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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Stargel) recommended the following:

1 **Senate Amendment to Amendment (240726) (with title**
2 **amendment)**

3
4 Delete lines 224 - 340
5 and insert:

6 Section 8. Paragraphs (d) through (g) of subsection (8) of
7 section 1002.33, Florida Statutes, are redesignated as
8 paragraphs (c) through (f), respectively, and paragraph (b) of
9 subsection (6), paragraphs (a), (d), and (e) of subsection (7),
10 present paragraphs (a), (b), and (c) of subsection (8),



11 paragraph (n) of subsection (9), and paragraph (b) of subsection
12 (20) of that section are amended, to read:

13 1002.33 Charter schools.—

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

16 (b) A sponsor shall receive and review all applications for
17 a charter school using the evaluation instrument developed by
18 the Department of Education. A sponsor shall receive and
19 consider charter school applications received on or before
20 August 1 of each calendar year for charter schools to be opened
21 at the beginning of the school district's next school year, or
22 to be opened at a time agreed to by the applicant and the
23 sponsor. A sponsor may not refuse to receive a charter school
24 application submitted before August 1 and may receive an
25 application submitted later than August 1 if it chooses.

26 Beginning in 2018 and thereafter, a sponsor shall receive and
27 consider charter school applications received on or before
28 February 1 of each calendar year for charter schools to be
29 opened 18 months later at the beginning of the school district's
30 school year, or to be opened at a time agreed to by the
31 applicant and the sponsor. A sponsor may not refuse to receive a
32 charter school application submitted before February 1 and may
33 receive an application submitted later than February 1 if it
34 chooses. A sponsor may not charge an applicant for a charter any
35 fee for the processing or consideration of an application, and a
36 sponsor may not base its consideration or approval of a final
37 application upon the promise of future payment of any kind.
38 Before approving or denying any application, the sponsor shall
39 allow the applicant, upon receipt of written notification, at



40 least 7 calendar days to make technical or nonsubstantive
41 corrections and clarifications, including, but not limited to,
42 corrections of grammatical, typographical, and like errors or
43 missing signatures, if such errors are identified by the sponsor
44 as cause to deny the final application.

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

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

61 3.a. A sponsor shall by a majority vote approve or deny an
62 application no later than 90 calendar days after the application
63 is received, unless the sponsor and the applicant mutually agree
64 in writing to temporarily postpone the vote to a specific date,
65 at which time the sponsor shall by a majority vote approve or
66 deny the application. If the sponsor fails to act on the
67 application, an applicant may appeal to the State Board of
68 Education as provided in paragraph (c). If an application is



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69 denied, the sponsor shall, within 10 calendar days after such
70 denial, articulate in writing the specific reasons, based upon
71 good cause, supporting its denial of the application and shall
72 provide the letter of denial and supporting documentation to the
73 applicant and to the Department of Education.

74 b. An application submitted by a high-performing charter
75 school identified pursuant to s. 1002.331 or a high-performing
76 charter school system identified pursuant to s. 1002.332 may be
77 denied by the sponsor only if the sponsor demonstrates by clear
78 and convincing evidence that:

79 (I) The application of a high-performing charter school
80 does not materially comply with the requirements in paragraph
81 (a) or, for a high-performing charter school system, the
82 application does not materially comply with s. 1002.332(2)(b);

83 (II) The charter school proposed in the application does
84 not materially comply with the requirements in paragraphs
85 (9)(a)-(f);

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

89 (IV) The applicant has made a material misrepresentation or
90 false statement or concealed an essential or material fact
91 during the application process; or

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

95
96 Material noncompliance is a failure to follow requirements or a
97 violation of prohibitions applicable to charter school



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98 applications, which failure is quantitatively or qualitatively
99 significant either individually or when aggregated with other
100 noncompliance. An applicant is considered to be replicating a
101 high-performing charter school if the proposed school is
102 substantially similar to at least one of the applicant's high-
103 performing charter schools and the organization or individuals
104 involved in the establishment and operation of the proposed
105 school are significantly involved in the operation of replicated
106 schools.

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

116 4. For budget projection purposes, the sponsor shall report
117 to the Department of Education the approval or denial of an
118 application within 10 calendar days after such approval or
119 denial. In the event of approval, the report to the Department
120 of Education shall include the final projected FTE for the
121 approved charter school.

122 5. Upon approval of an application, the initial startup
123 shall commence with the beginning of the public school calendar
124 for the district in which the charter is granted. A charter
125 school may defer the opening of the school's operations for up
126 to 3 ~~2~~ years to provide time for adequate facility planning. The



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127 charter school must provide written notice of such intent to the
128 sponsor and the parents of enrolled students at least 30
129 calendar days before the first day of school.

130 (7) CHARTER.—The terms and conditions for the operation of
131 a charter school shall be set forth by the sponsor and the
132 applicant in a written contractual agreement, called a charter.
133 The sponsor and the governing board of the charter school shall
134 use the standard charter contract pursuant to subsection (21),
135 which shall incorporate the approved application and any addenda
136 approved with the application. Any term or condition of a
137 proposed charter contract that differs from the standard charter
138 contract adopted by rule of the State Board of Education shall
139 be presumed a limitation on charter school flexibility. The
140 sponsor may not impose unreasonable rules or regulations that
141 violate the intent of giving charter schools greater flexibility
142 to meet educational goals. The charter shall be signed by the
143 governing board of the charter school and the sponsor, following
144 a public hearing to ensure community input.

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

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

149 2. The focus of the curriculum, the instructional methods
150 to be used, any distinctive instructional techniques to be
151 employed, and identification and acquisition of appropriate
152 technologies needed to improve educational and administrative
153 performance which include a means for promoting safe, ethical,
154 and appropriate uses of technology which comply with legal and
155 professional standards.



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156 a. The charter shall ensure that reading is a primary focus
157 of the curriculum and that resources are provided to identify
158 and provide specialized instruction for students who are reading
159 below grade level. The curriculum and instructional strategies
160 for reading must be consistent with the Next Generation Sunshine
161 State Standards and grounded in scientifically based reading
162 research.

163 b. In order to provide students with access to diverse
164 instructional delivery models, to facilitate the integration of
165 technology within traditional classroom instruction, and to
166 provide students with the skills they need to compete in the
167 21st century economy, the Legislature encourages instructional
168 methods for blended learning courses consisting of both
169 traditional classroom and online instructional techniques.
170 Charter schools may implement blended learning courses which
171 combine traditional classroom instruction and virtual
172 instruction. Students in a blended learning course must be full-
173 time students of the charter school pursuant to s.

174 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
175 1012.55 who provide virtual instruction for blended learning
176 courses may be employees of the charter school or may be under
177 contract to provide instructional services to charter school
178 students. At a minimum, such instructional personnel must hold
179 an active state or school district adjunct certification under
180 s. 1012.57 for the subject area of the blended learning course.
181 The funding and performance accountability requirements for
182 blended learning courses are the same as those for traditional
183 courses.

184 3. The current incoming baseline standard of student



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185 academic achievement, the outcomes to be achieved, and the
186 method of measurement that will be used. The criteria listed in
187 this subparagraph shall include a detailed description of:

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

190 b. How these baseline rates will be compared to rates of
191 academic progress achieved by these same students while
192 attending the charter school.

193 c. To the extent possible, how these rates of progress will
194 be evaluated and compared with rates of progress of other
195 closely comparable student populations.

196

197 The district school board is required to provide academic
198 student performance data to charter schools for each of their
199 students coming from the district school system, as well as
200 rates of academic progress of comparable student populations in
201 the district school system.

202 4. The methods used to identify the educational strengths
203 and needs of students and how well educational goals and
204 performance standards are met by students attending the charter
205 school. The methods shall provide a means for the charter school
206 to ensure accountability to its constituents by analyzing
207 student performance data and by evaluating the effectiveness and
208 efficiency of its major educational programs. Students in
209 charter schools shall, at a minimum, participate in the
210 statewide assessment program created under s. 1008.22.

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



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

216 7. The admissions procedures and dismissal procedures,
217 including the school's code of student conduct. Admission or
218 dismissal must not be based on a student's academic performance.

219 8. The ways by which the school will achieve a
220 racial/ethnic balance reflective of the community it serves or
221 within the racial/ethnic range of other public schools in the
222 same school district.

223 9. The financial and administrative management of the
224 school, including a reasonable demonstration of the professional
225 experience or competence of those individuals or organizations
226 applying to operate the charter school or those hired or
227 retained to perform such professional services and the
228 description of clearly delineated responsibilities and the
229 policies and practices needed to effectively manage the charter
230 school. A description of internal audit procedures and
231 establishment of controls to ensure that financial resources are
232 properly managed must be included. Both public sector and
233 private sector professional experience shall be equally valid in
234 such a consideration.

235 10. The asset and liability projections required in the
236 application which are incorporated into the charter and shall be
237 compared with information provided in the annual report of the
238 charter school.

239 11. A description of procedures that identify various risks
240 and provide for a comprehensive approach to reduce the impact of
241 losses; plans to ensure the safety and security of students and
242 staff; plans to identify, minimize, and protect others from



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243 violent or disruptive student behavior; and the manner in which
244 the school will be insured, including whether or not the school
245 will be required to have liability insurance, and, if so, the
246 terms and conditions thereof and the amounts of coverage.

247 12. The term of the charter which shall provide for
248 cancellation of the charter if insufficient progress has been
249 made in attaining the student achievement objectives of the
250 charter and if it is not likely that such objectives can be
251 achieved before expiration of the charter. The initial term of a
252 charter shall be for ~~4~~ 5 years, excluding 1 planning year. In
253 order to facilitate access to long-term financial resources for
254 charter school construction, charter schools that are operated
255 by a municipality or other public entity as provided by law are
256 eligible for up to a 15-year charter, subject to approval by the
257 district school board. A charter lab school is eligible for a
258 charter for a term of up to 15 years. In addition, to facilitate
259 access to long-term financial resources for charter school
260 construction, charter schools that are operated by a private,
261 not-for-profit, s. 501(c)(3) status corporation are eligible for
262 up to a 15-year charter, subject to approval by the district
263 school board. Such long-term charters remain subject to annual
264 review and may be terminated during the term of the charter, but
265 only according to the provisions set forth in subsection (8).

266 13. The facilities to be used and their location. The
267 sponsor may not require a charter school to have a certificate
268 of occupancy or a temporary certificate of occupancy for such a
269 facility earlier than 15 calendar days before the first day of
270 school.

271 14. The qualifications to be required of the teachers and



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272 the potential strategies used to recruit, hire, train, and
273 retain qualified staff to achieve best value.

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

277 16. A timetable for implementing the charter which
278 addresses the implementation of each element thereof and the
279 date by which the charter shall be awarded in order to meet this
280 timetable.

281 17. In the case of an existing public school that is being
282 converted to charter status, alternative arrangements for
283 current students who choose not to attend the charter school and
284 for current teachers who choose not to teach in the charter
285 school after conversion in accordance with the existing
286 collective bargaining agreement or district school board rule in
287 the absence of a collective bargaining agreement. However,
288 alternative arrangements shall not be required for current
289 teachers who choose not to teach in a charter lab school, except
290 as authorized by the employment policies of the state university
291 which grants the charter to the lab school.

292 18. Full disclosure of the identity of all relatives
293 employed by the charter school who are related to the charter
294 school owner, president, chairperson of the governing board of
295 directors, superintendent, governing board member, principal,
296 assistant principal, or any other person employed by the charter
297 school who has equivalent decisionmaking authority. For the
298 purpose of this subparagraph, the term "relative" means father,
299 mother, son, daughter, brother, sister, uncle, aunt, first
300 cousin, nephew, niece, husband, wife, father-in-law, mother-in-



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301 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
302 stepfather, stepmother, stepson, stepdaughter, stepbrother,
303 stepsister, half brother, or half sister.

304 19. Implementation of the activities authorized under s.
305 1002.331 by the charter school when it satisfies the eligibility
306 requirements for a high-performing charter school. A high-
307 performing charter school shall notify its sponsor in writing by
308 March 1 if it intends to increase enrollment or expand grade
309 levels the following school year. The written notice shall
310 specify the amount of the enrollment increase and the grade
311 levels that will be added, as applicable.

312 (d) A charter may be modified during its initial term or
313 any renewal term upon the recommendation of the sponsor or the
314 charter school's governing board and the approval of both
315 parties to the agreement. Modification during any term may
316 include, but is not limited to, consolidation of multiple
317 charters into a single charter if the charters are operated
318 under the same governing board ~~and physically located on the~~
319 ~~same campus~~, regardless of the renewal cycle. A charter school
320 with a grade of "C" or higher that closes as part of a
321 consolidation shall be reported by the school district as a
322 consolidation.

323 (e) A charter may be terminated by a charter school's
324 governing board through voluntary closure. The decision to cease
325 operations must be determined at a public meeting. The governing
326 board shall notify the parents and sponsor of the public meeting
327 in writing before the public meeting. The governing board must
328 notify the sponsor, parents of enrolled students, and the
329 department in writing within 24 hours after the public meeting



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330 of its determination. The notice shall state the charter
331 school's intent to continue operations or the reason for the
332 closure and acknowledge that the governing board agrees to
333 follow the procedures for dissolution and reversion of public
334 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) paragraphs
335 ~~(8) (e)-(g) and (9) (e)~~.

336 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.-

337 (a) The sponsor shall make student academic achievement for
338 all students the most important factor when determining whether
339 to renew or terminate the charter. The sponsor may also choose
340 not to renew or may terminate the charter if the sponsor finds
341 that one of the grounds set forth below exists by clear and
342 convincing evidence for any of the following grounds:

343 1. Failure to participate in the state's education
344 accountability system created in s. 1008.31, as required in this
345 section, or failure to meet the requirements for student
346 performance stated in the charter.

347 2. Failure to meet generally accepted standards of fiscal
348 management.

349 3. Material violation of law.

350 4. Other good cause shown.

351 (b) At least 90 days before renewing, nonrenewing, or
352 terminating a charter, the sponsor shall notify the governing
353 board of the school of the proposed action in writing. The
354 notice shall state in reasonable detail the grounds for the
355 proposed action and stipulate that the school's governing board
356 may, within 14 calendar days after receiving the notice, request
357 a hearing. The hearing shall be conducted ~~at the sponsor's~~
358 ~~election in accordance with one of the following procedures:~~



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359 ~~1. A direct hearing conducted by the sponsor within 60 days~~
360 ~~after receipt of the request for a hearing. The hearing shall be~~
361 ~~conducted in accordance with ss. 120.569 and 120.57. The sponsor~~
362 ~~shall decide upon nonrenewal or termination by a majority vote.~~
363 ~~The sponsor's decision shall be a final order; or~~

364 ~~2. A hearing conducted by an administrative law judge~~
365 ~~assigned by the Division of Administrative Hearings. The hearing~~
366 ~~shall be conducted within 90 ~~60~~ days after receipt of the~~
367 ~~request for a hearing and in accordance with chapter 120. The~~
368 ~~administrative law judge's final ~~recommended~~ order shall be~~
369 ~~submitted to the sponsor. The administrative law judge shall~~
370 ~~award the prevailing party reasonable attorney fees and costs~~
371 ~~incurred during the administrative proceeding and any appeals A~~
372 ~~majority vote by the sponsor shall be required to adopt or~~
373 ~~modify the administrative law judge's recommended order. The~~
374 ~~sponsor shall issue a final order.~~

375 ~~(c) The final order shall state the specific reasons for~~
376 ~~the sponsor's decision. The sponsor shall provide its final~~
377 ~~order to the charter school's governing board and the Department~~
378 ~~of Education no later than 10 calendar days after its issuance.~~
379 ~~The charter school's governing board may, within 30 calendar~~
380 ~~days after receiving the ~~sponsor's~~ final order, appeal the~~
381 ~~decision pursuant to s. 120.68.~~

382 (9) CHARTER SCHOOL REQUIREMENTS.-

383 (n)1. The director and a representative of the governing
384 board of a charter school that has earned a grade of "D" or "F"
385 pursuant to s. 1008.34 shall appear before the sponsor to
386 present information concerning each contract component having
387 noted deficiencies. The director and a representative of the



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388 governing board shall submit to the sponsor for approval a
389 school improvement plan to raise student performance. Upon
390 approval by the sponsor, the charter school shall begin
391 implementation of the school improvement plan. The department
392 shall offer technical assistance and training to the charter
393 school and its governing board and establish guidelines for
394 developing, submitting, and approving such plans.

395 2.a. If a charter school earns three consecutive grades
396 below a "C," the charter school governing board shall choose one
397 of the following corrective actions:

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

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

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

405 (IV) Voluntarily close the charter school.

406 b. The charter school must implement the corrective action
407 in the school year following receipt of a third consecutive
408 grade below a "C."

409 c. The sponsor may annually waive a corrective action if it
410 determines that the charter school is likely to improve a letter
411 grade if additional time is provided to implement the
412 intervention and support strategies prescribed by the school
413 improvement plan. Notwithstanding this sub-subparagraph, a
414 charter school that earns a second consecutive grade of "F" is
415 subject to subparagraph 3.

416 d. A charter school is no longer required to implement a



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417 corrective action if it improves to a "C" or higher. However,
418 the charter school must continue to implement strategies
419 identified in the school improvement plan. The sponsor must
420 annually review implementation of the school improvement plan to
421 monitor the school's continued improvement pursuant to
422 subparagraph 4.

423 e. A charter school implementing a corrective action that
424 does not improve to a "C" or higher after 2 full school years of
425 implementing the corrective action must select a different
426 corrective action. Implementation of the new corrective action
427 must begin in the school year following the implementation
428 period of the existing corrective action, unless the sponsor
429 determines that the charter school is likely to improve to a "C"
430 or higher if additional time is provided to implement the
431 existing corrective action. Notwithstanding this sub-
432 subparagraph, a charter school that earns a second consecutive
433 grade of "F" while implementing a corrective action is subject
434 to subparagraph 3.

435 3. A charter school's charter contract is automatically
436 terminated if the school earns two consecutive grades of "F"
437 after all school grade appeals are final unless:

438 a. The charter school is established to turn around the
439 performance of a district public school pursuant to s.
440 1008.33(4)(b)2. Such charter schools shall be governed by s.
441 1008.33;

442 b. The charter school serves a student population the
443 majority of which resides in a school zone served by a district
444 public school subject to s. 1008.33(4) and the charter school
445 earns at least a grade of "D" in its third year of operation.



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446 The exception provided under this sub-subparagraph does not
447 apply to a charter school in its fourth year of operation and
448 thereafter; or

449 c. The state board grants the charter school a waiver of
450 termination. The charter school must request the waiver within
451 15 days after the department's official release of school
452 grades. The state board may waive termination if the charter
453 school demonstrates that the Learning Gains of its students on
454 statewide assessments are comparable to or better than the
455 Learning Gains of similarly situated students enrolled in nearby
456 district public schools. The waiver is valid for 1 year and may
457 only be granted once. Charter schools that have been in
458 operation for more than 5 years are not eligible for a waiver
459 under this sub-subparagraph.

460
461 The sponsor shall notify the charter school's governing board,
462 the charter school principal, and the department in writing when
463 a charter contract is terminated under this subparagraph. ~~The~~
464 ~~letter of termination must meet the requirements of paragraph~~
465 ~~(8)(e).~~ A charter terminated under this subparagraph must follow
466 the procedures for dissolution and reversion of public funds
467 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-~~
468 ~~(g) and (9)(e).~~

469 4. The director and a representative of the governing board
470 of a graded charter school that has implemented a school
471 improvement plan under this paragraph shall appear before the
472 sponsor at least once a year to present information regarding
473 the progress of intervention and support strategies implemented
474 by the school pursuant to the school improvement plan and



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475 corrective actions, if applicable. The sponsor shall communicate
476 at the meeting, and in writing to the director, the services
477 provided to the school to help the school address its
478 deficiencies.

479 5. Notwithstanding any provision of this paragraph except
480 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
481 at any time pursuant to subsection (8).

482 (20) SERVICES.—

483 (b) If goods and services are made available to the charter
484 school through the contract with the school district, they shall
485 be provided to the charter school at a rate no greater than the
486 district's actual cost unless mutually agreed upon by the
487 charter school and the sponsor in a contract negotiated
488 separately from the charter. When mediation has failed to
489 resolve disputes over contracted services or contractual matters
490 not included in the charter, an appeal may be made to an
491 administrative law judge appointed by the Division of
492 Administrative Hearings. The administrative law judge has final
493 order authority to rule on the dispute. The administrative law
494 judge shall award the prevailing party reasonable attorney fees
495 and costs incurred during the mediation process, administrative
496 proceeding, and any appeals, to be paid by the party whom the
497 administrative law judge rules against ~~for a dispute resolution~~
498 ~~hearing before the Charter School Appeal Commission.~~ To maximize
499 the use of state funds, school districts shall allow charter
500 schools to participate in the sponsor's bulk purchasing program
501 if applicable.

502 Section 9. Paragraph (a) of subsection (2) and paragraph
503 (b) of subsection (3) of section 1002.331, Florida Statutes, are



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504 amended to read:

505 1002.331 High-performing charter schools.—

506 (2) A high-performing charter school is authorized to:

507 (a) Increase its student enrollment once per school year to
508 more than the capacity identified in the charter, but student
509 enrollment may not exceed the ~~current facility~~ capacity of the
510 facility at the time of enrollment. Facility capacity for
511 purposes of grade level expansion shall include any improvements
512 to an existing facility or any new facility in which a majority
513 of the students of the high-performing charter school will
514 enroll.

515

516 A high-performing charter school shall notify its sponsor in
517 writing by March 1 if it intends to increase enrollment or
518 expand grade levels the following school year. The written
519 notice shall specify the amount of the enrollment increase and
520 the grade levels that will be added, as applicable. If a charter
521 school notifies the sponsor of its intent to expand, the sponsor
522 shall modify the charter within 90 days to include the new
523 enrollment maximum and may not make any other changes. The
524 sponsor may deny a request to increase the enrollment of a high-
525 performing charter school if the commissioner has declassified
526 the charter school as high-performing. If a high-performing
527 charter school requests to consolidate multiple charters, the
528 sponsor shall have 40 days after receipt of that request to
529 provide an initial draft charter to the charter school. The
530 sponsor and charter school shall have 50 days thereafter to
531 negotiate and notice the charter contract for final approval by
532 the sponsor.



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533 (3)
534 (b) A high-performing charter school may not establish more
535 than two ~~one~~ charter schools ~~school~~ within the state under
536 paragraph (a) in any year. A subsequent application to establish
537 a charter school under paragraph (a) may not be submitted unless
538 each charter school established in this manner achieves high-
539 performing charter school status. However, a high-performing
540 charter school may establish more than one charter school within
541 the state under paragraph (a) in any year if it operates in the
542 area of a persistently low-performing school and serves students
543 from that school.

544 Section 10. Subsection (2) of section 1012.32, Florida
545 Statutes, is amended to read:

546 1012.32 Qualifications of personnel.—

547 (2) (a) Instructional and noninstructional personnel who are
548 hired or contracted to fill positions that require direct
549 contact with students in any district school system or
550 university lab school must, upon employment or engagement to
551 provide services, undergo background screening as required under
552 s. 1012.465 or s. 1012.56, whichever is applicable.

553 (b) Instructional and noninstructional personnel who are
554 hired or contracted to fill positions in any charter school and
555 members of the governing board of any charter school, in
556 compliance with s. 1002.33(12)(g), must, upon employment,
557 engagement of services, or appointment, undergo background
558 screening as required under s. 1012.465 or s. 1012.56, whichever
559 is applicable, by filing with the district school board for the
560 school district in which the charter school is located a
561 complete set of fingerprints taken by an authorized law



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562 enforcement agency or an employee of the school or school
563 district who is trained to take fingerprints.

564 (c) Instructional and noninstructional personnel who are
565 hired or contracted to fill positions that require direct
566 contact with students in an alternative school that operates
567 under contract with a district school system must, upon
568 employment or engagement to provide services, undergo background
569 screening as required under s. 1012.465 or s. 1012.56, whichever
570 is applicable, by filing with the district school board for the
571 school district to which the alternative school is under
572 contract a complete set of fingerprints taken by an authorized
573 law enforcement agency or an employee of the school or school
574 district who is trained to take fingerprints.

575 (d) Student teachers and persons participating in a field
576 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
577 district school system, lab school, or charter school must, upon
578 engagement to provide services, undergo background screening as
579 required under s. 1012.56.

580
581 Fingerprints shall be submitted to the Department of Law
582 Enforcement for statewide criminal and juvenile records checks
583 and to the Federal Bureau of Investigation for federal criminal
584 records checks. A person subject to this subsection who is found
585 ineligible for employment under s. 1012.315, or otherwise found
586 through background screening to have been convicted of any crime
587 involving moral turpitude as defined by rule of the State Board
588 of Education, shall not be employed, engaged to provide
589 services, or serve in any position that requires direct contact
590 with students. Probationary persons subject to this subsection



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591 terminated because of their criminal record have the right to
592 appeal such decisions. The cost of the background screening may
593 be borne by the district school board, the charter school, the
594 employee, the contractor, or a person subject to this
595 subsection. If the district school board does not notify the
596 charter school of the eligibility of governing board members and
597 instructional and noninstructional personnel within 14 days
598 after the submission of the fingerprints, it shall reimburse the
599 cost of background screening.

600 Section 11. Section 1012.562, Florida Statutes, is amended
601 to read:

602 1012.562 Public accountability and state approval of school
603 leader preparation programs.—The Department of Education shall
604 establish a process for the approval of Level I and Level II
605 school leader preparation programs that will enable aspiring
606 school leaders to obtain their certificate in educational
607 leadership under s. 1012.56. School leader preparation programs
608 must be competency-based, aligned to the principal leadership
609 standards adopted by the state board, and open to individuals
610 employed by public schools, including charter schools and
611 virtual schools. Level I programs ~~may be offered by school~~
612 ~~districts or postsecondary institutions and lead to initial~~
613 certification in educational leadership for the purpose of
614 preparing individuals to serve as school administrators. Level
615 II programs ~~may be offered by school districts,~~ build upon Level
616 I training~~,~~ and lead to renewal certification as a school
617 principal.

618 (1) PURPOSE.—The purpose of school leader preparation
619 programs are to:



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620 (a) Increase the supply of effective school leaders in the
621 public schools of this state.

622 (b) Produce school leaders who are prepared to lead the
623 state's diverse student population in meeting high standards for
624 academic achievement.

625 (c) Enable school leaders to facilitate the development and
626 retention of effective and highly effective classroom teachers.

627 (d) Produce leaders with the competencies and skills
628 necessary to achieve the state's education goals.

629 (e) Sustain the state system of school improvement and
630 education accountability.

631 (2) LEVEL I PROGRAMS.—

632 (a) Initial approval of a Level I program shall be for a
633 period of 5 years. A postsecondary institution, ~~or~~ school
634 district, charter school, or charter management organization may
635 submit to the department in a format prescribed by the
636 department an application to establish a Level I school leader
637 preparation program. To be approved, a Level I program must:

638 1. Provide competency-based training aligned to the
639 principal leadership standards adopted by the State Board of
640 Education.

641 2. If the program is provided by a postsecondary
642 institution, partner with at least one school district.

643 3. Describe the qualifications that will be used to
644 determine program admission standards, including a candidate's
645 instructional expertise and leadership potential.

646 4. Describe how the training provided through the program
647 will be aligned to the personnel evaluation criteria under s.
648 1012.34.



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649 (b) Renewal of a Level I program's approval shall be for a
650 period of 5 years and shall be based upon evidence of the
651 program's continued ability to meet the requirements of
652 paragraph (a). A postsecondary institution or school district
653 must submit an institutional program evaluation plan in a format
654 prescribed by the department for a Level I program to be
655 considered for renewal. The plan must include:

656 1. The percentage of personnel who complete the program and
657 are placed in school leadership positions in public schools
658 within the state.

659 2. Results from the personnel evaluations required under s.
660 1012.34 for personnel who complete the program.

661 3. The passage rate of personnel who complete the program
662 on the Florida Education Leadership Examination.

663 4. The impact personnel who complete the program have on
664 student learning as measured by the formulas developed by the
665 commissioner pursuant to s. 1012.34(7).

666 5. Strategies for continuous improvement of the program.

667 6. Strategies for involving personnel who complete the
668 program, other school personnel, community agencies, business
669 representatives, and other stakeholders in the program
670 evaluation process.

671 7. Additional data included at the discretion of the
672 postsecondary institution or school district.

673 (c) A Level I program must guarantee the high quality of
674 personnel who complete the program for the first 2 years after
675 program completion or the person's initial certification as a
676 school leader, whichever occurs first. If a person who completed
677 the program is evaluated at less than highly effective or



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678 effective under s. 1012.34 and the person's employer requests
679 additional training, the Level I program must provide additional
680 training at no cost to the person or his or her employer. The
681 training must include the creation of an individualized plan
682 agreed to by the employer that includes specific learning
683 outcomes. The Level I program is not responsible for the
684 person's employment contract with his or her employer.

685 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
686 renewal of a Level II program shall be for a period of 5 years.
687 A school district, charter school, or charter management
688 organization may submit to the department in a format prescribed
689 by the department an application to establish a Level II school
690 leader preparation program or for program renewal. To be
691 approved or renewed, a Level II program must:

692 (a) Demonstrate that personnel accepted into the Level II
693 program have:

694 1. Obtained their certificate in educational leadership
695 under s. 1012.56.

696 2. Earned a highly effective or effective designation under
697 s. 1012.34.

698 3. Satisfactorily performed instructional leadership
699 responsibilities as measured by the evaluation system in s.
700 1012.34.

701 (b) Demonstrate that the Level II program:

702 1. Provides competency-based training aligned to the
703 principal leadership standards adopted by the State Board of
704 Education.

705 2. Provides training aligned to the personnel evaluation
706 criteria under s. 1012.34 and professional development program



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707 in s. 1012.986.

708 3. Provides individualized instruction using a customized
709 learning plan for each person enrolled in the program that is
710 based on data from self-assessment, selection, and appraisal
711 instruments.

712 4. Conducts program evaluations and implements program
713 improvements using input from personnel who completed the
714 program and employers and data gathered pursuant to paragraph
715 (2) (b).

716 (c) Gather and monitor the data specified in paragraph
717 (2) (b).

718 (4) RULES.—The State Board of Education shall adopt rules
719 to administer this section.

720 Section 12. Paragraph (a) of subsection (2) of section
721 1013.28, Florida Statutes, is amended to read:

722 1013.28 Disposal of property.—

723 (2) TANGIBLE PERSONAL PROPERTY.—

724 (a) Tangible personal property that has been properly
725 classified as surplus by a district school board or Florida
726 College System institution board of trustees shall be disposed
727 of in accordance with the procedure established by chapter 274.
728 However, the provisions of chapter 274 shall not be applicable
729 to a motor vehicle used in driver education to which title is
730 obtained for a token amount from an automobile dealer or
731 manufacturer. In such cases, the disposal of the vehicle shall
732 be as prescribed in the contractual agreement between the
733 automotive agency or manufacturer and the board. Tangible
734 personal property that has been properly classified as surplus,
735 marked for disposal, or otherwise unused by a district school



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736 board shall be provided for a charter school's use on the same
737 basis as it is made available to other public schools in the
738 district. A charter school receiving property from the school
739 district may not sell or dispose of such property without the
740 written permission of the school district.

741

742 ===== T I T L E A M E N D M E N T =====

743 And the title is amended as follows:

744 Delete lines 3360 - 3362

745 and insert:

746 1002.33, F.S.; revising the criteria for denying high-
747 performing charter school system applications;
748 revising requirements for the term of a charter;
749 revising provisions for the modification of and the
750 nonrenewal or termination of a charter; revising the
751 process for resolving contractual disputes; amending
752 s. 1002.331, F.S.; revising the calculation used to
753 determine facility capacity for such charter schools;
754 revising the number of schools that can be established
755 by a high-performing charter school; amending s.
756 1012.32, F.S.; requiring a district school board to
757 reimburse certain costs if it fails to notify a
758 charter school of the eligibility status of certain
759 persons; amending s. 1012.562, F.S.; authorizing
760 charter schools and charter management organizations
761 to offer school leader preparation programs; amending
762 s. 1013.28, F.S.; requiring school districts to
763 provide charter schools access to certain property on
764 the same basis as public schools; prohibiting certain



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765 actions by a charter school without the written
766 permission of the school district; amending s.
767 1002.331, F.S.; revising the