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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2018	.	
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Appropriations Subcommittee on Pre-K - 12 Education (Rouson)
recommended the following:

1 **Senate Amendment to Amendment (396932) (with title**
2 **amendment)**

3
4 Before line 5
5 insert:

6 Section 1. Paragraph (b) of subsection (6) of section
7 1002.33, Florida Statutes, is amended to read:

8 1002.33 Charter schools.—

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



11 (b) A sponsor shall receive and review all applications for
12 a charter school using the evaluation instrument developed by
13 the Department of Education. A sponsor shall receive and
14 consider charter school applications received on or before
15 August 1 of each calendar year for charter schools to be opened
16 at the beginning of the school district's next school year, or
17 to be opened at a time agreed to by the applicant and the
18 sponsor. A sponsor may not refuse to receive a charter school
19 application submitted before August 1 and may receive an
20 application submitted later than August 1 if it chooses.
21 Beginning in 2018 and thereafter, a sponsor shall receive and
22 consider charter school applications received on or before
23 February 1 of each calendar year for charter schools to be
24 opened 18 months later at the beginning of the school district's
25 school year, or to be opened at a time agreed to by the
26 applicant and the sponsor. A sponsor may not refuse to receive a
27 charter school application submitted before February 1 and may
28 receive an application submitted later than February 1 if it
29 chooses. A sponsor may not charge an applicant for a charter any
30 fee for the processing or consideration of an application, and a
31 sponsor may not base its consideration or approval of a final
32 application upon the promise of future payment of any kind.
33 Before approving or denying any application, the sponsor shall
34 allow the applicant, upon receipt of written notification, at
35 least 7 calendar days to make technical or nonsubstantive
36 corrections and clarifications, including, but not limited to,
37 corrections of grammatical, typographical, and like errors or
38 missing signatures, if such errors are identified by the sponsor
39 as cause to deny the final application.



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40 1. In order to facilitate an accurate budget projection
41 process, a sponsor shall be held harmless for FTE students who
42 are not included in the FTE projection due to approval of
43 charter school applications after the FTE projection deadline.
44 In a further effort to facilitate an accurate budget projection,
45 within 15 calendar days after receipt of a charter school
46 application, a sponsor shall report to the Department of
47 Education the name of the applicant entity, the proposed charter
48 school location, and its projected FTE.

49 2. In order to ensure fiscal responsibility, an application
50 for a charter school shall include a full accounting of expected
51 assets, a projection of expected sources and amounts of income,
52 including income derived from projected student enrollments and
53 from community support, and an expense projection that includes
54 full accounting of the costs of operation, including start-up
55 costs.

56 3.a. A sponsor shall by a majority vote approve or deny an
57 application no later than 90 calendar days after the application
58 is received, unless the sponsor and the applicant mutually agree
59 in writing to temporarily postpone the vote to a specific date,
60 at which time the sponsor shall by a majority vote approve or
61 deny the application. If the sponsor fails to act on the
62 application, an applicant may appeal to the State Board of
63 Education as provided in paragraph (c). If an application is
64 denied, the sponsor shall, within 10 calendar days after such
65 denial, articulate in writing the specific reasons, based upon
66 good cause, supporting its denial of the application and shall
67 provide the letter of denial and supporting documentation to the
68 applicant and to the Department of Education.



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69 b. An application submitted by a high-performing charter
70 school identified pursuant to s. 1002.331 or a high-performing
71 charter school system identified pursuant to s. 1002.332 may be
72 denied by the sponsor only if the sponsor demonstrates by clear
73 and convincing evidence that:

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

76 (II) The charter school proposed in the application does
77 not materially comply with the requirements in paragraphs
78 (9) (a)-(f);

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

82 (IV) The applicant has made a material misrepresentation or
83 false statement or concealed an essential or material fact
84 during the application process; or

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

88
89 Material noncompliance is a failure to follow requirements or a
90 violation of prohibitions applicable to charter school
91 applications, which failure is quantitatively or qualitatively
92 significant either individually or when aggregated with other
93 noncompliance. An applicant is considered to be replicating a
94 high-performing charter school if the proposed school is
95 substantially similar to at least one of the applicant's high-
96 performing charter schools and the organization or individuals
97 involved in the establishment and operation of the proposed



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98 school are significantly involved in the operation of replicated
99 schools.

100 c. If the sponsor denies an application submitted by a
101 high-performing charter school or a high-performing charter
102 school system, the sponsor must, within 10 calendar days after
103 such denial, state in writing the specific reasons, based upon
104 the criteria in sub-subparagraph b., supporting its denial of
105 the application and must provide the letter of denial and
106 supporting documentation to the applicant and to the Department
107 of Education. The applicant may appeal the sponsor's denial of
108 the application in accordance with paragraph (c).

109 4. For budget projection purposes, the sponsor shall report
110 to the Department of Education the approval or denial of an
111 application within 10 calendar days after such approval or
112 denial. In the event of approval, the report to the Department
113 of Education shall include the final projected FTE for the
114 approved charter school.

115 5. Upon approval of an application, the initial startup
116 shall commence with the beginning of the public school calendar
117 for the district in which the charter is granted. A charter
118 school may defer the opening of the school's operations for up
119 to 3 ~~2~~ years to provide time for adequate facility planning. The
120 charter school must provide written notice of such intent to the
121 sponsor and the parents of enrolled students at least 30
122 calendar days before the first day of school.

123 Section 2. Subsection (1) of section 1002.331, Florida
124 Statutes, is amended to read:

125 1002.331 High-performing charter schools.—

126 (1) A charter school is a high-performing charter school if



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127 it:

128 (a) Received at least two school grades of "A" and no
129 school grade below "B," pursuant to s. 1008.34, during each of
130 the previous 3 school years or received at least two consecutive
131 school grades of "A" in the most recent 2 school years.

132 (b) Received an unqualified opinion on each annual
133 financial audit required under s. 218.39 in the most recent 3
134 fiscal years for which such audits are available.

135 (c) Did not receive a financial audit that revealed one or
136 more of the financial emergency conditions set forth in s.
137 218.503(1) in the most recent 3 fiscal years for which such
138 audits are available. However, this requirement is deemed met
139 for a charter school-in-the-workplace if there is a finding in
140 an audit that the school has the monetary resources available to
141 cover any reported deficiency or that the deficiency does not
142 result in a deteriorating financial condition pursuant to s.
143 1002.345(1)(a)3.

144
145 For purposes of determining initial eligibility, the
146 requirements of paragraphs (b) and (c) only apply to the most
147 recent 2 fiscal years if the charter school earns two
148 consecutive grades of "A". A virtual charter school established
149 under s. 1002.33 is not eligible for designation as a high-
150 performing charter school.

151
152 ===== T I T L E A M E N D M E N T =====

153 And the title is amended as follows:

154 Delete line 920

155 and insert:



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156 An act relating to K-12 education; amending s.
157 1002.33, F.S.; extending the period of time for which
158 a charter school may defer its opening for specified
159 reasons; amending s. 1002.331, F.S.; revising the
160 requirements for a charter school to be considered a
161 high-performing charter school; amending s.