

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; authorizing a charter school to be exempt
11 from provisions relating to controlled open enrollment
12 under certain circumstances; revising the purpose of
13 charter school cooperatives; authorizing the use of
14 unrestricted net assets and unrestricted surplus for
15 specified charter schools; requiring such funds to be
16 used in accordance with specified provisions; revising
17 the public information disclosures of charter schools;
18 authorizing certain entities to share facilities with
19 charter schools without additional approval; revising
20 the administrative fees that a district may withhold
21 from charter schools; requiring charter schools to
22 complete and submit an annual survey; deleting a
23 requirement that the Department of Education compare
24 certain data; revising eligibility criteria for
25 designated local educational agency status;

26 | authorizing the governing board of a charter school
27 | system to be designated a local educational agency for
28 | certain schools; amending 1002.3305, F.S.; revising
29 | the definition for the term "eligible student" for
30 | purposes of the College-preparatory Boarding Academy
31 | Pilot Program; amending s. 1002.331, F.S.; conforming
32 | provisions to changes made by the act; authorizing a
33 | high-performing charter school to establish more than
34 | one charter school in any year under certain
35 | circumstances; amending s. 1002.332, F.S.; authorizing
36 | a high-performing charter school system to replicate
37 | its schools in any school district and providing
38 | application requirements therefor; amending s.
39 | 1003.498, F.S.; revising eligibility requirements for
40 | students enrolled in blended learning courses;
41 | amending s. 1007.35, F.S.; revising the name of an ACT
42 | assessment for specified purposes; amending s.
43 | 1008.34, F.S.; revising the student performance data
44 | to be included in school grades; amending s. 1008.341,
45 | F.S.; including concordant scores in the calculation
46 | of an alternative school's school improvement rating;
47 | amending s. 1011.62, F.S.; revising eligibility
48 | criteria for postsecondary institutions to participate
49 | in the dual enrollment and early admission programs;
50 | amending s. 1011.69, F.S.; requiring school districts

51 to provide specified funds directly to schools
 52 eligible to receive Title I funds; providing a
 53 definition; authorizing school districts to withhold
 54 certain funds for specified purposes; authorizing
 55 eligible schools to use funds to participate in
 56 certain services; providing an effective date.

57
 58 Be It Enacted by the Legislature of the State of Florida:

59
 60 Section 1. Subsection (1), paragraphs (a), (b), (c), and
 61 (h) of subsection (6), subsection (7), paragraph (b) of
 62 subsection (8), paragraph (a) of subsection (10), paragraph (h)
 63 of subsection (12), subsection (13), paragraphs (b) and (c) of
 64 subsection (17), paragraph (c) of subsection (18), subsection
 65 (20), paragraphs (a) and (b) of subsection (21), and subsections
 66 (25) and (28) of section 1002.33, Florida Statutes, are amended
 67 to read:

68 1002.33 Charter schools.—

69 (1) AUTHORIZATION. ~~Charter schools shall be part of the~~
 70 ~~state's program of public education.~~ All charter schools in
 71 Florida are public schools and shall be part of the state's
 72 program of public education. A charter school may be formed by
 73 creating a new school or converting an existing public school to
 74 charter status. A charter school may operate a virtual charter
 75 school pursuant to s. 1002.45(1)(d) to provide full-time online

76 instruction to eligible students, pursuant to s. 1002.455, in
77 kindergarten through grade 12. An existing charter school that
78 is seeking to become a virtual charter school must amend its
79 charter or submit a new application pursuant to subsection (6)
80 to become a virtual charter school. A virtual charter school is
81 subject to the requirements of this section; however, a virtual
82 charter school is exempt from subsections (18) and (19),
83 ~~subparagraphs (20) (a) 2., 4., 5., and 7.,~~ paragraph (20) (c), and
84 s. 1003.03. A public school may not use the term charter in its
85 name unless it has been approved under this section.

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

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

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

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

97 3. Contains goals and objectives for improving student
98 learning and measuring that improvement. These goals and
99 objectives must indicate how much academic improvement students
100 are expected to show each year, how success will be evaluated,

101 and the specific results to be attained through instruction.

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

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

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

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

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

129 (b) A sponsor shall receive and review all applications
130 for a charter school using the evaluation instrument developed
131 by the Department of Education. A sponsor shall receive and
132 consider charter school applications received on or before
133 August 1 of each calendar year for charter schools to be opened
134 at the beginning of the school district's next school year, or
135 to be opened at a time agreed to by the applicant and the
136 sponsor. A sponsor may not refuse to receive a charter school
137 application submitted before August 1 and may receive an
138 application submitted later than August 1 if it chooses.
139 Beginning in 2018 and thereafter, a sponsor shall receive and
140 consider charter school applications received on or before
141 February 1 of each calendar year for charter schools to be
142 opened 18 months later at the beginning of the school district's
143 school year, or to be opened at a time agreed to by the
144 applicant and the sponsor. A sponsor may not refuse to receive a
145 charter school application submitted before February 1 and may
146 receive an application submitted later than February 1 if it
147 chooses. ~~In order to facilitate greater collaboration in the~~
148 ~~application process, an applicant may submit a draft charter~~
149 ~~school application on or before May 1 with an application fee of~~
150 ~~\$500. If a draft application is timely submitted, the sponsor~~

151 ~~shall review and provide feedback as to material deficiencies in~~
152 ~~the application by July 1. The applicant shall then have until~~
153 ~~August 1 to resubmit a revised and final application. The~~
154 ~~sponsor may approve the draft application. Except as provided~~
155 ~~for a draft application,~~ A sponsor may not charge an applicant
156 for a charter any fee for the processing or consideration of an
157 application, and a sponsor may not base its consideration or
158 approval of a final application upon the promise of future
159 payment of any kind. Before approving or denying any ~~final~~
160 application, the sponsor shall allow the applicant, upon receipt
161 of written notification, at least 7 calendar days to make
162 technical or nonsubstantive corrections and clarifications,
163 including, but not limited to, corrections of grammatical,
164 typographical, and like errors or missing signatures, if such
165 errors are identified by the sponsor as cause to deny the final
166 application.

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

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

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

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

201 and convincing evidence that:

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

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

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

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

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

216
217 Material noncompliance is a failure to follow requirements or a
218 violation of prohibitions applicable to charter school
219 applications, which failure is quantitatively or qualitatively
220 significant either individually or when aggregated with other
221 noncompliance. An applicant is considered to be replicating a
222 high-performing charter school if the proposed school is
223 substantially similar to at least one of the applicant's high-
224 performing charter schools and the organization or individuals
225 involved in the establishment and operation of the proposed

226 school are significantly involved in the operation of replicated
227 schools.

228 c. If the sponsor denies an application submitted by a
229 high-performing charter school or a high-performing charter
230 school system, the sponsor must, within 10 calendar days after
231 such denial, state in writing the specific reasons, based upon
232 the criteria in sub-subparagraph b., supporting its denial of
233 the application and must provide the letter of denial and
234 supporting documentation to the applicant and to the Department
235 of Education. The applicant may appeal the sponsor's denial of
236 the application in accordance with ~~directly to the State Board~~
237 ~~of Education and, if an appeal is filed, must provide a copy of~~
238 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

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

245 5. Upon approval of an application, the initial startup
246 shall commence with the beginning of the public school calendar
247 for the district in which the charter is granted. A charter
248 school may defer the opening of the school's operations for up
249 to 2 years to provide time for adequate facility planning. The
250 charter school must provide written notice of such intent to the

251 sponsor and the parents of enrolled students at least 30
252 calendar days before the first day of school.

253 (c)1. An applicant may appeal any denial of that
254 applicant's application or failure to act on an application to
255 the State Board of Education no later than 30 calendar days
256 after receipt of the sponsor's decision or failure to act and
257 shall notify the sponsor of its appeal. Any response of the
258 sponsor shall be submitted to the State Board of Education
259 within 30 calendar days after notification of the appeal. Upon
260 receipt of notification from the State Board of Education that a
261 charter school applicant is filing an appeal, the Commissioner
262 of Education shall convene a meeting of the Charter School
263 Appeal Commission to study and make recommendations to the State
264 Board of Education regarding its pending decision about the
265 appeal. The commission shall forward its recommendation to the
266 state board at least 7 calendar days before the date on which
267 the appeal is to be heard. ~~An appeal regarding the denial of an~~
268 ~~application submitted by a high-performing charter school~~
269 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~
270 ~~Education in accordance with this paragraph, except that the~~
271 ~~commission shall not convene to make recommendations regarding~~
272 ~~the appeal. However, the Commissioner of Education shall review~~
273 ~~the appeal and make a recommendation to the state board.~~

274 2. The Charter School Appeal Commission ~~or, in the case of~~
275 ~~an appeal regarding an application submitted by a high-~~

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

286 3.a. The State Board of Education shall by majority vote
287 accept or reject the decision of the sponsor no later than 90
288 calendar days after an appeal is filed in accordance with State
289 Board of Education rule. The State Board of Education shall
290 remand the application to the sponsor with its written decision
291 that the sponsor approve or deny the application. The sponsor
292 shall implement the decision of the State Board of Education.
293 The decision of the State Board of Education is not subject to
294 the provisions of the Administrative Procedure Act, chapter 120.

295 b. If an appeal concerns an application submitted by a
296 high-performing charter school identified pursuant to s.
297 1002.331 or a high-performing charter school system identified
298 pursuant to s. 1002.332, the State Board of Education shall
299 determine whether the sponsor's denial was in accordance with
300 sub-subparagraph (6) (b) 3.b. ~~sponsor has shown, by clear and~~

301 ~~convincing evidence, that:~~

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

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

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

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

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

316
317 ~~The State Board of Education shall approve or reject the~~
318 ~~sponsor's denial of an application no later than 90 calendar~~
319 ~~days after an appeal is filed in accordance with State Board of~~
320 ~~Education rule. The State Board of Education shall remand the~~
321 ~~application to the sponsor with its written decision that the~~
322 ~~sponsor approve or deny the application. The sponsor shall~~
323 ~~implement the decision of the State Board of Education. The~~
324 ~~decision of the State Board of Education is not subject to the~~
325 ~~Administrative Procedure Act, chapter 120.~~

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

351 ~~flexibility granted charter schools by statute, or on any other~~
352 ~~matter regarding this section except a charter school~~
353 ~~application denial, a charter termination, or a charter~~
354 ~~nonrenewal and shall award the prevailing party reasonable~~
355 ~~attorney's fees and costs incurred to be paid by the losing~~
356 ~~party. The costs of the administrative hearing shall be paid by~~
357 ~~the party whom the administrative law judge rules against.~~

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

375 (a) The charter shall address and criteria for approval of

376 the charter shall be based on:

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

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

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

393 b. In order to provide students with access to diverse
394 instructional delivery models, to facilitate the integration of
395 technology within traditional classroom instruction, and to
396 provide students with the skills they need to compete in the
397 21st century economy, the Legislature encourages instructional
398 methods for blended learning courses consisting of both
399 traditional classroom and online instructional techniques.
400 Charter schools may implement blended learning courses which

401 combine traditional classroom instruction and virtual
402 instruction. Students in a blended learning course must be full-
403 time students of the charter school pursuant to s.
404 1011.61(1)(a)1. ~~and receive the online instruction in a~~
405 ~~classroom setting at the charter school.~~ Instructional personnel
406 certified pursuant to s. 1012.55 who provide virtual instruction
407 for blended learning courses may be employees of the charter
408 school or may be under contract to provide instructional
409 services to charter school students. At a minimum, such
410 instructional personnel must hold an active state or school
411 district adjunct certification under s. 1012.57 for the subject
412 area of the blended learning course. The funding and performance
413 accountability requirements for blended learning courses are the
414 same as those for traditional courses.

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

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

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

424 c. To the extent possible, how these rates of progress
425 will be evaluated and compared with rates of progress of other

426 | closely comparable student populations.

427 |

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

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

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

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

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

450 | 8. The ways by which the school will achieve a

451 racial/ethnic balance reflective of the community it serves or
452 within the racial/ethnic range of other public schools in the
453 same school district.

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

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

470 11. A description of procedures that identify various
471 risks and provide for a comprehensive approach to reduce the
472 impact of losses; plans to ensure the safety and security of
473 students and staff; plans to identify, minimize, and protect
474 others from violent or disruptive student behavior; and the
475 manner in which the school will be insured, including whether or

476 not the school will be required to have liability insurance,
477 and, if so, the terms and conditions thereof and the amounts of
478 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
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
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
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.

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

589 (d)~~(e)~~ A charter may be modified during its initial term
590 or any renewal term upon the recommendation of the sponsor or
591 the 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.—

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

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

624 2. A hearing conducted by an administrative law judge
625 assigned by the Division of Administrative Hearings. The hearing

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

632 (10) ELIGIBLE STUDENTS.—

633 (a) A charter school may be exempt from the requirements
 634 of s. 1002.31 if the school is ~~shall be~~ open to any student
 635 covered in an interdistrict agreement and any student ~~or~~
 636 residing in the school district in which the charter school is
 637 located. ~~+~~ However, in the case of a charter lab school, the
 638 charter lab school shall be open to any student eligible to
 639 attend the lab school as provided in s. 1002.32 or who resides
 640 in the school district in which the charter lab school is
 641 located. Any eligible student shall be allowed interdistrict
 642 transfer to attend a charter school when based on good cause.
 643 Good cause shall include, but is not limited to, geographic
 644 proximity to a charter school in a neighboring school district.

645 (12) EMPLOYEES OF CHARTER SCHOOLS.—

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

649 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may
 650 enter into cooperative agreements to form charter school

651 cooperative organizations that may provide ~~the following~~
652 services to further educational, operational, and administrative
653 initiatives in which the participating charter schools share
654 common interests: ~~charter school planning and development,~~
655 ~~direct instructional services, and contracts with charter school~~
656 ~~governing boards to provide personnel administrative services,~~
657 ~~payroll services, human resource management, evaluation and~~
658 ~~assessment services, teacher preparation, and professional~~
659 ~~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
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 or unrestricted net assets identified in
688 the charter school's annual audit may be used for K-12
689 educational purposes for other charter schools in the state
690 operated by the not-for-profit or municipal entity. Surplus
691 operating funds shall be used in accordance with s. 1011.62, and
692 surplus capital outlay funds shall be used in accordance with s.
693 1013.62(2).

694 (c) ~~If the district school board is providing programs or~~
695 ~~services to students funded by federal funds, any eligible~~
696 ~~students enrolled in charter schools in the school district~~
697 ~~shall be provided federal funds for the same level of service~~
698 ~~provided students in the schools operated by the district school~~
699 ~~board.~~ Pursuant to ~~provisions of~~ 20 U.S.C. 8061 s. 10306, all
700 charter schools shall receive all federal funding for which the

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

726 federal requirements. The sponsor has 30 days to review and
727 approve any plan submitted pursuant to this paragraph.

728 (18) FACILITIES.—

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

739 (20) SERVICES.—

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

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

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

774 a. Up to 5 percent for:

775 (I) Enrollment of up to and including 250 students in a

776 | charter school as defined in this section.

777 | (II) Enrollment of up to and including 500 students within

778 | a charter school system which meets all of the following:

779 | (A) Includes conversion charter schools and nonconversion

780 | charter schools.

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

782 | (C) Has a total enrollment exceeding the total enrollment

783 | of at least one school district in the state.

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

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

786 | for management of school operations.

787 | (III) Enrollment of up to and including 250 students in a

788 | virtual charter school.

789 | b. Up to 2 percent for enrollment of up to and including

790 | 250 students in a high-performing charter school as defined in

791 | s. 1002.331.

792 | 3. A sponsor may not charge charter schools any additional

793 | fees or surcharges for administrative and educational services

794 | in addition to the maximum percentage of administrative fees

795 | withheld pursuant to this paragraph ~~A total administrative fee~~

796 | ~~for the provision of such services shall be calculated based~~

797 | ~~upon up to 5 percent of the available funds defined in paragraph~~

798 | ~~(17) (b) for all students, except that when 75 percent or more of~~

799 | ~~the students enrolled in the charter school are exceptional~~

800 | ~~students as defined in s. 1003.01(3), the 5 percent of those~~

801 ~~available funds shall be calculated based on unweighted full-~~
802 ~~time equivalent students. However, a sponsor may only withhold~~
803 ~~up to a 5-percent administrative fee for enrollment for up to~~
804 ~~and including 250 students. For charter schools with a~~
805 ~~population of 251 or more students, the difference between the~~
806 ~~total administrative fee calculation and the amount of the~~
807 ~~administrative fee withheld may only be used for capital outlay~~
808 ~~purposes specified in s. 1013.62(3).~~

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

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

817 ~~a. Includes both conversion charter schools and~~
818 ~~nonconversion charter schools;~~
819 ~~b. Has all schools located in the same county;~~
820 ~~c. Has a total enrollment exceeding the total enrollment~~
821 ~~of at least one school district in the state;~~
822 ~~d. Has the same governing board; and~~
823 ~~e. Does not contract with a for-profit service provider~~
824 ~~for management of school operations.~~

825 ~~5. The difference between the total administrative fee~~

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

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

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

838 ~~8. The sponsor of a virtual charter school may withhold a~~
839 ~~fee of up to 5 percent. The funds shall be used to cover the~~
840 ~~cost of services provided under subparagraph 1. and~~
841 ~~implementation of the school district's digital classrooms plan~~
842 ~~pursuant to s. 1011.62.~~

843 (b) If goods and services are made available to the
844 charter school through the contract with the school district,
845 they shall be provided to the charter school at a rate no
846 greater than the district's actual cost unless mutually agreed
847 upon by the charter school and the sponsor in a contract
848 negotiated separately from the charter. When mediation has
849 failed to resolve disputes over contracted services or
850 contractual matters not included in the charter, an appeal may

851 be made for a dispute resolution hearing before the Charter
852 School Appeal Commission. To maximize the use of state funds,
853 school districts shall allow charter schools to participate in
854 the sponsor's bulk purchasing program if applicable.

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

865 (d) Each charter school shall annually complete and submit
866 a survey, provided in a format specified by the Department of
867 Education, to rate the timeliness and quality of services
868 provided by the district in accordance with this section. The
869 department shall compile the results, by district, and include
870 the results in the report required under sub-sub-subparagraph
871 (5) (b) 1.k. (III) .

872 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

873 (a) The Department of Education shall provide information
874 to the public, directly and through sponsors, on how to form and
875 operate a charter school and how to enroll in a charter school

876 once it is created. This information shall include the standard
877 ~~a model~~ application form, standard charter contract, standard
878 evaluation instrument, and standard charter renewal contract,
879 which shall include the information specified in subsection (7)
880 and shall be developed by consulting and negotiating with both
881 school districts and charter schools before implementation. The
882 charter and charter renewal contracts shall be used by charter
883 school sponsors.

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

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

896 ~~3.a. Pursuant to this paragraph, the Department of~~
897 ~~Education shall compare the charter school student performance~~
898 ~~data for each charter school in subparagraph 1. with the student~~
899 ~~performance data in traditional public schools in the district~~
900 ~~in which the charter school is located and other charter schools~~

901 ~~in the state. For alternative charter schools, the department~~
902 ~~shall compare the student performance data described in this~~
903 ~~paragraph with all alternative schools in the state. The~~
904 ~~comparative data shall be provided by the following grade~~
905 ~~groupings:~~

- 906 ~~(I) Grades 3 through 5;~~
907 ~~(II) Grades 6 through 8; and~~
908 ~~(III) Grades 9 through 11.~~

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

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

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

926 system accepts the full responsibility for all local education
 927 agency requirements and the charter school system meets all of
 928 the following:

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

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

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

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

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

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

945
 946 Such designation does not apply to other provisions unless
 947 specifically provided in law.

948 (28) RULEMAKING.—The Department of Education, after
 949 consultation with school districts and charter school directors,
 950 shall recommend that the State Board of Education adopt rules to

951 implement specific subsections of this section. Such rules shall
952 require minimum paperwork and shall not limit charter school
953 flexibility authorized by statute. The State Board of Education
954 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
955 implement a standard charter ~~model~~ application form, standard
956 application form for the replication of charter schools in a
957 high-performing charter school system, standard evaluation
958 instrument, and standard charter and charter renewal contracts
959 in accordance with this section.

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

962 1002.3305 College-preparatory Boarding Academy Pilot
963 Program for at-risk students.—

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

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

975 1. The child is in foster care or has been declared an

976 adjudicated dependent by a court.

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

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

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

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

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

989 1002.331 High-performing charter schools.—

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

998 2. If the sponsor fails to act on the application within
999 90 ~~60~~ days after receipt, the application is deemed approved and
1000 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~

1001 ~~sponsor denies the application, the high-performing charter~~
1002 ~~school may appeal pursuant to s. 1002.33(6).~~

1003 (b) A high-performing charter school may not establish
1004 more than one charter school within the state under paragraph
1005 (a) in any year. A subsequent application to establish a charter
1006 school under paragraph (a) may not be submitted unless each
1007 charter school established in this manner achieves high-
1008 performing charter school status. However, a high-performing
1009 charter school may establish more than one charter school within
1010 the state under paragraph (a) in any year if it operates in the
1011 area of a persistently low-performing school and serves students
1012 from that school.

1013 Section 4. Paragraph (b) of subsection (2) of section
1014 1002.332, Florida Statutes is amended, and paragraph (c) is
1015 added to that subsection, to read:

1016 1002.332 High-performing charter school system.—

1017 (2)(b) A high-performing charter school system may
1018 replicate its high-performing charter schools in any school
1019 district in the state. The applicant must submit an application
1020 using the standard application form prepared by the Department
1021 of Education which:

1022 1. Contains goals and objectives for improving student
1023 learning and a process for measuring student improvement. These
1024 goals and objectives must indicate how much academic improvement
1025 students are expected to demonstrate each year, how success will

1026 be evaluated, and the specific results to be attained through
1027 instruction.

1028 2. Contains an annual financial plan for each year
1029 requested by the charter for operation of the school for up to 5
1030 years. This plan must contain anticipated fund balances based on
1031 revenue projections, a spending plan based on projected revenue
1032 and expenses, and a description of controls that will safeguard
1033 finances and projected enrollment trends.

1034 3. Discloses the name of each applicant, governing board
1035 member, and all proposed education services providers; the name
1036 and sponsor of any charter school operated by each applicant,
1037 each governing board member, and each proposed education
1038 services provider that has closed and the reasons for the
1039 closure; and the academic and financial history of such charter
1040 schools, which the sponsor shall consider when deciding whether
1041 to approve or deny the application.

1042 (c) An application submitted by a high-performing charter
1043 school system must state that the application is being submitted
1044 pursuant to this section and must include the verification
1045 letter provided by the Commissioner of Education pursuant to
1046 this subsection. If the sponsor fails to act on the application
1047 within 90 days after receipt, the application is deemed approved
1048 and the procedure in s. 1002.33(7) applies ~~pursuant to s.~~
1049 ~~1002.331(3).~~

1050 Section 5. Subsection (1) of section 1003.498, Florida

1051 Statutes, is amended to read:

1052 1003.498 School district virtual course offerings.—

1053 (1) School districts may deliver courses in the
1054 traditional school setting by personnel certified pursuant to s.
1055 1012.55 who provide direct instruction through virtual
1056 instruction or through blended learning courses consisting of
1057 both traditional classroom and online instructional techniques.
1058 Students in a blended learning course must be full-time students
1059 of the school pursuant to s. 1011.61(1)(a)1. ~~and receive the~~
1060 ~~online instruction in a classroom setting at the school.~~ The
1061 funding, performance, and accountability requirements for
1062 blended learning courses are the same as those for traditional
1063 courses. To facilitate the delivery and coding of blended
1064 learning courses, the department shall provide identifiers for
1065 existing courses to designate that they are being used for
1066 blended learning courses for the purpose of ensuring the
1067 efficient reporting of such courses. A district may report full-
1068 time equivalent student membership for credit earned by a
1069 student who is enrolled in a virtual education course provided
1070 by the district which is completed after the end of the regular
1071 school year if the FTE is reported no later than the deadline
1072 for amending the final student membership report for that year.

1073 Section 6. Subsection (5), paragraph (j) of subsection
1074 (6), and paragraph (a) of subsection (8) of section 1007.35,
1075 Florida Statutes, are amended to read:

1076 1007.35 Florida Partnership for Minority and
 1077 Underrepresented Student Achievement.—

1078 (5) Each public high school, including, but not limited
 1079 to, schools and alternative sites and centers of the Department
 1080 of Juvenile Justice, shall provide for the administration of the
 1081 Preliminary SAT/National Merit Scholarship Qualifying Test
 1082 (PSAT/NMSQT), or the preliminary ACT Aspire to all enrolled 10th
 1083 grade students. However, a written notice shall be provided to
 1084 each parent which must ~~that shall~~ include the opportunity to
 1085 exempt his or her child from taking the PSAT/NMSQT or the
 1086 preliminary ACT Aspire.

1087 (a) Test results will provide each high school with a
 1088 database of student assessment data which certified school
 1089 counselors will use to identify students who are prepared or who
 1090 need additional work to be prepared to enroll and be successful
 1091 in AP courses or other advanced high school courses.

1092 (b) Funding for the PSAT/NMSQT or the preliminary ACT
 1093 ~~Aspire~~ for all 10th grade students shall be contingent upon
 1094 annual funding in the General Appropriations Act.

1095 (c) Public school districts must choose either the
 1096 PSAT/NMSQT or the preliminary ACT Aspire for districtwide
 1097 administration.

1098 (6) The partnership shall:

1099 (j) Provide information to students, parents, teachers,
 1100 counselors, administrators, districts, Florida College System

1101 institutions, and state universities regarding PSAT/NMSQT or the
1102 preliminary ACT ~~Aspire~~ administration, including, but not
1103 limited to:

- 1104 1. Test administration dates and times.
- 1105 2. That participation in the PSAT/NMSQT or the preliminary
1106 ACT ~~Aspire~~ is open to all 10th grade students.
- 1107 3. The value of such tests in providing diagnostic
1108 feedback on student skills.
- 1109 4. The value of student scores in predicting the
1110 probability of success on AP or other advanced course
1111 examinations.

1112 (8) (a) By September 30 of each year, the partnership shall
1113 submit to the department a report that contains an evaluation of
1114 the effectiveness of the delivered services and activities.
1115 Activities and services must be evaluated on their effectiveness
1116 at raising student achievement and increasing the number of AP
1117 or other advanced course examinations in low-performing middle
1118 and high schools. Other indicators that must be addressed in the
1119 evaluation report include the number of middle and high school
1120 teachers trained; the effectiveness of the training; measures of
1121 postsecondary readiness of the students affected by the program;
1122 levels of participation in 10th grade PSAT/NMSQT or the
1123 preliminary ACT ~~Aspire~~ testing; and measures of student, parent,
1124 and teacher awareness of and satisfaction with the services of
1125 the partnership.

1126 Section 7. Paragraph (d) of subsection (3) of section
1127 1008.34, Florida Statutes, is amended to read:

1128 1008.34 School grading system; school report cards;
1129 district grade.—

1130 (3) DESIGNATION OF SCHOOL GRADES.—

1131 (d) The data performance of students attending alternative
1132 schools, ~~and~~ students designated as hospital or homebound, and
1133 students who transfer to a private school shall be factored into
1134 a school grade as follows:

1135 1. The student performance data for eligible students
1136 attending alternative schools that provide dropout prevention
1137 and academic intervention services pursuant to s. 1003.53 shall
1138 be included in the calculation of the home school's grade. The
1139 term "eligible students" in this subparagraph does not include
1140 students attending an alternative school who are subject to
1141 district school board policies for expulsion for repeated or
1142 serious offenses, who are in dropout retrieval programs serving
1143 students who have officially been designated as dropouts, or who
1144 are in programs operated or contracted by the Department of
1145 Juvenile Justice. As used in this subparagraph, the term "home
1146 school" means the school to which the student would be assigned
1147 if the student were not assigned to an alternative school. If an
1148 alternative school chooses to be graded under this section,
1149 student performance data for eligible students identified in
1150 this subparagraph shall not be included in the home school's

1151 grade but shall be included only in the calculation of the
1152 alternative school's grade. A school district that fails to
1153 assign statewide, standardized end-of-course assessment scores
1154 of each of its students to his or her home school or to the
1155 alternative school that receives a grade shall forfeit Florida
1156 School Recognition Program funds for one fiscal year. School
1157 districts must require collaboration between the home school and
1158 the alternative school in order to promote student success. This
1159 collaboration must include an annual discussion between the
1160 principal of the alternative school and the principal of each
1161 student's home school concerning the most appropriate school
1162 assignment of the student.

1163 2. Student performance data for students designated as
1164 hospital or homebound shall be assigned to their home school for
1165 the purposes of school grades. As used in this subparagraph, the
1166 term "home school" means the school to which a student would be
1167 assigned if the student were not assigned to a hospital or
1168 homebound program.

1169 3. A high school must include a student in its graduation
1170 rate if the student transfers from the high school to a private
1171 school with which the school district has a contractual
1172 relationship.

1173 Section 8. Subsection (3) of section 1008.341, Florida
1174 Statutes, is amended to read:

1175 1008.341 School improvement rating for alternative

1176 schools.—

1177 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student
1178 Learning Gains based on statewide, standardized assessments,
1179 including retakes, administered under s. 1008.22 for all
1180 eligible students who were assigned to and enrolled in the
1181 school during the October or February FTE count and who have
1182 assessment scores, concordant scores, or comparable scores for
1183 the preceding school year shall be used in determining an
1184 alternative school's school improvement rating. An alternative
1185 school's rating shall be based on the following components:

1186 (a) The percentage of eligible students who make Learning
1187 Gains in English Language Arts as measured by statewide,
1188 standardized assessments under s. 1008.22(3).

1189 (b) The percentage of eligible students who make Learning
1190 Gains in mathematics as measured by statewide, standardized
1191 assessments under s. 1008.22(3).

1192

1193 Student performance results of students who are subject to
1194 district school board policies for expulsion for repeated or
1195 serious offenses, who are in dropout retrieval programs serving
1196 students who have officially been designated as dropouts, or who
1197 are in programs operated or contracted by the Department of
1198 Juvenile Justice may not be included in an alternative school's
1199 school improvement rating.

1200 Section 9. Paragraph (i) of subsection (1) of section

1201 1011.62, Florida Statutes, is amended to read:

1202 1011.62 Funds for operation of schools.—If the annual
1203 allocation from the Florida Education Finance Program to each
1204 district for operation of schools is not determined in the
1205 annual appropriations act or the substantive bill implementing
1206 the annual appropriations act, it shall be determined as
1207 follows:

1208 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1209 OPERATION.—The following procedure shall be followed in
1210 determining the annual allocation to each district for
1211 operation:

1212 (i) Calculation of full-time equivalent membership with
1213 respect to dual enrollment instruction.—Students enrolled in
1214 dual enrollment instruction pursuant to s. 1007.271 may be
1215 included in calculations of full-time equivalent student
1216 memberships for basic programs for grades 9 through 12 by a
1217 district school board. Instructional time for dual enrollment
1218 may vary from 900 hours; however, the full-time equivalent
1219 student membership value shall be subject to the provisions in
1220 s. 1011.61(4). Dual enrollment full-time equivalent student
1221 membership shall be calculated in an amount equal to the hours
1222 of instruction that would be necessary to earn the full-time
1223 equivalent student membership for an equivalent course if it
1224 were taught in the school district. Students in dual enrollment
1225 courses may also be calculated as the proportional shares of

1226 full-time equivalent enrollments they generate for a Florida
1227 College System institution or university conducting the dual
1228 enrollment instruction. Early admission students shall be
1229 considered dual enrollments for funding purposes. Students may
1230 be enrolled in dual enrollment instruction provided by an
1231 eligible independent college or university and may be included
1232 in calculations of full-time equivalent student memberships for
1233 basic programs for grades 9 through 12 by a district school
1234 board. However, those provisions of law which exempt dual
1235 enrolled and early admission students from payment of
1236 instructional materials and tuition and fees, including
1237 laboratory fees, shall not apply to students who select the
1238 option of enrolling in an eligible independent institution. An
1239 independent college or university, ~~which is located and~~
1240 ~~chartered in Florida,~~ is not for profit, is accredited by a
1241 regional or national accrediting agency recognized by the United
1242 States Department of Education ~~the Commission on Colleges of the~~
1243 ~~Southern Association of Colleges and Schools or the Accrediting~~
1244 ~~Council for Independent Colleges and Schools,~~ and confers
1245 degrees as defined in s. 1005.02 shall be eligible for inclusion
1246 in the dual enrollment or early admission program. Students
1247 enrolled in dual enrollment instruction shall be exempt from the
1248 payment of tuition and fees, including laboratory fees. No
1249 student enrolled in college credit mathematics or English dual
1250 enrollment instruction shall be funded as a dual enrollment

1251 unless the student has successfully completed the relevant
 1252 section of the entry-level examination required pursuant to s.
 1253 1008.30.

1254 Section 10. Subsection (5) is added to section 1011.69,
 1255 Florida Statutes, to read:

1256 1011.69 Equity in School-Level Funding Act.—

1257 (5) To help meet the academic needs of economically
 1258 disadvantaged students, school districts shall provide Title I
 1259 funds directly to all eligible schools as provided in this
 1260 subsection. For purposes of this subsection, the term "eligible
 1261 school" means a school, including a charter school, that is
 1262 eligible to receive Title I funds. The threshold for identifying
 1263 eligible schools shall not exceed the statewide percentage of
 1264 economically disadvantaged students.

1265 (a) Before the allocation of Title I funds to eligible
 1266 schools, a school district may withhold funds only as follows:

- 1267 1. One percent for parent involvement;
- 1268 2. A necessary and reasonable amount for administration,
 1269 not to exceed 8 percent; and
- 1270 3. A reasonable and necessary amount to provide:
 - 1271 a. Homeless programs;
 - 1272 b. Delinquent and neglected programs; and
 - 1273 c. Private school equitable services.

1274 (b) All remaining Title I funds shall be distributed to
 1275 all eligible schools in accordance with federal law and

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1276 | regulations. An eligible school may use funds received under
1277 | this subsection to participate in discretionary educational
1278 | services provided by the school district.

1279 | Section 11. This act shall take effect July 1, 2017.