### **HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

BILL #: CS/CS/HB 1029 Charter Schools

SPONSOR(S): Education Committee, PreK-12 Innovation Subcommittee, Rodriguez, A.

TIED BILLS: None IDEN./SIM. BILLS: CS/SB 1420

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 4 N, As CS	Fudge	Brink
2) Education Committee	16 Y, 0 N, As CS	Fudge	Hassell

#### SUMMARY ANALYSIS

All charter schools in Florida are tuition-free public schools and part of the state's public education system. Charter schools are created through an agreement or "charter" that provides expanded freedom relative to regulations created for traditional public schools in return for a commitment to higher standards of accountability.

The bill requires a charter school's sponsor to receive and consider a charter school application submitted at any time during the calendar year. The bill establishes conditions for immediate termination of a charter school due to student safety. The bill revises land use requirements for charter schools and enrollment limitations for students living in certain housing developments.

The bill clarifies that a high-performing charter school may determine, in its application, when new charter schools will be opened and revises the limitation on when subsequent applications may be submitted by a high-performing charter school.

The bill allows a charter exceptional student education center to replicate in the same manner as a high performing charter school in certain circumstances and limits the administrative fee a school district may withhold for such a school.

The bill requires the Department of Education to provide school districts with a list of all underused, vacant, or surplus facilities and extends the authorization for undispersed Schools of Hope Program funds to be carried forward from five years to seven years.

The bill authorizes a virtual charter school to provide part-time virtual instruction and contract with any public or charter school to provide any course the virtual school cannot otherwise provide.

The bill authorizes charter schools to provide career and professional academies.

The bill is effective July 1, 2020.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. STORAGE NAME: h1029b.EDC

### **FULL ANALYSIS**

### I. SUBSTANTIVE ANALYSIS

## A. EFFECT OF PROPOSED CHANGES:

### **Charter Schools**

### **Present Situation**

All charter schools in Florida are tuition-free public schools and are a part of the state's public education system.1 Charter schools are created through an agreement or "charter" that provides expanded freedom relative to regulations created for traditional public schools in return for a commitment to higher standards of accountability.<sup>2</sup>

Several types of entities may sponsor charter schools:

- School districts may sponsor charter schools.<sup>3</sup>
- State universities may sponsor charter lab schools.<sup>4</sup>
- School districts, Florida College System (FCS) institutions or a consortium of school districts or FCS institutions may sponsor a charter technical career center.5

In addition, FCS institutions with a teacher preparation program may operate one charter school for students in kindergarten through grade 12, sponsored by the school district.<sup>6</sup>

A sponsor's responsibilities include:

- approving or denving charter school applications:
- overseeing each sponsored charter school's progress toward the goals established in the charter:
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state's education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.<sup>7</sup>

## Establishing a Charter School

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under Florida law.8 While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization.9.

An applicant must submit a charter school application on a standard application form developed by the Department of Education (DOE). All charter school applications must be submitted to the sponsor by February 1 for a charter school to open 18 months later or at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.<sup>10</sup>

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<sup>&</sup>lt;sup>1</sup> Section 1002.33(1), F.S.

<sup>&</sup>lt;sup>2</sup> Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, Florida's Charter Schools (2018), available at http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2018.pdf.

<sup>&</sup>lt;sup>3</sup> Section 1002.33(5)(a)1., F.S.

<sup>&</sup>lt;sup>4</sup> Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

<sup>&</sup>lt;sup>5</sup> Section 1002.34(3)(b), F.S.

<sup>&</sup>lt;sup>6</sup> Section 1002.33(5)(b)4., F.S.

<sup>&</sup>lt;sup>7</sup> Section 1002.33(5)(b), F.S.

<sup>&</sup>lt;sup>8</sup> Section 1002.33(3)(a), F.S.

<sup>&</sup>lt;sup>9</sup> Section 1002.33(12)(i), F.S.

<sup>&</sup>lt;sup>10</sup> Section 1002.33(6)(b), F.S.

### Causes for Nonrenewal or Termination

A sponsor must make student academic achievement for all students the most important factor when determining whether to renew or terminate a charter, but may terminate or not renew a charter for any of the following reasons:

- Failure to participate in the state's education accountability system or failure to meet the charter's requirements for student performance.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.<sup>11</sup>

A sponsor must provide 90-days written notice to the charter school prior to termination or nonrenewal, except that a charter may be terminated immediately if the sponsor sets forth particular facts and circumstances indicating an immediate and serious danger to the health, safety or welfare of the students. The sponsor must notify in writing the charter school's governing board, the charter school principal, and the DOE of an immediate termination. The governing board is entitled to a formal hearing with an administrative law judge who must issue a final order to the sponsor. The governing board may appeal the final order in the District Court of Appeal. Under these circumstances, the sponsor must to assume operation of the charter school throughout the pendency of the hearing.

## Student Eligibility

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.<sup>17</sup> In addition, controlled open enrollment requirements allow a parent whose child is not subject to a current expulsion or suspension order to seek enrollment in, and transport his or her child to any public school in the state, including a charter school, which has not reached capacity.<sup>18</sup> The charter school governing board determines its capacity based upon its contract.<sup>19</sup>

Prospective students must apply for enrollment in a charter school and, if the number of applications exceeds the school's capacity, a random lottery must be used to determine which students are enrolled.<sup>20</sup> Enrollment preference may be given to student populations such as siblings of current charter school students, children of charter school employees and members of the governing board, students who attend or are assigned to a failing school, and others.<sup>21</sup>

A charter school may limit the enrollment process in order to target the following student populations:

- Students within specific age groups or grade levels;
- Students considered at risk of dropping out of school or academic failure, to include exceptional education students;

<sup>&</sup>lt;sup>11</sup> Section 1002.33(8)(a), F.S.

<sup>&</sup>lt;sup>12</sup> Section 1002.33(8)(b) and (c), F.S.

<sup>&</sup>lt;sup>13</sup> Section 1002.33(8)(c), F.S.

<sup>&</sup>lt;sup>14</sup> *Id*.

<sup>&</sup>lt;sup>15</sup> Section 1002.33(8)(b), F.S.

<sup>&</sup>lt;sup>16</sup> Section 1002.33(8)(c), F.S. The administrative law judge must award the prevailing party reasonable attorney fees and costs incurred during the administrative proceedings and any appeals.

<sup>&</sup>lt;sup>17</sup> Section 1002.33(10)(a), F.S. A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, but may use a weighted lottery under certain circumstances. *See* U.S. Department of Education, *Charter Schools Program Title V, Part B of the ESEA, Non-Regulatory Guidance*, (January 2014), *available at* http://www2.ed.gov/programs/charter/fy14cspnonregguidance.doc.

<sup>&</sup>lt;sup>18</sup> Section 1002.31(2)(a), F.S.

<sup>&</sup>lt;sup>19</sup> Section 1002.31(2)(b), F.S.

<sup>&</sup>lt;sup>20</sup> Section 1002.33(10)(b), F.S.

<sup>&</sup>lt;sup>21</sup> Section 1002.33(10)(d), F.S. **STORAGE NAME**: h1029b.EDC

- Children of the business partner who seek to enroll in a charter school-in-the-workplace or children of municipal residents who seek to enroll in a charter school-in-a-municipality.
- Students residing within a reasonable distance of the charter school.
- Students who meet reasonable academic, artistic or other eligibility standards established by the charter school.
- Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
- Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$5 million to be used as a charter school to mitigate the educational impact created by the development of new residential dwelling units; such students are entitled to no more than 50 percent of the student stations at the school.<sup>22</sup>

### **Facilities**

Charter schools are exempt from compliance with the State Requirements for Educational Facilities (SREF), but must comply with the Florida Building Code and the Florida Fire Prevention Code.<sup>23</sup> A local governing authority may not impose local building requirements or site-development restrictions, such as parking, site-size criteria, student enrollment or occupant load that are addressed by and more stringent than those found in the SREF.<sup>24</sup> Additionally, local governments must treat charter schools and traditional public schools equitably when regulating facilities.<sup>25</sup> An aggrieved charter school has the immediate right to bring an action in circuit court to enforce its rights against any authority who fails to treat the charter school equitably and may collect attorney fees and court costs if it receives injunctive relief.<sup>26</sup>

Charter school facilities are exempt from ad valorem taxation.<sup>27</sup> Libraries, community service organizations, museums, performing arts venues, theatres, cinemas, churches, FCS institutions, and universities may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or land use change.<sup>28</sup> Charter schools are also exempt from fees charged for building and occupational licenses, service availability fees, impact fees, and exactions and assessments for special benefits.<sup>29</sup>

### Administrative Fee

A sponsor must provide various administrative services to the charter schools in its district including contract management, FTE and student achievement data reporting, exceptional student education program administration, eligibility and reporting for the National School Lunch Program, test administration, including payment of the costs of state- or school district-required assessments,

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<sup>&</sup>lt;sup>22</sup> Section 1002.33(10)(e), F.S.

<sup>&</sup>lt;sup>23</sup> Section 1002.33(18)(a) and (b), F.S. Conversion charter school facilities must comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into an agreement in which the school district agrees to maintain the facilities in the same manner as other district public schools. Section 1002.33(18)(a), F.S.

<sup>&</sup>lt;sup>24</sup> Section 1002.33(18)(a), F.S.

<sup>&</sup>lt;sup>25</sup> *Id*.

<sup>&</sup>lt;sup>26</sup> *Id*.

<sup>&</sup>lt;sup>27</sup> Section 1002.33(18)(d), F.S.

<sup>&</sup>lt;sup>28</sup> Section 1002.33(18)(c), F.S.

<sup>&</sup>lt;sup>29</sup> Section 1002.33(18)(d), F.S. Impact fees and exactions are used by local governments to control development and offset the impact of growth on local infrastructure and services. Florida courts have held that local governments have broad authority to impose impact fees or exactions on development, unless such authority conflicts with constitutional or statutory provisions. Art. VIII, s. 1(f)-(g) and 2(b), Fla. Const.; s. 125.01(1) and (3), F.S.; s. 166.021(1)-(4), F.S.; *Hollywood, Inc. v. Broward County, Florida*, 431 So. 2d 606, 609-610 (4th DCA 1983)(Holding that Florida counties have implicit authority to impose impact fees or exactions on development so long as such fee or exaction is: (1) not inconsistent with general law; and (2) rationally related to the need for additional infrastructure or services caused by the development).

processing of teacher certification data and student information services.<sup>30</sup> As compensation for services provided, a sponsor may withhold an administrative fee of up to five percent of each charter school's total operating funds, based upon weighted FTE students.31 A sponsor may withhold only the administrative fee for the first 250 students enrolled in each charter school.<sup>32</sup> A sponsor may withhold a five percent administrative fee for the first 500 students enrolled within a system of charter schools if the system:

- includes both conversion charter schools and nonconversion charter schools;
- has all schools located in the same county:
- has a total enrollment exceeding the total enrollment of at least one school district in the state;
- has the same governing board for all of its schools; and
- does not contract with a for-profit service provider for management of school operations.<sup>33</sup>

The total administrative fee for high-performing charter schools is up to two percent for enrollment up to and including 250 students per school.<sup>34</sup>

When 75 percent or more of the students enrolled in the charter school are exceptional students. including gifted students, the administrative fee is calculated based upon unweighted FTE students.<sup>35</sup> For virtual charter schools, the sponsor may withhold a fee of up to five percent for enrollment up to and including 250 students.<sup>36</sup> Sponsors are prohibited from imposing additional fees or surcharges for services provided.<sup>37</sup> Sponsors must also annually provide the DOE the total amount of funding withheld from charter schools for the previous year, and the DOE must include the information in an annual report.38

## Effect of Proposed Changes

The bill repeals the date by which charter school applications must be submitted and received each calendar year and prohibits a sponsor from refusing to receive a charter school application submitted any time during the calendar year. The bill also allows a charter school to be opened at a time determined by the applicant.

The bill revises the particular facts and circumstances a sponsor must demonstrate in writing to terminate a charter immediately to include, in addition to demonstrating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists, that the immediate and serious danger is likely to continue and that an immediate termination of the charter is necessary to stop the emergency.

The bill revises the enrollment limitation that a charter school built by a housing developer may use for students within the development if either the developer or its affiliated business entity or charity contributes to the construction, formation, acquisition, or operation of the charter school. This limitation will also apply to other charter schools and charter school facilities provided for by these entities so long as they have a combined value of at least \$5 million. The bill specifies that students in the development are entitled to 50 percent of these seats.

The bill requires a local governing authority to provide written justification for any challenged requirements, restrictions, or site planning processes upon a charter school's request and requires a

http://www.myfloridalegal.com/ago.nsf/Opinions/D20AD30420BB793B85257B3C0052B3A6.

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<sup>38</sup> Section 1002.33(20)(a)4., F.S. STORAGE NAME: h1029b.EDC

<sup>&</sup>lt;sup>30</sup> Section 1002.33(20)(a)1., F.S. See, Florida Attorney General Opinion, AGO 2013-04, stating that the administrative fee includes costs to administer state district assessments, available at

<sup>&</sup>lt;sup>31</sup> Section 1002.33(20)(a)2., F.S.

<sup>&</sup>lt;sup>32</sup> Section 1002.33(20)(a)2.a.(I), F.S.

<sup>&</sup>lt;sup>33</sup> Section 1002.33(20)(a)2.a.(II), F.S.

<sup>&</sup>lt;sup>34</sup> Section 1002.33(20)(a)2.b., F.S.

<sup>&</sup>lt;sup>35</sup> Section 1002.33(20)(a)2., F.S.

<sup>&</sup>lt;sup>36</sup> Section 1002.33(20)(a)2.a.(III), F.S.

<sup>&</sup>lt;sup>37</sup> Section 1002.33(20)(a)3., F.S. Charter schools also must annually complete and submit a survey to rate the timeliness and effectiveness of administrative services provided by sponsors. Section 1002.33(20)(d), F.S.

court to award attorney fees and court costs to the charter school if the local governing authority failed to treat the charter school equitably. Local governing authorities are prohibited from imposing additional requirements regarding land use. The occupant load for the charter school within certain facilities must be based only on the Florida Building Code and Florida Fire Prevention Code. The bill also authorizes a district school board to construct educational facilities and ancillary facilities on land owned by the district school board and lease such facilities to a charter school.

## **High-Performing Charter Schools**

### **Present Situation**

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status.<sup>39</sup> A high-performing charter school is a charter school that during each of the three previous years:

- received at least two school grades of "A" and no school grade below "B;"
- has received an unqualified opinion<sup>40</sup> on each annual financial audit; and
- has not received an annual financial audit that reveals a financial emergency condition.<sup>41</sup>

Initial eligibility for "high-performing" status is verified by the Commissioner of Education, upon request by a charter school. Thereafter, the commissioner must annually verify continued eligibility.<sup>42</sup>

High-performing charter schools may take advantage of various benefits. Among other benefits, the operator of a high-performing charter school may submit an application in any Florida school district to establish and operate a new charter school that substantially replicates one of its high-performing charter schools. The application process for such applications is streamlined to expedite approval. A high-performing charter school may not be replicated more than once in any given year and may not replicate again until the new charter school achieves "high-performing" status. Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools. Additionally, a high-performing charter school may have the term of its charter extended to up to 15 years.

A high-performing charter school may increase the school's enrollment once per year to more than the capacity identified in the charter and expand grade levels within kindergarten through grade 12 to add grade levels not already served as long as the increase in enrollment in either case does not exceed the current facility capacity.<sup>47</sup>

## Effect of Proposed Changes

The bill allows a high-performing charter school to submit two applications at a time instead of two per year. Subsequent applications may be submitted so long as each previous charter school application is withdrawn or has commenced operation instead of upon each school being designated high-performing.

The bill allows a charter exceptional student education center to replicate in the same manner as a high performing charter school in certain circumstances and limits the administrative fee a school district may withhold for such a school.

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<sup>&</sup>lt;sup>39</sup> Section 1002.331(1), F.S.; *see* s. 218.503(1), F.S. (financial emergency conditions).

<sup>&</sup>lt;sup>40</sup>An unqualified audit opinion means that the charter school's financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).

<sup>&</sup>lt;sup>41</sup> Section 1002.331(1), F.S.; *see* s. 218.503(1), F.S. (financial emergency conditions).

<sup>&</sup>lt;sup>42</sup> Sections 1002.331(5) and 1002.332(2)(a), F.S.

<sup>&</sup>lt;sup>43</sup> Section 1002.331(2), F.S.

<sup>&</sup>lt;sup>44</sup> Section 1002.331(3)(b), F.S.

<sup>&</sup>lt;sup>45</sup> Section 1002.332(2), F.S.

<sup>&</sup>lt;sup>46</sup> Section 1002.331(4), F.S.

<sup>&</sup>lt;sup>47</sup> Section 1002.331(2)(a) and (b), F.S.

## **Persistently Low-Performing Schools**

## **Present Situation**

A persistently low-performing school is a school that has earned three grades lower than a "C" in at least three of the previous five years and has not earned a grade of "B" or higher in the most recent two school years and a school that was closed pursuant to the school's turnaround option plan within two years after the submission of a notice of intent.<sup>48</sup> The State Board of Education (SBE) must publish annually a list of persistently low-performing schools and must provide students in persistently low-performing schools with a public school that meets accountability standards.<sup>49</sup>

Each school district is required to provide to the DOE a list of all underused, vacant, or surplus facilities owned or operated by the school district by October 1<sup>st</sup> of each year.<sup>50</sup>

## Schools of Hope

A hope operator, designated by the SBE based on criteria established in law, is a nonprofit organization with tax-exempt status under the Internal Revenue Code which operates three or more charter schools that serve students in grades K-12 in Florida or other states and has a record of serving students from low-income families.<sup>51</sup> An entity's initial status as a hope operator is valid for 5 years from the opening of a school of hope.<sup>52</sup>

A school of hope is a charter school operated by a hope operator, which:<sup>53</sup>

- Serves students from one or more persistently low-performing schools and students who reside in a Florida Opportunity Zone;<sup>54</sup>
- Is located in a Florida Opportunity Zone, in the attendance zone of a persistently low-performing school, or within a five-mile radius of such school; and
- Is a Title I eligible school.

A school of hope must use facilities that comply with the Florida Building Code, except for the SREF.<sup>55</sup> A school of hope that uses school district facilities must comply with SREF only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities, as specified in law.<sup>56</sup>

The Schools of Hope Program is created within the DOE for a school of hope to receive additional funding for certain expenses specified in law.<sup>57</sup> Funds allocated which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years.<sup>58</sup>

### Effect of Proposed Changes

The bill revises facility reporting requirements for identifying educational facilities that may be used by a school of hope. The bill requires the DOE to provide to school districts a list of all underused, vacant, or surplus facilities owned or operated by the school district, as reported in the Florida Inventory of School Houses by January 1 each year. A school district may provide evidence of any errors or omissions to the DOE within 30 days after the list is provided. By April 1 of each year, the DOE must update and

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<sup>&</sup>lt;sup>48</sup> Section 1002.333(1)(c), F.S.

<sup>&</sup>lt;sup>49</sup> Section 1002.333(11)(d), F.S.

<sup>&</sup>lt;sup>50</sup> Section 1002.333(7)(d), F.S.

<sup>&</sup>lt;sup>51</sup> Section 1002.333(2), F.S.

<sup>&</sup>lt;sup>52</sup> Section 1002.333(3), F.S.

<sup>&</sup>lt;sup>53</sup> Section 1002.333(1)(c), F.S.

<sup>&</sup>lt;sup>54</sup> Florida Opportunity Zone means a population census tract that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone pursuant to s. 1400Z-1(b)(1)(B) of the Internal Revenue Code. Section 1002.333(1)(a), F.S.

<sup>&</sup>lt;sup>55</sup> Section 1002.333(7)(a), F.S.

<sup>&</sup>lt;sup>56</sup> *Id*.

<sup>&</sup>lt;sup>57</sup> Section 1002.333(10), F.S.

<sup>&</sup>lt;sup>58</sup> Section 1002.333(10)(b), F.S.

publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based on the updated information provided.

The bill also extends the authorization for undispersed Schools of Hope Program funds to be carried forward from 5 years to 7 years.

## **Virtual Instruction Program**

### **Present Situation**

Florida law establishes a variety of options to make virtual instruction accessible to K-12 students. These options include:

- full-time or part-time enrollment in a school district virtual instruction program;<sup>59</sup>
- full-time enrollment in a virtual charter school;<sup>60</sup>
- enrollment in individual virtual courses offered by school districts and approved by the Florida Department of Education;<sup>61</sup> and
- full-time or part-time enrollment in the Florida Virtual School (FLVS) or school district FLVS franchises.<sup>62</sup>

# Effect of Proposed Changes

The bill allows a virtual charter school to offer part-time instruction and allows the virtual charter school to contract with any public or charter school to provide any course it does not provide.

### **Career and Professional Academies**

### Present Situation

Each school board must operate at least one high school career and professional academy and have as part of its 3-year strategic plan the implementation of an academy or a career-themed course in at least one middle school in the district. Two or more school districts may collaborate in the development of the strategic plan and jointly offer an academy or career-themed courses. 64

An academy may be offered as a school-within-a-school or as part of an existing high school that provides courses in one or more occupational clusters. Students attending the school do not necessarily attend the academy. An academy may also be offered as a total school configuration providing multiple academies, each structured around an occupational cluster. In this case, each student attending the school also attends an academy.<sup>65</sup>

Each career course offered in a career and professional academy and each career-themed course offered by a secondary school must lead to industry certification or postsecondary credit. If the passage rate on an industry certification examination that is associated with an academy or a career-themed course falls below 50 percent, the 3-year strategic plan must be amended to include specific strategies to improve the passage rate of the academy or career-themed course.<sup>66</sup>

Current law does not expressly authorize charter schools to offer career and professional academies.

# Effect of Proposed Changes

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<sup>&</sup>lt;sup>59</sup> Section 1002.45, F.S.

<sup>&</sup>lt;sup>60</sup> Sections 1002.33(1) and 1002.45(1)(d), F.S.

<sup>&</sup>lt;sup>61</sup> Section 1003.498, F.S.

<sup>&</sup>lt;sup>62</sup> Sections 1002.37 and 1002.45(1)(a)1 and (c)1., F.S.

<sup>&</sup>lt;sup>63</sup> Sections 1003.493(3) and 1003.4935(1), F.S.

<sup>&</sup>lt;sup>64</sup> Section 1003.491(2), F.S.

<sup>&</sup>lt;sup>65</sup> Section 1003.493(3)(b), F.S.

<sup>&</sup>lt;sup>66</sup> Section 1003.493(5), F.S.

The bill authorizes charter schools to provide career and professional academies.

### B. SECTION DIRECTORY:

**Section 1.** Amending s. 1002.33, F.S., revising requirements for the charter school application process: prohibiting sponsors from refusing to receive a charter school application submitted during the calendar year; revising provisions for the immediate termination of a charter school's charter; revising the student populations for which a charter school is authorized to limit the enrollment process; requiring a local governing authority to provide a written justification under certain circumstances; providing for the award of attorney fees and court costs under certain circumstances; revising provisions relating to an exemption from ad valorem taxes for specified entities; requiring educational occupant loads for charter schools to be based on specified criteria; authorizing a district school board to construct certain facilities and lease such facilities to charter schools; providing for the calculation of an administrative fee for certain exceptional student education centers.

**Section 2**. Amending s. 1002.331, F.S., specifying the number of applications a high-performing charter school may submit in any school district in the state to establish and operate a new charter school; providing applicability.

Section 3. Amending s. 1002.333, F.S., requiring the Department of Education to annually provide specified information to school districts by a certain date related to certain school district facilities: authorizing school districts to report specified errors or omissions related to such information by a specified date; requiring the department to publish a final list of such information annually by a specified date; revising the number of years certain funds may be carried forward.

Section 4. Amending s. 1002.45, F.S.; authorizing a virtual charter school to provide part-time virtual instruction, be an approved provider, and contract with specified schools for certain purposes

Section 5. Amending s. 1003.493, F.S.; authorizing charter schools to offer career and professional academies.

Section 6. Amending s. 1008.3415, F.S.; authorizing exceptional student education centers that meet specified requirements to replicate their educational programs in a specified manner.

**Section 7**. Providing an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

	None.
2.	Expenditures:
	None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

1. Revenues:

None.

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	None.
C.	DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
	None.
D.	FISCAL COMMENTS:
	None.
	III. COMMENTS
A.	CONSTITUTIONAL ISSUES:
	1. Applicability of Municipality/County Mandates Provision:
	None.
	2. Other:
	None.
B.	RULE-MAKING AUTHORITY:
	None.
C.	DRAFTING ISSUES OR OTHER COMMENTS:
	None.
	IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 26, 2020, the Education Committee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Revise the standard for immediate termination of a charter school.
- Require a local governing authority to provide written justification for any challenged requirements, restrictions, or site planning process upon request; prohibit local governing authorities from imposing any additional requirements regarding land use; and authorize a district school board to construct facilities on land owned by district school board and lease to a charter school.
- Authorize a charter exceptional student education center to replicate in the same manner as a high
  performing charter school in certain circumstances and limit the administrative fee a school district
  may withhold for such a school.
- Require DOE to provide school districts with a list of all underused, vacant, or surplus facilities and extends the authorization for undispersed Schools of Hope Program funds to be carried forward from 5 years to 7 years.
- Authorize a charter school to offer career and professional academies.

The bill analysis is drafted to the committee substitute.

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**DATE**: 2/28/2020

2. Expenditures: