

By Senator Flores

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; prohibiting sponsors from refusing to
4 receive a charter school application submitted during
5 the calendar year; requiring certain charter school
6 employees or governing board members to inform a
7 school district if he or she has completed a criminal
8 history check in another district within a certain
9 timeframe; requiring the school district to verify the
10 results of such criminal history check using a
11 specified system; prohibiting the school district from
12 charging a fee for verifying the results of such
13 criminal history check; requiring the department to
14 participate in a certain clearinghouse; providing a
15 rescreening schedule for certain instructional
16 personnel; revising how charter schools operated by
17 not-for-profit or municipal entities may use certain
18 unrestricted current and capital assets; amending s.
19 1002.331, F.S.; specifying how many applications a
20 high-performing charter school may submit in any
21 school district in the state to establish and operate
22 a new charter school; providing applicability;
23 amending s. 1002.45, F.S.; revising the virtual
24 instruction a virtual charter school may provide;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (b) of subsection (6), paragraph (g)

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30 of subsection (12), and paragraph (b) of subsection (17) of
31 section 1002.33, Florida Statutes, are amended to read:

32 1002.33 Charter schools.—

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

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

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59 of written notification, at least 7 calendar days to make
60 technical or nonsubstantive corrections and clarifications,
61 including, but not limited to, corrections of grammatical,
62 typographical, and like errors or missing signatures, if such
63 errors are identified by the sponsor as cause to deny the final
64 application.

65 1. In order to facilitate an accurate budget projection
66 process, a sponsor shall be held harmless for FTE students who
67 are not included in the FTE projection due to approval of
68 charter school applications after the FTE projection deadline.
69 In a further effort to facilitate an accurate budget projection,
70 within 15 calendar days after receipt of a charter school
71 application, a sponsor shall report to the Department of
72 Education the name of the applicant entity, the proposed charter
73 school location, and its projected FTE.

74 2. In order to ensure fiscal responsibility, an application
75 for a charter school shall include a full accounting of expected
76 assets, a projection of expected sources and amounts of income,
77 including income derived from projected student enrollments and
78 from community support, and an expense projection that includes
79 full accounting of the costs of operation, including start-up
80 costs.

81 3.a. A sponsor shall by a majority vote approve or deny an
82 application no later than 90 calendar days after the application
83 is received, unless the sponsor and the applicant mutually agree
84 in writing to temporarily postpone the vote to a specific date,
85 at which time the sponsor shall by a majority vote approve or
86 deny the application. If the sponsor fails to act on the
87 application, an applicant may appeal to the State Board of

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88 Education as provided in paragraph (c). If an application is
89 denied, the sponsor shall, within 10 calendar days after such
90 denial, articulate in writing the specific reasons, based upon
91 good cause, supporting its denial of the application and shall
92 provide the letter of denial and supporting documentation to the
93 applicant and to the Department of Education.

94 b. An application submitted by a high-performing charter
95 school identified pursuant to s. 1002.331 or a high-performing
96 charter school system identified pursuant to s. 1002.332 may be
97 denied by the sponsor only if the sponsor demonstrates by clear
98 and convincing evidence that:

99 (I) The application of a high-performing charter school
100 does not materially comply with the requirements in paragraph
101 (a) or, for a high-performing charter school system, the
102 application does not materially comply with s. 1002.332(2)(b);

103 (II) The charter school proposed in the application does
104 not materially comply with the requirements in paragraphs
105 (9)(a)-(f);

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

109 (IV) The applicant has made a material misrepresentation or
110 false statement or concealed an essential or material fact
111 during the application process; or

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

115
116 Material noncompliance is a failure to follow requirements or a

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117 violation of prohibitions applicable to charter school
118 applications, which failure is quantitatively or qualitatively
119 significant either individually or when aggregated with other
120 noncompliance. An applicant is considered to be replicating a
121 high-performing charter school if the proposed school is
122 substantially similar to at least one of the applicant's high-
123 performing charter schools and the organization or individuals
124 involved in the establishment and operation of the proposed
125 school are significantly involved in the operation of replicated
126 schools.

127 c. If the sponsor denies an application submitted by a
128 high-performing charter school or a high-performing charter
129 school system, the sponsor must, within 10 calendar days after
130 such denial, state in writing the specific reasons, based upon
131 the criteria in sub-subparagraph b., supporting its denial of
132 the application and must provide the letter of denial and
133 supporting documentation to the applicant and to the Department
134 of Education. The applicant may appeal the sponsor's denial of
135 the application in accordance with paragraph (c).

136 4. For budget projection purposes, the sponsor shall report
137 to the Department of Education the approval or denial of an
138 application within 10 calendar days after such approval or
139 denial. In the event of approval, the report to the Department
140 of Education shall include the final projected FTE for the
141 approved charter school.

142 5. Upon approval of an application, the initial startup
143 shall commence with the beginning of the public school calendar
144 for the district in which the charter is granted. A charter
145 school may defer the opening of the school's operations for up

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146 to 3 years to provide time for adequate facility planning. The
147 charter school must provide written notice of such intent to the
148 sponsor and the parents of enrolled students at least 30
149 calendar days before the first day of school.

150 (12) EMPLOYEES OF CHARTER SCHOOLS.—

151 (g)1. A charter school shall employ or contract with
152 employees who have undergone background screening as provided in
153 s. 1012.32. Members of the governing board of the charter school
154 shall also undergo background screening in a manner similar to
155 that provided in s. 1012.32.

156 a. A charter school employee or governing board member who
157 is subject to a criminal history check under this section shall
158 inform a school district if he or she has completed a criminal
159 history check in another school district within the last 5
160 years. The school district shall verify the results of the
161 criminal history check using the shared system described in sub-
162 subparagraph (12) (g)1.b. The school district may not charge a
163 fee for verifying the results of a charter school employee's or
164 governing board member's criminal history check.

165 b. The department is a qualified entity for purposes of s.
166 943.0542 when fulfilling its duties under this section and shall
167 participate in the clearinghouse created under s. 435.12. The
168 rescreening schedule of instructional personnel certified under
169 this section, without regard to whether the previous screening
170 was conducted by the department or by an employing school
171 district, shall be:

172 (I) By December 31, 2020, for persons who serve in more
173 than one county and submit fingerprints for rescreening after
174 July 1, 2020, and persons for whom the last screening was

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175 conducted on or before December 31, 2014;

176 (II) By December 31, 2021, for persons for whom the last
177 screening was conducted between January 1, 2015, and December
178 31, 2016; and

179 (III) By December 31, 2022, for persons for whom the last
180 screening was conducted between January 1, 2017, and December
181 31, 2018.

182 2. A charter school shall disqualify instructional
183 personnel and school administrators, as defined in s. 1012.01,
184 from employment in any position that requires direct contact
185 with students if the personnel or administrators are ineligible
186 for such employment under s. 1012.315.

187 3. The governing board of a charter school shall adopt
188 policies establishing standards of ethical conduct for
189 instructional personnel and school administrators. The policies
190 must require all instructional personnel and school
191 administrators, as defined in s. 1012.01, to complete training
192 on the standards; establish the duty of instructional personnel
193 and school administrators to report, and procedures for
194 reporting, alleged misconduct by other instructional personnel
195 and school administrators which affects the health, safety, or
196 welfare of a student; and include an explanation of the
197 liability protections provided under ss. 39.203 and 768.095. A
198 charter school, or any of its employees, may not enter into a
199 confidentiality agreement regarding terminated or dismissed
200 instructional personnel or school administrators, or personnel
201 or administrators who resign in lieu of termination, based in
202 whole or in part on misconduct that affects the health, safety,
203 or welfare of a student, and may not provide instructional

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204 personnel or school administrators with employment references or
205 discuss the personnel's or administrators' performance with
206 prospective employers in another educational setting, without
207 disclosing the personnel's or administrators' misconduct. Any
208 part of an agreement or contract which ~~that~~ has the purpose or
209 effect of concealing misconduct by instructional personnel or
210 school administrators which affects the health, safety, or
211 welfare of a student is void, is contrary to public policy, and
212 may not be enforced.

213 4. Before employing instructional personnel or school
214 administrators in any position that requires direct contact with
215 students, a charter school shall conduct employment history
216 checks of each of the personnel's or administrators' previous
217 employers, screen the instructional personnel or school
218 administrators through use of the educator screening tools
219 described in s. 1001.10(5), and document the findings. If unable
220 to contact a previous employer, the charter school must document
221 efforts to contact the employer.

222 5. The sponsor of a charter school that knowingly fails to
223 comply with this paragraph shall terminate the charter under
224 subsection (8).

225 (17) FUNDING.—Students enrolled in a charter school,
226 regardless of the sponsorship, shall be funded as if they are in
227 a basic program or a special program, the same as students
228 enrolled in other public schools in the school district. Funding
229 for a charter lab school shall be as provided in s. 1002.32.

230 (b) The basis for the agreement for funding students
231 enrolled in a charter school shall be the sum of the school
232 district's operating funds from the Florida Education Finance

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233 Program as provided in s. 1011.62 and the General Appropriations
234 Act, including gross state and local funds, discretionary
235 lottery funds, and funds from the school district's current
236 operating discretionary millage levy; divided by total funded
237 weighted full-time equivalent students in the school district;
238 multiplied by the weighted full-time equivalent students for the
239 charter school. Charter schools whose students or programs meet
240 the eligibility criteria in law are entitled to their
241 proportionate share of categorical program funds included in the
242 total funds available in the Florida Education Finance Program
243 by the Legislature, including transportation, the research-based
244 reading allocation, and the Florida digital classrooms
245 allocation. Total funding for each charter school shall be
246 recalculated during the year to reflect the revised calculations
247 under the Florida Education Finance Program by the state and the
248 actual weighted full-time equivalent students reported by the
249 charter school during the full-time equivalent student survey
250 periods designated by the Commissioner of Education. For charter
251 schools operated by a not-for-profit or municipal entity, any
252 unrestricted current and capital assets identified in the
253 charter school's annual financial audit may be used for other
254 charter schools operated by the not-for-profit or municipal
255 entity within the state ~~school district~~. Unrestricted current
256 assets shall be used in accordance with s. 1011.62, and any
257 unrestricted capital assets shall be used in accordance with s.
258 1013.62(2).

259 Section 2. Subsection (3) of section 1002.331, Florida
260 Statutes, is amended to read:

261 1002.331 High-performing charter schools.—

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262 (3) (a) 1. A high-performing charter school may submit an
263 application pursuant to s. 1002.33(6) in any school district in
264 the state to establish and operate a new charter school that
265 will substantially replicate its educational program. An
266 application submitted by a high-performing charter school must
267 state that the application is being submitted pursuant to this
268 paragraph and must include the verification letter provided by
269 the Commissioner of Education pursuant to subsection (4).

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

273 (b) A high-performing charter school may submit two
274 applications for a charter school ~~not establish more than two~~
275 ~~charter schools~~ within the state under paragraph (a) to be
276 opened at a time determined by the high-performing charter
277 school. in any year. A subsequent application to establish a
278 charter school under paragraph (a) may not be submitted unless
279 each charter school application commences operations or an
280 application is otherwise withdrawn. ~~each charter school~~
281 ~~established in this manner achieves high-performing charter~~
282 ~~school status.~~ However, a high-performing charter school may
283 establish more than one charter school within the state under
284 paragraph (a) in any year if it operates in the area of a
285 persistently low-performing school and serves students from that
286 school.

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

289 Section 3. Paragraph (d) of subsection (1) of section
290 1002.45, Florida Statutes, is amended to read:

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291 1002.45 Virtual instruction programs.—

292 (1) PROGRAM.—

293 (d) A virtual charter school may provide full-time and
294 part-time virtual instruction for students in kindergarten
295 through grade 12 if the virtual charter school has a charter
296 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~
297 ~~instruction~~. A virtual charter school may:

298 1. Contract with the Florida Virtual School.

299 2. Contract with or be an approved provider under
300 subsection (2).

301 3. Enter into an agreement with a school district to allow
302 the participation of the virtual charter school's students in
303 the school district's virtual instruction program. The agreement
304 must indicate a process for reporting of student enrollment and
305 the transfer of funds required by paragraph (7) (e).

306 4. Contract with any public or charter school to provide
307 any course that the virtual school cannot otherwise provide.

308 Section 4. This act shall take effect July 1, 2020.