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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/19/2019	.	
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The Committee on Appropriations (Lee) recommended the following:

1           **Senate Amendment to Amendment (782410) (with title**  
2 **amendment)**

3  
4           Between lines 201 and 202

5 insert:

6           Section 4. Paragraph (a) of subsection (7) of section  
7 1002.33, Florida Statutes, is amended to read

8           1002.33 Charter schools.—

9           (7) CHARTER.—The terms and conditions for the operation of  
10 a charter school shall be set forth by the sponsor and the  
11 applicant in a written contractual agreement, called a charter.



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12 The sponsor and the governing board of the charter school shall  
13 use the standard charter contract pursuant to subsection (21),  
14 which shall incorporate the approved application and any addenda  
15 approved with the application. Any term or condition of a  
16 proposed charter contract that differs from the standard charter  
17 contract adopted by rule of the State Board of Education shall  
18 be presumed a limitation on charter school flexibility. The  
19 sponsor may not impose unreasonable rules or regulations that  
20 violate the intent of giving charter schools greater flexibility  
21 to meet educational goals. The charter shall be signed by the  
22 governing board of the charter school and the sponsor, following  
23 a public hearing to ensure community input.

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

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

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

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



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41 research.

42       b. In order to provide students with access to diverse  
43 instructional delivery models, to facilitate the integration of  
44 technology within traditional classroom instruction, and to  
45 provide students with the skills they need to compete in the  
46 21st century economy, the Legislature encourages instructional  
47 methods for blended learning courses consisting of both  
48 traditional classroom and online instructional techniques.  
49 Charter schools may implement blended learning courses which  
50 combine traditional classroom instruction and virtual  
51 instruction. Students in a blended learning course must be full-  
52 time students of the charter school pursuant to s.  
53 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
54 1012.55 who provide virtual instruction for blended learning  
55 courses may be employees of the charter school or may be under  
56 contract to provide instructional services to charter school  
57 students. At a minimum, such instructional personnel must hold  
58 an active state or school district adjunct certification under  
59 s. 1012.57 for the subject area of the blended learning course.  
60 The funding and performance accountability requirements for  
61 blended learning courses are the same as those for traditional  
62 courses.

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

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

69       b. How these baseline rates will be compared to rates of



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70 academic progress achieved by these same students while  
71 attending the charter school.

72 c. To the extent possible, how these rates of progress will  
73 be evaluated and compared with rates of progress of other  
74 closely comparable student populations.

75

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

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

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

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

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

98 8. The ways by which the school will achieve a



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99 racial/ethnic balance reflective of the community it serves or  
100 within the racial/ethnic range of other public schools in the  
101 same school district.

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

114 10. The asset and liability projections required in the  
115 application which are incorporated into the charter and shall be  
116 compared with information provided in the annual report of the  
117 charter school.

118 11. A description of procedures that identify various risks  
119 and provide for a comprehensive approach to reduce the impact of  
120 losses; plans to ensure the safety and security of students and  
121 staff; plans to identify, minimize, and protect others from  
122 violent or disruptive student behavior; and the manner in which  
123 the school will be insured, including whether or not the school  
124 will be required to have liability insurance, and, if so, the  
125 terms and conditions thereof and the amounts of coverage.

126 12. The term of the charter which shall provide for  
127 cancellation of the charter if insufficient progress has been



128 made in attaining the student achievement objectives of the  
129 charter and if it is not likely that such objectives can be  
130 achieved before expiration of the charter. The initial term of a  
131 charter shall be for 5 years, excluding 2 planning years. In  
132 order to facilitate access to long-term financial resources for  
133 charter school construction, charter schools that are operated  
134 by a municipality or other public entity as provided by law are  
135 eligible for up to a 15-year charter, subject to approval by the  
136 district school board. A charter lab school is eligible for a  
137 charter for a term of up to 15 years. In addition, to facilitate  
138 access to long-term financial resources for charter school  
139 construction, charter schools that are operated by a private,  
140 not-for-profit, s. 501(c)(3) status corporation are eligible for  
141 up to a 15-year charter, subject to approval by the district  
142 school board. Such long-term charters remain subject to annual  
143 review and may be terminated during the term of the charter, but  
144 only according to the provisions set forth in subsection (8).

145 13. The facilities to be used and their location. The  
146 applicant must identify the specific location for the proposed  
147 charter school to ensure that the proposed charter school  
148 locates in reasonable proximity to the student population  
149 identified within the charter school application. The sponsor  
150 may not require a charter school to have a certificate of  
151 occupancy or a temporary certificate of occupancy for such a  
152 facility earlier than 15 calendar days before the first day of  
153 school.

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



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

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

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

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



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186 stepsister, half brother, or half sister.

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

195

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

197 And the title is amended as follows:

198       Delete line 2181

199 and insert:

200       private educational choice options; amending s.  
201       1002.33, F.S.; authorizing school districts to  
202       condition approval of a charter upon certain criteria;  
203       amending s.