled in dual enrollment instruction shall be exempt from the
1249 payment of tuition and fees, including laboratory fees. No
1250 student enrolled in college credit mathematics or English dual
1251 enrollment instruction shall be funded as a dual enrollment
1252 unless the student has successfully completed the relevant
1253 section of the entry-level examination required pursuant to s.
1254 1008.30.

1255 Section 10. Subsection (5) is added to section 1011.69,
1256 Florida Statutes, to read:

1257 1011.69 Equity in School-Level Funding Act.—

1258 (5) To help meet the academic needs of economically
1259 disadvantaged students, school districts shall provide Title I
1260 funds directly to all eligible schools as provided in this
1261 subsection. For purposes of this subsection, the term "eligible
1262 school" means a school, including a charter school, that is
1263 eligible to receive Title I funds. The threshold for identifying
1264 eligible schools shall not exceed the statewide percentage of
1265 economically disadvantaged students.

1266 (a) Before the allocation of Title I funds to eligible
1267 schools, a school district may withhold funds only as follows:

- 1268 1. One percent for parent involvement;
1269 2. A necessary and reasonable amount for administration,
1270 not to exceed 8 percent; and
1271 3. A reasonable and necessary amount to provide:
1272 a. Homeless programs;
1273 b. Delinquent and neglected programs; and
1274 c. Private school equitable services.

1275 (b) All remaining Title I funds shall be distributed to all
1276 eligible schools in accordance with federal law and regulations.

576-04746-17

20171362c2

1277 An eligible school may use funds received under this subsection
1278 to participate in discretionary educational services provided by
1279 the school district.

1280 Section 11. This act shall take effect July 1, 2017.