

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 contract by specified entities; revising  
7           eligibility requirements for charter school students  
8           enrolled in blended learning courses; clarifying  
9           provisions relating to charter schools and tort  
10          liability; revising the purpose of charter school  
11          cooperatives; authorizing the use of unrestricted net  
12          assets and unrestricted surplus for specified charter  
13          schools; requiring such funds to be used in accordance  
14          with specified provisions; revising the public  
15          information disclosures of charter schools;  
16          authorizing certain entities to share facilities with  
17          charter schools without additional approval; revising  
18          the administrative fees that a district may withhold  
19          from charter schools; requiring charter schools to  
20          complete and submit an annual survey; deleting a  
21          requirement that the Department of Education compare  
22          certain data; revising eligibility criteria for  
23          designated local educational agency status; amending  
24          1002.3305, F.S.; revising the definition for the term  
25          "eligible student" for purposes of the College-

26 preparatory Boarding Academy Pilot Program; amending  
27 s. 1002.331, F.S.; conforming provisions to changes  
28 made by the act; authorizing a high-performing charter  
29 school to establish more than one charter school in  
30 any year under certain circumstances; amending s.  
31 1002.332, F.S.; authorizing a high-performing charter  
32 school system to replicate its schools in any school  
33 district and providing application requirements  
34 therefor; amending s. 1008.34, F.S.; revising the  
35 student performance data to be included in school  
36 grades; amending s. 1008.341, F.S.; including  
37 concordant scores in the calculation of an alternative  
38 school's school improvement rating; amending s.  
39 1011.62, F.S.; revising eligibility criteria for  
40 postsecondary institutions to participate in the dual  
41 enrollment and early admission programs; providing an  
42 effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Subsection (1), paragraphs (a), (b), (c), and  
47 (h) of subsection (6), subsection (7), paragraph (b) of  
48 subsection (8), paragraph (h) of subsection (12), subsection  
49 (13), paragraphs (b) and (c) of subsection (17), paragraph (c)  
50 of subsection (18), subsection (20), paragraphs (a) and (b) of

51 subsection (21), and subsections (25) and (28) of section  
52 1002.33, Florida Statutes, are amended to read:

53 1002.33 Charter schools.—

54 (1) AUTHORIZATION.—~~Charter schools shall be part of the~~  
55 ~~state's program of public education.~~ All charter schools in  
56 Florida are public schools and shall be part of the state's  
57 program of public education. A charter school may be formed by  
58 creating a new school or converting an existing public school to  
59 charter status. A charter school may operate a virtual charter  
60 school pursuant to s. 1002.45(1)(d) to provide full-time online  
61 instruction to eligible students, pursuant to s. 1002.455, in  
62 kindergarten through grade 12. An existing charter school that  
63 is seeking to become a virtual charter school must amend its  
64 charter or submit a new application pursuant to subsection (6)  
65 to become a virtual charter school. A virtual charter school is  
66 subject to the requirements of this section; however, a virtual  
67 charter school is exempt from subsections (18) and (19),  
68 ~~subparagraphs (20)(a)2., 4., 5., and 7.,~~ paragraph (20)(c), and  
69 s. 1003.03. A public school may not use the term charter in its  
70 name unless it has been approved under this section.

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

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

76 1. Demonstrates how the school will use the guiding  
77 principles and meet the statutorily defined purpose of a charter  
78 school.

79 2. Provides a detailed curriculum plan that illustrates  
80 how students will be provided services to attain the Sunshine  
81 State Standards.

82 3. Contains goals and objectives for improving student  
83 learning and measuring that improvement. These goals and  
84 objectives must indicate how much academic improvement students  
85 are expected to show each year, how success will be evaluated,  
86 and the specific results to be attained through instruction.

87 4. Describes the reading curriculum and differentiated  
88 strategies that will be used for students reading at grade level  
89 or higher and a separate curriculum and strategies for students  
90 who are reading below grade level. A sponsor shall deny an  
91 application if the school does not propose a reading curriculum  
92 that is consistent with effective teaching strategies that are  
93 grounded in scientifically based reading research.

94 5. Contains an annual financial plan for each year  
95 requested by the charter for operation of the school for up to 5  
96 years. This plan must contain anticipated fund balances based on  
97 revenue projections, a spending plan based on projected revenues  
98 and expenses, and a description of controls that will safeguard  
99 finances and projected enrollment trends.

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

101 member, and all proposed education services providers; the name  
 102 and sponsor of any charter school operated by each applicant,  
 103 each governing board member, and each proposed education  
 104 services provider that has closed and the reasons for the  
 105 closure; and the academic and financial history of such charter  
 106 schools, which the sponsor shall consider in deciding whether to  
 107 approve or deny the application.

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

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

114 (b) A sponsor shall receive and review all applications  
 115 for a charter school using the evaluation instrument developed  
 116 by the Department of Education. A sponsor shall receive and  
 117 consider charter school applications received on or before  
 118 February ~~August~~ 1 of each calendar year for charter schools to  
 119 be opened 18 months later at the beginning of the school  
 120 district's ~~next~~ school year, or to be opened at a time agreed to  
 121 by the applicant and the sponsor. A sponsor may not refuse to  
 122 receive a charter school application submitted before February  
 123 ~~August~~ 1 and may receive an application submitted later than  
 124 February ~~August~~ 1 if it chooses. ~~In order to facilitate greater~~  
 125 ~~collaboration in the application process, an applicant may~~

126 ~~submit a draft charter school application on or before May 1~~  
127 ~~with an application fee of \$500. If a draft application is~~  
128 ~~timely submitted, the sponsor shall review and provide feedback~~  
129 ~~as to material deficiencies in the application by July 1. The~~  
130 ~~applicant shall then have until August 1 to resubmit a revised~~  
131 ~~and final application. The sponsor may approve the draft~~  
132 ~~application. Except as provided for a draft application, A~~  
133 sponsor may not charge an applicant for a charter any fee for  
134 the processing or consideration of an application, and a sponsor  
135 may not base its consideration or approval of a final  
136 application upon the promise of future payment of any kind.  
137 Before approving or denying any ~~final~~ application, the sponsor  
138 shall allow the applicant, upon receipt of written notification,  
139 at least 7 calendar days to make technical or nonsubstantive  
140 corrections and clarifications, including, but not limited to,  
141 corrections of grammatical, typographical, and like errors or  
142 missing signatures, if such errors are identified by the sponsor  
143 as cause to deny the final application.

144 1. In order to facilitate an accurate budget projection  
145 process, a sponsor shall be held harmless for FTE students who  
146 are not included in the FTE projection due to approval of  
147 charter school applications after the FTE projection deadline.  
148 In a further effort to facilitate an accurate budget projection,  
149 within 15 calendar days after receipt of a charter school  
150 application, a sponsor shall report to the Department of

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

153 2. In order to ensure fiscal responsibility, an  
154 application for a charter school shall include a full accounting  
155 of expected assets, a projection of expected sources and amounts  
156 of income, including income derived from projected student  
157 enrollments and from community support, and an expense  
158 projection that includes full accounting of the costs of  
159 operation, including start-up costs.

160 3.a. A sponsor shall by a majority vote approve or deny an  
161 application no later than 90 ~~60~~ calendar days after the  
162 application is received, unless the sponsor and the applicant  
163 mutually agree in writing to temporarily postpone the vote to a  
164 specific date, at which time the sponsor shall by a majority  
165 vote approve or deny the application. If the sponsor fails to  
166 act on the application, an applicant may appeal to the State  
167 Board of Education as provided in paragraph (c). If an  
168 application is denied, the sponsor shall, within 10 calendar  
169 days after such denial, articulate in writing the specific  
170 reasons, based upon good cause, supporting its denial of the  
171 application and shall provide the letter of denial and  
172 supporting documentation to the applicant and to the Department  
173 of Education.

174 b. An application submitted by a high-performing charter  
175 school identified pursuant to s. 1002.331 or a high-performing

176 | charter school system identified pursuant to s. 1002.332 may be  
177 | denied by the sponsor only if the sponsor demonstrates by clear  
178 | and convincing evidence that:

179 |       (I) The application does not materially comply with the  
180 | requirements in paragraph (a);

181 |       (II) The charter school proposed in the application does  
182 | not materially comply with the requirements in paragraphs  
183 | (9) (a)-(f);

184 |       (III) The proposed charter school's educational program  
185 | does not substantially replicate that of the applicant or one of  
186 | the applicant's high-performing charter schools;

187 |       (IV) The applicant has made a material misrepresentation  
188 | or false statement or concealed an essential or material fact  
189 | during the application process; or

190 |       (V) The proposed charter school's educational program and  
191 | financial management practices do not materially comply with the  
192 | requirements of this section.

193 |

194 | Material noncompliance is a failure to follow requirements or a  
195 | violation of prohibitions applicable to charter school  
196 | applications, which failure is quantitatively or qualitatively  
197 | significant either individually or when aggregated with other  
198 | noncompliance. An applicant is considered to be replicating a  
199 | high-performing charter school if the proposed school is  
200 | substantially similar to at least one of the applicant's high-



201 performing charter schools and the organization or individuals  
202 involved in the establishment and operation of the proposed  
203 school are significantly involved in the operation of replicated  
204 schools.

205 c. If the sponsor denies an application submitted by a  
206 high-performing charter school or a high-performing charter  
207 school system, the sponsor must, within 10 calendar days after  
208 such denial, state in writing the specific reasons, based upon  
209 the criteria in sub-subparagraph b., supporting its denial of  
210 the application and must provide the letter of denial and  
211 supporting documentation to the applicant and to the Department  
212 of Education. The applicant may appeal the sponsor's denial of  
213 the application in accordance with ~~directly to the State Board~~  
214 ~~of Education and, if an appeal is filed, must provide a copy of~~  
215 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

216 4. For budget projection purposes, the sponsor shall  
217 report to the Department of Education the approval or denial of  
218 an application within 10 calendar days after such approval or  
219 denial. In the event of approval, the report to the Department  
220 of Education shall include the final projected FTE for the  
221 approved charter school.

222 5. Upon approval of an application, the initial startup  
223 shall commence with the beginning of the public school calendar  
224 for the district in which the charter is granted. A charter  
225 school may defer the opening of the school's operations for up

226 to 2 years to provide time for adequate facility planning. The  
227 charter school must provide written notice of such intent to the  
228 sponsor and the parents of enrolled students at least 30  
229 calendar days before the first day of school.

230 (c)1. An applicant may appeal any denial of that  
231 applicant's application or failure to act on an application to  
232 the State Board of Education no later than 30 calendar days  
233 after receipt of the sponsor's decision or failure to act and  
234 shall notify the sponsor of its appeal. Any response of the  
235 sponsor shall be submitted to the State Board of Education  
236 within 30 calendar days after notification of the appeal. Upon  
237 receipt of notification from the State Board of Education that a  
238 charter school applicant is filing an appeal, the Commissioner  
239 of Education shall convene a meeting of the Charter School  
240 Appeal Commission to study and make recommendations to the State  
241 Board of Education regarding its pending decision about the  
242 appeal. The commission shall forward its recommendation to the  
243 state board at least 7 calendar days before the date on which  
244 the appeal is to be heard. ~~An appeal regarding the denial of an~~  
245 ~~application submitted by a high-performing charter school~~  
246 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~  
247 ~~Education in accordance with this paragraph, except that the~~  
248 ~~commission shall not convene to make recommendations regarding~~  
249 ~~the appeal. However, the Commissioner of Education shall review~~  
250 ~~the appeal and make a recommendation to the state board.~~

251           2. The Charter School Appeal Commission ~~or, in the case of~~  
252 ~~an appeal regarding an application submitted by a high-~~  
253 ~~performing charter school, the State Board of Education~~ may  
254 reject an appeal submission for failure to comply with  
255 procedural rules governing the appeals process. The rejection  
256 shall describe the submission errors. The appellant shall have  
257 15 calendar days after notice of rejection in which to resubmit  
258 an appeal that meets the requirements set forth in State Board  
259 of Education rule. An appeal submitted subsequent to such  
260 rejection is considered timely if the original appeal was filed  
261 within 30 calendar days after receipt of notice of the specific  
262 reasons for the sponsor's denial of the charter application.

263           3.a. The State Board of Education shall by majority vote  
264 accept or reject the decision of the sponsor no later than 90  
265 calendar days after an appeal is filed in accordance with State  
266 Board of Education rule. The State Board of Education shall  
267 remand the application to the sponsor with its written decision  
268 that the sponsor approve or deny the application. The sponsor  
269 shall implement the decision of the State Board of Education.  
270 The decision of the State Board of Education is not subject to  
271 the provisions of the Administrative Procedure Act, chapter 120.

272           b. If an appeal concerns an application submitted by a  
273 high-performing charter school identified pursuant to s.  
274 1002.331 ~~or a high-performing charter school system identified~~  
275 pursuant to s. 1002.332, the State Board of Education shall

276 determine whether the sponsor's denial was in accordance with  
277 sub-subparagraph (6) (b) 3.b. ~~sponsor has shown, by clear and~~  
278 ~~convincing evidence, that:~~

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

281 ~~(II) The charter school proposed in the application does~~  
282 ~~not materially comply with the requirements in paragraphs~~  
283 ~~(9) (a) - (f);~~

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

287 ~~(IV) The applicant has made a material misrepresentation~~  
288 ~~or false statement or concealed an essential or material fact~~  
289 ~~during the application process; or~~

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

293  
294 ~~The State Board of Education shall approve or reject the~~  
295 ~~sponsor's denial of an application no later than 90 calendar~~  
296 ~~days after an appeal is filed in accordance with State Board of~~  
297 ~~Education rule. The State Board of Education shall remand the~~  
298 ~~application to the sponsor with its written decision that the~~  
299 ~~sponsor approve or deny the application. The sponsor shall~~  
300 ~~implement the decision of the State Board of Education. The~~

301 ~~decision of the State Board of Education is not subject to the~~  
302 ~~Administrative Procedure Act, chapter 120.~~

303 ~~(h) The terms and conditions for the operation of a~~  
304 ~~charter school shall be set forth by the sponsor and the~~  
305 ~~applicant in a written contractual agreement, called a charter.~~  
306 ~~The sponsor may not impose unreasonable rules or regulations~~  
307 ~~that violate the intent of giving charter schools greater~~  
308 ~~flexibility to meet educational goals. The sponsor has 30 days~~  
309 ~~after approval of the application to provide an initial proposed~~  
310 ~~charter contract to the charter school. The applicant and the~~  
311 ~~sponsor have 40 days thereafter to negotiate and notice the~~  
312 ~~charter contract for final approval by the sponsor unless both~~  
313 ~~parties agree to an extension. The proposed charter contract~~  
314 ~~shall be provided to the charter school at least 7 calendar days~~  
315 ~~prior to the date of the meeting at which the charter is~~  
316 ~~scheduled to be voted upon by the sponsor. The Department of~~  
317 ~~Education shall provide mediation services for any dispute~~  
318 ~~regarding this section subsequent to the approval of a charter~~  
319 ~~application and for any dispute relating to the approved~~  
320 ~~charter, except disputes regarding charter school application~~  
321 ~~denials. If the Commissioner of Education determines that the~~  
322 ~~dispute cannot be settled through mediation, the dispute may be~~  
323 ~~appealed to an administrative law judge appointed by the~~  
324 ~~Division of Administrative Hearings. The administrative law~~  
325 ~~judge has final order authority to rule on issues of equitable~~

326 ~~treatment of the charter school as a public school, whether~~  
327 ~~proposed provisions of the charter violate the intended~~  
328 ~~flexibility granted charter schools by statute, or on any other~~  
329 ~~matter regarding this section except a charter school~~  
330 ~~application denial, a charter termination, or a charter~~  
331 ~~nonrenewal and shall award the prevailing party reasonable~~  
332 ~~attorney's fees and costs incurred to be paid by the losing~~  
333 ~~party. The costs of the administrative hearing shall be paid by~~  
334 ~~the party whom the administrative law judge rules against.~~

335 (7) CHARTER.—The terms and conditions for the operation of  
336 a charter school shall be set forth by the sponsor and the  
337 applicant in a written contractual agreement, called a charter.  
338 The sponsor and the governing board of the charter school shall  
339 use the standard charter contract pursuant to subsection (21),  
340 which shall incorporate the approved application and any addenda  
341 approved with the application. The standard charter contract may  
342 not be altered in any way. Any term or condition of a proposed  
343 charter contract that differs from the standard charter contract  
344 adopted by rule of the State Board of Education shall be  
345 presumed a limitation on charter school flexibility. The sponsor  
346 may not impose unreasonable rules or regulations that violate  
347 the intent of giving charter schools greater flexibility to meet  
348 educational goals ~~The major issues involving the operation of a~~  
349 ~~charter school shall be considered in advance and written into~~  
350 ~~the charter. The charter shall be signed by the governing board~~

351 of the charter school and the sponsor, following a public  
352 hearing to ensure community input.

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

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

357 2. The focus of the curriculum, the instructional methods  
358 to be used, any distinctive instructional techniques to be  
359 employed, and identification and acquisition of appropriate  
360 technologies needed to improve educational and administrative  
361 performance which include a means for promoting safe, ethical,  
362 and appropriate uses of technology which comply with legal and  
363 professional standards.

364 a. The charter shall ensure that reading is a primary  
365 focus of the curriculum and that resources are provided to  
366 identify and provide specialized instruction for students who  
367 are reading below grade level. The curriculum and instructional  
368 strategies for reading must be consistent with the Next  
369 Generation Sunshine State Standards and grounded in  
370 scientifically based reading research.

371 b. In order to provide students with access to diverse  
372 instructional delivery models, to facilitate the integration of  
373 technology within traditional classroom instruction, and to  
374 provide students with the skills they need to compete in the  
375 21st century economy, the Legislature encourages instructional

376 methods for blended learning courses consisting of both  
377 traditional classroom and online instructional techniques.  
378 Charter schools may implement blended learning courses which  
379 combine traditional classroom instruction and virtual  
380 instruction. Students in a blended learning course must be full-  
381 time students of the charter school pursuant to s.  
382 1011.61(1)(a)1. ~~and receive the online instruction in a~~  
383 ~~classroom setting at the charter school.~~ Instructional personnel  
384 certified pursuant to s. 1012.55 who provide virtual instruction  
385 for blended learning courses may be employees of the charter  
386 school or may be under contract to provide instructional  
387 services to charter school students. At a minimum, such  
388 instructional personnel must hold an active state or school  
389 district adjunct certification under s. 1012.57 for the subject  
390 area of the blended learning course. The funding and performance  
391 accountability requirements for blended learning courses are the  
392 same as those for traditional courses.

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

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

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



401 attending the charter school.

402 c. To the extent possible, how these rates of progress  
403 will be evaluated and compared with rates of progress of other  
404 closely comparable student populations.

405

406 The district school board is required to provide academic  
407 student performance data to charter schools for each of their  
408 students coming from the district school system, as well as  
409 rates of academic progress of comparable student populations in  
410 the district school system.

411 4. The methods used to identify the educational strengths  
412 and needs of students and how well educational goals and  
413 performance standards are met by students attending the charter  
414 school. The methods shall provide a means for the charter school  
415 to ensure accountability to its constituents by analyzing  
416 student performance data and by evaluating the effectiveness and  
417 efficiency of its major educational programs. Students in  
418 charter schools shall, at a minimum, participate in the  
419 statewide assessment program created under s. 1008.22.

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

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

425 7. The admissions procedures and dismissal procedures,

426 including the school's code of student conduct. Admission or  
427 dismissal must not be based on a student's academic performance.

428 8. The ways by which the school will achieve a  
429 racial/ethnic balance reflective of the community it serves or  
430 within the racial/ethnic range of other public schools in the  
431 same school district.

432 9. The financial and administrative management of the  
433 school, including a reasonable demonstration of the professional  
434 experience or competence of those individuals or organizations  
435 applying to operate the charter school or those hired or  
436 retained to perform such professional services and the  
437 description of clearly delineated responsibilities and the  
438 policies and practices needed to effectively manage the charter  
439 school. A description of internal audit procedures and  
440 establishment of controls to ensure that financial resources are  
441 properly managed must be included. Both public sector and  
442 private sector professional experience shall be equally valid in  
443 such a consideration.

444 10. The asset and liability projections required in the  
445 application which are incorporated into the charter and shall be  
446 compared with information provided in the annual report of the  
447 charter school.

448 11. A description of procedures that identify various  
449 risks and provide for a comprehensive approach to reduce the  
450 impact of losses; plans to ensure the safety and security of

451 students and staff; plans to identify, minimize, and protect  
452 others from violent or disruptive student behavior; and the  
453 manner in which the school will be insured, including whether or  
454 not the school will be required to have liability insurance,  
455 and, if so, the terms and conditions thereof and the amounts of  
456 coverage.

457 12. The term of the charter which shall provide for  
458 cancellation of the charter if insufficient progress has been  
459 made in attaining the student achievement objectives of the  
460 charter and if it is not likely that such objectives can be  
461 achieved before expiration of the charter. The initial term of a  
462 charter shall be for 4 or 5 years. In order to facilitate access  
463 to long-term financial resources for charter school  
464 construction, charter schools that are operated by a  
465 municipality or other public entity as provided by law are  
466 eligible for up to a 15-year charter, subject to approval by the  
467 district school board. A charter lab school is eligible for a  
468 charter for a term of up to 15 years. In addition, to facilitate  
469 access to long-term financial resources for charter school  
470 construction, charter schools that are operated by a private,  
471 not-for-profit, s. 501(c)(3) status corporation are eligible for  
472 up to a 15-year charter, subject to approval by the district  
473 school board. Such long-term charters remain subject to annual  
474 review and may be terminated during the term of the charter, but  
475 only according to the provisions set forth in subsection (8).

476           13. The facilities to be used and their location. The  
477 sponsor may not require a charter school to have a certificate  
478 of occupancy or a temporary certificate of occupancy for such a  
479 facility earlier than 15 calendar days before the first day of  
480 school.

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

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

487           16. A timetable for implementing the charter which  
488 addresses the implementation of each element thereof and the  
489 date by which the charter shall be awarded in order to meet this  
490 timetable.

491           17. In the case of an existing public school that is being  
492 converted to charter status, alternative arrangements for  
493 current students who choose not to attend the charter school and  
494 for current teachers who choose not to teach in the charter  
495 school after conversion in accordance with the existing  
496 collective bargaining agreement or district school board rule in  
497 the absence of a collective bargaining agreement. However,  
498 alternative arrangements shall not be required for current  
499 teachers who choose not to teach in a charter lab school, except  
500 as authorized by the employment policies of the state university

501 which grants the charter to the lab school.

502 18. Full disclosure of the identity of all relatives  
503 employed by the charter school who are related to the charter  
504 school owner, president, chairperson of the governing board of  
505 directors, superintendent, governing board member, principal,  
506 assistant principal, or any other person employed by the charter  
507 school who has equivalent decisionmaking authority. For the  
508 purpose of this subparagraph, the term "relative" means father,  
509 mother, son, daughter, brother, sister, uncle, aunt, first  
510 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
511 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
512 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
513 stepsister, half brother, or half sister.

514 19. Implementation of the activities authorized under s.  
515 1002.331 by the charter school when it satisfies the eligibility  
516 requirements for a high-performing charter school. A high-  
517 performing charter school shall notify its sponsor in writing by  
518 March 1 if it intends to increase enrollment or expand grade  
519 levels the following school year. The written notice shall  
520 specify the amount of the enrollment increase and the grade  
521 levels that will be added, as applicable.

522 (b) The sponsor has 30 days after approval of the  
523 application to provide an initial proposed charter contract to  
524 the charter school. The applicant and the sponsor have 40 days  
525 thereafter to negotiate and notice the charter contract for

526 final approval by the sponsor unless both parties agree to an  
527 extension. The proposed charter contract shall be provided to  
528 the charter school at least 7 calendar days before the date of  
529 the meeting at which the charter is scheduled to be voted upon  
530 by the sponsor. The Department of Education shall provide  
531 mediation services for any dispute regarding this section  
532 subsequent to the approval of a charter application and for any  
533 dispute relating to the approved charter, except a dispute  
534 regarding a charter school application denial. If the  
535 Commissioner of Education determines that the dispute cannot be  
536 settled through mediation, the dispute may be appealed to an  
537 administrative law judge appointed by the Division of  
538 Administrative Hearings. The administrative law judge has final  
539 order authority to rule on issues of equitable treatment of the  
540 charter school as a public school, whether proposed provisions  
541 of the charter violate the intended flexibility granted charter  
542 schools by statute, or any other matter regarding this section,  
543 except a dispute regarding charter school application denial, a  
544 charter termination, or a charter nonrenewal. The administrative  
545 law judge shall award the prevailing party reasonable attorney  
546 fees and costs incurred during the mediation process,  
547 administrative proceeding, and any appeals, to be paid by the  
548 party whom the administrative law judge rules against.

549 (c) ~~(b)~~1. A charter may be renewed provided that a program  
550 review demonstrates that the criteria in paragraph (a) have been

551 successfully accomplished and that none of the grounds for  
552 nonrenewal established by paragraph (8) (a) has been documented.  
553 In order to facilitate long-term financing for charter school  
554 construction, charter schools operating for a minimum of 3 years  
555 and demonstrating exemplary academic programming and fiscal  
556 management are eligible for a 15-year charter renewal. Such  
557 long-term charter is subject to annual review and may be  
558 terminated during the term of the charter.

559 2. The 15-year charter renewal that may be granted  
560 pursuant to subparagraph 1. shall be granted to a charter school  
561 that has received a school grade of "A" or "B" pursuant to s.  
562 1008.34 in 3 of the past 4 years and is not in a state of  
563 financial emergency or deficit position as defined by this  
564 section. Such long-term charter is subject to annual review and  
565 may be terminated during the term of the charter pursuant to  
566 subsection (8).

567 (d)~~(e)~~ A charter may be modified during its initial term  
568 or any renewal term upon the recommendation of the sponsor or  
569 the charter school's governing board and the approval of both  
570 parties to the agreement. Modification may include, but is not  
571 limited to, consolidation of multiple charters into a single  
572 charter if the charters are operated under the same governing  
573 board and physically located on the same campus, regardless of  
574 the renewal cycle.

575 (e)~~(d)~~ A charter may be terminated by a charter school's

576 governing board through voluntary closure. The decision to cease  
577 operations must be determined at a public meeting. The governing  
578 board shall notify the parents and sponsor of the public meeting  
579 in writing before the public meeting. The governing board must  
580 notify the sponsor, parents of enrolled students, and the  
581 department in writing within 24 hours after the public meeting  
582 of its determination. The notice shall state the charter  
583 school's intent to continue operations or the reason for the  
584 closure and acknowledge that the governing board agrees to  
585 follow the procedures for dissolution and reversion of public  
586 funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

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

588 (b) At least 90 days before ~~prior to~~ renewing,  
589 nonrenewing, or terminating a charter, the sponsor shall notify  
590 the governing board of the school of the proposed action in  
591 writing. The notice shall state in reasonable detail the grounds  
592 for the proposed action and stipulate that the school's  
593 governing board may, within 14 calendar days after receiving the  
594 notice, request a hearing. The hearing shall be conducted at the  
595 sponsor's election in accordance with one of the following  
596 procedures:

597 1. A direct hearing conducted by the sponsor within 60  
598 days after receipt of the request for a hearing. The hearing  
599 shall be conducted in accordance with ss. 120.569 and 120.57.  
600 The sponsor shall decide upon nonrenewal or termination by a



601 majority vote. The sponsor's decision shall be a final order; or

602         2. A hearing conducted by an administrative law judge  
603 assigned by the Division of Administrative Hearings. The hearing  
604 shall be conducted within 60 days after receipt of the request  
605 for a hearing and in accordance with chapter 120. The  
606 administrative law judge's recommended order shall be submitted  
607 to the sponsor. A majority vote by the sponsor shall be required  
608 to adopt or modify the administrative law judge's recommended  
609 order. The sponsor shall issue a final order.

610         (12) EMPLOYEES OF CHARTER SCHOOLS.—

611         (h) For the purposes of tort liability, the charter  
612 school, including its governing body and employees, ~~of a charter~~  
613 ~~school~~ shall be governed by s. 768.28.

614         (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may  
615 enter into cooperative agreements to form charter school  
616 cooperative organizations that may provide ~~the following~~  
617 services to further educational, operational, and administrative  
618 initiatives in which the participating charter schools share  
619 common interests: ~~charter school planning and development,~~  
620 ~~direct instructional services, and contracts with charter school~~  
621 ~~governing boards to provide personnel administrative services,~~  
622 ~~payroll services, human resource management, evaluation and~~  
623 ~~assessment services, teacher preparation, and professional~~  
624 ~~development.~~

625         (17) FUNDING.—Students enrolled in a charter school,

626 | regardless of the sponsorship, shall be funded as if they are in  
627 | a basic program or a special program, the same as students  
628 | enrolled in other public schools in the school district. Funding  
629 | for a charter lab school shall be as provided in s. 1002.32.

630 |       (b) The basis for the agreement for funding students  
631 | enrolled in a charter school shall be the sum of the school  
632 | district's operating funds from the Florida Education Finance  
633 | Program as provided in s. 1011.62 and the General Appropriations  
634 | Act, including gross state and local funds, discretionary  
635 | lottery funds, and funds from the school district's current  
636 | operating discretionary millage levy; divided by total funded  
637 | weighted full-time equivalent students in the school district;  
638 | multiplied by the weighted full-time equivalent students for the  
639 | charter school. Charter schools whose students or programs meet  
640 | the eligibility criteria in law are entitled to their  
641 | proportionate share of categorical program funds included in the  
642 | total funds available in the Florida Education Finance Program  
643 | by the Legislature, including transportation, the research-based  
644 | reading allocation, and the Florida digital classrooms  
645 | allocation. Total funding for each charter school shall be  
646 | recalculated during the year to reflect the revised calculations  
647 | under the Florida Education Finance Program by the state and the  
648 | actual weighted full-time equivalent students reported by the  
649 | charter school during the full-time equivalent student survey  
650 | periods designated by the Commissioner of Education. For charter

651 schools operated by a not-for-profit or municipal entity, any  
652 unrestricted surplus or unrestricted net assets identified in  
653 the charter school's annual audit may be used for K-12  
654 educational purposes for other charter schools in the state  
655 operated by the not-for-profit or municipal entity. Surplus  
656 operating funds shall be used in accordance with s. 1011.62, and  
657 surplus capital outlay funds shall be used in accordance with s.  
658 1013.62(2).

659 ~~(c) If the district school board is providing programs or~~  
660 ~~services to students funded by federal funds, any eligible~~  
661 ~~students enrolled in charter schools in the school district~~  
662 ~~shall be provided federal funds for the same level of service~~  
663 ~~provided students in the schools operated by the district school~~  
664 ~~board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all~~  
665 charter schools shall receive all federal funding for which the  
666 school is otherwise eligible, including Title I funding, not  
667 later than 5 months after the charter school first opens and  
668 within 5 months after any subsequent expansion of enrollment.  
669 Unless otherwise mutually agreed to by the charter school and  
670 its sponsor, and consistent with state and federal rules and  
671 regulations governing the use and disbursement of federal funds,  
672 the sponsor shall reimburse the charter school on a monthly  
673 basis for all invoices submitted by the charter school for  
674 federal funds available to the sponsor for the benefit of the  
675 charter school, the charter school's students, and the charter

676 school's students as public school students in the school  
677 district. Such federal funds include, but are not limited to,  
678 Title I, Title II, and Individuals with Disabilities Education  
679 Act (IDEA) funds. To receive timely reimbursement for an  
680 invoice, the charter school must submit the invoice to the  
681 sponsor at least 30 days before the monthly date of  
682 reimbursement set by the sponsor. In order to be reimbursed, any  
683 expenditures made by the charter school must comply with all  
684 applicable state rules and federal regulations, including, but  
685 not limited to, the applicable federal Office of Management and  
686 Budget Circulars; the federal Education Department General  
687 Administrative Regulations; and program-specific statutes,  
688 rules, and regulations. Such funds may not be made available to  
689 the charter school until a plan is submitted to the sponsor for  
690 approval of the use of the funds in accordance with applicable  
691 federal requirements. The sponsor has 30 days to review and  
692 approve any plan submitted pursuant to this paragraph.

693 (18) FACILITIES.—

694 (c) Any facility, or portion thereof, used to house a  
695 charter school whose charter has been approved by the sponsor  
696 and the governing board, pursuant to subsection (7), shall be  
697 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
698 community service, museum, performing arts, theatre, cinema,  
699 church, Florida College System institution, college, and  
700 university facilities may provide space to charter schools

701 within their facilities under their preexisting zoning and land  
 702 use designations without obtaining a special exception,  
 703 rezoning, a land use charter, or any other form of approval.

704 (20) SERVICES.—

705 (a)1. A sponsor shall provide certain administrative and  
 706 educational services to charter schools. These services shall  
 707 include contract management services; full-time equivalent and  
 708 data reporting services; exceptional student education  
 709 administration services; services related to eligibility and  
 710 reporting duties required to ensure that school lunch services  
 711 under the federal lunch program, consistent with the needs of  
 712 the charter school, are provided by the school district at the  
 713 request of the charter school, that any funds due to the charter  
 714 school under the federal lunch program be paid to the charter  
 715 school as soon as the charter school begins serving food under  
 716 the federal lunch program, and that the charter school is paid  
 717 at the same time and in the same manner under the federal lunch  
 718 program as other public schools serviced by the sponsor or the  
 719 school district; test administration services, including payment  
 720 of the costs of state-required or district-required student  
 721 assessments; processing of teacher certificate data services;  
 722 and information services, including equal access to student  
 723 information systems that are used by public schools in the  
 724 district in which the charter school is located. Student  
 725 performance data for each student in a charter school,

726 including, but not limited to, FCAT scores, standardized test  
727 scores, previous public school student report cards, and student  
728 performance measures, shall be provided by the sponsor to a  
729 charter school in the same manner provided to other public  
730 schools in the district.

731 2. A sponsor may withhold an administrative fee for the  
732 provision of such services which shall be a percentage of the  
733 available funds defined in paragraph (17)(b) calculated based on  
734 weighted full-time equivalent students. If the charter school  
735 serves 75 percent or more exceptional education students as  
736 defined in s. 1003.01(3), the percentage shall be calculated  
737 based on unweighted full-time equivalent students. The  
738 administrative fee shall be calculated as follows:

739 a. Up to 5 percent for:

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

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

744 (A) Includes conversion charter schools and nonconversion  
745 charter schools.

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

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

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

750 (E) Does not contract with a for-profit service provider

751 for management of school operations.

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

754 b. Up to 2 percent for enrollment of up to and including  
755 250 students in a high-performing charter school as defined in  
756 s. 1002.331.

757 3. A sponsor may not charge charter schools any additional  
758 fees or surcharges for administrative and educational services  
759 in addition to the maximum percentage of administrative fees  
760 withheld pursuant to this paragraph ~~A total administrative fee~~  
761 ~~for the provision of such services shall be calculated based~~  
762 ~~upon up to 5 percent of the available funds defined in paragraph~~  
763 ~~(17) (b) for all students, except that when 75 percent or more of~~  
764 ~~the students enrolled in the charter school are exceptional~~  
765 ~~students as defined in s. 1003.01(3), the 5 percent of those~~  
766 ~~available funds shall be calculated based on unweighted full-~~  
767 ~~time equivalent students. However, a sponsor may only withhold~~  
768 ~~up to a 5 percent administrative fee for enrollment for up to~~  
769 ~~and including 250 students. For charter schools with a~~  
770 ~~population of 251 or more students, the difference between the~~  
771 ~~total administrative fee calculation and the amount of the~~  
772 ~~administrative fee withheld may only be used for capital outlay~~  
773 ~~purposes specified in s. 1013.62(3).~~

774 ~~3. For high-performing charter schools, as defined in s.~~  
775 ~~1002.331, a sponsor may withhold a total administrative fee of~~

776 ~~up to 2 percent for enrollment up to and including 250 students~~  
777 ~~per school.~~

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

782 ~~a. Includes both conversion charter schools and~~  
783 ~~nonconversion charter schools;~~

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

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

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

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

790 ~~5. The difference between the total administrative fee~~  
791 ~~calculation and the amount of the administrative fee withheld~~  
792 ~~pursuant to subparagraph 4. may be used for instructional and~~  
793 ~~administrative purposes as well as for capital outlay purposes~~  
794 ~~specified in s. 1013.62(3).~~

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

799 ~~7. Sponsors shall not charge charter schools any~~  
800 ~~additional fees or surcharges for administrative and educational~~



801 ~~services in addition to the maximum 5-percent administrative fee~~  
802 ~~withheld pursuant to this paragraph.~~

803 ~~8. The sponsor of a virtual charter school may withhold a~~  
804 ~~fee of up to 5 percent. The funds shall be used to cover the~~  
805 ~~cost of services provided under subparagraph 1. and~~  
806 ~~implementation of the school district's digital classrooms plan~~  
807 ~~pursuant to s. 1011.62.~~

808 (b) If goods and services are made available to the  
809 charter school through the contract with the school district,  
810 they shall be provided to the charter school at a rate no  
811 greater than the district's actual cost unless mutually agreed  
812 upon by the charter school and the sponsor in a contract  
813 negotiated separately from the charter. When mediation has  
814 failed to resolve disputes over contracted services or  
815 contractual matters not included in the charter, an appeal may  
816 be made for a dispute resolution hearing before the Charter  
817 School Appeal Commission. To maximize the use of state funds,  
818 school districts shall allow charter schools to participate in  
819 the sponsor's bulk purchasing program if applicable.

820 (c) Transportation of charter school students shall be  
821 provided by the charter school consistent with the requirements  
822 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
823 body of the charter school may provide transportation through an  
824 agreement or contract with the district school board, a private  
825 provider, or parents. The charter school and the sponsor shall

826 cooperate in making arrangements that ensure that transportation  
827 is not a barrier to equal access for all students residing  
828 within a reasonable distance of the charter school as determined  
829 in its charter.

830 (d) Each charter school shall annually complete and submit  
831 a survey, provided in a format specified by the Department of  
832 Education, to rate the timeliness and quality of services  
833 provided by the district in accordance with this section. The  
834 department shall compile the results, by district, and include  
835 the results in the report required under sub-sub-subparagraph  
836 (5) (b) 1.k. (III).

837 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

838 (a) The Department of Education shall provide information  
839 to the public, directly and through sponsors, on how to form and  
840 operate a charter school and how to enroll in a charter school  
841 once it is created. This information shall include the standard  
842 ~~a model~~ application form, standard charter contract, standard  
843 evaluation instrument, and standard charter renewal contract,  
844 which shall include the information specified in subsection (7)  
845 and shall be developed by consulting and negotiating with both  
846 school districts and charter schools before implementation. The  
847 charter and charter renewal contracts shall be used by charter  
848 school sponsors.

849 (b)1. The Department of Education shall report to each  
850 charter school receiving a school grade pursuant to s. 1008.34

851 or a school improvement rating pursuant to s. 1008.341 the  
852 school's student assessment data.

853 2. The charter school shall report the information in  
854 subparagraph 1. to each parent of a student at the charter  
855 school, the parent of a child on a waiting list for the charter  
856 school, the district in which the charter school is located, and  
857 the governing board of the charter school. This paragraph does  
858 not abrogate the provisions of s. 1002.22, relating to student  
859 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
860 Educational Rights and Privacy Act.

861 ~~3.a. Pursuant to this paragraph, the Department of~~  
862 ~~Education shall compare the charter school student performance~~  
863 ~~data for each charter school in subparagraph 1. with the student~~  
864 ~~performance data in traditional public schools in the district~~  
865 ~~in which the charter school is located and other charter schools~~  
866 ~~in the state. For alternative charter schools, the department~~  
867 ~~shall compare the student performance data described in this~~  
868 ~~paragraph with all alternative schools in the state. The~~  
869 ~~comparative data shall be provided by the following grade~~  
870 ~~groupings:~~

- 871 ~~(I) Grades 3 through 5;~~  
872 ~~(II) Grades 6 through 8; and~~  
873 ~~(III) Grades 9 through 11.~~

874 ~~b. Each charter school shall provide the information~~  
875 ~~specified in this paragraph on its Internet website and also~~

876 ~~provide notice to the public at large in a manner provided by~~  
 877 ~~the rules of the State Board of Education. The State Board of~~  
 878 ~~Education shall adopt rules to administer the notice~~  
 879 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~  
 880 ~~120.54. The website shall include, through links or actual~~  
 881 ~~content, other information related to school performance.~~

882 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 883 SCHOOL SYSTEMS.—A charter school system's governing board shall  
 884 be designated a local educational agency for the purpose of  
 885 receiving federal funds, the same as though the charter school  
 886 system were a school district, if the governing board of the  
 887 charter school system has adopted and filed a resolution with  
 888 its sponsoring district school board and the Department of  
 889 Education in which the governing board of the charter school  
 890 system accepts the full responsibility for all local education  
 891 agency requirements and the charter school system meets all of  
 892 the following:

- 893 ~~(a) Includes both conversion charter schools and~~  
 894 ~~nonconversion charter schools;~~
- 895 (a) ~~(b)~~ Has all schools located in the same county;
- 896 (b) ~~(e)~~ Has a total enrollment exceeding the total  
 897 enrollment of at least one school district in the state; and
- 898 (c) ~~(d)~~ Has the same governing board; ~~and~~
- 899 ~~(e) Does not contract with a for-profit service provider~~  
 900 ~~for management of school operations.~~

901  
 902 Such designation does not apply to other provisions unless  
 903 specifically provided in law.

904 (28) RULEMAKING.—The Department of Education, after  
 905 consultation with school districts and charter school directors,  
 906 shall recommend that the State Board of Education adopt rules to  
 907 implement specific subsections of this section. Such rules shall  
 908 require minimum paperwork and shall not limit charter school  
 909 flexibility authorized by statute. The State Board of Education  
 910 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
 911 implement a standard charter model application form, standard  
 912 application form for the replication of charter schools in a  
 913 high-performing charter school system, standard evaluation  
 914 instrument, and standard charter and charter renewal contracts  
 915 in accordance with this section.

916 Section 2. Paragraph (b) of subsection (2) of section  
 917 1002.3305, Florida Statutes, is amended to read:

918 1002.3305 College-preparatory Boarding Academy Pilot  
 919 Program for at-risk students.—

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

921 (b) "Eligible student" means a student who is a resident  
 922 of the state and entitled to attend school in a participating  
 923 school district, is at risk of academic failure, is currently  
 924 enrolled in grades 5-12, if it is determined by the operator  
 925 that a seat is available ~~grade 5 or 6~~, is from a family whose

926 gross income is at or below 200 percent of the federal poverty  
 927 guidelines, is eligible for benefits or services funded by  
 928 Temporary Assistance for Needy Families (TANF) or Title IV-E of  
 929 the Social Security Act, and meets at least one of the following  
 930 additional risk factors:

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

933 2. The student's head of household is not the student's  
 934 custodial parent.

935 3. The student resides in a household that receives a  
 936 housing voucher or has been determined eligible for public  
 937 housing assistance.

938 4. A member of the student's immediate family has been  
 939 incarcerated.

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

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

945 1002.331 High-performing charter schools.—

946 (3) (a) 1. A high-performing charter school may submit an  
 947 application pursuant to s. 1002.33(6) in any school district in  
 948 the state to establish and operate a new charter school that  
 949 will substantially replicate its educational program. An  
 950 application submitted by a high-performing charter school must

951 state that the application is being submitted pursuant to this  
952 paragraph and must include the verification letter provided by  
953 the Commissioner of Education pursuant to subsection (4).

954 2. If the sponsor fails to act on the application within  
955 90 ~~60~~ days after receipt, the application is deemed approved and  
956 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~  
957 ~~sponsor denies the application, the high-performing charter~~  
958 ~~school may appeal pursuant to s. 1002.33(6).~~

959 (b) A high-performing charter school may not establish  
960 more than one charter school within the state under paragraph  
961 (a) in any year. A subsequent application to establish a charter  
962 school under paragraph (a) may not be submitted unless each  
963 charter school established in this manner achieves high-  
964 performing charter school status. However, a high-performing  
965 charter school may establish more than one charter school within  
966 the state under paragraph (a) in any year if it operates in the  
967 area of a persistently low-performing school and serves students  
968 from that school.

969 Section 4. Paragraph (b) of subsection (2) of section  
970 1002.332, Florida Statutes is amended, and paragraph (c) is  
971 added to that subsection, to read:

972 1002.332 High-performing charter school system.—

973 (2)(b) A high-performing charter school system may  
974 replicate its high-performing charter schools in any school  
975 district in the state. The applicant must submit an application

976 using the standard application form prepared by the Department  
977 of Education which:

978 1. Contains goals and objectives for improving student  
979 learning and a process for measuring student improvement. These  
980 goals and objectives must indicate how much academic improvement  
981 students are expected to demonstrate each year, how success will  
982 be evaluated, and the specific results to be attained through  
983 instruction.

984 2. Contains an annual financial plan for each year  
985 requested by the charter for operation of the school for up to 5  
986 years. This plan must contain anticipated fund balances based on  
987 revenue projections, a spending plan based on projected revenue  
988 and expenses, and a description of controls that will safeguard  
989 finances and projected enrollment trends.

990 3. Discloses the name of each applicant, governing board  
991 member, and all proposed education services providers; the name  
992 and sponsor of any charter school operated by each applicant,  
993 each governing board member, and each proposed education  
994 services provider that has closed and the reasons for the  
995 closure; and the academic and financial history of such charter  
996 schools, which the sponsor shall consider when deciding whether  
997 to approve or deny the application.

998 (c) An application submitted by a high-performing charter  
999 school system must state that the application is being submitted  
1000 pursuant to this section and must include the verification



1001 letter provided by the Commissioner of Education pursuant to  
 1002 this subsection. If the sponsor fails to act on the application  
 1003 within 90 days after receipt, the application is deemed approved  
 1004 and the procedure in s. 1002.33(7) applies pursuant to s.  
 1005 ~~1002.331(3).~~

1006 Section 5. Paragraph (d) of subsection (3) of section  
 1007 1008.34, Florida Statutes, is amended to read:

1008 1008.34 School grading system; school report cards;  
 1009 district grade.—

1010 (3) DESIGNATION OF SCHOOL GRADES.—

1011 (d) The performance of students attending alternative  
 1012 schools and students designated as hospital or homebound shall  
 1013 be factored into a school grade as follows:

1014 1. The student performance data for eligible students  
 1015 attending alternative schools, including charter alternative  
 1016 schools, that provide dropout prevention and academic  
 1017 intervention services pursuant to s. 1003.53 shall be included  
 1018 in the calculation of the home school's grade. The term  
 1019 "eligible students" in this subparagraph does not include  
 1020 students attending an alternative school who are subject to  
 1021 district school board policies for expulsion for repeated or  
 1022 serious offenses, who are in dropout retrieval programs serving  
 1023 students who have officially been designated as dropouts, or who  
 1024 are in programs operated or contracted by the Department of  
 1025 Juvenile Justice. As used in this subparagraph, the term "home

1026 school" means the school to which the student would be assigned  
1027 if the student were not assigned to an alternative school. If an  
1028 alternative school chooses to be graded under this section,  
1029 student performance data for eligible students identified in  
1030 this subparagraph shall not be included in the home school's  
1031 grade but shall be included only in the calculation of the  
1032 alternative school's grade. A school district that fails to  
1033 assign statewide, standardized end-of-course assessment scores  
1034 of each of its students to his or her home school or to the  
1035 alternative school that receives a grade shall forfeit Florida  
1036 School Recognition Program funds for one fiscal year. School  
1037 districts must require collaboration between the home school and  
1038 the alternative school in order to promote student success. This  
1039 collaboration must include an annual discussion between the  
1040 principal of the alternative school and the principal of each  
1041 student's home school concerning the most appropriate school  
1042 assignment of the student.

1043       2. Student performance data for students designated as  
1044 hospital or homebound shall be assigned to their home school for  
1045 the purposes of school grades. As used in this subparagraph, the  
1046 term "home school" means the school to which a student would be  
1047 assigned if the student were not assigned to a hospital or  
1048 homebound program.

1049       3. Student performance data for a high school student who  
1050 transfers to a private school that has a contractual

1051 relationship with the school district shall be assigned to the  
1052 school in which the student was last enrolled.

1053 Section 6. Subsection (3) of section 1008.341, Florida  
1054 Statutes, is amended to read:

1055 1008.341 School improvement rating for alternative  
1056 schools.—

1057 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student  
1058 Learning Gains based on statewide, standardized assessments,  
1059 including retakes, administered under s. 1008.22 for all  
1060 eligible students who were assigned to and enrolled in the  
1061 school during the October or February FTE count and who have  
1062 assessment scores, concordant scores, or comparable scores for  
1063 the preceding school year shall be used in determining an  
1064 alternative school's school improvement rating. An alternative  
1065 school's rating shall be based on the following components:

1066 (a) The percentage of eligible students who make Learning  
1067 Gains in English Language Arts as measured by statewide,  
1068 standardized assessments under s. 1008.22(3).

1069 (b) The percentage of eligible students who make Learning  
1070 Gains in mathematics as measured by statewide, standardized  
1071 assessments under s. 1008.22(3).

1072  
1073 Student performance results of students who are subject to  
1074 district school board policies for expulsion for repeated or  
1075 serious offenses, who are in dropout retrieval programs serving

1076 students who have officially been designated as dropouts, or who  
1077 are in programs operated or contracted by the Department of  
1078 Juvenile Justice may not be included in an alternative school's  
1079 school improvement rating.

1080 Section 7. Paragraph (i) of subsection (1) of section  
1081 1011.62, Florida Statutes, is amended to read:

1082 1011.62 Funds for operation of schools.—If the annual  
1083 allocation from the Florida Education Finance Program to each  
1084 district for operation of schools is not determined in the  
1085 annual appropriations act or the substantive bill implementing  
1086 the annual appropriations act, it shall be determined as  
1087 follows:

1088 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1089 OPERATION.—The following procedure shall be followed in  
1090 determining the annual allocation to each district for  
1091 operation:

1092 (i) Calculation of full-time equivalent membership with  
1093 respect to dual enrollment instruction.—Students enrolled in  
1094 dual enrollment instruction pursuant to s. 1007.271 may be  
1095 included in calculations of full-time equivalent student  
1096 memberships for basic programs for grades 9 through 12 by a  
1097 district school board. Instructional time for dual enrollment  
1098 may vary from 900 hours; however, the full-time equivalent  
1099 student membership value shall be subject to the provisions in  
1100 s. 1011.61(4). Dual enrollment full-time equivalent student

1101 membership shall be calculated in an amount equal to the hours  
1102 of instruction that would be necessary to earn the full-time  
1103 equivalent student membership for an equivalent course if it  
1104 were taught in the school district. Students in dual enrollment  
1105 courses may also be calculated as the proportional shares of  
1106 full-time equivalent enrollments they generate for a Florida  
1107 College System institution or university conducting the dual  
1108 enrollment instruction. Early admission students shall be  
1109 considered dual enrollments for funding purposes. Students may  
1110 be enrolled in dual enrollment instruction provided by an  
1111 eligible independent college or university and may be included  
1112 in calculations of full-time equivalent student memberships for  
1113 basic programs for grades 9 through 12 by a district school  
1114 board. However, those provisions of law which exempt dual  
1115 enrolled and early admission students from payment of  
1116 instructional materials and tuition and fees, including  
1117 laboratory fees, shall not apply to students who select the  
1118 option of enrolling in an eligible independent institution. An  
1119 independent college or university, which is located and  
1120 chartered in Florida, is not for profit, is accredited by a  
1121 regional or national accrediting agency recognized by the United  
1122 States Department of Education ~~the Commission on Colleges of the~~  
1123 ~~Southern Association of Colleges and Schools or the Accrediting~~  
1124 ~~Council for Independent Colleges and Schools,~~ and confers  
1125 degrees as defined in s. 1005.02 shall be eligible for inclusion

CS/HB 7101

2017

1126 | in the dual enrollment or early admission program. Students  
1127 | enrolled in dual enrollment instruction shall be exempt from the  
1128 | payment of tuition and fees, including laboratory fees. No  
1129 | student enrolled in college credit mathematics or English dual  
1130 | enrollment instruction shall be funded as a dual enrollment  
1131 | unless the student has successfully completed the relevant  
1132 | section of the entry-level examination required pursuant to s.  
1133 | 1008.30.

1134 |       Section 8. This act shall take effect July 1, 2017.