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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.32, F.S.; providing that the limitation on lab
4 schools does not apply to a school serving a military
5 installation; removing a limitation on lab schools
6 receiving a share of the sparsity supplement; amending
7 s. 1002.33, F.S.; authorizing state universities and
8 Florida College System institutions to solicit
9 applications and sponsor charter schools under certain
10 circumstances; prohibiting certain charter schools
11 from being sponsored by a Florida College System
12 institution until such charter school's existing
13 charter expires; authorizing a state university or
14 Florida College System institution to, at its
15 discretion, deny an application for a charter school;
16 revising the contents of an annual report that charter
17 school sponsors must provide to the Department of
18 Education; revising the date by which the department
19 must post a specified annual report; revising
20 provisions relating to Florida College System
21 institutions that are operating charter schools;
22 requiring the board of trustees of a state university
23 or Florida College System institution that is
24 sponsoring a charter school to serve as the local
25 educational agency for such school; prohibiting
26 certain charter school students from being included in
27 specified school district grade calculations;



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28 requiring the department to develop a sponsor
29 evaluation framework; providing requirements for the
30 framework; requiring the department to compile results
31 in a specified manner; deleting obsolete language;
32 revising requirements for the charter school
33 application process; authorizing certain parties to
34 file an action with the Division of Administrative
35 Hearings to recover specified fees and costs;
36 requiring the State Board of Education to withhold
37 state funds from a district school board that is in
38 violation of a state board decision on a charter
39 school; authorizing parties to appeal without first
40 mediating in certain circumstances; providing that
41 certain changes to curriculum are deemed approved;
42 providing an exception; revising the circumstances in
43 which a charter may be immediately terminated;
44 providing that certain information must be provided to
45 specified entities upon immediate termination of a
46 charter; authorizing the of award specified fees and
47 costs in certain circumstances; authorizing a sponsor
48 to seek an injunction in certain circumstances;
49 revising provisions related to sponsor assumption of
50 operation; revising the student populations for which
51 a charter school is authorized to limit the enrollment
52 process; providing a calculation for the operational
53 funding for a charter school sponsored by a state
54 university or Florida College System institution;
55 requiring the department to develop a tool for state
56 universities and Florida College System institutions



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57 for specified purposes relating to certain funding
58 calculations; providing that such funding must be
59 appropriated to the charter school; providing for
60 capital outlay funding for such schools; authorizing a
61 sponsor to withhold an administrative fee for the
62 provision of certain services to an exceptional
63 student education center that meets specified
64 requirements; conforming provisions to changes made by
65 the act; amending s. 1002.331, F.S.; revising a
66 limitation on the expansion of high-performing charter
67 schools; revising provisions relating to the opening
68 of additional high-performing charter schools;
69 amending s. 1002.333, F.S.; revising the definition of
70 the term "persistently low-performing school";
71 providing that certain nonprofit entities may be
72 designated as a local education agency; providing that
73 certain entities report students to the department in
74 a specified manner; specifying reporting provisions
75 that apply only to certain schools of hope; providing
76 that schools of hope may comply with certain financial
77 reporting in a specified manner; revising the manner
78 in which underused, vacant, or surplus facilities
79 owned or operated by school districts are identified;
80 increasing the number of years for which certain funds
81 may be carried forward; amending s. 1002.45, F.S.;
82 authorizing a virtual charter school to provide part-
83 time virtual instruction and be an approved provider;
84 authorizing a virtual charter school to contract,
85 rather than enter into an agreement, with a public or



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86 charter school for specified purposes; amending s.
87 1003.493, F.S.; authorizing a charter school to offer
88 a career and professional academy; amending s.
89 1008.3415, F.S.; requiring the Commissioner of
90 Education, upon request by a charter school that meets
91 specified criteria, to provide a letter to the charter
92 school and the charter school's sponsor authorizing
93 the charter school to replicate the charter school's
94 education program; amending s. 1012.32, F.S.;
95 providing an alternate screening method for specified
96 persons employed by certain schools of hope or serving
97 on certain school of hope governing boards; amending
98 s. 1013.62, F.S.; expanding eligibility to receive
99 capital outlay funds to schools of hope operated by a
100 hope operator; providing for severability; providing
101 an effective date.

102

103 Be It Enacted by the Legislature of the State of Florida:

104

105 Section 1. Subsection (2) and paragraph (a) of subsection
106 (9) of section 1002.32, Florida Statutes, are amended to read:

107 1002.32 Developmental research (laboratory) schools.—

108 (2) ESTABLISHMENT.—There is established a category of
109 public schools to be known as developmental research
110 (laboratory) schools (lab schools). Each lab school shall
111 provide sequential instruction and shall be affiliated with the
112 college of education within the state university of closest
113 geographic proximity. A lab school to which a charter has been
114 issued under s. 1002.33(5)(a) 2. must be affiliated with the



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115 college of education within the state university that issued the
116 charter, but is not subject to the requirement that the state
117 university be of closest geographic proximity. For the purpose
118 of state funding, Florida Agricultural and Mechanical
119 University, Florida Atlantic University, Florida State
120 University, the University of Florida, and other universities
121 approved by the State Board of Education and the Legislature are
122 authorized to sponsor a lab school. The limitation of one lab
123 school per university shall not apply to the following charter
124 lab schools authorized prior to June 1, 2003: Florida State
125 University Charter Lab K-12 School in Broward County, Florida
126 Atlantic University Charter Lab 9-12 High School in Palm Beach
127 County, and Florida Atlantic University Charter Lab K-12 School
128 in St. Lucie County. The limitation of one lab school per
129 university does not apply to a university that establishes a lab
130 school to serve families of a military installation that is
131 within the same county as a branch campus that offers programs
132 from the university's college of education.

133 (9) FUNDING.—Funding for a lab school, including a charter
134 lab school, shall be provided as follows:

135 (a) Each lab school shall be allocated its proportional
136 share of operating funds from the Florida Education Finance
137 Program as provided in s. 1011.62 based on the county in which
138 the lab school is located and the General Appropriations Act.
139 The nonvoted ad valorem millage that would otherwise be required
140 for lab schools shall be allocated from state funds. The
141 required local effort funds calculated pursuant to s. 1011.62
142 shall be allocated from state funds to the schools as a part of
143 the allocation of operating funds pursuant to s. 1011.62. Each



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144 eligible lab school ~~in operation as of September 1, 2013,~~ with a
145 permanent high school center shall also receive a proportional
146 share of the sparsity supplement as calculated pursuant to s.
147 1011.62. In addition, each lab school shall receive its
148 proportional share of all categorical funds, with the exception
149 of s. 1011.68, and new categorical funds enacted after July 1,
150 1994, for the purpose of elementary or secondary academic
151 program enhancement. The sum of funds available as provided in
152 this paragraph shall be included annually in the Florida
153 Education Finance Program and appropriate categorical programs
154 funded in the General Appropriations Act.

155 Section 2. Paragraph (c) of subsection (2), subsection (5),
156 paragraphs (b) and (d) of subsection (6), paragraphs (a), (b),
157 and (d) of subsection (7), paragraphs (c), (d), and (e) of
158 subsection (8), paragraphs (g) and (n) of subsection (9),
159 paragraphs (d) and (e) of subsection (10), subsection (14),
160 paragraph (c) of subsection (15), subsection (17), paragraph (e)
161 of subsection (18), subsections (20) and (21), paragraph (a) of
162 subsection (25), and subsection (28) of section 1002.33, Florida
163 Statutes, are amended to read:

164 1002.33 Charter schools.—

165 (2) GUIDING PRINCIPLES; PURPOSE.—

166 (c) Charter schools may fulfill the following purposes:

167 1. Create innovative measurement tools.

168 2. Provide rigorous competition within the public school
169 system ~~district~~ to stimulate continual improvement in all public
170 schools.

171 3. Expand the capacity of the public school system.

172 4. Mitigate the educational impact created by the



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173 development of new residential dwelling units.

174 5. Create new professional opportunities for teachers,
175 including ownership of the learning program at the school site.

176 (5) SPONSOR; DUTIES.—

177 (a) *Sponsoring entities.*—

178 1. A district school board may sponsor a charter school in
179 the county over which the district school board has
180 jurisdiction.

181 2. A state university may grant a charter to a lab school
182 created under s. 1002.32 and shall be considered to be the
183 school's sponsor. Such school shall be considered a charter lab
184 school.

185 3. Because needs relating to educational capacity,
186 workforce qualifications, and career education opportunities are
187 constantly changing and extend beyond school district
188 boundaries:

189 a. A state university may, upon approval by the Department
190 of Education, solicit applications and sponsor a charter school
191 to meet regional education or workforce demands by serving
192 students from multiple school districts.

193 b. A Florida College System institution may, upon approval
194 by the Department of Education, solicit applications and sponsor
195 a charter school in any county within its service area to meet
196 workforce demands and may offer postsecondary programs leading
197 to industry certifications to eligible charter school students.
198 A charter school established under subparagraph (b)4. may not be
199 sponsored by a Florida College System institution until its
200 existing charter with the school district expires as provided
201 under subsection (7).



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202 c. Notwithstanding paragraph (6) (b), a state university or
203 Florida College System institution may, at its discretion, deny
204 an application for a charter school.

205 (b) *Sponsor duties.*—

206 1.a. The sponsor shall monitor and review the charter
207 school in its progress toward the goals established in the
208 charter.

209 b. The sponsor shall monitor the revenues and expenditures
210 of the charter school and perform the duties provided in s.
211 1002.345.

212 c. The sponsor may approve a charter for a charter school
213 before the applicant has identified space, equipment, or
214 personnel, if the applicant indicates approval is necessary for
215 it to raise working funds.

216 d. The sponsor shall not apply its policies to a charter
217 school unless mutually agreed to by both the sponsor and the
218 charter school. If the sponsor subsequently amends any agreed-
219 upon sponsor policy, the version of the policy in effect at the
220 time of the execution of the charter, or any subsequent
221 modification thereof, shall remain in effect and the sponsor may
222 not hold the charter school responsible for any provision of a
223 newly revised policy until the revised policy is mutually agreed
224 upon.

225 e. The sponsor shall ensure that the charter is innovative
226 and consistent with the state education goals established by s.
227 1000.03(5).

228 f. The sponsor shall ensure that the charter school
229 participates in the state's education accountability system. If
230 a charter school falls short of performance measures included in



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231 the approved charter, the sponsor shall report such shortcomings
232 to the Department of Education.

233 g. The sponsor shall not be liable for civil damages under
234 state law for personal injury, property damage, or death
235 resulting from an act or omission of an officer, employee,
236 agent, or governing body of the charter school.

237 h. The sponsor shall not be liable for civil damages under
238 state law for any employment actions taken by an officer,
239 employee, agent, or governing body of the charter school.

240 i. The sponsor's duties to monitor the charter school shall
241 not constitute the basis for a private cause of action.

242 j. The sponsor shall not impose additional reporting
243 requirements on a charter school without providing reasonable
244 and specific justification in writing to the charter school.

245 k. The sponsor shall submit an annual report to the
246 Department of Education in a web-based format to be determined
247 by the department.

248 (I) The report shall include the following information:

249 (A) ~~The number of draft applications received on or before~~
250 ~~May 1 and each applicant's contact information.~~

251 ~~(B) The number of final applications received during the~~
252 ~~school year and up to on or before August 1 and each applicant's~~
253 ~~contact information.~~

254 ~~(B)(C) The date each application was approved, denied, or~~
255 ~~withdrawn.~~

256 ~~(C)(D) The date each final contract was executed.~~

257 (II) Annually, by November 1 ~~Beginning August 31, 2013, and~~
258 ~~each year thereafter,~~ the sponsor shall submit to the department
259 the information for the applications submitted the previous



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260 year.

261 (III) The department shall compile an annual report, by
262 sponsor district, and post the report on its website by January
263 15 November 1 of each year.

264 2. Immunity for the sponsor of a charter school under
265 subparagraph 1. applies only with respect to acts or omissions
266 not under the sponsor's direct authority as described in this
267 section.

268 3. This paragraph does not waive a sponsor's district
269 school board's sovereign immunity.

270 4. A Florida College System institution may work with the
271 school district or school districts in its designated service
272 area to develop charter schools that offer secondary education.
273 These charter schools must include an option for students to
274 receive an associate degree upon high school graduation. If a
275 Florida College System institution operates an approved teacher
276 preparation program under s. 1004.04 or s. 1004.85, the
277 institution may operate ~~no more than one~~ charter schools ~~school~~
278 that serve ~~serves~~ students in kindergarten through grade 12 in
279 any school district within the service area of the institution.
280 ~~In kindergarten through grade 8, the charter school shall~~
281 ~~implement innovative blended learning instructional models in~~
282 ~~which, for a given course, a student learns in part through~~
283 ~~online delivery of content and instruction with some element of~~
284 ~~student control over time, place, path, or pace and in part at a~~
285 ~~supervised brick-and-mortar location away from home. A student~~
286 ~~in a blended learning course must be a full-time student of the~~
287 ~~charter school and receive the online instruction in a classroom~~
288 ~~setting at the charter school.~~ District school boards shall



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289 cooperate with and assist the Florida College System institution
290 on the charter application. Florida College System institution
291 applications for charter schools are not subject to the time
292 deadlines outlined in subsection (6) and may be approved by the
293 district school board at any time during the year. Florida
294 College System institutions may not report FTE for any students
295 participating under this subparagraph who receive FTE funding
296 through the Florida Education Finance Program.

297 5. A school district may enter into nonexclusive interlocal
298 agreements with federal and state agencies, counties,
299 municipalities, and other governmental entities that operate
300 within the geographical borders of the school district to act on
301 behalf of such governmental entities in the inspection,
302 issuance, and other necessary activities for all necessary
303 permits, licenses, and other permissions that a charter school
304 needs in order for development, construction, or operation. A
305 charter school may use, but may not be required to use, a school
306 district for these services. The interlocal agreement must
307 include, but need not be limited to, the identification of fees
308 that charter schools will be charged for such services. The fees
309 must consist of the governmental entity's fees plus a fee for
310 the school district to recover no more than actual costs for
311 providing such services. These services and fees are not
312 included within the services to be provided pursuant to
313 subsection (20).

314 6. The board of trustees of a sponsoring state university
315 or Florida College System institution under paragraph (a) is the
316 local educational agency for all charter schools it sponsors for
317 purposes of receiving federal funds and accepts full



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318 responsibility for all local educational agency requirements and
319 the schools for which it will perform local educational agency
320 responsibilities. A student enrolled in a charter school that is
321 sponsored by a state university or Florida College System
322 institution may not be included in the calculation of the school
323 district's grade under s. 1008.34(5) for the school district in
324 which he or she resides.

325 (c) Sponsor accountability.—

326 1. The department shall, in collaboration with charter
327 school sponsors and charter school operators, develop a sponsor
328 evaluation framework that must address, at a minimum:

329 a. The sponsor's strategic vision for charter school
330 authorizing and the sponsor's progress toward that vision.

331 b. The alignment of the sponsor's policies and practices to
332 best practices for charter school authorizing.

333 c. The academic and financial performance of all operating
334 charter schools overseen by the sponsor.

335 d. The status of charter schools authorized by the sponsor,
336 including approved, operating, and closed schools.

337 2. The department shall compile the results by sponsor and
338 include the results in the report required under sub-sub-
339 subparagraph (b)1.k.(III).

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

342 (b) A sponsor shall receive and review all applications for
343 a charter school using the evaluation instrument developed by
344 the Department of Education. ~~A sponsor shall receive and~~
345 ~~consider charter school applications received on or before~~
346 ~~August 1 of each calendar year for charter schools to be opened~~



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347 ~~at the beginning of the school district's next school year, or~~
348 ~~to be opened at a time agreed to by the applicant and the~~
349 ~~sponsor. A sponsor may not refuse to receive a charter school~~
350 ~~application submitted before August 1 and may receive an~~
351 ~~application submitted later than August 1 if it chooses.~~
352 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and
353 consider charter school applications ~~received on or before~~
354 ~~February 1 of each calendar year~~ for charter schools ~~to be~~
355 ~~opened 18 months later at the beginning of the school district's~~
356 ~~school year, or to be opened at a time determined by the~~
357 applicant. ~~A sponsor may not refuse to receive a charter school~~
358 ~~application submitted before February 1 and may receive an~~
359 ~~application submitted later than February 1 if it chooses.~~ A
360 sponsor may not charge an applicant for a charter any fee for
361 the processing or consideration of an application, and a sponsor
362 may not base its consideration or approval of a final
363 application upon the promise of future payment of any kind.
364 Before approving or denying any application, the sponsor shall
365 allow the applicant, upon receipt of written notification, at
366 least 7 calendar days to make technical or nonsubstantive
367 corrections and clarifications, including, but not limited to,
368 corrections of grammatical, typographical, and like errors or
369 missing signatures, if such errors are identified by the sponsor
370 as cause to deny the final application.

371 1. In order to facilitate an accurate budget projection
372 process, a sponsor shall be held harmless for FTE students who
373 are not included in the FTE projection due to approval of
374 charter school applications after the FTE projection deadline.
375 In a further effort to facilitate an accurate budget projection,



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376 within 15 calendar days after receipt of a charter school
377 application, a sponsor shall report to the Department of
378 Education the name of the applicant entity, the proposed charter
379 school location, and its projected FTE.

380 2. In order to ensure fiscal responsibility, an application
381 for a charter school shall include a full accounting of expected
382 assets, a projection of expected sources and amounts of income,
383 including income derived from projected student enrollments and
384 from community support, and an expense projection that includes
385 full accounting of the costs of operation, including start-up
386 costs.

387 3.a. A sponsor shall by a majority vote approve or deny an
388 application no later than 90 calendar days after the application
389 is received, unless the sponsor and the applicant mutually agree
390 in writing to temporarily postpone the vote to a specific date,
391 at which time the sponsor shall by a majority vote approve or
392 deny the application. If the sponsor fails to act on the
393 application, an applicant may appeal to the State Board of
394 Education as provided in paragraph (c). If an application is
395 denied, the sponsor shall, within 10 calendar days after such
396 denial, articulate in writing the specific reasons, based upon
397 good cause, supporting its denial of the application and shall
398 provide the letter of denial and supporting documentation to the
399 applicant and to the Department of Education.

400 b. An application submitted by a high-performing charter
401 school identified pursuant to s. 1002.331 or a high-performing
402 charter school system identified pursuant to s. 1002.332 may be
403 denied by the sponsor only if the sponsor demonstrates by clear
404 and convincing evidence that:



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405 (I) The application of a high-performing charter school
406 does not materially comply with the requirements in paragraph
407 (a) or, for a high-performing charter school system, the
408 application does not materially comply with s. 1002.332(2)(b);

409 (II) The charter school proposed in the application does
410 not materially comply with the requirements in paragraphs
411 (9)(a)-(f);

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

415 (IV) The applicant has made a material misrepresentation or
416 false statement or concealed an essential or material fact
417 during the application process; or

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

421
422 Material noncompliance is a failure to follow requirements or a
423 violation of prohibitions applicable to charter school
424 applications, which failure is quantitatively or qualitatively
425 significant either individually or when aggregated with other
426 noncompliance. An applicant is considered to be replicating a
427 high-performing charter school if the proposed school is
428 substantially similar to at least one of the applicant's high-
429 performing charter schools and the organization or individuals
430 involved in the establishment and operation of the proposed
431 school are significantly involved in the operation of replicated
432 schools.

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



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434 high-performing charter school or a high-performing charter
435 school system, the sponsor must, within 10 calendar days after
436 such denial, state in writing the specific reasons, based upon
437 the criteria in sub-subparagraph b., supporting its denial of
438 the application and must provide the letter of denial and
439 supporting documentation to the applicant and to the Department
440 of Education. The applicant may appeal the sponsor's denial of
441 the application in accordance with paragraph (c).

442 4. For budget projection purposes, the sponsor shall report
443 to the Department of Education the approval or denial of an
444 application within 10 calendar days after such approval or
445 denial. In the event of approval, the report to the Department
446 of Education shall include the final projected FTE for the
447 approved charter school.

448 ~~5. Upon approval of an application, the initial startup~~
449 ~~shall commence with the beginning of the public school calendar~~
450 ~~for the district in which the charter is granted.~~ A charter
451 school may defer the opening of the school's operations for up
452 to 3 years to provide time for adequate facility planning. The
453 charter school must provide written notice of such intent to the
454 sponsor and the parents of enrolled students at least 30
455 calendar days before the first day of school.

456 (d)1. The sponsor shall act upon the decision of the State
457 Board of Education within 30 calendar days after it is received.
458 The State Board of Education's decision is a final action
459 subject to judicial review in the district court of appeal. A
460 prevailing party may file an action with the Division of
461 Administrative Hearings to recover reasonable attorney fees and
462 costs incurred during the denial of the application and any



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463 appeals.

464 2. If the State Board of Education determines that a
465 district school board is in violation of a state board decision
466 on a charter school application and of a court order for the
467 school board to enter into a charter with a charter school
468 governing board, the state board must withhold state funds
469 provided under s. 1011.62 by the total number of K-12 students,
470 as applicable, projected to be enrolled in the charter school in
471 the first year of operation as reported in the charter school
472 application. The state board shall withhold the amount in each
473 disbursement of such funds until the district school board
474 enters into a charter with the charter school governing board.
475 If the district school board enters into such charter during the
476 same fiscal year, all withheld funds must be disbursed to the
477 district school board.

478 (7) CHARTER.—The terms and conditions for the operation of
479 a charter school shall be set forth by the sponsor and the
480 applicant in a written contractual agreement, called a charter.
481 The sponsor and the governing board of the charter school shall
482 use the standard charter contract pursuant to subsection (21),
483 which shall incorporate the approved application and any addenda
484 approved with the application. Any term or condition of a
485 proposed charter contract that differs from the standard charter
486 contract adopted by rule of the State Board of Education shall
487 be presumed a limitation on charter school flexibility. The
488 sponsor may not impose unreasonable rules or regulations that
489 violate the intent of giving charter schools greater flexibility
490 to meet educational goals. The charter shall be signed by the
491 governing board of the charter school and the sponsor, following



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492 a public hearing to ensure community input.

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

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

497 2. The focus of the curriculum, the instructional methods
498 to be used, any distinctive instructional techniques to be
499 employed, and identification and acquisition of appropriate
500 technologies needed to improve educational and administrative
501 performance which include a means for promoting safe, ethical,
502 and appropriate uses of technology which comply with legal and
503 professional standards.

504 a. The charter shall ensure that reading is a primary focus
505 of the curriculum and that resources are provided to identify
506 and provide specialized instruction for students who are reading
507 below grade level. The curriculum and instructional strategies
508 for reading must be consistent with the Next Generation Sunshine
509 State Standards and grounded in scientifically based reading
510 research.

511 b. In order to provide students with access to diverse
512 instructional delivery models, to facilitate the integration of
513 technology within traditional classroom instruction, and to
514 provide students with the skills they need to compete in the
515 21st century economy, the Legislature encourages instructional
516 methods for blended learning courses consisting of both
517 traditional classroom and online instructional techniques.
518 Charter schools may implement blended learning courses which
519 combine traditional classroom instruction and virtual
520 instruction. Students in a blended learning course must be full-



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521 time students of the charter school pursuant to s.
522 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
523 1012.55 who provide virtual instruction for blended learning
524 courses may be employees of the charter school or may be under
525 contract to provide instructional services to charter school
526 students. At a minimum, such instructional personnel must hold
527 an active state or school district adjunct certification under
528 s. 1012.57 for the subject area of the blended learning course.
529 The funding and performance accountability requirements for
530 blended learning courses are the same as those for traditional
531 courses.

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

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

538 b. How these baseline rates will be compared to rates of
539 academic progress achieved by these same students while
540 attending the charter school.

541 c. To the extent possible, how these rates of progress will
542 be evaluated and compared with rates of progress of other
543 closely comparable student populations.

544
545 A ~~The~~ district school board is required to provide academic
546 student performance data to charter schools for each of their
547 students coming from the district school system, as well as
548 rates of academic progress of comparable student populations in
549 the district school system.



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550 4. The methods used to identify the educational strengths
551 and needs of students and how well educational goals and
552 performance standards are met by students attending the charter
553 school. The methods shall provide a means for the charter school
554 to ensure accountability to its constituents by analyzing
555 student performance data and by evaluating the effectiveness and
556 efficiency of its major educational programs. Students in
557 charter schools shall, at a minimum, participate in the
558 statewide assessment program created under s. 1008.22.

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

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

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

567 8. The ways by which the school will achieve a
568 racial/ethnic balance reflective of the community it serves or
569 within the racial/ethnic range of other nearby public schools ~~in~~
570 ~~the same school district.~~

571 9. The financial and administrative management of the
572 school, including a reasonable demonstration of the professional
573 experience or competence of those individuals or organizations
574 applying to operate the charter school or those hired or
575 retained to perform such professional services and the
576 description of clearly delineated responsibilities and the
577 policies and practices needed to effectively manage the charter
578 school. A description of internal audit procedures and



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579 establishment of controls to ensure that financial resources are
580 properly managed must be included. Both public sector and
581 private sector professional experience shall be equally valid in
582 such a consideration.

583 10. The asset and liability projections required in the
584 application which are incorporated into the charter and shall be
585 compared with information provided in the annual report of the
586 charter school.

587 11. A description of procedures that identify various risks
588 and provide for a comprehensive approach to reduce the impact of
589 losses; plans to ensure the safety and security of students and
590 staff; plans to identify, minimize, and protect others from
591 violent or disruptive student behavior; and the manner in which
592 the school will be insured, including whether or not the school
593 will be required to have liability insurance, and, if so, the
594 terms and conditions thereof and the amounts of coverage.

595 12. The term of the charter which shall provide for
596 cancellation of the charter if insufficient progress has been
597 made in attaining the student achievement objectives of the
598 charter and if it is not likely that such objectives can be
599 achieved before expiration of the charter. The initial term of a
600 charter shall be for 5 years, excluding 2 planning years. In
601 order to facilitate access to long-term financial resources for
602 charter school construction, charter schools that are operated
603 by a municipality or other public entity as provided by law are
604 eligible for up to a 15-year charter, subject to approval by the
605 sponsor ~~district school board~~. A charter lab school is eligible
606 for a charter for a term of up to 15 years. In addition, to
607 facilitate access to long-term financial resources for charter



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608 school construction, charter schools that are operated by a
609 private, not-for-profit, s. 501(c)(3) status corporation are
610 eligible for up to a 15-year charter, subject to approval by the
611 sponsor ~~district school board~~. Such long-term charters remain
612 subject to annual review and may be terminated during the term
613 of the charter, but only according to the provisions set forth
614 in subsection (8).

615 13. The facilities to be used and their location. The
616 sponsor may not require a charter school to have a certificate
617 of occupancy or a temporary certificate of occupancy for such a
618 facility earlier than 15 calendar days before the first day of
619 school.

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

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

626 16. A timetable for implementing the charter which
627 addresses the implementation of each element thereof and the
628 date by which the charter shall be awarded in order to meet this
629 timetable.

630 17. In the case of an existing public school that is being
631 converted to charter status, alternative arrangements for
632 current students who choose not to attend the charter school and
633 for current teachers who choose not to teach in the charter
634 school after conversion in accordance with the existing
635 collective bargaining agreement or district school board rule in
636 the absence of a collective bargaining agreement. However,



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637 alternative arrangements shall not be required for current
638 teachers who choose not to teach in a charter lab school, except
639 as authorized by the employment policies of the state university
640 which grants the charter to the lab school.

641 18. Full disclosure of the identity of all relatives
642 employed by the charter school who are related to the charter
643 school owner, president, chairperson of the governing board of
644 directors, superintendent, governing board member, principal,
645 assistant principal, or any other person employed by the charter
646 school who has equivalent decisionmaking authority. For the
647 purpose of this subparagraph, the term "relative" means father,
648 mother, son, daughter, brother, sister, uncle, aunt, first
649 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
650 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
651 stepfather, stepmother, stepson, stepdaughter, stepbrother,
652 stepsister, half brother, or half sister.

653 19. Implementation of the activities authorized under s.
654 1002.331 by the charter school when it satisfies the eligibility
655 requirements for a high-performing charter school. A high-
656 performing charter school shall notify its sponsor in writing by
657 March 1 if it intends to increase enrollment or expand grade
658 levels the following school year. The written notice shall
659 specify the amount of the enrollment increase and the grade
660 levels that will be added, as applicable.

661 (b) The sponsor has 30 days after approval of the
662 application to provide an initial proposed charter contract to
663 the charter school. The applicant and the sponsor have 40 days
664 thereafter to negotiate and notice the charter contract for
665 final approval by the sponsor unless both parties agree to an



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666 extension. The proposed charter contract shall be provided to
667 the charter school at least 7 calendar days before the date of
668 the meeting at which the charter is scheduled to be voted upon
669 by the sponsor. The Department of Education shall provide
670 mediation services for any dispute regarding this section
671 subsequent to the approval of a charter application and for any
672 dispute relating to the approved charter, except a dispute
673 regarding a charter school application denial. If either the
674 charter school or the sponsor indicates in writing that the
675 party does not desire to settle any dispute arising under this
676 section through mediation procedures offered by the Department
677 of Education, a charter school may immediately appeal any formal
678 or informal decision by the sponsor to an administrative law
679 judge appointed by the Division of Administrative Hearings. If
680 the Commissioner of Education determines that the dispute cannot
681 be settled through mediation, the dispute may also be appealed
682 to an administrative law judge appointed by the Division of
683 Administrative Hearings. The administrative law judge has final
684 order authority to rule on issues of equitable treatment of the
685 charter school as a public school, whether proposed provisions
686 of the charter violate the intended flexibility granted charter
687 schools by statute, or any other matter regarding this section,
688 except a dispute regarding charter school application denial, a
689 charter termination, or a charter nonrenewal. The administrative
690 law judge shall award the prevailing party reasonable attorney
691 fees and costs incurred during the mediation process,
692 administrative proceeding, and any appeals, to be paid by the
693 party whom the administrative law judge rules against.

694 (d) A charter may be modified during its initial term or



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695 any renewal term upon the recommendation of the sponsor or the
696 charter school's governing board and the approval of both
697 parties to the agreement. Changes to curriculum that are
698 consistent with state standards and are necessary to implement
699 blended learning shall be deemed approved unless the sponsor
700 determines in writing that the curriculum is inconsistent with
701 state standards. Modification during any term may include, but
702 is not limited to, consolidation of multiple charters into a
703 single charter if the charters are operated under the same
704 governing board, regardless of the renewal cycle. A charter
705 school that is not subject to a school improvement plan and that
706 closes as part of a consolidation shall be reported by the
707 sponsor ~~school district~~ as a consolidation.

708 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

709 (c) A charter may be terminated immediately if the sponsor
710 sets forth in writing the particular facts and circumstances
711 demonstrating ~~indicating~~ that an immediate and serious danger to
712 the health, safety, or welfare of the charter school's students
713 exists, that the immediate and serious danger is likely to
714 continue, and that an immediate termination of the charter is
715 necessary. The sponsor's determination is subject to the
716 procedures set forth in paragraph (b), except that the hearing
717 may take place after the charter has been terminated. The
718 sponsor shall notify in writing the charter school's governing
719 board, the charter school principal, and the department of the
720 facts and circumstances supporting the immediate termination ~~if~~
721 ~~a charter is terminated immediately.~~ The sponsor shall clearly
722 identify the specific issues that resulted in the immediate
723 termination and provide evidence of prior notification of issues



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724 resulting in the immediate termination, if applicable ~~when~~
725 ~~appropriate~~. Upon receiving written notice from the sponsor, the
726 charter school's governing board has 10 calendar days to request
727 a hearing. A requested hearing must be expedited and the final
728 order must be issued within 60 days after the date of request.
729 The administrative law judge shall award reasonable attorney
730 fees and costs to the prevailing party of any injunction,
731 administrative proceeding, or appeal. The sponsor may seek an
732 injunction in the circuit court in which the charter school is
733 located to enjoin continued operation of the charter school if
734 ~~shall assume operation of the charter school throughout the~~
735 ~~pendency of the hearing under paragraph (b) unless the continued~~
736 ~~operation of the charter school would materially threaten the~~
737 ~~health, safety, or welfare of the students. Failure by the~~
738 ~~sponsor to assume and continue operation of the charter school~~
739 ~~shall result in the awarding of reasonable costs and attorney's~~
740 ~~fees to the charter school if the charter school prevails on~~
741 ~~appeal.~~

742 (d) When a charter is not renewed or is terminated, the
743 school shall be dissolved under the provisions of law under
744 which the school was organized, and any unencumbered public
745 funds, except for capital outlay funds and federal charter
746 school program grant funds, from the charter school shall revert
747 to the sponsor. Capital outlay funds provided pursuant to s.
748 1013.62 and federal charter school program grant funds that are
749 unencumbered shall revert to the department to be redistributed
750 among eligible charter schools. In the event a charter school is
751 dissolved or is otherwise terminated, all sponsor district
752 ~~school board~~ property and improvements, furnishings, and



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753 equipment purchased with public funds shall automatically revert
754 to full ownership by the sponsor ~~district school board~~, subject
755 to complete satisfaction of any lawful liens or encumbrances.
756 Any unencumbered public funds from the charter school, ~~district~~
757 ~~school board~~ property and improvements, furnishings, and
758 equipment purchased with public funds, or financial or other
759 records pertaining to the charter school, in the possession of
760 any person, entity, or holding company, other than the charter
761 school, shall be held in trust upon the sponsor's ~~district~~
762 ~~school board's~~ request, until any appeal status is resolved.

763 (e) If a charter is not renewed or is terminated, the
764 charter school is responsible for all debts of the charter
765 school. The sponsor ~~district~~ may not assume the debt from any
766 contract made between the governing body of the school and a
767 third party, except for a debt that is previously detailed and
768 agreed upon in writing by both the sponsor ~~district~~ and the
769 governing body of the school and that may not reasonably be
770 assumed to have been satisfied by the sponsor ~~district~~.

771 (9) CHARTER SCHOOL REQUIREMENTS.—

772 (g)1. In order to provide financial information that is
773 comparable to that reported for other public schools, charter
774 schools are to maintain all financial records that constitute
775 their accounting system:

776 a. In accordance with the accounts and codes prescribed in
777 the most recent issuance of the publication titled "Financial
778 and Program Cost Accounting and Reporting for Florida Schools";
779 or

780 b. At the discretion of the charter school's governing
781 board, a charter school may elect to follow generally accepted



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782 accounting standards for not-for-profit organizations, but must
783 reformat this information for reporting according to this
784 paragraph.

785 2. Charter schools shall provide annual financial report
786 and program cost report information in the state-required
787 formats for inclusion in sponsor ~~district~~ reporting in
788 compliance with s. 1011.60(1). Charter schools that are operated
789 by a municipality or are a component unit of a parent nonprofit
790 organization may use the accounting system of the municipality
791 or the parent but must reformat this information for reporting
792 according to this paragraph.

793 3. A charter school shall, upon approval of the charter
794 contract, provide the sponsor with a concise, uniform, monthly
795 financial statement summary sheet that contains a balance sheet
796 and a statement of revenue, expenditures, and changes in fund
797 balance. The balance sheet and the statement of revenue,
798 expenditures, and changes in fund balance shall be in the
799 governmental funds format prescribed by the Governmental
800 Accounting Standards Board. A high-performing charter school
801 pursuant to s. 1002.331 may provide a quarterly financial
802 statement in the same format and requirements as the uniform
803 monthly financial statement summary sheet. The sponsor shall
804 review each monthly or quarterly financial statement to identify
805 the existence of any conditions identified in s. 1002.345(1)(a).

806 4. A charter school shall maintain and provide financial
807 information as required in this paragraph. The financial
808 statement required in subparagraph 3. must be in a form
809 prescribed by the Department of Education.

810 (n)1. The director and a representative of the governing



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811 board of a charter school that has earned a grade of "D" or "F"
812 pursuant to s. 1008.34 shall appear before the sponsor to
813 present information concerning each contract component having
814 noted deficiencies. The director and a representative of the
815 governing board shall submit to the sponsor for approval a
816 school improvement plan to raise student performance. Upon
817 approval by the sponsor, the charter school shall begin
818 implementation of the school improvement plan. The department
819 shall offer technical assistance and training to the charter
820 school and its governing board and establish guidelines for
821 developing, submitting, and approving such plans.

822 2.a. If a charter school earns three consecutive grades
823 below a "C," the charter school governing board shall choose one
824 of the following corrective actions:

825 (I) Contract for educational services to be provided
826 directly to students, instructional personnel, and school
827 administrators, as prescribed in state board rule;

828 (II) Contract with an outside entity that has a
829 demonstrated record of effectiveness to operate the school;

830 (III) Reorganize the school under a new director or
831 principal who is authorized to hire new staff; or

832 (IV) Voluntarily close the charter school.

833 b. The charter school must implement the corrective action
834 in the school year following receipt of a third consecutive
835 grade below a "C."

836 c. The sponsor may annually waive a corrective action if it
837 determines that the charter school is likely to improve a letter
838 grade if additional time is provided to implement the
839 intervention and support strategies prescribed by the school



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840 improvement plan. Notwithstanding this sub-subparagraph, a
841 charter school that earns a second consecutive grade of "F" is
842 subject to subparagraph 3.

843 d. A charter school is no longer required to implement a
844 corrective action if it improves to a "C" or higher. However,
845 the charter school must continue to implement strategies
846 identified in the school improvement plan. The sponsor must
847 annually review implementation of the school improvement plan to
848 monitor the school's continued improvement pursuant to
849 subparagraph 4.

850 e. A charter school implementing a corrective action that
851 does not improve to a "C" or higher after 2 full school years of
852 implementing the corrective action must select a different
853 corrective action. Implementation of the new corrective action
854 must begin in the school year following the implementation
855 period of the existing corrective action, unless the sponsor
856 determines that the charter school is likely to improve to a "C"
857 or higher if additional time is provided to implement the
858 existing corrective action. Notwithstanding this sub-
859 subparagraph, a charter school that earns a second consecutive
860 grade of "F" while implementing a corrective action is subject
861 to subparagraph 3.

862 3. A charter school's charter contract is automatically
863 terminated if the school earns two consecutive grades of "F"
864 after all school grade appeals are final unless:

865 a. The charter school is established to turn around the
866 performance of a district public school pursuant to s.
867 1008.33(4)(b)2. Such charter schools shall be governed by s.
868 1008.33;



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869 b. The charter school serves a student population the
870 majority of which resides in a school zone served by a district
871 public school subject to s. 1008.33(4) and the charter school
872 earns at least a grade of "D" in its third year of operation.
873 The exception provided under this sub-subparagraph does not
874 apply to a charter school in its fourth year of operation and
875 thereafter; or

876 c. The state board grants the charter school a waiver of
877 termination. The charter school must request the waiver within
878 15 days after the department's official release of school
879 grades. The state board may waive termination if the charter
880 school demonstrates that the Learning Gains of its students on
881 statewide assessments are comparable to or better than the
882 Learning Gains of similarly situated students enrolled in nearby
883 ~~district~~ public schools. The waiver is valid for 1 year and may
884 only be granted once. Charter schools that have been in
885 operation for more than 5 years are not eligible for a waiver
886 under this sub-subparagraph.

887
888 The sponsor shall notify the charter school's governing board,
889 the charter school principal, and the department in writing when
890 a charter contract is terminated under this subparagraph. A
891 charter terminated under this subparagraph must follow the
892 procedures for dissolution and reversion of public funds
893 pursuant to paragraphs (8) (d)-(f) and (9) (o).

894 4. The director and a representative of the governing board
895 of a graded charter school that has implemented a school
896 improvement plan under this paragraph shall appear before the
897 sponsor at least once a year to present information regarding



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898 the progress of intervention and support strategies implemented
899 by the school pursuant to the school improvement plan and
900 corrective actions, if applicable. The sponsor shall communicate
901 at the meeting, and in writing to the director, the services
902 provided to the school to help the school address its
903 deficiencies.

904 5. Notwithstanding any provision of this paragraph except
905 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
906 at any time pursuant to subsection (8).

907 (10) ELIGIBLE STUDENTS.—

908 (d) A charter school may give enrollment preference to the
909 following student populations:

910 1. Students who are siblings of a student enrolled in the
911 charter school.

912 2. Students who are the children of a member of the
913 governing board of the charter school.

914 3. Students who are the children of an employee of the
915 charter school.

916 4. Students who are the children of:

917 a. An employee of the business partner of a charter
918 school-in-the-workplace established under paragraph (15) (b) or a
919 resident of the municipality in which such charter school is
920 located; or

921 b. A resident or employee of a municipality that operates a
922 charter school-in-a-municipality pursuant to paragraph (15) (c)
923 or allows a charter school to use a school facility or portion
924 of land provided by the municipality for the operation of the
925 charter school.

926 5. Students who have successfully completed, during the



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927 previous year, a voluntary prekindergarten education program
928 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the
929 charter school's governing board, or a voluntary prekindergarten
930 provider that has a written agreement with the governing board
931 during the previous year.

932 6. Students who are the children of an active duty member
933 of any branch of the United States Armed Forces.

934 7. Students who attended or are assigned to failing schools
935 pursuant to s. 1002.38(2).

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

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

939 2. Students considered at risk of dropping out of school or
940 academic failure. Such students shall include exceptional
941 education students.

942 3. Students enrolling in a charter school-in-the-workplace
943 or charter school-in-a-municipality established pursuant to
944 subsection (15).

945 4. Students residing within a reasonable distance of the
946 charter school, as described in paragraph (20)(c). Such students
947 shall be subject to a random lottery and to the racial/ethnic
948 balance provisions described in subparagraph (7)(a)8. or any
949 federal provisions that require a school to achieve a
950 racial/ethnic balance reflective of the community it serves or
951 within the racial/ethnic range of other nearby public schools ~~in~~
952 ~~the same school district.~~

953 5. Students who meet reasonable academic, artistic, or
954 other eligibility standards established by the charter school
955 and included in the charter school application and charter or,



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956 in the case of existing charter schools, standards that are
957 consistent with the school's mission and purpose. Such standards
958 shall be in accordance with current state law and practice in
959 public schools and may not discriminate against otherwise
960 qualified individuals.

961 6. Students articulating from one charter school to another
962 pursuant to an articulation agreement between the charter
963 schools that has been approved by the sponsor.

964 7. Students living in a development in which a developer,
965 including any affiliated business entity or charitable
966 foundation, contributes to the formation, acquisition,
967 construction, or operation of one or more charter schools or
968 charter ~~provides the school facilities facility~~ and related
969 property in an amount equal to or having a total an appraised
970 value of at least \$5 million to be used as a charter schools
971 ~~school~~ to mitigate the educational impact created by the
972 development of new residential dwelling units. Students living
973 in the development are ~~shall be~~ entitled to ~~no more than~~ 50
974 percent of the student stations in the charter schools ~~school~~.
975 The students who are eligible for enrollment are subject to a
976 random lottery, the racial/ethnic balance provisions, or any
977 federal provisions, as described in subparagraph 4. The
978 remainder of the student stations must ~~shall~~ be filled in
979 accordance with subparagraph 4.

980 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION
981 OF THE STATE AND SPONSOR SCHOOL-DISTRICT; CREDIT OR TAXING POWER
982 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or
983 otherwise secure funds for a charter school authorized in this
984 section from a source other than the state or a sponsor ~~school~~



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985 ~~district~~ shall indemnify the state and the sponsor school
986 ~~district~~ from any and all liability, including, but not limited
987 to, financial responsibility for the payment of the principal or
988 interest. Any loans, bonds, or other financial agreements are
989 not obligations of the state or the sponsor school~~district~~ but
990 are obligations of the charter school authority and are payable
991 solely from the sources of funds pledged by such agreement. The
992 credit or taxing power of the state or the sponsor school
993 ~~district~~ shall not be pledged and no debts shall be payable out
994 of any moneys except those of the legal entity in possession of
995 a valid charter approved by a sponsor ~~district school board~~
996 pursuant to this section.

997 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
998 A-MUNICIPALITY.-

999 (c) A charter school-in-a-municipality designation may be
1000 granted to a municipality that possesses a charter; enrolls
1001 students based upon a random lottery that involves all of the
1002 children of the residents of that municipality who are seeking
1003 enrollment, as provided for in subsection (10); and enrolls
1004 students according to the racial/ethnic balance provisions
1005 described in subparagraph (7)(a)8. When a municipality has
1006 submitted charter applications for the establishment of a
1007 charter school feeder pattern, consisting of elementary, middle,
1008 and senior high schools, and each individual charter application
1009 is approved by the sponsor ~~district school board~~, such schools
1010 shall then be designated as one charter school for all purposes
1011 listed pursuant to this section. Any portion of the land and
1012 facility used for a public charter school shall be exempt from
1013 ad valorem taxes, as provided for in s. 1013.54, for the



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1014 duration of its use as a public school.

1015 (17) FUNDING.—Students enrolled in a charter school,
1016 regardless of the sponsorship, shall be funded as if they are in
1017 a basic program or a special program, the same as students
1018 enrolled in other public schools in a ~~the~~ school district.
1019 Funding for a charter lab school shall be as provided in s.
1020 1002.32.

1021 (a) Each charter school shall report its student enrollment
1022 to the sponsor as required in s. 1011.62, and in accordance with
1023 the definitions in s. 1011.61. The sponsor shall include each
1024 charter school's enrollment in the sponsor's ~~district's~~ report
1025 of student enrollment. All charter schools submitting student
1026 record information required by the Department of Education shall
1027 comply with the Department of Education's guidelines for
1028 electronic data formats for such data, and all sponsors
1029 ~~districts~~ shall accept electronic data that complies with the
1030 Department of Education's electronic format.

1031 (b)1. The basis for the agreement for funding students
1032 enrolled in a charter school shall be the sum of the school
1033 district's operating funds from the Florida Education Finance
1034 Program as provided in s. 1011.62 and the General Appropriations
1035 Act, including gross state and local funds, discretionary
1036 lottery funds, and funds from the school district's current
1037 operating discretionary millage levy; divided by total funded
1038 weighted full-time equivalent students in the school district;
1039 and multiplied by the weighted full-time equivalent students for
1040 the charter school. Charter schools whose students or programs
1041 meet the eligibility criteria in law are entitled to their
1042 proportionate share of categorical program funds included in the



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1043 total funds available in the Florida Education Finance Program
1044 by the Legislature, including transportation, the research-based
1045 reading allocation, and the Florida digital classrooms
1046 allocation. Total funding for each charter school shall be
1047 recalculated during the year to reflect the revised calculations
1048 under the Florida Education Finance Program by the state and the
1049 actual weighted full-time equivalent students reported by the
1050 charter school during the full-time equivalent student survey
1051 periods designated by the Commissioner of Education. For charter
1052 schools operated by a not-for-profit or municipal entity, any
1053 unrestricted current and capital assets identified in the
1054 charter school's annual financial audit may be used for other
1055 charter schools operated by the not-for-profit or municipal
1056 entity within the school district. Unrestricted current assets
1057 shall be used in accordance with s. 1011.62, and any
1058 unrestricted capital assets shall be used in accordance with s.
1059 1013.62(2).

1060 2.a. Students enrolled in a charter school sponsored by a
1061 state university or Florida College System institution pursuant
1062 to paragraph (5)(a) shall be funded as if they are in a basic
1063 program or a special program in the school district. The basis
1064 for funding these students is the sum of the total operating
1065 funds from the Florida Education Finance Program for the school
1066 district in which the school is located as provided in s.
1067 1011.62 and the General Appropriations Act, including gross
1068 state and local funds, discretionary lottery funds, and funds
1069 from each school district's current operating discretionary
1070 millage levy, divided by total funded weighted full-time
1071 equivalent students in the district, and multiplied by the full-



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1072 time equivalent membership of the charter school. The Department
1073 of Education shall develop a tool that each state university or
1074 Florida College System institution sponsoring a charter school
1075 shall use for purposes of calculating the funding amount for
1076 each eligible charter school student. The total amount obtained
1077 from the calculation must be appropriated from state funds in
1078 the General Appropriations Act to the charter school.

1079 b. Capital outlay funding for a charter school sponsored by
1080 a state university or Florida College System institution
1081 pursuant to paragraph (5) (a) is determined pursuant to s.
1082 1013.62 and the General Appropriations Act.

1083 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter
1084 schools shall receive all federal funding for which the school
1085 is otherwise eligible, including Title I funding, not later than
1086 5 months after the charter school first opens and within 5
1087 months after any subsequent expansion of enrollment. Unless
1088 otherwise mutually agreed to by the charter school and its
1089 sponsor, and consistent with state and federal rules and
1090 regulations governing the use and disbursement of federal funds,
1091 the sponsor shall reimburse the charter school on a monthly
1092 basis for all invoices submitted by the charter school for
1093 federal funds available to the sponsor for the benefit of the
1094 charter school, the charter school's students, and the charter
1095 school's students as public school students in the school
1096 district. Such federal funds include, but are not limited to,
1097 Title I, Title II, and Individuals with Disabilities Education
1098 Act (IDEA) funds. To receive timely reimbursement for an
1099 invoice, the charter school must submit the invoice to the
1100 sponsor at least 30 days before the monthly date of



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1101 reimbursement set by the sponsor. In order to be reimbursed, any
1102 expenditures made by the charter school must comply with all
1103 applicable state rules and federal regulations, including, but
1104 not limited to, the applicable federal Office of Management and
1105 Budget Circulars; the federal Education Department General
1106 Administrative Regulations; and program-specific statutes,
1107 rules, and regulations. Such funds may not be made available to
1108 the charter school until a plan is submitted to the sponsor for
1109 approval of the use of the funds in accordance with applicable
1110 federal requirements. The sponsor has 30 days to review and
1111 approve any plan submitted pursuant to this paragraph.

1112 (d) Charter schools shall be included by the Department of
1113 Education and the district school board in requests for federal
1114 stimulus funds in the same manner as district school board-
1115 operated public schools, including Title I and IDEA funds and
1116 shall be entitled to receive such funds. Charter schools are
1117 eligible to participate in federal competitive grants that are
1118 available as part of the federal stimulus funds.

1119 (e) Sponsors ~~District school boards~~ shall make timely and
1120 efficient payment and reimbursement to charter schools,
1121 including processing paperwork required to access special state
1122 and federal funding for which they may be eligible. Payments of
1123 funds under paragraph (b) shall be made monthly or twice a
1124 month, beginning with the start of the sponsor's ~~district school~~
1125 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one
1126 twenty-fourth, as applicable, of the total state and local funds
1127 described in paragraph (b) and adjusted as set forth therein.
1128 For the first 2 years of a charter school's operation, if a
1129 minimum of 75 percent of the projected enrollment is entered



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1130 into the sponsor's student information system by the first day
1131 of the current month, the sponsor ~~district school board~~ shall
1132 distribute funds to the school for the months of July through
1133 October based on the projected full-time equivalent student
1134 membership of the charter school as submitted in the approved
1135 application. If less than 75 percent of the projected enrollment
1136 is entered into the sponsor's student information system by the
1137 first day of the current month, the sponsor shall base payments
1138 on the actual number of student enrollment entered into the
1139 sponsor's student information system. Thereafter, the results of
1140 full-time equivalent student membership surveys shall be used in
1141 adjusting the amount of funds distributed monthly to the charter
1142 school for the remainder of the fiscal year. The payments shall
1143 be issued no later than 10 working days after the sponsor
1144 ~~district school board~~ receives a distribution of state or
1145 federal funds or the date the payment is due pursuant to this
1146 subsection. If a warrant for payment is not issued within 10
1147 working days after receipt of funding by the sponsor ~~district~~
1148 ~~school board~~, the sponsor ~~school district~~ shall pay to the
1149 charter school, in addition to the amount of the scheduled
1150 disbursement, interest at a rate of 1 percent per month
1151 calculated on a daily basis on the unpaid balance from the
1152 expiration of the 10 working days until such time as the warrant
1153 is issued. The district school board may not delay payment to a
1154 charter school of any portion of the funds provided in paragraph
1155 (b) based on the timing of receipt of local funds by the
1156 district school board.

1157 (f) Funding for a virtual charter school shall be as
1158 provided in s. 1002.45(7).



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1159 (g) To be eligible for public education capital outlay
1160 (PECO) funds, a charter school must be located in the State of
1161 Florida.

1162 (h) A charter school that implements a schoolwide standard
1163 student attire policy pursuant to s. 1011.78 is eligible to
1164 receive incentive payments.

1165 (18) FACILITIES.—

1166 (e) If a district school board facility or property is
1167 available because it is surplus, marked for disposal, or
1168 otherwise unused, it shall be provided for a charter school's
1169 use on the same basis as it is made available to other public
1170 schools in the district. A charter school receiving property
1171 from the sponsor ~~school district~~ may not sell or dispose of such
1172 property without written permission of the sponsor ~~school~~
1173 ~~district~~. Similarly, for an existing public school converting to
1174 charter status, no rental or leasing fee for the existing
1175 facility or for the property normally inventoried to the
1176 conversion school may be charged by the district school board to
1177 the parents and teachers organizing the charter school. The
1178 charter school shall agree to reasonable maintenance provisions
1179 in order to maintain the facility in a manner similar to
1180 district school board standards. The Public Education Capital
1181 Outlay maintenance funds or any other maintenance funds
1182 generated by the facility operated as a conversion school shall
1183 remain with the conversion school.

1184 (20) SERVICES.—

1185 (a)1. A sponsor shall provide certain administrative and
1186 educational services to charter schools. These services shall
1187 include contract management services; full-time equivalent and



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1188 data reporting services; exceptional student education
1189 administration services; services related to eligibility and
1190 reporting duties required to ensure that school lunch services
1191 under the National School Lunch Program, consistent with the
1192 needs of the charter school, are provided by the sponsor ~~school~~
1193 ~~district~~ at the request of the charter school, that any funds
1194 due to the charter school under the National School Lunch
1195 Program be paid to the charter school as soon as the charter
1196 school begins serving food under the National School Lunch
1197 Program, and that the charter school is paid at the same time
1198 and in the same manner under the National School Lunch Program
1199 as other public schools serviced by the sponsor or the school
1200 district; test administration services, including payment of the
1201 costs of state-required or district-required student
1202 assessments; processing of teacher certificate data services;
1203 and information services, including equal access to the
1204 sponsor's student information systems that are used by public
1205 schools in the district in which the charter school is located
1206 or by schools in the sponsor's portfolio of charter schools if
1207 the sponsor is not a school district. Student performance data
1208 for each student in a charter school, including, but not limited
1209 to, FCAT scores, standardized test scores, previous public
1210 school student report cards, and student performance measures,
1211 shall be provided by the sponsor to a charter school in the same
1212 manner provided to other public schools in the district or by
1213 schools in the sponsor's portfolio of charter schools if the
1214 sponsor is not a school district.

1215 2. A sponsor may withhold an administrative fee for the
1216 provision of such services which shall be a percentage of the



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1217 available funds defined in paragraph (17) (b) calculated based on
1218 weighted full-time equivalent students. If the charter school
1219 serves 75 percent or more exceptional education students as
1220 defined in s. 1003.01(3), the percentage shall be calculated
1221 based on unweighted full-time equivalent students. The
1222 administrative fee shall be calculated as follows:

1223 a. Up to 5 percent for:

1224 (I) Enrollment of up to and including 250 students in a
1225 charter school as defined in this section.

1226 (II) Enrollment of up to and including 500 students within
1227 a charter school system which meets all of the following:

1228 (A) Includes conversion charter schools and nonconversion
1229 charter schools.

1230 (B) Has all of its schools located in the same county.

1231 (C) Has a total enrollment exceeding the total enrollment
1232 of at least one school district in this ~~the~~ state.

1233 (D) Has the same governing board for all of its schools.

1234 (E) Does not contract with a for-profit service provider
1235 for management of school operations.

1236 (III) Enrollment of up to and including 250 students in a
1237 virtual charter school.

1238 b. Up to 2 percent for enrollment of up to and including
1239 250 students in a high-performing charter school as defined in
1240 s. 1002.331.

1241 c. Up to 2 percent for enrollment of up to and including
1242 250 students in an exceptional student education center that
1243 meets the requirements of the rules adopted by the State Board
1244 of Education pursuant to s. 1008.3415(3).

1245 3. A sponsor may not charge charter schools any additional



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1246 fees or surcharges for administrative and educational services
1247 in addition to the maximum percentage of administrative fees
1248 withheld pursuant to this paragraph.

1249 4. A sponsor shall provide to the department by September
1250 15 of each year the total amount of funding withheld from
1251 charter schools pursuant to this subsection for the prior fiscal
1252 year. The department must include the information in the report
1253 required under sub-sub-subparagraph (5) (b) 1.k. (III).

1254 (b) If goods and services are made available to the charter
1255 school through the contract with the sponsor ~~school district~~,
1256 they shall be provided to the charter school at a rate no
1257 greater than the sponsor's ~~district's~~ actual cost unless
1258 mutually agreed upon by the charter school and the sponsor in a
1259 contract negotiated separately from the charter. When mediation
1260 has failed to resolve disputes over contracted services or
1261 contractual matters not included in the charter, an appeal may
1262 be made to an administrative law judge appointed by the Division
1263 of Administrative Hearings. The administrative law judge has
1264 final order authority to rule on the dispute. The administrative
1265 law judge shall award the prevailing party reasonable attorney
1266 fees and costs incurred during the mediation process,
1267 administrative proceeding, and any appeals, to be paid by the
1268 party whom the administrative law judge rules against. To
1269 maximize the use of state funds, sponsors ~~school districts~~ shall
1270 allow charter schools to participate in the sponsor's bulk
1271 purchasing program if applicable.

1272 (c) Transportation of charter school students shall be
1273 provided by the charter school consistent with the requirements
1274 of subpart I.E. of chapter 1006 and s. 1012.45. The governing



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1275 body of the charter school may provide transportation through an
1276 agreement or contract with the sponsor ~~district school board~~, a
1277 private provider, or parents. The charter school and the sponsor
1278 shall cooperate in making arrangements that ensure that
1279 transportation is not a barrier to equal access for all students
1280 residing within a reasonable distance of the charter school as
1281 determined in its charter.

1282 (d) Each charter school shall annually complete and submit
1283 a survey, provided in a format specified by the Department of
1284 Education, to rate the timeliness and quality of services
1285 provided by the sponsor ~~district~~ in accordance with this
1286 section. The department shall compile the results, by sponsor
1287 ~~district~~, and include the results in the report required under
1288 sub-sub-subparagraph (5) (b)1.k.(III).

1289 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1290 (a) The Department of Education shall provide information
1291 to the public, directly and through sponsors, on how to form and
1292 operate a charter school and how to enroll in a charter school
1293 once it is created. This information shall include the standard
1294 application form, standard charter contract, standard evaluation
1295 instrument, and standard charter renewal contract, which shall
1296 include the information specified in subsection (7) and shall be
1297 developed by consulting and negotiating with both sponsors
1298 ~~school districts~~ and charter schools before implementation. The
1299 charter and charter renewal contracts shall be used by charter
1300 school sponsors.

1301 (b)1. The Department of Education shall report to each
1302 charter school receiving a school grade pursuant to s. 1008.34
1303 or a school improvement rating pursuant to s. 1008.341 the



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1304 school's student assessment data.

1305 2. The charter school shall report the information in
1306 subparagraph 1. to each parent of a student at the charter
1307 school, the parent of a child on a waiting list for the charter
1308 school, the sponsor ~~district in which the charter school is~~
1309 ~~located~~, and the governing board of the charter school. This
1310 paragraph does not abrogate the provisions of s. 1002.22,
1311 relating to student records, or the requirements of 20 U.S.C. s.
1312 1232g, the Family Educational Rights and Privacy Act.

1313 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
1314 SCHOOL SYSTEMS.—

1315 (a) A charter school system's governing board shall be
1316 designated a local educational agency for the purpose of
1317 receiving federal funds, the same as though the charter school
1318 system were a school district, if the governing board of the
1319 charter school system has adopted and filed a resolution with
1320 its sponsor ~~sponsoring district school board~~ and the Department
1321 of Education in which the governing board of the charter school
1322 system accepts the full responsibility for all local education
1323 agency requirements and the charter school system meets all of
1324 the following:

- 1325 1. Has all schools located in the same county;
1326 2. Has a total enrollment exceeding the total enrollment of
1327 at least one school district in this ~~the~~ state; and
1328 3. Has the same governing board.

1329
1330 Such designation does not apply to other provisions unless
1331 specifically provided in law.

1332 (28) RULEMAKING.—The Department of Education, after



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1333 consultation with sponsors ~~school districts~~ and charter school
1334 directors, shall recommend that the State Board of Education
1335 adopt rules to implement specific subsections of this section.
1336 Such rules shall require minimum paperwork and shall not limit
1337 charter school flexibility authorized by statute. The State
1338 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
1339 and 120.54, to implement a standard charter application form,
1340 standard application form for the replication of charter schools
1341 in a high-performing charter school system, standard evaluation
1342 instrument, and standard charter and charter renewal contracts
1343 in accordance with this section.

1344 Section 3. Paragraph (a) of subsection (2) and paragraph
1345 (b) of subsection (3) of section 1002.331, Florida Statutes, are
1346 amended to read:

1347 1002.331 High-performing charter schools.—

1348 (2) A high-performing charter school is authorized to:

1349 (a) Increase its student enrollment once per school year to
1350 more than the capacity identified in the charter, but student
1351 enrollment may not exceed the capacity of the facility at the
1352 time the enrollment increase will take effect. Facility capacity
1353 for purposes of ~~grade-level~~ expansion shall include any
1354 improvements to an existing facility or any new facility in
1355 which ~~a majority of~~ the students of the high-performing charter
1356 school will enroll.

1357
1358 A high-performing charter school shall notify its sponsor in
1359 writing by March 1 if it intends to increase enrollment or
1360 expand grade levels the following school year. The written
1361 notice shall specify the amount of the enrollment increase and



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1362 the grade levels that will be added, as applicable. If a charter
1363 school notifies the sponsor of its intent to expand, the sponsor
1364 shall modify the charter within 90 days to include the new
1365 enrollment maximum and may not make any other changes. The
1366 sponsor may deny a request to increase the enrollment of a high-
1367 performing charter school if the commissioner has declassified
1368 the charter school as high-performing. If a high-performing
1369 charter school requests to consolidate multiple charters, the
1370 sponsor shall have 40 days after receipt of that request to
1371 provide an initial draft charter to the charter school. The
1372 sponsor and charter school shall have 50 days thereafter to
1373 negotiate and notice the charter contract for final approval by
1374 the sponsor.

1375 (3)

1376 (b) A high-performing charter school may submit not
1377 establish more than two applications for a charter school to be
1378 opened schools within this the state under paragraph (a) at a
1379 time determined by the high-performing charter school in any
1380 year. A subsequent application to establish a charter school
1381 under paragraph (a) may not be submitted unless each charter
1382 school applicant commences operations or an application is
1383 otherwise withdrawn established in this manner achieves high-
1384 performing charter school status. However, a high-performing
1385 charter school may establish more than one charter school within
1386 this the state under paragraph (a) in any year if it operates in
1387 the area of a persistently low-performing school and serves
1388 students from that school. This paragraph applies to any high-
1389 performing charter school with an existing approved application.

1390 Section 4. Paragraph (c) of subsection (1), paragraphs (a),



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1391 (g), and (h) of subsection (6), paragraph (d) of subsection (7),
1392 and paragraph (b) of subsection (10) of section 1002.333,
1393 Florida Statutes, are amended to read:

1394 1002.333 Persistently low-performing schools.—

1395 (1) DEFINITIONS.—As used in this section, the term:

1396 (c) "Persistently low-performing school" means a school
1397 that has earned three grades lower than a "C," pursuant to s.
1398 1008.34, in at least 3 of the previous 5 years that the school
1399 received a grade and has not earned a grade of "B" or higher in
1400 the most recent 2 school years, and a school that was closed
1401 pursuant to s. 1008.33(4) within 2 years after the submission of
1402 a notice of intent.

1403 (6) STATUTORY AUTHORITY.—

1404 (a) A school of hope or a nonprofit entity that operates
1405 more than one school of hope through a performance-based
1406 agreement with a school district may be designated as a local
1407 education agency by the department, if requested, for the
1408 purposes of receiving federal funds and, in doing so, accepts
1409 the full responsibility for all local education agency
1410 requirements and the schools for which it will perform local
1411 education agency responsibilities.

1412 1. A nonprofit entity designated as a local education
1413 agency may report its students to the department in accordance
1414 with the definitions in s. 1011.61 and pursuant to the
1415 department's procedures and timelines.

1416 2. Students enrolled in a school established by a hope
1417 operator designated as a local educational agency are not
1418 eligible students for purposes of calculating the district grade
1419 pursuant to s. 1008.34(5).



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1420 (g) Each school of hope that has not been designated as a
1421 local education agency shall report its students to the school
1422 district as required in s. 1011.62, and in accordance with the
1423 definitions in s. 1011.61. The school district shall include
1424 each charter school's enrollment in the district's report of
1425 student enrollment. All charter schools submitting student
1426 record information required by the department shall comply with
1427 the department's guidelines for electronic data formats for such
1428 data, and all districts shall accept electronic data that
1429 complies with the department's electronic format.

1430 (h)1. A school of hope shall provide the school district
1431 with a concise, uniform, quarterly financial statement summary
1432 sheet that contains a balance sheet and a statement of revenue,
1433 expenditures, and changes in fund balance. The balance sheet and
1434 the statement of revenue, expenditures, and changes in fund
1435 balance shall be in the governmental fund format prescribed by
1436 the Governmental Accounting Standards Board. Additionally, a
1437 school of hope shall comply with the annual audit requirement
1438 for charter schools in s. 218.39.

1439 2. A school of hope is in compliance with subparagraph 1.
1440 if it is operated by a nonprofit entity designated as a local
1441 education agency and if the nonprofit submits to each school
1442 district in which it operates a school of hope:

1443 a. A concise, uniform, quarterly financial statement
1444 summary sheet that contains a balance sheet summarizing the
1445 revenue, expenditures, and changes in fund balance for the
1446 entity and for its schools of hope within the school district.

1447 b. An annual financial audit of the nonprofit that includes
1448 all schools of hope it operates within this state and that



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1449 complies with s. 218.39 regarding audits of a school board.

1450 (7) FACILITIES.—

1451 (d) No later than January ~~October~~ 1, the department ~~each~~
1452 ~~school district~~ shall annually provide to school districts ~~the~~
1453 ~~Department of Education~~ a list of all underused, vacant, or
1454 surplus facilities owned or operated by the school district as
1455 reported in the Florida Inventory of School Houses. A school
1456 district may provide evidence to the department that the list
1457 contains errors or omissions within 30 days after receipt of the
1458 list. By each April 1, the department shall update and publish a
1459 final list of all underused, vacant, or surplus facilities owned
1460 or operated by each school district, based upon updated
1461 information provided by each school district. A hope operator
1462 establishing a school of hope may use an educational facility
1463 identified in this paragraph at no cost or at a mutually
1464 agreeable cost not to exceed \$600 per student. A hope operator
1465 using a facility pursuant to this paragraph may not sell or
1466 dispose of such facility without the written permission of the
1467 school district. For purposes of this paragraph, the term
1468 “underused, vacant, or surplus facility” means an entire
1469 facility or portion thereof which is not fully used or is used
1470 irregularly or intermittently by the school district for
1471 instructional or program use.

1472 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
1473 is created within the Department of Education.

1474 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
1475 funds allocated for the purpose of this subsection which are not
1476 disbursed by June 30 of the fiscal year in which the funds are
1477 allocated may be carried forward for up to 7 ~~5~~ years after the



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1478 effective date of the original appropriation.

1479 Section 5. Paragraph (d) of subsection (1) of section
1480 1002.45, Florida Statutes, is amended to read:

1481 1002.45 Virtual instruction programs.—

1482 (1) PROGRAM.—

1483 (d) A virtual charter school may provide full-time or part-
1484 time virtual instruction for students in kindergarten through
1485 grade 12 if the virtual charter school has a charter approved
1486 pursuant to s. 1002.33 ~~authorizing full-time virtual~~
1487 ~~instruction~~. A virtual charter school may:

1488 1. Contract with the Florida Virtual School.

1489 2. Contract with or be an approved provider under
1490 subsection (2).

1491 3. Contract with any public school or charter school ~~Enter~~
1492 ~~into an agreement with a school district~~ to allow the
1493 participation of the virtual charter school's students in
1494 courses that the virtual school is unable to provide ~~the school~~
1495 ~~district's virtual instruction program~~. The agreement must
1496 indicate a process for reporting of student enrollment and the
1497 transfer of funds required by paragraph (7) (e).

1498 Section 6. Paragraph (a) of subsection (1) of section
1499 1003.493, Florida Statutes, is amended to read:

1500 1003.493 Career and professional academies and career-
1501 themed courses.—

1502 (1) (a) A "career and professional academy" is a research-
1503 based program that integrates a rigorous academic curriculum
1504 with an industry-specific curriculum aligned directly to
1505 priority workforce needs established by the local workforce
1506 development board or the Department of Economic Opportunity.



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1507 Career and professional academies shall be offered by public
1508 schools and school districts. Career and professional academies
1509 may be offered by charter schools. The Florida Virtual School is
1510 encouraged to develop and offer rigorous career and professional
1511 courses as appropriate. Students completing career and
1512 professional academy programs must receive a standard high
1513 school diploma, the highest available industry certification,
1514 and opportunities to earn postsecondary credit if the academy
1515 partners with a postsecondary institution approved to operate in
1516 the state.

1517 Section 7. Present subsection (3) of section 1008.3415,
1518 Florida Statutes, is redesignated as subsection (4), and a new
1519 subsection (3) is added to that section, to read:

1520 1008.3415 School grade or school improvement rating for
1521 exceptional student education centers.—

1522 (3) The Commissioner of Education, upon request by a
1523 charter school that is an exceptional student education center
1524 and that has received two consecutive ratings of "maintaining"
1525 or higher pursuant to s. 1008.341(2), shall provide a letter to
1526 the charter school and to the charter school's sponsor stating
1527 that the charter school may replicate its educational program in
1528 the same manner as a high-performing charter school under s.
1529 1002.331(3).

1530 Section 8. Subsection (2) of section 1012.32, Florida
1531 Statutes, is amended to read:

1532 1012.32 Qualifications of personnel.—

1533 (2) (a) Instructional and noninstructional personnel who are
1534 hired or contracted to fill positions that require direct
1535 contact with students in any district school system or



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1536 university lab school must, upon employment or engagement to
1537 provide services, undergo background screening as required under
1538 s. 1012.465 or s. 1012.56, whichever is applicable.

1539 (b)1. Instructional and noninstructional personnel who are
1540 hired or contracted to fill positions in a ~~any~~ charter school
1541 other than a school of hope as defined in s. 1002.333, and
1542 members of the governing board of such ~~any~~ charter school, in
1543 compliance with s. 1002.33(12)(g), ~~must,~~ upon employment,
1544 engagement of services, or appointment, shall undergo background
1545 screening as required under s. 1012.465 or s. 1012.56, whichever
1546 is applicable, by filing with the district school board for the
1547 school district in which the charter school is located a
1548 complete set of fingerprints taken by an authorized law
1549 enforcement agency or an employee of the school or school
1550 district who is trained to take fingerprints.

1551 2. Instructional and noninstructional personnel who are
1552 hired or contracted to fill positions in a school of hope as
1553 defined in s. 1002.333, and members of the governing board of
1554 such school of hope, shall file with the school of hope a
1555 complete set of fingerprints taken by an authorized law
1556 enforcement agency, by an employee of the school of hope or
1557 school district who is trained to take fingerprints, or by any
1558 other entity recognized by the Department of Law Enforcement to
1559 take fingerprints.

1560 (c) Instructional and noninstructional personnel who are
1561 hired or contracted to fill positions that require direct
1562 contact with students in an alternative school that operates
1563 under contract with a district school system must, upon
1564 employment or engagement to provide services, undergo background



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1565 screening as required under s. 1012.465 or s. 1012.56, whichever
1566 is applicable, by filing with the district school board for the
1567 school district to which the alternative school is under
1568 contract a complete set of fingerprints taken by an authorized
1569 law enforcement agency or an employee of the school or school
1570 district who is trained to take fingerprints.

1571 (d) Student teachers and persons participating in a field
1572 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
1573 district school system, lab school, or charter school must, upon
1574 engagement to provide services, undergo background screening as
1575 required under s. 1012.56.

1576
1577 Required fingerprints must ~~shall~~ be submitted to the Department
1578 of Law Enforcement for statewide criminal and juvenile records
1579 checks and to the Federal Bureau of Investigation for federal
1580 criminal records checks. A person subject to this subsection who
1581 is found ineligible for employment under s. 1012.315, or
1582 otherwise found through background screening to have been
1583 convicted of any crime involving moral turpitude as defined by
1584 rule of the State Board of Education, shall not be employed,
1585 engaged to provide services, or serve in any position that
1586 requires direct contact with students. Probationary persons
1587 subject to this subsection terminated because of their criminal
1588 record have the right to appeal such decisions. The cost of the
1589 background screening may be borne by the district school board,
1590 the charter school, the employee, the contractor, or a person
1591 subject to this subsection. A district school board shall
1592 reimburse a charter school the cost of background screening if
1593 it does not notify the charter school of the eligibility of a



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1594 governing board member or instructional or noninstructional
1595 personnel within the earlier of 14 days after receipt of the
1596 background screening results from the Florida Department of Law
1597 Enforcement or 30 days of submission of fingerprints by the
1598 governing board member or instructional or noninstructional
1599 personnel.

1600 Section 9. Paragraph (a) of subsection (1) of section
1601 1013.62, Florida Statutes, is amended to read:

1602 1013.62 Charter schools capital outlay funding.—

1603 (1) For the 2020-2021 fiscal year, charter school capital
1604 outlay funding shall consist of state funds appropriated in the
1605 2020-2021 General Appropriations Act. Beginning in fiscal year
1606 2021-2022, charter school capital outlay funding shall consist
1607 of state funds when such funds are appropriated in the General
1608 Appropriations Act and revenue resulting from the discretionary
1609 millage authorized in s. 1011.71(2) if the amount of state funds
1610 appropriated for charter school capital outlay in any fiscal
1611 year is less than the average charter school capital outlay
1612 funds per unweighted full-time equivalent student for the 2018-
1613 2019 fiscal year, multiplied by the estimated number of charter
1614 school students for the applicable fiscal year, and adjusted by
1615 changes in the Consumer Price Index issued by the United States
1616 Department of Labor from the previous fiscal year. Nothing in
1617 this subsection prohibits a school district from distributing to
1618 charter schools funds resulting from the discretionary millage
1619 authorized in s. 1011.71(2).

1620 (a) To be eligible to receive capital outlay funds, a
1621 charter school must:

1622 1.a. Have been in operation for 2 or more years;



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1623 b. Be governed by a governing board established in the
1624 state for 2 or more years which operates both charter schools
1625 and conversion charter schools within the state;

1626 c. Be an expanded feeder chain of a charter school within
1627 the same school district that is currently receiving charter
1628 school capital outlay funds;

1629 d. Have been accredited by a regional accrediting
1630 association as defined by State Board of Education rule; ~~or~~

1631 e. Serve students in facilities that are provided by a
1632 business partner for a charter school-in-the-workplace pursuant
1633 to s. 1002.33(15) (b); or

1634 f. Be operated by a hope operator pursuant to s. 1002.333.

1635 2. Have an annual audit that does not reveal any of the
1636 financial emergency conditions provided in s. 218.503(1) for the
1637 most recent fiscal year for which such audit results are
1638 available.

1639 3. Have satisfactory student achievement based on state
1640 accountability standards applicable to the charter school.

1641 4. Have received final approval from its sponsor pursuant
1642 to s. 1002.33 for operation during that fiscal year.

1643 5. Serve students in facilities that are not provided by
1644 the charter school's sponsor.

1645 Section 10. If any provision of this act or its application
1646 to any person or circumstance is held invalid, the invalidity
1647 does not affect other provisions or applications of the act
1648 which can be given effect without the invalid provision or
1649 application, and to this end the provisions of this act are
1650 severable.

1651 Section 11. This act shall take effect July 1, 2021.