

By the Committee on Education; and Senator Bean

581-03950-17

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; revising charter school contract and
4 funding requirements; creating s. 1002.336, F.S.;
5 defining terms; authorizing certain entities to apply
6 for designation as a High-Impact Charter Management
7 Organization; requiring the State Board of Education
8 to adopt rules; providing criteria for an initial and
9 renewal designation; providing that the charter school
10 may receive charter school capital outlay; authorizing
11 certain administrative fees to be waived under certain
12 conditions; requiring the Department of Education to
13 give priority to certain charter schools applying for
14 specified grants; amending s. 1013.62, F.S.; revising
15 the standards that a charter school must meet to be
16 eligible for a funding allocation; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (n) of subsection (9) and paragraph
22 (c) of subsection (17) of section 1002.33, Florida Statutes, are
23 amended to read:

24 1002.33 Charter schools.—

25 (9) CHARTER SCHOOL REQUIREMENTS.—

26 (n)1. The director and a representative of the governing
27 board of a charter school that has earned a grade of "D" or "F"
28 pursuant to s. 1008.34 shall appear before the sponsor to
29 present information concerning each contract component having

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30 noted deficiencies. The director and a representative of the
31 governing board shall submit to the sponsor for approval a
32 school improvement plan to raise student performance. Upon
33 approval by the sponsor, the charter school shall begin
34 implementation of the school improvement plan. The department
35 shall offer technical assistance and training to the charter
36 school and its governing board and establish guidelines for
37 developing, submitting, and approving such plans.

38 2.a. If a charter school earns three consecutive grades of
39 "D," two consecutive grades of "D" followed by a grade of "F,"
40 or two nonconsecutive grades of "F" within a 3-year period, the
41 charter school governing board shall choose one of the following
42 corrective actions:

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

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

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

50 (IV) Voluntarily close the charter school.

51 b. The charter school must implement the corrective action
52 in the school year following receipt of a third consecutive
53 grade of "D," a grade of "F" following two consecutive grades of
54 "D," or a second nonconsecutive grade of "F" within a 3-year
55 period.

56 c. The sponsor may annually waive a corrective action if it
57 determines that the charter school is likely to improve a letter
58 grade if additional time is provided to implement the

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59 intervention and support strategies prescribed by the school
60 improvement plan. Notwithstanding this sub-subparagraph, a
61 charter school that earns a second consecutive grade of "F" is
62 subject to subparagraph 4.

63 d. A charter school is no longer required to implement a
64 corrective action if it improves by at least one letter grade.
65 However, the charter school must continue to implement
66 strategies identified in the school improvement plan. The
67 sponsor must annually review implementation of the school
68 improvement plan to monitor the school's continued improvement
69 pursuant to subparagraph 5.

70 e. A charter school implementing a corrective action that
71 does not improve by at least one letter grade after 2 full
72 school years of implementing the corrective action must select a
73 different corrective action. Implementation of the new
74 corrective action must begin in the school year following the
75 implementation period of the existing corrective action, unless
76 the sponsor determines that the charter school is likely to
77 improve a letter grade if additional time is provided to
78 implement the existing corrective action. Notwithstanding this
79 sub-subparagraph, a charter school that earns a second
80 consecutive grade of "F" while implementing a corrective action
81 is subject to subparagraph 4.

82 3. A charter school with a grade of "D" or "F" which ~~that~~
83 improves by at least one letter grade must continue to implement
84 the strategies identified in the school improvement plan. The
85 sponsor must annually review implementation of the school
86 improvement plan to monitor the school's continued improvement
87 pursuant to subparagraph 5.

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88 4. A charter school's charter contract is automatically
89 terminated if the school earns two consecutive grades of "F"
90 after all school grade appeals are final unless:

91 a. The charter school is established to turn around the
92 performance of a district public school pursuant to s.
93 1008.33(4)(b)3. Such charter schools shall be governed by s.
94 1008.33;

95 b. The charter school is designated under s. 1002.336 as a
96 High-Impact Charter Management Organization to serve a critical
97 need area or serves a student population the majority of which
98 resides in a school zone served by a district public school that
99 earned a grade of "F" in the year before the charter school
100 opened and the charter school earns at least a grade of "D" in
101 its third year of operation. The exception provided under this
102 sub-subparagraph does not apply to a charter school in its
103 fourth year of operation and thereafter; or

104 c. The state board grants the charter school a waiver of
105 termination. The charter school must request the waiver within
106 15 days after the department's official release of school
107 grades. The state board may waive termination if the charter
108 school demonstrates that the Learning Gains of its students on
109 statewide assessments are comparable to or better than the
110 Learning Gains of similarly situated students enrolled in nearby
111 district public schools. The waiver is valid for 1 year and may
112 only be granted once. Charter schools that have been in
113 operation for more than 5 years are not eligible for a waiver
114 under this sub-subparagraph.

115
116 The sponsor shall notify the charter school's governing board,

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117 the charter school principal, and the department in writing when
118 a charter contract is terminated under this subparagraph. The
119 letter of termination must meet the requirements of paragraph
120 (8)(c). A charter terminated under this subparagraph must follow
121 the procedures for dissolution and reversion of public funds
122 pursuant to paragraphs (8)(e)-(g) and (9)(o).

123 5. The director and a representative of the governing board
124 of a graded charter school that has implemented a school
125 improvement plan under this paragraph shall appear before the
126 sponsor at least once a year to present information regarding
127 the progress of intervention and support strategies implemented
128 by the school pursuant to the school improvement plan and
129 corrective actions, if applicable. The sponsor shall communicate
130 at the meeting, and in writing to the director, the services
131 provided to the school to help the school address its
132 deficiencies.

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

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

141 (c) If the district school board is providing programs or
142 services to students funded by federal funds, any eligible
143 students enrolled in charter schools in the school district
144 shall be provided federal funds for the same level of service
145 provided students in the schools operated by the district school

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146 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
147 charter schools shall receive all federal funding for which the
148 school is otherwise eligible, including Title I funding, not
149 later than 5 months after the charter school first opens and
150 within 5 months after any subsequent expansion of enrollment.
151 Unless otherwise mutually agreed to by the charter school and
152 its sponsor, and consistent with state and federal rules and
153 regulations governing the use and disbursement of federal funds,
154 the sponsor shall reimburse the charter school on a monthly
155 basis for all invoices submitted by the charter school for
156 federal funds available to the sponsor for the benefit of the
157 charter school, the charter school's students, and the charter
158 school's students as public school students in the school
159 district. Such federal funds include, but are not limited to,
160 Title I, Title II, and Individuals with Disabilities Education
161 Act (IDEA) funds. The department shall provide school districts
162 with technical assistance to ensure the federal funds are
163 allocated to charter schools using an appropriate methodology.
164 To receive timely reimbursement for an invoice, the charter
165 school must submit the invoice to the sponsor at least 30 days
166 before the monthly date of reimbursement set by the sponsor. In
167 order to be reimbursed, any expenditures made by the charter
168 school must comply with all applicable state rules and federal
169 regulations, including, but not limited to, the applicable
170 federal Office of Management and Budget Circulars; the federal
171 Education Department General Administrative Regulations; and
172 program-specific statutes, rules, and regulations. Such funds
173 may not be made available to the charter school until a plan is
174 submitted to the sponsor for approval of the use of the funds in

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175 accordance with applicable federal requirements. The sponsor has
176 30 days to review and approve any plan submitted pursuant to
177 this paragraph.

178 Section 2. Section 1002.336, Florida Statutes, is created
179 to read:

180 1002.336 High-Impact Charter Management Organization.—

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

182 (a) "Critical need area" means an area designated as such
183 by the Legislature or an area that is served by one or more
184 public schools that are subject to the turnaround options
185 specified in s. 1008.33(4) (b).

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

189 (2) An entity that successfully operates a system of
190 charter schools which primarily serves educationally
191 disadvantaged students who are eligible for free or reduced-
192 price lunch under the Richard B. Russell National School Lunch
193 Act, may apply to the State Board of Education for status as a
194 High-Impact Charter Management Organization.

195 (3) The State Board of Education shall adopt rules
196 prescribing the process and criteria for the initial designation
197 and renewal designation of a High-Impact Charter Management
198 Organization. The criteria for initial designation must include
199 a review of the data from all schools currently and previously
200 operated by the entity during the past 3 years and the
201 comparison of student-level data to the data of similar students
202 in other schools. The initial designation period may not exceed
203 5 years. The criteria for initial and renewal designation must

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204 include, but need not be limited to, all of the following:

205 (a) Student demographic and achievement data, including
206 performance on statewide assessments and nationally norm-
207 referenced assessments.

208 (b) Student attendance, promotion, retention, and
209 graduation rates.

210 (c) Other student outcome data, such as college attendance
211 rates and completion rates.

212 (d) Annual finance statements and audits.

213 (4) An entity that is designated as a High-Impact Charter
214 Management Organization may:

215 (a) Submit an application to a local school board pursuant
216 to s. 1002.33 to establish and operate charter schools in
217 critical need areas;

218 (b) Take the actions described in s. 1002.331(2); and

219 (c) Notwithstanding the criteria in s. 1002.33(25), be
220 designated as a local educational agency for the purpose of
221 receiving federal funds.

222 (5) Notwithstanding s. 1013.62(1)(a), a charter school
223 operated by a High-Impact Charter Management Organization is
224 eligible to receive charter school capital outlay.

225 (6) The administrative fee provided for in s.
226 1002.33(20)(a)2. shall be waived for a charter school
227 established by a High-Impact Charter Management Organization in
228 a critical need area if the entity maintains its status as a
229 High-Impact Charter Management Organization.

230 (7) The department shall give priority to charter schools
231 operated by a High-Impact Charter Management Organization in the
232 department's Public Charter School Grant Program competitions.

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233 Such priority treatment may be provided only for a new charter
234 school that will operate in a critical need area.

235 (8) If an entity seeks status renewal, the State Board of
236 Education shall review the academic and financial performance of
237 the charter schools established in critical need areas
238 consistent with subsection (3).

239 (9) The State Board of Education shall adopt rules under
240 ss. 120.536(1) and 120.54 to administer this section.

241 Section 3. Paragraph (a) of subsection (1) of section
242 1013.62, Florida Statutes, is amended to read:

243 1013.62 Charter schools capital outlay funding.-

244 (1) In each year in which funds are appropriated for
245 charter school capital outlay purposes, the Commissioner of
246 Education shall allocate the funds among eligible charter
247 schools as specified in this section.

248 (a) To be eligible for a funding allocation, a charter
249 school must:

250 1.a. Have been in operation for 2 or more years;

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

254 c. Be an expanded feeder chain of a charter school within
255 the same school district that is currently receiving charter
256 school capital outlay funds;

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

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

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262 2. Have an annual audit that does not reveal any of the
263 financial emergency conditions provided in s. 218.503(1) for the
264 most recent fiscal year for which such audit results are
265 available.

266 ~~3. Have satisfactory student achievement based on state~~
267 ~~accountability standards applicable to the charter school.~~

268 3.4. Have received final approval from its sponsor pursuant
269 to s. 1002.33 for operation during that fiscal year.

270 ~~4.5.~~ Serve students in facilities that are not provided by
271 the charter school's sponsor.

272 Section 4. This act shall take effect July 1, 2017.