

1 A bill to be entitled
 2 An act relating to charter school employees; amending
 3 s. 1002.33, F.S.; requiring each charter school
 4 principal, governing board member, chief financial
 5 officer, or their equivalent, to meet certain
 6 certification requirements; conforming a cross-
 7 reference; amending s. 1012.32, F.S.; conforming a
 8 cross-reference; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Present paragraphs (g), (h), and (i) of
 13 subsection (12) of section 1002.33, Florida Statutes, are
 14 redesignated as paragraphs (h), (i), and (j), respectively,
 15 paragraph (a) of subsection (7) is amended, and a new paragraph
 16 (g) is added to subsection (12), to read:

17 1002.33 Charter schools.—

18 (7) CHARTER.—The terms and conditions for the operation of
 19 a charter school shall be set forth by the sponsor and the
 20 applicant in a written contractual agreement, called a charter.
 21 The sponsor and the governing board of the charter school shall
 22 use the standard charter contract pursuant to subsection (21),
 23 which shall incorporate the approved application and any addenda
 24 approved with the application. Any term or condition of a
 25 proposed charter contract that differs from the standard charter

26 | contract adopted by rule of the State Board of Education shall
27 | be presumed a limitation on charter school flexibility. The
28 | sponsor may not impose unreasonable rules or regulations that
29 | violate the intent of giving charter schools greater flexibility
30 | to meet educational goals. The charter shall be signed by the
31 | governing board of the charter school and the sponsor, following
32 | a public hearing to ensure community input.

33 | (a) The charter shall address and criteria for approval of
34 | the charter shall be based on:

35 | 1. The school's mission, the students to be served, and
36 | the ages and grades to be included.

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

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

51 b. In order to provide students with access to diverse
52 instructional delivery models, to facilitate the integration of
53 technology within traditional classroom instruction, and to
54 provide students with the skills they need to compete in the
55 21st century economy, the Legislature encourages instructional
56 methods for blended learning courses consisting of both
57 traditional classroom and online instructional techniques.
58 Charter schools may implement blended learning courses which
59 combine traditional classroom instruction and virtual
60 instruction. Students in a blended learning course must be full-
61 time students of the charter school pursuant to s.
62 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
63 1012.55 who provide virtual instruction for blended learning
64 courses may be employees of the charter school or may be under
65 contract to provide instructional services to charter school
66 students. At a minimum, such instructional personnel must hold
67 an active state or school district adjunct certification under
68 s. 1012.57 for the subject area of the blended learning course.
69 The funding and performance accountability requirements for
70 blended learning courses are the same as those for traditional
71 courses.

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

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

78 b. How these baseline rates will be compared to rates of
79 academic progress achieved by these same students while
80 attending the charter school.

81 c. To the extent possible, how these rates of progress
82 will be evaluated and compared with rates of progress of other
83 closely comparable student populations.

84
85 The district school board is required to provide academic
86 student performance data to charter schools for each of their
87 students coming from the district school system, as well as
88 rates of academic progress of comparable student populations in
89 the district school system.

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

99 5. In secondary charter schools, a method for determining
100 that a student has satisfied the requirements for graduation in

101 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

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

107 8. The ways by which the school will achieve a
108 racial/ethnic balance reflective of the community it serves or
109 within the racial/ethnic range of other public schools in the
110 same school district.

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

123 10. The asset and liability projections required in the
124 application which are incorporated into the charter and shall be
125 compared with information provided in the annual report of the

126 charter school.

127 11. A description of procedures that identify various
128 risks and provide for a comprehensive approach to reduce the
129 impact of losses; plans to ensure the safety and security of
130 students and staff; plans to identify, minimize, and protect
131 others from violent or disruptive student behavior; and the
132 manner in which the school will be insured, including whether or
133 not the school will be required to have liability insurance,
134 and, if so, the terms and conditions thereof and the amounts of
135 coverage.

136 12. The term of the charter which shall provide for
137 cancellation of the charter if insufficient progress has been
138 made in attaining the student achievement objectives of the
139 charter and if it is not likely that such objectives can be
140 achieved before expiration of the charter. The initial term of a
141 charter shall be for 5 years, excluding 2 planning years. In
142 order to facilitate access to long-term financial resources for
143 charter school construction, charter schools that are operated
144 by a municipality or other public entity as provided by law are
145 eligible for up to a 15-year charter, subject to approval by the
146 district school board. A charter lab school is eligible for a
147 charter for a term of up to 15 years. In addition, to facilitate
148 access to long-term financial resources for charter school
149 construction, charter schools that are operated by a private,
150 not-for-profit, s. 501(c)(3) status corporation are eligible for

151 up to a 15-year charter, subject to approval by the district
152 school board. Such long-term charters remain subject to annual
153 review and may be terminated during the term of the charter, but
154 only according to the provisions set forth in subsection (8).

155 13. The facilities to be used and their location. The
156 sponsor may not require a charter school to have a certificate
157 of occupancy or a temporary certificate of occupancy for such a
158 facility earlier than 15 calendar days before the first day of
159 school.

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

163 15. The governance structure of the school, including the
164 status of the charter school as a public or private employer as
165 required in paragraph (12)(j) ~~(12)(i)~~.

166 16. A timetable for implementing the charter which
167 addresses the implementation of each element thereof and the
168 date by which the charter shall be awarded in order to meet this
169 timetable.

170 17. In the case of an existing public school that is being
171 converted to charter status, alternative arrangements for
172 current students who choose not to attend the charter school and
173 for current teachers who choose not to teach in the charter
174 school after conversion in accordance with the existing
175 collective bargaining agreement or district school board rule in

176 | the absence of a collective bargaining agreement. However,
177 | alternative arrangements shall not be required for current
178 | teachers who choose not to teach in a charter lab school, except
179 | as authorized by the employment policies of the state university
180 | which grants the charter to the lab school.

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

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

201 (12) EMPLOYEES OF CHARTER SCHOOLS.—
 202 (g) Each charter school principal, governing board member,
 203 chief financial officer, or equivalent position must hold a
 204 valid certification issued by a third-party credentialing
 205 organization that is recognized under s. 402.40, at least 30
 206 days before the school opens or before his or her first date of
 207 employment, whichever comes first. The credentialing
 208 organization must certify the individual's core competence in
 209 the administration of a charter school, including, but not
 210 limited to, developing and adjusting business plans; accurate
 211 financial planning and good business practices, including
 212 accounting for costs and income; state and federal grant and
 213 student performance accountability requirements; identification
 214 of, and application for, state and federal funding sources;
 215 governance, including government in the sunshine, conflicts of
 216 interest, ethics, and financial responsibility. An individual
 217 certified under this paragraph meets the training requirements
 218 under subparagraph (h)3., paragraph (6)(f), and subparagraph
 219 (9)(j)4.

220 Section 2. Paragraph (b) of subsection (2) of section
 221 1012.32, Florida Statutes, is amended to read:

222 1012.32 Qualifications of personnel.—

223 (2)

224 (b) Instructional and noninstructional personnel who are
 225 hired or contracted to fill positions in any charter school and

226 members of the governing board of any charter school, in
227 compliance with s. 1002.33(12)(h) ~~s. 1002.33(12)(g)~~, must, upon
228 employment, engagement of services, or appointment, undergo
229 background screening as required under s. 1012.465 or s.
230 1012.56, whichever is applicable, by filing with the district
231 school board for the school district in which the charter school
232 is located a complete set of fingerprints taken by an authorized
233 law enforcement agency or an employee of the school or school
234 district who is trained to take fingerprints.

235
236 Fingerprints shall be submitted to the Department of Law
237 Enforcement for statewide criminal and juvenile records checks
238 and to the Federal Bureau of Investigation for federal criminal
239 records checks. A person subject to this subsection who is found
240 ineligible for employment under s. 1012.315, or otherwise found
241 through background screening to have been convicted of any crime
242 involving moral turpitude as defined by rule of the State Board
243 of Education, shall not be employed, engaged to provide
244 services, or serve in any position that requires direct contact
245 with students. Probationary persons subject to this subsection
246 terminated because of their criminal record have the right to
247 appeal such decisions. The cost of the background screening may
248 be borne by the district school board, the charter school, the
249 employee, the contractor, or a person subject to this
250 subsection. A district school board shall reimburse a charter

251 school the cost of background screening if it does not notify
252 the charter school of the eligibility of a governing board
253 member or instructional or noninstructional personnel within the
254 earlier of 14 days after receipt of the background screening
255 results from the Florida Department of Law Enforcement or 30
256 days of submission of fingerprints by the governing board member
257 or instructional or noninstructional personnel.

258 Section 3. This act shall take effect July 1, 2019.