

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; deleting provisions relating to the
4 standard charter contract and standard charter renewal
5 contract; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (7), paragraph (a) of subsection
10 (21), and subsection (28) of section 1002.33, Florida Statutes,
11 are amended to read:

12 1002.33 Charter schools.—

13 (7) CHARTER.—The terms and conditions for the operation of
14 a charter school shall be set forth by the sponsor and the
15 applicant in a written contractual agreement, called a charter.
16 ~~The sponsor and the governing board of the charter school shall~~
17 ~~use the standard charter contract pursuant to subsection (21),~~
18 ~~which shall incorporate the approved application and any addenda~~
19 ~~approved with the application. Any term or condition of a~~
20 ~~proposed charter contract that differs from the standard charter~~
21 ~~contract adopted by rule of the State Board of Education shall~~
22 ~~be presumed a limitation on charter school flexibility. The~~
23 sponsor may not impose unreasonable rules or regulations that
24 violate the intent of giving charter schools greater flexibility
25 to meet educational goals. The charter shall be signed by the

26 governing board of the charter school and the sponsor, following
27 a public hearing to ensure community input.

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

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

32 2. The focus of the curriculum, the instructional methods
33 to be used, any distinctive instructional techniques to be
34 employed, and identification and acquisition of appropriate
35 technologies needed to improve educational and administrative
36 performance which include a means for promoting safe, ethical,
37 and appropriate uses of technology which comply with legal and
38 professional standards.

39 a. The charter shall ensure that reading is a primary
40 focus of the curriculum and that resources are provided to
41 identify and provide specialized instruction for students who
42 are reading below grade level. The curriculum and instructional
43 strategies for reading must be consistent with the Next
44 Generation Sunshine State Standards and grounded in
45 scientifically based reading research.

46 b. In order to provide students with access to diverse
47 instructional delivery models, to facilitate the integration of
48 technology within traditional classroom instruction, and to
49 provide students with the skills they need to compete in the
50 21st century economy, the Legislature encourages instructional

51 methods for blended learning courses consisting of both
52 traditional classroom and online instructional techniques.
53 Charter schools may implement blended learning courses which
54 combine traditional classroom instruction and virtual
55 instruction. Students in a blended learning course must be full-
56 time students of the charter school pursuant to s.
57 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
58 1012.55 who provide virtual instruction for blended learning
59 courses may be employees of the charter school or may be under
60 contract to provide instructional services to charter school
61 students. At a minimum, such instructional personnel must hold
62 an active state or school district adjunct certification under
63 s. 1012.57 for the subject area of the blended learning course.
64 The funding and performance accountability requirements for
65 blended learning courses are the same as those for traditional
66 courses.

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

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

73 b. How these baseline rates will be compared to rates of
74 academic progress achieved by these same students while
75 attending the charter school.

76 c. To the extent possible, how these rates of progress
77 will be evaluated and compared with rates of progress of other
78 closely comparable student populations.

79
80 The district school board is required to provide academic
81 student performance data to charter schools for each of their
82 students coming from the district school system, as well as
83 rates of academic progress of comparable student populations in
84 the district school system.

85 4. The methods used to identify the educational strengths
86 and needs of students and how well educational goals and
87 performance standards are met by students attending the charter
88 school. The methods shall provide a means for the charter school
89 to ensure accountability to its constituents by analyzing
90 student performance data and by evaluating the effectiveness and
91 efficiency of its major educational programs. Students in
92 charter schools shall, at a minimum, participate in the
93 statewide assessment program created under s. 1008.22.

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

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

99 7. The admissions procedures and dismissal procedures,
100 including the school's code of student conduct. Admission or

101 dismissal must not be based on a student's academic performance.

102 8. The ways by which the school will achieve a
103 racial/ethnic balance reflective of the community it serves or
104 within the racial/ethnic range of other public schools in the
105 same school district.

106 9. The financial and administrative management of the
107 school, including a reasonable demonstration of the professional
108 experience or competence of those individuals or organizations
109 applying to operate the charter school or those hired or
110 retained to perform such professional services and the
111 description of clearly delineated responsibilities and the
112 policies and practices needed to effectively manage the charter
113 school. A description of internal audit procedures and
114 establishment of controls to ensure that financial resources are
115 properly managed must be included. Both public sector and
116 private sector professional experience shall be equally valid in
117 such a consideration.

118 10. The asset and liability projections required in the
119 application which are incorporated into the charter and shall be
120 compared with information provided in the annual report of the
121 charter school.

122 11. A description of procedures that identify various
123 risks and provide for a comprehensive approach to reduce the
124 impact of losses; plans to ensure the safety and security of
125 students and staff; plans to identify, minimize, and protect

126 | others from violent or disruptive student behavior; and the
127 | manner in which the school will be insured, including whether or
128 | not the school will be required to have liability insurance,
129 | and, if so, the terms and conditions thereof and the amounts of
130 | coverage.

131 | 12. The term of the charter which shall provide for
132 | cancellation of the charter if insufficient progress has been
133 | made in attaining the student achievement objectives of the
134 | charter and if it is not likely that such objectives can be
135 | achieved before expiration of the charter. The initial term of a
136 | charter shall be for 4 or 5 years. In order to facilitate access
137 | to long-term financial resources for charter school
138 | construction, charter schools that are operated by a
139 | municipality or other public entity as provided by law are
140 | eligible for up to a 15-year charter, subject to approval by the
141 | district school board. A charter lab school is eligible for a
142 | charter for a term of up to 15 years. In addition, to facilitate
143 | access to long-term financial resources for charter school
144 | construction, charter schools that are operated by a private,
145 | not-for-profit, s. 501(c)(3) status corporation are eligible for
146 | up to a 15-year charter, subject to approval by the district
147 | school board. Such long-term charters remain subject to annual
148 | review and may be terminated during the term of the charter, but
149 | only according to the provisions set forth in subsection (8).

150 | 13. The facilities to be used and their location. The

151 sponsor may not require a charter school to have a certificate
152 of occupancy or a temporary certificate of occupancy for such a
153 facility earlier than 15 calendar days before the first day of
154 school.

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

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

161 16. A timetable for implementing the charter which
162 addresses the implementation of each element thereof and the
163 date by which the charter shall be awarded in order to meet this
164 timetable.

165 17. In the case of an existing public school that is being
166 converted to charter status, alternative arrangements for
167 current students who choose not to attend the charter school and
168 for current teachers who choose not to teach in the charter
169 school after conversion in accordance with the existing
170 collective bargaining agreement or district school board rule in
171 the absence of a collective bargaining agreement. However,
172 alternative arrangements shall not be required for current
173 teachers who choose not to teach in a charter lab school, except
174 as authorized by the employment policies of the state university
175 which grants the charter to the lab school.

176 18. Full disclosure of the identity of all relatives
177 employed by the charter school who are related to the charter
178 school owner, president, chairperson of the governing board of
179 directors, superintendent, governing board member, principal,
180 assistant principal, or any other person employed by the charter
181 school who has equivalent decisionmaking authority. For the
182 purpose of this subparagraph, the term "relative" means father,
183 mother, son, daughter, brother, sister, uncle, aunt, first
184 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
185 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
186 stepfather, stepmother, stepson, stepdaughter, stepbrother,
187 stepsister, half brother, or half sister.

188 19. Implementation of the activities authorized under s.
189 1002.331 by the charter school when it satisfies the eligibility
190 requirements for a high-performing charter school. A high-
191 performing charter school shall notify its sponsor in writing by
192 March 1 if it intends to increase enrollment or expand grade
193 levels the following school year. The written notice shall
194 specify the amount of the enrollment increase and the grade
195 levels that will be added, as applicable.

196 (b) The sponsor has 30 days after approval of the
197 application to provide an initial proposed charter contract to
198 the charter school. The applicant and the sponsor have 40 days
199 thereafter to negotiate and notice the charter contract for
200 final approval by the sponsor unless both parties agree to an

201 extension. The proposed charter contract shall be provided to
202 the charter school at least 7 calendar days before the date of
203 the meeting at which the charter is scheduled to be voted upon
204 by the sponsor. The Department of Education shall provide
205 mediation services for any dispute regarding this section
206 subsequent to the approval of a charter application and for any
207 dispute relating to the approved charter, except a dispute
208 regarding a charter school application denial. If the
209 Commissioner of Education determines that the dispute cannot be
210 settled through mediation, the dispute may be appealed to an
211 administrative law judge appointed by the Division of
212 Administrative Hearings. The administrative law judge has final
213 order authority to rule on issues of equitable treatment of the
214 charter school as a public school, whether proposed provisions
215 of the charter violate the intended flexibility granted charter
216 schools by statute, or any other matter regarding this section,
217 except a dispute regarding charter school application denial, a
218 charter termination, or a charter nonrenewal. The administrative
219 law judge shall award the prevailing party reasonable attorney
220 fees and costs incurred during the mediation process,
221 administrative proceeding, and any appeals, to be paid by the
222 party whom the administrative law judge rules against.

223 (c)1. A charter may be renewed provided that a program
224 review demonstrates that the criteria in paragraph (a) have been
225 successfully accomplished and that none of the grounds for

226 nonrenewal established by paragraph (8) (a) has been documented.
227 In order to facilitate long-term financing for charter school
228 construction, charter schools operating for a minimum of 3 years
229 and demonstrating exemplary academic programming and fiscal
230 management are eligible for a 15-year charter renewal. Such
231 long-term charter is subject to annual review and may be
232 terminated during the term of the charter.

233 2. The 15-year charter renewal that may be granted
234 pursuant to subparagraph 1. shall be granted to a charter school
235 that has received a school grade of "A" or "B" pursuant to s.
236 1008.34 in 3 of the past 4 years and is not in a state of
237 financial emergency or deficit position as defined by this
238 section. Such long-term charter is subject to annual review and
239 may be terminated during the term of the charter pursuant to
240 subsection (8).

241 (d) A charter may be modified during its initial term or
242 any renewal term upon the recommendation of the sponsor or the
243 charter school's governing board and the approval of both
244 parties to the agreement. Modification may include, but is not
245 limited to, consolidation of multiple charters into a single
246 charter if the charters are operated under the same governing
247 board and physically located on the same campus, regardless of
248 the renewal cycle.

249 (e) A charter may be terminated by a charter school's
250 governing board through voluntary closure. The decision to cease

251 operations must be determined at a public meeting. The governing
252 board shall notify the parents and sponsor of the public meeting
253 in writing before the public meeting. The governing board must
254 notify the sponsor, parents of enrolled students, and the
255 department in writing within 24 hours after the public meeting
256 of its determination. The notice shall state the charter
257 school's intent to continue operations or the reason for the
258 closure and acknowledge that the governing board agrees to
259 follow the procedures for dissolution and reversion of public
260 funds pursuant to paragraphs (8)(e)-(g) and (9)(o).

261 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

262 (a) The Department of Education shall provide information
263 to the public, directly and through sponsors, on how to form and
264 operate a charter school and how to enroll in a charter school
265 once it is created. This information shall include the standard
266 application form, and ~~standard charter contract,~~ standard
267 evaluation instrument, ~~and standard charter renewal contract,~~
268 which shall include the information specified in subsection (7)
269 and shall be developed by consulting and negotiating with both
270 school districts and charter schools before implementation. The
271 charter and charter renewal contracts shall be used by charter
272 school sponsors.

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

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276 | implement specific subsections of this section. Such rules shall
277 | require minimum paperwork and shall not limit charter school
278 | flexibility authorized by statute. The State Board of Education
279 | shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
280 | implement a standard charter application form, standard
281 | application form for the replication of charter schools in a
282 | high-performing charter school system, and standard evaluation
283 | instrument, ~~and standard charter and charter renewal contracts~~
284 | in accordance with this section.

285 | Section 2. This act shall take effect July 1, 2018.