

By the Committee on Education; and Senator Flores

581-02439-20

20201420c1

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; revising how charter schools
6 operated by not-for-profit or municipal entities may
7 use certain unrestricted current and capital assets;
8 amending s. 1002.331, F.S.; specifying how many
9 applications a high-performing charter school may
10 submit in any school district in the state to
11 establish and operate a new charter school; providing
12 applicability; amending s. 1002.45, F.S.; revising the
13 virtual instruction a virtual charter school may
14 provide; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (b) of subsection (6) and paragraph
19 (b) of subsection (17) of section 1002.33, Florida Statutes, are
20 amended to read:

21 1002.33 Charter schools.—

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

24 (b) A sponsor shall receive and review all applications for
25 a charter school using the evaluation instrument developed by
26 the Department of Education. A sponsor shall receive and
27 consider charter school applications received during ~~on or~~
28 ~~before August 1 of~~ each calendar year for charter schools to be
29 opened at the beginning of the school district's next school

581-02439-20

20201420c1

30 year, or to be opened at a time determined ~~agreed to~~ by the
31 applicant ~~and the sponsor~~. A sponsor may not refuse to receive a
32 charter school application submitted by an applicant during the
33 calendar year. ~~before August 1 and may receive an application~~
34 ~~submitted later than August 1 if it chooses. Beginning in 2018~~
35 ~~and thereafter, a sponsor shall receive and consider charter~~
36 ~~school applications received on or before February 1 of each~~
37 ~~calendar year for charter schools to be opened 18 months later~~
38 ~~at the beginning of the school district's school year, or to be~~
39 ~~opened at a time determined by the applicant. A sponsor may not~~
40 ~~refuse to receive a charter school application submitted before~~
41 ~~February 1 and may receive an application submitted later than~~
42 ~~February 1 if it chooses. A sponsor may not charge an applicant~~
43 ~~for a charter any fee for the processing or consideration of an~~
44 ~~application, and a sponsor may not base its consideration or~~
45 ~~approval of a final application upon the promise of future~~
46 ~~payment of any kind. Before approving or denying any~~
47 ~~application, the sponsor shall allow the applicant, upon receipt~~
48 ~~of written notification, at least 7 calendar days to make~~
49 ~~technical or nonsubstantive corrections and clarifications,~~
50 ~~including, but not limited to, corrections of grammatical,~~
51 ~~typographical, and like errors or missing signatures, if such~~
52 ~~errors are identified by the sponsor as cause to deny the final~~
53 ~~application.~~

54 1. In order to facilitate an accurate budget projection
55 process, a sponsor shall be held harmless for FTE students who
56 are not included in the FTE projection due to approval of
57 charter school applications after the FTE projection deadline.
58 In a further effort to facilitate an accurate budget projection,

581-02439-20

20201420c1

59 within 15 calendar days after receipt of a charter school
60 application, a sponsor shall report to the Department of
61 Education the name of the applicant entity, the proposed charter
62 school location, and its projected FTE.

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

70 3.a. A sponsor shall by a majority vote approve or deny an
71 application no later than 90 calendar days after the application
72 is received, unless the sponsor and the applicant mutually agree
73 in writing to temporarily postpone the vote to a specific date,
74 at which time the sponsor shall by a majority vote approve or
75 deny the application. If the sponsor fails to act on the
76 application, an applicant may appeal to the State Board of
77 Education as provided in paragraph (c). If an application is
78 denied, the sponsor shall, within 10 calendar days after such
79 denial, articulate in writing the specific reasons, based upon
80 good cause, supporting its denial of the application and shall
81 provide the letter of denial and supporting documentation to the
82 applicant and to the Department of Education.

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

581-02439-20

20201420c1

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

92 (II) The charter school proposed in the application does
93 not materially comply with the requirements in paragraphs
94 (9)(a)-(f);

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

98 (IV) The applicant has made a material misrepresentation or
99 false statement or concealed an essential or material fact
100 during the application process; or

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

104
105 Material noncompliance is a failure to follow requirements or a
106 violation of prohibitions applicable to charter school
107 applications, which failure is quantitatively or qualitatively
108 significant either individually or when aggregated with other
109 noncompliance. An applicant is considered to be replicating a
110 high-performing charter school if the proposed school is
111 substantially similar to at least one of the applicant's high-
112 performing charter schools and the organization or individuals
113 involved in the establishment and operation of the proposed
114 school are significantly involved in the operation of replicated
115 schools.

116 c. If the sponsor denies an application submitted by a

581-02439-20

20201420c1

117 high-performing charter school or a high-performing charter
118 school system, the sponsor must, within 10 calendar days after
119 such denial, state in writing the specific reasons, based upon
120 the criteria in sub-subparagraph b., supporting its denial of
121 the application and must provide the letter of denial and
122 supporting documentation to the applicant and to the Department
123 of Education. The applicant may appeal the sponsor's denial of
124 the application in accordance with paragraph (c).

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

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

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

144 (b) The basis for the agreement for funding students
145 enrolled in a charter school shall be the sum of the school

581-02439-20

20201420c1

146 district's operating funds from the Florida Education Finance
147 Program as provided in s. 1011.62 and the General Appropriations
148 Act, including gross state and local funds, discretionary
149 lottery funds, and funds from the school district's current
150 operating discretionary millage levy; divided by total funded
151 weighted full-time equivalent students in the school district;
152 multiplied by the weighted full-time equivalent students for the
153 charter school. Charter schools whose students or programs meet
154 the eligibility criteria in law are entitled to their
155 proportionate share of categorical program funds included in the
156 total funds available in the Florida Education Finance Program
157 by the Legislature, including transportation, the research-based
158 reading allocation, and the Florida digital classrooms
159 allocation. Total funding for each charter school shall be
160 recalculated during the year to reflect the revised calculations
161 under the Florida Education Finance Program by the state and the
162 actual weighted full-time equivalent students reported by the
163 charter school during the full-time equivalent student survey
164 periods designated by the Commissioner of Education. For charter
165 schools operated by a not-for-profit or municipal entity, any
166 unrestricted current and capital assets identified in the
167 charter school's annual financial audit may be used for other
168 charter schools operated by the not-for-profit or municipal
169 entity within the state ~~school district~~. Unrestricted current
170 assets shall be used in accordance with s. 1011.62, and any
171 unrestricted capital assets shall be used in accordance with s.
172 1013.62(2).

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

581-02439-20

20201420c1

175 1002.331 High-performing charter schools.—

176 (3) (a) 1. A high-performing charter school may submit an
177 application pursuant to s. 1002.33(6) in any school district in
178 the state to establish and operate a new charter school that
179 will substantially replicate its educational program. An
180 application submitted by a high-performing charter school must
181 state that the application is being submitted pursuant to this
182 paragraph and must include the verification letter provided by
183 the Commissioner of Education pursuant to subsection (4).

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

187 (b) A high-performing charter school may submit two
188 applications for a charter school ~~not establish more than two~~
189 ~~charter schools~~ within the state under paragraph (a) to be
190 opened at a time determined by the high-performing charter
191 school. in any year. A subsequent application to establish a
192 charter school under paragraph (a) may not be submitted unless
193 each charter school application commences operations or an
194 application is otherwise withdrawn. ~~each charter school~~
195 ~~established in this manner achieves high-performing charter~~
196 ~~school status.~~ However, a high-performing charter school may
197 establish more than one charter school within the state under
198 paragraph (a) in any year if it operates in the area of a
199 persistently low-performing school and serves students from that
200 school.

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

203 Section 3. Paragraph (d) of subsection (1) of section

581-02439-20

20201420c1

204 1002.45, Florida Statutes, is amended to read:

205 1002.45 Virtual instruction programs.—

206 (1) PROGRAM.—

207 (d) A virtual charter school may provide full-time and
208 part-time virtual instruction for students in kindergarten
209 through grade 12 if the virtual charter school has a charter
210 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~
211 ~~instruction~~. A virtual charter school may:

212 1. Contract with the Florida Virtual School.

213 2. Contract with or be an approved provider under
214 subsection (2).

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

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

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