

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; revising requirements for the charter
4 school application process; prohibiting sponsors from
5 refusing to receive a charter school application
6 submitted during the calendar year; revising the
7 student populations for which a charter school is
8 authorized to limit the enrollment process; amending
9 s. 1002.331, F.S.; specifying the number of
10 applications a high-performing charter school may
11 submit in any school district in the state to
12 establish and operate a new charter school; providing
13 applicability; amending s. 1002.45, F.S.; authorizing
14 a virtual charter school to provide part-time virtual
15 instruction, be an approved provider, and contract
16 with specified schools for certain purposes; providing
17 an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (b) of subsection (6) and paragraph
22 (e) of subsection (10) of section 1002.33, Florida Statutes, are
23 amended to read:

24 1002.33 Charter schools.—

25 (6) APPLICATION PROCESS AND REVIEW.—Charter school

26 applications are subject to the following requirements:

27 (b) A sponsor shall receive and review all applications
28 for a charter school using the evaluation instrument developed
29 by the Department of Education. A sponsor shall receive and
30 consider charter school applications received during ~~on or~~
31 ~~before August 1~~ of each calendar year for charter schools to be
32 opened at the beginning of the school district's next school
33 year, or to be opened at a time determined ~~agreed to~~ by the
34 applicant ~~and the sponsor~~. A sponsor may not refuse to receive a
35 charter school application submitted by an applicant during the
36 calendar year ~~before August 1~~ and may receive an application
37 ~~submitted later than August 1 if it chooses. Beginning in 2018~~
38 ~~and thereafter, a sponsor shall receive and consider charter~~
39 ~~school applications received on or before February 1 of each~~
40 ~~calendar year for charter schools to be opened 18 months later~~
41 ~~at the beginning of the school district's school year, or to be~~
42 ~~opened at a time determined by the applicant. A sponsor may not~~
43 ~~refuse to receive a charter school application submitted before~~
44 ~~February 1 and may receive an application submitted later than~~
45 ~~February 1 if it chooses. A sponsor may not charge an applicant~~
46 ~~for a charter any fee for the processing or consideration of an~~
47 ~~application, and a sponsor may not base its consideration or~~
48 ~~approval of a final application upon the promise of future~~
49 ~~payment of any kind. Before approving or denying any~~
50 application, the sponsor shall allow the applicant, upon receipt

51 of written notification, at least 7 calendar days to make
52 technical or nonsubstantive corrections and clarifications,
53 including, but not limited to, corrections of grammatical,
54 typographical, and like errors or missing signatures, if such
55 errors are identified by the sponsor as cause to deny the final
56 application.

57 1. In order to facilitate an accurate budget projection
58 process, a sponsor shall be held harmless for FTE students who
59 are not included in the FTE projection due to approval of
60 charter school applications after the FTE projection deadline.
61 In a further effort to facilitate an accurate budget projection,
62 within 15 calendar days after receipt of a charter school
63 application, a sponsor shall report to the Department of
64 Education the name of the applicant entity, the proposed charter
65 school location, and its projected FTE.

66 2. In order to ensure fiscal responsibility, an
67 application for a charter school shall include a full accounting
68 of expected assets, a projection of expected sources and amounts
69 of income, including income derived from projected student
70 enrollments and from community support, and an expense
71 projection that includes full accounting of the costs of
72 operation, including start-up costs.

73 3.a. A sponsor shall by a majority vote approve or deny an
74 application no later than 90 calendar days after the application
75 is received, unless the sponsor and the applicant mutually agree

76 | in writing to temporarily postpone the vote to a specific date,
77 | at which time the sponsor shall by a majority vote approve or
78 | deny the application. If the sponsor fails to act on the
79 | application, an applicant may appeal to the State Board of
80 | Education as provided in paragraph (c). If an application is
81 | denied, the sponsor shall, within 10 calendar days after such
82 | denial, articulate in writing the specific reasons, based upon
83 | good cause, supporting its denial of the application and shall
84 | provide the letter of denial and supporting documentation to the
85 | applicant and to the Department of Education.

86 | b. An application submitted by a high-performing charter
87 | school identified pursuant to s. 1002.331 or a high-performing
88 | charter school system identified pursuant to s. 1002.332 may be
89 | denied by the sponsor only if the sponsor demonstrates by clear
90 | and convincing evidence that:

91 | (I) The application of a high-performing charter school
92 | does not materially comply with the requirements in paragraph
93 | (a) or, for a high-performing charter school system, the
94 | application does not materially comply with s. 1002.332(2)(b);

95 | (II) The charter school proposed in the application does
96 | not materially comply with the requirements in paragraphs
97 | (9)(a)-(f);

98 | (III) The proposed charter school's educational program
99 | does not substantially replicate that of the applicant or one of
100 | the applicant's high-performing charter schools;

101 (IV) The applicant has made a material misrepresentation
102 or false statement or concealed an essential or material fact
103 during the application process; or

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

107
108 Material noncompliance is a failure to follow requirements or a
109 violation of prohibitions applicable to charter school
110 applications, which failure is quantitatively or qualitatively
111 significant either individually or when aggregated with other
112 noncompliance. An applicant is considered to be replicating a
113 high-performing charter school if the proposed school is
114 substantially similar to at least one of the applicant's high-
115 performing charter schools and the organization or individuals
116 involved in the establishment and operation of the proposed
117 school are significantly involved in the operation of replicated
118 schools.

119 c. If the sponsor denies an application submitted by a
120 high-performing charter school or a high-performing charter
121 school system, the sponsor must, within 10 calendar days after
122 such denial, state in writing the specific reasons, based upon
123 the criteria in sub-subparagraph b., supporting its denial of
124 the application and must provide the letter of denial and
125 supporting documentation to the applicant and to the Department

126 of Education. The applicant may appeal the sponsor's denial of
127 the application in accordance with paragraph (c).

128 4. For budget projection purposes, the sponsor shall
129 report to the Department of Education the approval or denial of
130 an application within 10 calendar days after such approval or
131 denial. In the event of approval, the report to the Department
132 of Education shall include the final projected FTE for the
133 approved charter school.

134 5. Upon approval of an application, the initial startup
135 shall commence with the beginning of the public school calendar
136 for the district in which the charter is granted. A charter
137 school may defer the opening of the school's operations for up
138 to 3 years to provide time for adequate facility planning. The
139 charter school must provide written notice of such intent to the
140 sponsor and the parents of enrolled students at least 30
141 calendar days before the first day of school.

142 (10) ELIGIBLE STUDENTS.—

143 (e) A charter school may limit the enrollment process only
144 to target the following student populations:

145 1. Students within specific age groups or grade levels.

146 2. Students considered at risk of dropping out of school
147 or academic failure. Such students shall include exceptional
148 education students.

149 3. Students enrolling in a charter school-in-the-workplace
150 or charter school-in-a-municipality established pursuant to

151 subsection (15).

152 4. Students residing within a reasonable distance of the
153 charter school, as described in paragraph (20)(c). Such students
154 shall be subject to a random lottery and to the racial/ethnic
155 balance provisions described in subparagraph (7)(a)8. or any
156 federal provisions that require a school to achieve a
157 racial/ethnic balance reflective of the community it serves or
158 within the racial/ethnic range of other nearby public schools ~~in~~
159 ~~the same school district.~~

160 5. Students who meet reasonable academic, artistic, or
161 other eligibility standards established by the charter school
162 and included in the charter school application and charter or,
163 in the case of existing charter schools, standards that are
164 consistent with the school's mission and purpose. Such standards
165 shall be in accordance with current state law and practice in
166 public schools and may not discriminate against otherwise
167 qualified individuals.

168 6. Students articulating from one charter school to
169 another pursuant to an articulation agreement between the
170 charter schools that has been approved by the sponsor.

171 7. Students living in a development in which a developer,
172 including any affiliated business entity or charitable
173 foundation, contributes to the formation, acquisition,
174 construction, or operation of one or more charter schools or
175 charter ~~provides the school facilities facility~~ and related

176 | property in an amount equal to or having a total ~~an~~ appraised
 177 | value of at least \$5 million to be used as ~~a~~ charter schools
 178 | ~~school~~ to mitigate the educational impact created by the
 179 | development of new residential dwelling units. Students living
 180 | in the development are ~~shall be~~ entitled to ~~no more than~~ 50
 181 | percent of the student stations in the charter schools ~~school~~.
 182 | The students who are eligible for enrollment are subject to a
 183 | random lottery, the racial/ethnic balance provisions, or any
 184 | federal provisions, as described in subparagraph 4. The
 185 | remainder of the student stations must ~~shall~~ be filled in
 186 | accordance with subparagraph 4.

187 | Section 2. Subsection (3) of section 1002.331, Florida
 188 | Statutes, is amended to read:

189 | 1002.331 High-performing charter schools.—

190 | (3) (a) 1. A high-performing charter school may submit an
 191 | application pursuant to s. 1002.33(6) in any school district in
 192 | the state to establish and operate a new charter school that
 193 | will substantially replicate its educational program. An
 194 | application submitted by a high-performing charter school must
 195 | state that the application is being submitted pursuant to this
 196 | paragraph and must include the verification letter provided by
 197 | the Commissioner of Education pursuant to subsection (4).

198 | 2. If the sponsor fails to act on the application within
 199 | 90 days after receipt, the application is deemed approved and
 200 | the procedure in s. 1002.33(7) applies.

201 (b) A high-performing charter school may submit two
 202 applications for a charter school ~~not establish more than two~~
 203 ~~charter schools~~ within the state under paragraph (a) to be
 204 opened at a time determined by the high-performing charter
 205 school. ~~in any year.~~ A subsequent application to establish a
 206 charter school under paragraph (a) may not be submitted unless
 207 each charter school application commences operations or an
 208 application is otherwise withdrawn. ~~each charter school~~
 209 ~~established in this manner achieves high-performing charter~~
 210 ~~school status.~~ However, a high-performing charter school may
 211 establish more than one charter school within the state under
 212 paragraph (a) in any year if it operates in the area of a
 213 persistently low-performing school and serves students from that
 214 school.

215 (c) This section applies to any high-performing charter
 216 school with an existing approved application.

217 Section 3. Paragraph (d) of subsection (1) of section
 218 1002.45, Florida Statutes, is amended to read:

219 1002.45 Virtual instruction programs.—

220 (1) PROGRAM.—

221 (d) A virtual charter school may provide full-time and
 222 part-time virtual instruction for students in kindergarten
 223 through grade 12 if the virtual charter school has a charter
 224 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~
 225 ~~instruction.~~ A virtual charter school may:

- 226 1. Contract with the Florida Virtual School.
- 227 2. Contract with or be an approved provider under
228 subsection (2).
- 229 3. Enter into an agreement with a school district to allow
230 the participation of the virtual charter school's students in
231 the school district's virtual instruction program. The agreement
232 must indicate a process for reporting of student enrollment and
233 the transfer of funds required by paragraph (7) (e).
- 234 4. Contract with any public or charter school to provide
235 any course that the virtual school cannot otherwise provide.
- 236 Section 4. This act shall take effect July 1, 2020.