

By the Committee on Education; and Senator Hutson

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 218.39, F.S.; providing that a hope operator that has
4 not been notified that a financial audit for a fiscal
5 year will be performed by the Auditor General must
6 retain an independent certified public accountant to
7 complete, within 9 months after the end of its fiscal
8 year, an annual financial audit of its accounts, which
9 must be paid from its public funds; requiring an
10 auditor to discuss comments that will be included in
11 the audit report with the hope operator's board chair
12 or the chair's designee; requiring the auditor to
13 notify each hope operator board member of specified
14 information; requiring hope operators to file an
15 officer's written statement of explanation or rebuttal
16 concerning an auditor's findings within a certain
17 timeframe; authorizing the Legislative Auditing
18 Committee to require the chair of the hope operator or
19 the chair's designee to appear before the committee if
20 it is determined that the written statement is
21 insufficient; requiring each hope operator to file a
22 copy of its audit report with specified entities;
23 amending s. 1002.33, F.S.; authorizing state
24 universities and Florida College System institutions
25 to solicit applications and sponsor charter schools
26 under certain circumstances; prohibiting certain
27 charter schools from being sponsored by a Florida
28 College System institution until such charter school's
29 existing charter expires; authorizing a state

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30 university or Florida College System institution to,
31 at its discretion, deny an application for a charter
32 school; revising the contents of an annual report that
33 charter school sponsors must provide to the Department
34 of Education; revising the date by which the
35 department must post a specified annual report;
36 revising provisions relating to Florida College System
37 institutions that are operating charter schools;
38 requiring the board of trustees of a state university
39 or Florida College System institution that is
40 sponsoring a charter school to serve as the local
41 educational agency for such school; prohibiting
42 certain charter school students from being included in
43 specified school district grade calculations;
44 requiring the department to develop a sponsor
45 evaluation framework; providing requirements for the
46 framework; requiring the department to compile
47 results in a specified manner; deleting obsolete
48 language; revising requirements for the charter school
49 application process; revising the student populations
50 for which a charter school is authorized to limit the
51 enrollment process; providing a calculation for the
52 operational funding for a charter school sponsored by
53 a state university or Florida College System
54 institution; requiring the department to develop a
55 tool for state universities and Florida College System
56 institutions for specified purposes relating to
57 certain funding calculations; providing that such
58 funding must be appropriated to the charter school;

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59 providing for capital outlay funding for such schools;
60 authorizing a sponsor to withhold an administrative
61 fee for the provision of certain services to an
62 exceptional student education center that meets
63 specified requirements; conforming provisions to
64 changes made by the act; amending s. 1002.331, F.S.;
65 revising provisions relating to the opening of
66 additional high-performing charter schools; amending
67 s. 1002.333, F.S.; revising the definition of the term
68 "persistently low-performing school"; authorizing,
69 instead of requiring, a school of hope designated as a
70 local education agency to report students in
71 accordance with procedures and timelines adopted by
72 the Department of Education; requiring hope operators,
73 rather than schools of hope, to provide school
74 districts with quarterly financial statement summary
75 sheets; revising the manner in which underused,
76 vacant, or surplus facilities owned or operated by
77 school districts are identified; increasing the number
78 of years for which certain funds may be carried
79 forward; amending s. 1003.493, F.S.; authorizing a
80 charter school to offer a career and professional
81 academy; amending s. 1008.3415, F.S.; requiring the
82 Commissioner of Education, upon request by a charter
83 school that meets specified criteria, to provide a
84 letter to the charter school and the charter school's
85 sponsor authorizing the charter school to replicate
86 the charter school's education program; amending s.
87 1012.32, F.S.; providing an alternate screening method

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88 for specified persons employed by certain schools of
89 hope or serving on certain school of hope governing
90 boards; amending s. 1013.62, F.S.; expanding
91 eligibility to receive capital outlay funds to schools
92 of hope operated by a hope operator; providing an
93 effective date.

94

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

96

97 Section 1. Subsections (1), (5), and (6), paragraph (b) of
98 subsection (8), and subsection (10) of section 218.39, Florida
99 Statutes, are amended to read:

100 218.39 Annual financial audit reports.—

101 (1) If, by the first day in any fiscal year, a local
102 governmental entity, district school board, charter school, hope
103 operator, or charter technical career center has not been
104 notified that a financial audit for that fiscal year will be
105 performed by the Auditor General, each of the following entities
106 shall have an annual financial audit of its accounts and records
107 completed within 9 months after the end of its fiscal year by an
108 independent certified public accountant retained by it and paid
109 from its public funds:

110 (a) Each county.

111 (b) Any municipality with revenues or the total of
112 expenditures and expenses in excess of \$250,000, as reported on
113 the fund financial statements.

114 (c) Any special district with revenues or the total of
115 expenditures and expenses in excess of \$100,000, as reported on
116 the fund financial statements.

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117 (d) Each district school board.

118 (e) Each charter school established under s. 1002.33.

119 (f) Each charter technical center established under s.
120 1002.34.

121 (g) Each municipality with revenues or the total of
122 expenditures and expenses between \$100,000 and \$250,000, as
123 reported on the fund financial statements, which has not been
124 subject to a financial audit pursuant to this subsection for the
125 2 preceding fiscal years.

126 (h) Each special district with revenues or the total of
127 expenditures and expenses between \$50,000 and \$100,000, as
128 reported on the fund financial statement, which has not been
129 subject to a financial audit pursuant to this subsection for the
130 2 preceding fiscal years.

131 (i) Each hope operator operating at least one school of
132 hope in this state.

133 (5) At the conclusion of the audit, the auditor shall
134 discuss with the chair of the governing body of the local
135 governmental entity or the chair's designee, the elected
136 official of each county agency or the elected official's
137 designee, the chair of the district school board or the chair's
138 designee, the chair of the board of the charter school or the
139 chair's designee, the chair of the board of the hope operator or
140 the chair's designee, or the chair of the board of the charter
141 technical career center or the chair's designee, as appropriate,
142 all of the auditor's comments that will be included in the audit
143 report. If the officer is not available to discuss the auditor's
144 comments, their discussion is presumed when the comments are
145 delivered in writing to his or her office. The auditor shall

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146 notify each member of the governing body of a local governmental
147 entity, district school board, charter school, hope operator, or
148 charter technical career center for which:

149 (a) Deteriorating financial conditions exist that may cause
150 a condition described in s. 218.503(1) to occur if actions are
151 not taken to address such conditions.

152 (b) A fund balance deficit in total or a deficit for that
153 portion of a fund balance not classified as restricted,
154 committed, or nonspendable, or a total or unrestricted net
155 assets deficit, as reported on the fund financial statements of
156 entities required to report under governmental financial
157 reporting standards or on the basic financial statements of
158 entities required to report under not-for-profit financial
159 reporting standards, for which sufficient resources of the local
160 governmental entity, charter school, hope operator, charter
161 technical career center, or district school board, as reported
162 on the fund financial statements, are not available to cover the
163 deficit. Resources available to cover reported deficits include
164 fund balance or net assets that are not otherwise restricted by
165 federal, state, or local laws, bond covenants, contractual
166 agreements, or other legal constraints. Property, plant, and
167 equipment, the disposal of which would impair the ability of a
168 local governmental entity, charter school, hope operator,
169 charter technical career center, or district school board to
170 carry out its functions, are not considered resources available
171 to cover reported deficits.

172 (6) The officer's written statement of explanation or
173 rebuttal concerning the auditor's findings, including corrective
174 action to be taken, must be filed with the governing body of the

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175 local governmental entity, district school board, charter
176 school, hope operator, or charter technical career center within
177 30 days after the delivery of the auditor's findings.

178 (8) The Auditor General shall notify the Legislative
179 Auditing Committee of any audit report prepared pursuant to this
180 section which indicates that an audited entity has failed to
181 take full corrective action in response to a recommendation that
182 was included in the two preceding financial audit reports.

183 (b) If the committee determines that the written statement
184 is not sufficient, it may require the chair of the governing
185 body of the local governmental entity or the chair's designee,
186 the elected official of each county agency or the elected
187 official's designee, the chair of the district school board or
188 the chair's designee, the chair of the board of the charter
189 school or the chair's designee, the chair of the hope operator
190 or the chair's designee, or the chair of the board of the
191 charter technical career center or the chair's designee, as
192 appropriate, to appear before the committee.

193 (10) Each charter school, hope operator who operates a
194 charter school, and charter technical career center must file a
195 copy of its audit report with the sponsoring entity; the local
196 district school board, if not the sponsoring entity; the Auditor
197 General; and with the Department of Education.

198 Section 2. Paragraph (c) of subsection (2), subsection (5),
199 paragraph (b) of subsection (6), paragraphs (a) and (d) of
200 subsection (7), paragraphs (d) and (e) of subsection (8),
201 paragraphs (g) and (n) of subsection (9), paragraph (e) of
202 subsection (10), subsection (14), paragraph (c) of subsection
203 (15), subsection (17), paragraph (e) of subsection (18),

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204 subsections (20) and (21), paragraph (a) of subsection (25), and
205 subsection (28) of section 1002.33, Florida Statutes, are
206 amended to read:

207 1002.33 Charter schools.—

208 (2) GUIDING PRINCIPLES; PURPOSE.—

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

210 1. Create innovative measurement tools.

211 2. Provide rigorous competition within the public school
212 system ~~district~~ to stimulate continual improvement in all public
213 schools.

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

215 4. Mitigate the educational impact created by the
216 development of new residential dwelling units.

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

219 (5) SPONSOR; DUTIES.—

220 (a) *Sponsoring entities*.—

221 1. A district school board may sponsor a charter school in
222 the county over which the district school board has
223 jurisdiction.

224 2. A state university may grant a charter to a lab school
225 created under s. 1002.32 and shall be considered to be the
226 school's sponsor. Such school shall be considered a charter lab
227 school.

228 3. Because needs relating to educational capacity,
229 workforce qualifications, and career education opportunities are
230 constantly changing and extend beyond school district
231 boundaries:

232 a. A state university may, upon approval by the Department

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233 of Education, solicit applications and sponsor a charter school
234 to meet regional education or workforce demands by serving
235 students from multiple school districts.

236 b. A Florida College System institution may, upon approval
237 by the Department of Education, solicit applications and sponsor
238 a charter school in any county within its service area to meet
239 workforce demands and may offer postsecondary programs leading
240 to industry certifications to eligible charter school students.
241 A charter school established under subparagraph (b)4. may not be
242 sponsored by a Florida College System institution until its
243 existing charter with the school district expires as provided
244 under subsection (7).

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

248 (b) *Sponsor duties.*—

249 1.a. The sponsor shall monitor and review the charter
250 school in its progress toward the goals established in the
251 charter.

252 b. The sponsor shall monitor the revenues and expenditures
253 of the charter school and perform the duties provided in s.
254 1002.345.

255 c. The sponsor may approve a charter for a charter school
256 before the applicant has identified space, equipment, or
257 personnel, if the applicant indicates approval is necessary for
258 it to raise working funds.

259 d. The sponsor shall not apply its policies to a charter
260 school unless mutually agreed to by both the sponsor and the
261 charter school. If the sponsor subsequently amends any agreed-

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262 upon sponsor policy, the version of the policy in effect at the
263 time of the execution of the charter, or any subsequent
264 modification thereof, shall remain in effect and the sponsor may
265 not hold the charter school responsible for any provision of a
266 newly revised policy until the revised policy is mutually agreed
267 upon.

268 e. The sponsor shall ensure that the charter is innovative
269 and consistent with the state education goals established by s.
270 1000.03(5).

271 f. The sponsor shall ensure that the charter school
272 participates in the state's education accountability system. If
273 a charter school falls short of performance measures included in
274 the approved charter, the sponsor shall report such shortcomings
275 to the Department of Education.

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

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

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

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

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

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- 291 (I) The report shall include the following information:
- 292 (A) ~~The number of draft applications received on or before~~
- 293 ~~May 1 and each applicant's contact information.~~
- 294 ~~(B)~~ The number of ~~final~~ applications received on or before
- 295 February August 1 and each applicant's contact information.
- 296 (B) ~~(C)~~ The date each application was approved, denied, or
- 297 withdrawn.
- 298 (C) ~~(D)~~ The date each final contract was executed.
- 299 (II) Annually, by November 1 ~~Beginning August 31, 2013, and~~
- 300 ~~each year thereafter~~, the sponsor shall submit to the department
- 301 the information for the applications submitted the previous
- 302 year.
- 303 (III) The department shall compile an annual report, by
- 304 sponsor district, and post the report on its website by January
- 305 15 November 1 of each year.
- 306 2. Immunity for the sponsor of a charter school under
- 307 subparagraph 1. applies only with respect to acts or omissions
- 308 not under the sponsor's direct authority as described in this
- 309 section.
- 310 3. This paragraph does not waive a sponsor's district
- 311 ~~school board's~~ sovereign immunity.
- 312 4. A Florida College System institution may work with the
- 313 school district or school districts in its designated service
- 314 area to develop charter schools that offer secondary education.
- 315 These charter schools must include an option for students to
- 316 receive an associate degree upon high school graduation. If a
- 317 Florida College System institution operates an approved teacher
- 318 preparation program under s. 1004.04 or s. 1004.85, the
- 319 institution may operate ~~no more than one~~ charter schools ~~school~~

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320 that serve ~~serves~~ students in kindergarten through grade 12 in
321 any school district within the service area of the institution.
322 ~~In kindergarten through grade 8, the charter school shall~~
323 ~~implement innovative blended learning instructional models in~~
324 ~~which, for a given course, a student learns in part through~~
325 ~~online delivery of content and instruction with some element of~~
326 ~~student control over time, place, path, or pace and in part at a~~
327 ~~supervised brick-and-mortar location away from home. A student~~
328 ~~in a blended learning course must be a full-time student of the~~
329 ~~charter school and receive the online instruction in a classroom~~
330 ~~setting at the charter school.~~ District school boards shall
331 cooperate with and assist the Florida College System institution
332 on the charter application. Florida College System institution
333 applications for charter schools are not subject to the time
334 deadlines outlined in subsection (6) and may be approved by the
335 district school board at any time during the year. Florida
336 College System institutions may not report FTE for any students
337 participating under this subparagraph who receive FTE funding
338 through the Florida Education Finance Program.

339 5. A school district may enter into nonexclusive interlocal
340 agreements with federal and state agencies, counties,
341 municipalities, and other governmental entities that operate
342 within the geographical borders of the school district to act on
343 behalf of such governmental entities in the inspection,
344 issuance, and other necessary activities for all necessary
345 permits, licenses, and other permissions that a charter school
346 needs in order for development, construction, or operation. A
347 charter school may use, but may not be required to use, a school
348 district for these services. The interlocal agreement must

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349 include, but need not be limited to, the identification of fees
350 that charter schools will be charged for such services. The fees
351 must consist of the governmental entity's fees plus a fee for
352 the school district to recover no more than actual costs for
353 providing such services. These services and fees are not
354 included within the services to be provided pursuant to
355 subsection (20).

356 6. The board of trustees of a sponsoring state university
357 or Florida College System institution under paragraph (a) is the
358 local educational agency for all charter schools it sponsors for
359 purposes of receiving federal funds and accepts full
360 responsibility for all local educational agency requirements and
361 the schools for which it will perform local educational agency
362 responsibilities. A student enrolled in a charter school that is
363 sponsored by a state university or Florida College System
364 institution may not be included in the calculation of the school
365 district's grade under s. 1008.34(5) for the school district in
366 which he or she resides.

367 (c) Sponsor accountability.-

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

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

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

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

377 d. The status of charter schools authorized by the sponsor,

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378 including approved, operating, and closed schools.

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

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

384 (b) A sponsor shall receive and review all applications for
385 a charter school using the evaluation instrument developed by
386 the Department of Education. ~~A sponsor shall receive and~~
387 ~~consider charter school applications received on or before~~
388 ~~August 1 of each calendar year for charter schools to be opened~~
389 ~~at the beginning of the school district's next school year, or~~
390 ~~to be opened at a time agreed to by the applicant and the~~
391 ~~sponsor. A sponsor may not refuse to receive a charter school~~
392 ~~application submitted before August 1 and may receive an~~
393 ~~application submitted later than August 1 if it chooses.~~
394 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and
395 consider charter school applications ~~received on or before~~
396 ~~February 1 of each calendar year for charter schools to be~~
397 ~~opened 18 months later at the beginning of the school district's~~
398 ~~school year, or to be opened at a time determined by the~~
399 ~~applicant. A sponsor may not refuse to receive a charter school~~
400 ~~application submitted before February 1 and may receive an~~
401 ~~application submitted later than February 1 if it chooses.~~ A
402 sponsor may not charge an applicant for a charter any fee for
403 the processing or consideration of an application, and a sponsor
404 may not base its consideration or approval of a final
405 application upon the promise of future payment of any kind.
406 Before approving or denying any application, the sponsor shall

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407 allow the applicant, upon receipt of written notification, at
408 least 7 calendar days to make technical or nonsubstantive
409 corrections and clarifications, including, but not limited to,
410 corrections of grammatical, typographical, and like errors or
411 missing signatures, if such errors are identified by the sponsor
412 as cause to deny the final application.

413 1. In order to facilitate an accurate budget projection
414 process, a sponsor shall be held harmless for FTE students who
415 are not included in the FTE projection due to approval of
416 charter school applications after the FTE projection deadline.
417 In a further effort to facilitate an accurate budget projection,
418 within 15 calendar days after receipt of a charter school
419 application, a sponsor shall report to the Department of
420 Education the name of the applicant entity, the proposed charter
421 school location, and its projected FTE.

422 2. In order to ensure fiscal responsibility, an application
423 for a charter school shall include a full accounting of expected
424 assets, a projection of expected sources and amounts of income,
425 including income derived from projected student enrollments and
426 from community support, and an expense projection that includes
427 full accounting of the costs of operation, including start-up
428 costs.

429 3.a. A sponsor shall by a majority vote approve or deny an
430 application no later than 90 calendar days after the application
431 is received, unless the sponsor and the applicant mutually agree
432 in writing to temporarily postpone the vote to a specific date,
433 at which time the sponsor shall by a majority vote approve or
434 deny the application. If the sponsor fails to act on the
435 application, an applicant may appeal to the State Board of

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436 Education as provided in paragraph (c). If an application is
437 denied, the sponsor shall, within 10 calendar days after such
438 denial, articulate in writing the specific reasons, based upon
439 good cause, supporting its denial of the application and shall
440 provide the letter of denial and supporting documentation to the
441 applicant and to the Department of Education.

442 b. An application submitted by a high-performing charter
443 school identified pursuant to s. 1002.331 or a high-performing
444 charter school system identified pursuant to s. 1002.332 may be
445 denied by the sponsor only if the sponsor demonstrates by clear
446 and convincing evidence that:

447 (I) The application of a high-performing charter school
448 does not materially comply with the requirements in paragraph
449 (a) or, for a high-performing charter school system, the
450 application does not materially comply with s. 1002.332(2)(b);

451 (II) The charter school proposed in the application does
452 not materially comply with the requirements in paragraphs
453 (9)(a)-(f);

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

457 (IV) The applicant has made a material misrepresentation or
458 false statement or concealed an essential or material fact
459 during the application process; or

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

463
464 Material noncompliance is a failure to follow requirements or a

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465 violation of prohibitions applicable to charter school
466 applications, which failure is quantitatively or qualitatively
467 significant either individually or when aggregated with other
468 noncompliance. An applicant is considered to be replicating a
469 high-performing charter school if the proposed school is
470 substantially similar to at least one of the applicant's high-
471 performing charter schools and the organization or individuals
472 involved in the establishment and operation of the proposed
473 school are significantly involved in the operation of replicated
474 schools.

475 c. If the sponsor denies an application submitted by a
476 high-performing charter school or a high-performing charter
477 school system, the sponsor must, within 10 calendar days after
478 such denial, state in writing the specific reasons, based upon
479 the criteria in sub-subparagraph b., supporting its denial of
480 the application and must provide the letter of denial and
481 supporting documentation to the applicant and to the Department
482 of Education. The applicant may appeal the sponsor's denial of
483 the application in accordance with paragraph (c).

484 4. For budget projection purposes, the sponsor shall report
485 to the Department of Education the approval or denial of an
486 application within 10 calendar days after such approval or
487 denial. In the event of approval, the report to the Department
488 of Education shall include the final projected FTE for the
489 approved charter school.

490 ~~5. Upon approval of an application, the initial startup~~
491 ~~shall commence with the beginning of the public school calendar~~
492 ~~for the district in which the charter is granted.~~ A charter
493 school may defer the opening of the school's operations for up

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

498 (7) CHARTER.—The terms and conditions for the operation of
499 a charter school shall be set forth by the sponsor and the
500 applicant in a written contractual agreement, called a charter.
501 The sponsor and the governing board of the charter school shall
502 use the standard charter contract pursuant to subsection (21),
503 which shall incorporate the approved application and any addenda
504 approved with the application. Any term or condition of a
505 proposed charter contract that differs from the standard charter
506 contract adopted by rule of the State Board of Education shall
507 be presumed a limitation on charter school flexibility. The
508 sponsor may not impose unreasonable rules or regulations that
509 violate the intent of giving charter schools greater flexibility
510 to meet educational goals. The charter shall be signed by the
511 governing board of the charter school and the sponsor, following
512 a public hearing to ensure community input.

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

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

517 2. The focus of the curriculum, the instructional methods
518 to be used, any distinctive instructional techniques to be
519 employed, and identification and acquisition of appropriate
520 technologies needed to improve educational and administrative
521 performance which include a means for promoting safe, ethical,
522 and appropriate uses of technology which comply with legal and

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523 professional standards.

524 a. The charter shall ensure that reading is a primary focus
525 of the curriculum and that resources are provided to identify
526 and provide specialized instruction for students who are reading
527 below grade level. The curriculum and instructional strategies
528 for reading must be consistent with the Next Generation Sunshine
529 State Standards and grounded in scientifically based reading
530 research.

531 b. In order to provide students with access to diverse
532 instructional delivery models, to facilitate the integration of
533 technology within traditional classroom instruction, and to
534 provide students with the skills they need to compete in the
535 21st century economy, the Legislature encourages instructional
536 methods for blended learning courses consisting of both
537 traditional classroom and online instructional techniques.
538 Charter schools may implement blended learning courses which
539 combine traditional classroom instruction and virtual
540 instruction. Students in a blended learning course must be full-
541 time students of the charter school pursuant to s.
542 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
543 1012.55 who provide virtual instruction for blended learning
544 courses may be employees of the charter school or may be under
545 contract to provide instructional services to charter school
546 students. At a minimum, such instructional personnel must hold
547 an active state or school district adjunct certification under
548 s. 1012.57 for the subject area of the blended learning course.
549 The funding and performance accountability requirements for
550 blended learning courses are the same as those for traditional
551 courses.

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

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

558 b. How these baseline rates will be compared to rates of
559 academic progress achieved by these same students while
560 attending the charter school.

561 c. To the extent possible, how these rates of progress will
562 be evaluated and compared with rates of progress of other
563 closely comparable student populations.

564
565 A ~~The~~ district school board is required to provide academic
566 student performance data to charter schools for each of their
567 students coming from the district school system, as well as
568 rates of academic progress of comparable student populations in
569 the district school system.

570 4. The methods used to identify the educational strengths
571 and needs of students and how well educational goals and
572 performance standards are met by students attending the charter
573 school. The methods shall provide a means for the charter school
574 to ensure accountability to its constituents by analyzing
575 student performance data and by evaluating the effectiveness and
576 efficiency of its major educational programs. Students in
577 charter schools shall, at a minimum, participate in the
578 statewide assessment program created under s. 1008.22.

579 5. In secondary charter schools, a method for determining
580 that a student has satisfied the requirements for graduation in

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581 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

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

587 8. The ways by which the school will achieve a
588 racial/ethnic balance reflective of the community it serves or
589 within the racial/ethnic range of other nearby public schools ~~in~~
590 ~~the same school district.~~

591 9. The financial and administrative management of the
592 school, including a reasonable demonstration of the professional
593 experience or competence of those individuals or organizations
594 applying to operate the charter school or those hired or
595 retained to perform such professional services and the
596 description of clearly delineated responsibilities and the
597 policies and practices needed to effectively manage the charter
598 school. A description of internal audit procedures and
599 establishment of controls to ensure that financial resources are
600 properly managed must be included. Both public sector and
601 private sector professional experience shall be equally valid in
602 such a consideration.

603 10. The asset and liability projections required in the
604 application which are incorporated into the charter and shall be
605 compared with information provided in the annual report of the
606 charter school.

607 11. A description of procedures that identify various risks
608 and provide for a comprehensive approach to reduce the impact of
609 losses; plans to ensure the safety and security of students and

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610 staff; plans to identify, minimize, and protect others from
611 violent or disruptive student behavior; and the manner in which
612 the school will be insured, including whether or not the school
613 will be required to have liability insurance, and, if so, the
614 terms and conditions thereof and the amounts of coverage.

615 12. The term of the charter which shall provide for
616 cancellation of the charter if insufficient progress has been
617 made in attaining the student achievement objectives of the
618 charter and if it is not likely that such objectives can be
619 achieved before expiration of the charter. The initial term of a
620 charter shall be for 5 years, excluding 2 planning years. In
621 order to facilitate access to long-term financial resources for
622 charter school construction, charter schools that are operated
623 by a municipality or other public entity as provided by law are
624 eligible for up to a 15-year charter, subject to approval by the
625 sponsor ~~district school board~~. A charter lab school is eligible
626 for a charter for a term of up to 15 years. In addition, to
627 facilitate access to long-term financial resources for charter
628 school construction, charter schools that are operated by a
629 private, not-for-profit, s. 501(c)(3) status corporation are
630 eligible for up to a 15-year charter, subject to approval by the
631 sponsor ~~district school board~~. Such long-term charters remain
632 subject to annual review and may be terminated during the term
633 of the charter, but only according to the provisions set forth
634 in subsection (8).

635 13. The facilities to be used and their location. The
636 sponsor may not require a charter school to have a certificate
637 of occupancy or a temporary certificate of occupancy for such a
638 facility earlier than 15 calendar days before the first day of

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639 school.

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

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

646 16. A timetable for implementing the charter which
647 addresses the implementation of each element thereof and the
648 date by which the charter shall be awarded in order to meet this
649 timetable.

650 17. In the case of an existing public school that is being
651 converted to charter status, alternative arrangements for
652 current students who choose not to attend the charter school and
653 for current teachers who choose not to teach in the charter
654 school after conversion in accordance with the existing
655 collective bargaining agreement or district school board rule in
656 the absence of a collective bargaining agreement. However,
657 alternative arrangements shall not be required for current
658 teachers who choose not to teach in a charter lab school, except
659 as authorized by the employment policies of the state university
660 which grants the charter to the lab school.

661 18. Full disclosure of the identity of all relatives
662 employed by the charter school who are related to the charter
663 school owner, president, chairperson of the governing board of
664 directors, superintendent, governing board member, principal,
665 assistant principal, or any other person employed by the charter
666 school who has equivalent decisionmaking authority. For the
667 purpose of this subparagraph, the term "relative" means father,

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668 mother, son, daughter, brother, sister, uncle, aunt, first
669 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
670 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
671 stepfather, stepmother, stepson, stepdaughter, stepbrother,
672 stepsister, half brother, or half sister.

673 19. Implementation of the activities authorized under s.
674 1002.331 by the charter school when it satisfies the eligibility
675 requirements for a high-performing charter school. A high-
676 performing charter school shall notify its sponsor in writing by
677 March 1 if it intends to increase enrollment or expand grade
678 levels the following school year. The written notice shall
679 specify the amount of the enrollment increase and the grade
680 levels that will be added, as applicable.

681 (d) A charter may be modified during its initial term or
682 any renewal term upon the recommendation of the sponsor or the
683 charter school's governing board and the approval of both
684 parties to the agreement. Modification during any term may
685 include, but is not limited to, consolidation of multiple
686 charters into a single charter if the charters are operated
687 under the same governing board, regardless of the renewal cycle.
688 A charter school that is not subject to a school improvement
689 plan and that closes as part of a consolidation shall be
690 reported by the sponsor ~~school district~~ as a consolidation.

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

692 (d) When a charter is not renewed or is terminated, the
693 school shall be dissolved under the provisions of law under
694 which the school was organized, and any unencumbered public
695 funds, except for capital outlay funds and federal charter
696 school program grant funds, from the charter school shall revert

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697 to the sponsor. Capital outlay funds provided pursuant to s.
698 1013.62 and federal charter school program grant funds that are
699 unencumbered shall revert to the department to be redistributed
700 among eligible charter schools. In the event a charter school is
701 dissolved or is otherwise terminated, all sponsor ~~district~~
702 ~~school board~~ property and improvements, furnishings, and
703 equipment purchased with public funds shall automatically revert
704 to full ownership by the sponsor ~~district school board~~, subject
705 to complete satisfaction of any lawful liens or encumbrances.
706 Any unencumbered public funds from the charter school, ~~district~~
707 ~~school board~~ property and improvements, furnishings, and
708 equipment purchased with public funds, or financial or other
709 records pertaining to the charter school, in the possession of
710 any person, entity, or holding company, other than the charter
711 school, shall be held in trust upon the sponsor's ~~district~~
712 ~~school board's~~ request, until any appeal status is resolved.

713 (e) If a charter is not renewed or is terminated, the
714 charter school is responsible for all debts of the charter
715 school. The sponsor ~~district~~ may not assume the debt from any
716 contract made between the governing body of the school and a
717 third party, except for a debt that is previously detailed and
718 agreed upon in writing by both the sponsor ~~district~~ and the
719 governing body of the school and that may not reasonably be
720 assumed to have been satisfied by the sponsor ~~district~~.

721 (9) CHARTER SCHOOL REQUIREMENTS.—

722 (g)1. In order to provide financial information that is
723 comparable to that reported for other public schools, charter
724 schools are to maintain all financial records that constitute
725 their accounting system:

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726 a. In accordance with the accounts and codes prescribed in
727 the most recent issuance of the publication titled "Financial
728 and Program Cost Accounting and Reporting for Florida Schools";
729 or

730 b. At the discretion of the charter school's governing
731 board, a charter school may elect to follow generally accepted
732 accounting standards for not-for-profit organizations, but must
733 reformat this information for reporting according to this
734 paragraph.

735 2. Charter schools shall provide annual financial report
736 and program cost report information in the state-required
737 formats for inclusion in sponsor ~~district~~ reporting in
738 compliance with s. 1011.60(1). Charter schools that are operated
739 by a municipality or are a component unit of a parent nonprofit
740 organization may use the accounting system of the municipality
741 or the parent but must reformat this information for reporting
742 according to this paragraph.

743 3. A charter school shall, upon approval of the charter
744 contract, provide the sponsor with a concise, uniform, monthly
745 financial statement summary sheet that contains a balance sheet
746 and a statement of revenue, expenditures, and changes in fund
747 balance. The balance sheet and the statement of revenue,
748 expenditures, and changes in fund balance shall be in the
749 governmental funds format prescribed by the Governmental
750 Accounting Standards Board. A high-performing charter school
751 pursuant to s. 1002.331 may provide a quarterly financial
752 statement in the same format and requirements as the uniform
753 monthly financial statement summary sheet. The sponsor shall
754 review each monthly or quarterly financial statement to identify

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755 the existence of any conditions identified in s. 1002.345(1)(a).

756 4. A charter school shall maintain and provide financial
757 information as required in this paragraph. The financial
758 statement required in subparagraph 3. must be in a form
759 prescribed by the Department of Education.

760 (n)1. The director and a representative of the governing
761 board of a charter school that has earned a grade of "D" or "F"
762 pursuant to s. 1008.34 shall appear before the sponsor to
763 present information concerning each contract component having
764 noted deficiencies. The director and a representative of the
765 governing board shall submit to the sponsor for approval a
766 school improvement plan to raise student performance. Upon
767 approval by the sponsor, the charter school shall begin
768 implementation of the school improvement plan. The department
769 shall offer technical assistance and training to the charter
770 school and its governing board and establish guidelines for
771 developing, submitting, and approving such plans.

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

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

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

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

782 (IV) Voluntarily close the charter school.

783 b. The charter school must implement the corrective action

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784 in the school year following receipt of a third consecutive
785 grade below a "C."

786 c. The sponsor may annually waive a corrective action if it
787 determines that the charter school is likely to improve a letter
788 grade if additional time is provided to implement the
789 intervention and support strategies prescribed by the school
790 improvement plan. Notwithstanding this sub-subparagraph, a
791 charter school that earns a second consecutive grade of "F" is
792 subject to subparagraph 3.

793 d. A charter school is no longer required to implement a
794 corrective action if it improves to a "C" or higher. However,
795 the charter school must continue to implement strategies
796 identified in the school improvement plan. The sponsor must
797 annually review implementation of the school improvement plan to
798 monitor the school's continued improvement pursuant to
799 subparagraph 4.

800 e. A charter school implementing a corrective action that
801 does not improve to a "C" or higher after 2 full school years of
802 implementing the corrective action must select a different
803 corrective action. Implementation of the new corrective action
804 must begin in the school year following the implementation
805 period of the existing corrective action, unless the sponsor
806 determines that the charter school is likely to improve to a "C"
807 or higher if additional time is provided to implement the
808 existing corrective action. Notwithstanding this sub-
809 subparagraph, a charter school that earns a second consecutive
810 grade of "F" while implementing a corrective action is subject
811 to subparagraph 3.

812 3. A charter school's charter contract is automatically

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813 terminated if the school earns two consecutive grades of "F"
814 after all school grade appeals are final unless:

815 a. The charter school is established to turn around the
816 performance of a district public school pursuant to s.
817 1008.33(4)(b)2. Such charter schools shall be governed by s.
818 1008.33;

819 b. The charter school serves a student population the
820 majority of which resides in a school zone served by a district
821 public school subject to s. 1008.33(4) and the charter school
822 earns at least a grade of "D" in its third year of operation.
823 The exception provided under this sub-subparagraph does not
824 apply to a charter school in its fourth year of operation and
825 thereafter; or

826 c. The state board grants the charter school a waiver of
827 termination. The charter school must request the waiver within
828 15 days after the department's official release of school
829 grades. The state board may waive termination if the charter
830 school demonstrates that the Learning Gains of its students on
831 statewide assessments are comparable to or better than the
832 Learning Gains of similarly situated students enrolled in nearby
833 ~~district~~ public schools. The waiver is valid for 1 year and may
834 only be granted once. Charter schools that have been in
835 operation for more than 5 years are not eligible for a waiver
836 under this sub-subparagraph.

837
838 The sponsor shall notify the charter school's governing board,
839 the charter school principal, and the department in writing when
840 a charter contract is terminated under this subparagraph. A
841 charter terminated under this subparagraph must follow the

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842 procedures for dissolution and reversion of public funds
843 pursuant to paragraphs (8)(d)-(f) and (9)(o).

844 4. The director and a representative of the governing board
845 of a graded charter school that has implemented a school
846 improvement plan under this paragraph shall appear before the
847 sponsor at least once a year to present information regarding
848 the progress of intervention and support strategies implemented
849 by the school pursuant to the school improvement plan and
850 corrective actions, if applicable. The sponsor shall communicate
851 at the meeting, and in writing to the director, the services
852 provided to the school to help the school address its
853 deficiencies.

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

857 (10) ELIGIBLE STUDENTS.—

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

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

861 2. Students considered at risk of dropping out of school or
862 academic failure. Such students shall include exceptional
863 education students.

864 3. Students enrolling in a charter school-in-the-workplace
865 or charter school-in-a-municipality established pursuant to
866 subsection (15).

867 4. Students residing within a reasonable distance of the
868 charter school, as described in paragraph (20)(c). Such students
869 shall be subject to a random lottery and to the racial/ethnic
870 balance provisions described in subparagraph (7)(a)8. or any

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871 federal provisions that require a school to achieve a
872 racial/ethnic balance reflective of the community it serves or
873 within the racial/ethnic range of other nearby public schools ~~in~~
874 ~~the same school district.~~

875 5. Students who meet reasonable academic, artistic, or
876 other eligibility standards established by the charter school
877 and included in the charter school application and charter or,
878 in the case of existing charter schools, standards that are
879 consistent with the school's mission and purpose. Such standards
880 shall be in accordance with current state law and practice in
881 public schools and may not discriminate against otherwise
882 qualified individuals.

883 6. Students articulating from one charter school to another
884 pursuant to an articulation agreement between the charter
885 schools that has been approved by the sponsor.

886 7. Students living in a development in which a developer,
887 including any affiliated business entity or charitable
888 foundation, contributes to the formation, acquisition,
889 construction, or operation of one or more charter schools or
890 charter ~~provides the school facilities facility~~ and related
891 property in an amount equal to or having a total ~~an~~ appraised
892 value of at least \$5 million to be used as a charter schools
893 ~~school~~ to mitigate the educational impact created by the
894 development of new residential dwelling units. Students living
895 in the development are ~~shall be~~ entitled to ~~no more than~~ 50
896 percent of the student stations in the charter schools ~~school~~.
897 The students who are eligible for enrollment are subject to a
898 random lottery, the racial/ethnic balance provisions, or any
899 federal provisions, as described in subparagraph 4. The

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900 remainder of the student stations must ~~shall~~ be filled in
901 accordance with subparagraph 4.

902 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION
903 OF THE STATE AND SPONSOR SCHOOL ~~DISTRICT~~; CREDIT OR TAXING POWER
904 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or
905 otherwise secure funds for a charter school authorized in this
906 section from a source other than the state or a sponsor school
907 ~~district~~ shall indemnify the state and the sponsor school
908 ~~district~~ from any and all liability, including, but not limited
909 to, financial responsibility for the payment of the principal or
910 interest. Any loans, bonds, or other financial agreements are
911 not obligations of the state or the sponsor school ~~district~~ but
912 are obligations of the charter school authority and are payable
913 solely from the sources of funds pledged by such agreement. The
914 credit or taxing power of the state or the sponsor school
915 ~~district~~ shall not be pledged and no debts shall be payable out
916 of any moneys except those of the legal entity in possession of
917 a valid charter approved by a sponsor ~~district school board~~
918 pursuant to this section.

919 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
920 A-MUNICIPALITY.—

921 (c) A charter school-in-a-municipality designation may be
922 granted to a municipality that possesses a charter; enrolls
923 students based upon a random lottery that involves all of the
924 children of the residents of that municipality who are seeking
925 enrollment, as provided for in subsection (10); and enrolls
926 students according to the racial/ethnic balance provisions
927 described in subparagraph (7) (a)8. When a municipality has
928 submitted charter applications for the establishment of a

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929 charter school feeder pattern, consisting of elementary, middle,
930 and senior high schools, and each individual charter application
931 is approved by the sponsor ~~district school board~~, such schools
932 shall then be designated as one charter school for all purposes
933 listed pursuant to this section. Any portion of the land and
934 facility used for a public charter school shall be exempt from
935 ad valorem taxes, as provided for in s. 1013.54, for the
936 duration of its use as a public school.

937 (17) FUNDING.—Students enrolled in a charter school,
938 regardless of the sponsorship, shall be funded as if they are in
939 a basic program or a special program, the same as students
940 enrolled in other public schools in a ~~the~~ school district.
941 Funding for a charter lab school shall be as provided in s.
942 1002.32.

943 (a) Each charter school shall report its student enrollment
944 to the sponsor as required in s. 1011.62, and in accordance with
945 the definitions in s. 1011.61. The sponsor shall include each
946 charter school's enrollment in the sponsor's ~~district's~~ report
947 of student enrollment. All charter schools submitting student
948 record information required by the Department of Education shall
949 comply with the Department of Education's guidelines for
950 electronic data formats for such data, and all sponsors
951 ~~districts~~ shall accept electronic data that complies with the
952 Department of Education's electronic format.

953 (b)1. The basis for the agreement for funding students
954 enrolled in a charter school shall be the sum of the school
955 district's operating funds from the Florida Education Finance
956 Program as provided in s. 1011.62 and the General Appropriations
957 Act, including gross state and local funds, discretionary

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958 lottery funds, and funds from the school district's current
959 operating discretionary millage levy; divided by total funded
960 weighted full-time equivalent students in the school district;
961 and multiplied by the weighted full-time equivalent students for
962 the charter school. Charter schools whose students or programs
963 meet the eligibility criteria in law are entitled to their
964 proportionate share of categorical program funds included in the
965 total funds available in the Florida Education Finance Program
966 by the Legislature, including transportation, the research-based
967 reading allocation, and the Florida digital classrooms
968 allocation. Total funding for each charter school shall be
969 recalculated during the year to reflect the revised calculations
970 under the Florida Education Finance Program by the state and the
971 actual weighted full-time equivalent students reported by the
972 charter school during the full-time equivalent student survey
973 periods designated by the Commissioner of Education. For charter
974 schools operated by a not-for-profit or municipal entity, any
975 unrestricted current and capital assets identified in the
976 charter school's annual financial audit may be used for other
977 charter schools operated by the not-for-profit or municipal
978 entity within the school district. Unrestricted current assets
979 shall be used in accordance with s. 1011.62, and any
980 unrestricted capital assets shall be used in accordance with s.
981 1013.62(2).

982 2.a. Students enrolled in a charter school sponsored by a
983 state university or Florida College System institution pursuant
984 to paragraph (5) (a) shall be funded as if they are in a basic
985 program or a special program in the school district. The basis
986 for funding these students is the sum of the total operating

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987 funds from the Florida Education Finance Program for the school
988 district in which the school is located as provided in s.
989 1011.62 and the General Appropriations Act, including gross
990 state and local funds, discretionary lottery funds, and funds
991 from each school district's current operating discretionary
992 millage levy, divided by total funded weighted full-time
993 equivalent students in the district, and multiplied by the full-
994 time equivalent membership of the charter school. The Department
995 of Education shall develop a tool that each state university or
996 Florida College System institution sponsoring a charter school
997 shall use for purposes of calculating the funding amount for
998 each eligible charter school student. The total amount obtained
999 from the calculation must be appropriated from state funds in
1000 the General Appropriations Act to the charter school.

1001 b. Capital outlay funding for a charter school sponsored by
1002 a state university or Florida College System institution
1003 pursuant to paragraph (5) (a) is determined pursuant to s.
1004 1013.62 and the General Appropriations Act.

1005 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter
1006 schools shall receive all federal funding for which the school
1007 is otherwise eligible, including Title I funding, not later than
1008 5 months after the charter school first opens and within 5
1009 months after any subsequent expansion of enrollment. Unless
1010 otherwise mutually agreed to by the charter school and its
1011 sponsor, and consistent with state and federal rules and
1012 regulations governing the use and disbursement of federal funds,
1013 the sponsor shall reimburse the charter school on a monthly
1014 basis for all invoices submitted by the charter school for
1015 federal funds available to the sponsor for the benefit of the

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1016 charter school, the charter school's students, and the charter
1017 school's students as public school students in the school
1018 district. Such federal funds include, but are not limited to,
1019 Title I, Title II, and Individuals with Disabilities Education
1020 Act (IDEA) funds. To receive timely reimbursement for an
1021 invoice, the charter school must submit the invoice to the
1022 sponsor at least 30 days before the monthly date of
1023 reimbursement set by the sponsor. In order to be reimbursed, any
1024 expenditures made by the charter school must comply with all
1025 applicable state rules and federal regulations, including, but
1026 not limited to, the applicable federal Office of Management and
1027 Budget Circulars; the federal Education Department General
1028 Administrative Regulations; and program-specific statutes,
1029 rules, and regulations. Such funds may not be made available to
1030 the charter school until a plan is submitted to the sponsor for
1031 approval of the use of the funds in accordance with applicable
1032 federal requirements. The sponsor has 30 days to review and
1033 approve any plan submitted pursuant to this paragraph.

1034 (d) Charter schools shall be included by the Department of
1035 Education and the district school board in requests for federal
1036 stimulus funds in the same manner as district school board-
1037 operated public schools, including Title I and IDEA funds and
1038 shall be entitled to receive such funds. Charter schools are
1039 eligible to participate in federal competitive grants that are
1040 available as part of the federal stimulus funds.

1041 (e) Sponsors ~~District school boards~~ shall make timely and
1042 efficient payment and reimbursement to charter schools,
1043 including processing paperwork required to access special state
1044 and federal funding for which they may be eligible. Payments of

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1045 funds under paragraph (b) shall be made monthly or twice a
1046 month, beginning with the start of the sponsor's ~~district school~~
1047 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one
1048 twenty-fourth, as applicable, of the total state and local funds
1049 described in paragraph (b) and adjusted as set forth therein.
1050 For the first 2 years of a charter school's operation, if a
1051 minimum of 75 percent of the projected enrollment is entered
1052 into the sponsor's student information system by the first day
1053 of the current month, the sponsor ~~district school board~~ shall
1054 distribute funds to the school for the months of July through
1055 October based on the projected full-time equivalent student
1056 membership of the charter school as submitted in the approved
1057 application. If less than 75 percent of the projected enrollment
1058 is entered into the sponsor's student information system by the
1059 first day of the current month, the sponsor shall base payments
1060 on the actual number of student enrollment entered into the
1061 sponsor's student information system. Thereafter, the results of
1062 full-time equivalent student membership surveys shall be used in
1063 adjusting the amount of funds distributed monthly to the charter
1064 school for the remainder of the fiscal year. The payments shall
1065 be issued no later than 10 working days after the sponsor
1066 ~~district school board~~ receives a distribution of state or
1067 federal funds or the date the payment is due pursuant to this
1068 subsection. If a warrant for payment is not issued within 10
1069 working days after receipt of funding by the sponsor ~~district~~
1070 ~~school board~~, the sponsor ~~school district~~ shall pay to the
1071 charter school, in addition to the amount of the scheduled
1072 disbursement, interest at a rate of 1 percent per month
1073 calculated on a daily basis on the unpaid balance from the

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1074 expiration of the 10 working days until such time as the warrant
1075 is issued. The district school board may not delay payment to a
1076 charter school of any portion of the funds provided in paragraph
1077 (b) based on the timing of receipt of local funds by the
1078 district school board.

1079 (f) Funding for a virtual charter school shall be as
1080 provided in s. 1002.45(7).

1081 (g) To be eligible for public education capital outlay
1082 (PECO) funds, a charter school must be located in the State of
1083 Florida.

1084 (h) A charter school that implements a schoolwide standard
1085 student attire policy pursuant to s. 1011.78 is eligible to
1086 receive incentive payments.

1087 (18) FACILITIES.—

1088 (e) If a district school board facility or property is
1089 available because it is surplus, marked for disposal, or
1090 otherwise unused, it shall be provided for a charter school's
1091 use on the same basis as it is made available to other public
1092 schools in the district. A charter school receiving property
1093 from the sponsor ~~school district~~ may not sell or dispose of such
1094 property without written permission of the sponsor ~~school~~
1095 ~~district~~. Similarly, for an existing public school converting to
1096 charter status, no rental or leasing fee for the existing
1097 facility or for the property normally inventoried to the
1098 conversion school may be charged by the district school board to
1099 the parents and teachers organizing the charter school. The
1100 charter school shall agree to reasonable maintenance provisions
1101 in order to maintain the facility in a manner similar to
1102 district school board standards. The Public Education Capital

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1103 Outlay maintenance funds or any other maintenance funds
1104 generated by the facility operated as a conversion school shall
1105 remain with the conversion school.

1106 (20) SERVICES.—

1107 (a)1. A sponsor shall provide certain administrative and
1108 educational services to charter schools. These services shall
1109 include contract management services; full-time equivalent and
1110 data reporting services; exceptional student education
1111 administration services; services related to eligibility and
1112 reporting duties required to ensure that school lunch services
1113 under the National School Lunch Program, consistent with the
1114 needs of the charter school, are provided by the sponsor ~~school~~
1115 ~~district~~ at the request of the charter school, that any funds
1116 due to the charter school under the National School Lunch
1117 Program be paid to the charter school as soon as the charter
1118 school begins serving food under the National School Lunch
1119 Program, and that the charter school is paid at the same time
1120 and in the same manner under the National School Lunch Program
1121 as other public schools serviced by the sponsor or the school
1122 district; test administration services, including payment of the
1123 costs of state-required or district-required student
1124 assessments; processing of teacher certificate data services;
1125 and information services, including equal access to the
1126 sponsor's student information systems that are used by public
1127 schools in the district in which the charter school is located
1128 or by schools in the sponsor's portfolio of charter schools if
1129 the sponsor is not a school district. Student performance data
1130 for each student in a charter school, including, but not limited
1131 to, FCAT scores, standardized test scores, previous public

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1132 school student report cards, and student performance measures,
1133 shall be provided by the sponsor to a charter school in the same
1134 manner provided to other public schools in the district or by
1135 schools in the sponsor's portfolio of charter schools if the
1136 sponsor is not a school district.

1137 2. A sponsor may withhold an administrative fee for the
1138 provision of such services which shall be a percentage of the
1139 available funds defined in paragraph (17)(b) calculated based on
1140 weighted full-time equivalent students. If the charter school
1141 serves 75 percent or more exceptional education students as
1142 defined in s. 1003.01(3), the percentage shall be calculated
1143 based on unweighted full-time equivalent students. The
1144 administrative fee shall be calculated as follows:

1145 a. Up to 5 percent for:

1146 (I) Enrollment of up to and including 250 students in a
1147 charter school as defined in this section.

1148 (II) Enrollment of up to and including 500 students within
1149 a charter school system which meets all of the following:

1150 (A) Includes conversion charter schools and nonconversion
1151 charter schools.

1152 (B) Has all of its schools located in the same county.

1153 (C) Has a total enrollment exceeding the total enrollment
1154 of at least one school district in the state.

1155 (D) Has the same governing board for all of its schools.

1156 (E) Does not contract with a for-profit service provider
1157 for management of school operations.

1158 (III) Enrollment of up to and including 250 students in a
1159 virtual charter school.

1160 b. Up to 2 percent for enrollment of up to and including

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1161 250 students in a high-performing charter school as defined in
1162 s. 1002.331.

1163 c. Up to 2 percent for enrollment of up to and including
1164 250 students in an exceptional student education center that
1165 meets the requirements of the rules adopted by the State Board
1166 of Education pursuant to s. 1008.3415(3).

1167 3. A sponsor may not charge charter schools any additional
1168 fees or surcharges for administrative and educational services
1169 in addition to the maximum percentage of administrative fees
1170 withheld pursuant to this paragraph.

1171 4. A sponsor shall provide to the department by September
1172 15 of each year the total amount of funding withheld from
1173 charter schools pursuant to this subsection for the prior fiscal
1174 year. The department must include the information in the report
1175 required under sub-sub-subparagraph (5)(b)1.k.(III).

1176 (b) If goods and services are made available to the charter
1177 school through the contract with the sponsor ~~school district~~,
1178 they shall be provided to the charter school at a rate no
1179 greater than the sponsor's ~~district's~~ actual cost unless
1180 mutually agreed upon by the charter school and the sponsor in a
1181 contract negotiated separately from the charter. When mediation
1182 has failed to resolve disputes over contracted services or
1183 contractual matters not included in the charter, an appeal may
1184 be made to an administrative law judge appointed by the Division
1185 of Administrative Hearings. The administrative law judge has
1186 final order authority to rule on the dispute. The administrative
1187 law judge shall award the prevailing party reasonable attorney
1188 fees and costs incurred during the mediation process,
1189 administrative proceeding, and any appeals, to be paid by the

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1190 party whom the administrative law judge rules against. To
1191 maximize the use of state funds, sponsors ~~school districts~~ shall
1192 allow charter schools to participate in the sponsor's bulk
1193 purchasing program if applicable.

1194 (c) Transportation of charter school students shall be
1195 provided by the charter school consistent with the requirements
1196 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1197 body of the charter school may provide transportation through an
1198 agreement or contract with the sponsor ~~district school board~~, a
1199 private provider, or parents. The charter school and the sponsor
1200 shall cooperate in making arrangements that ensure that
1201 transportation is not a barrier to equal access for all students
1202 residing within a reasonable distance of the charter school as
1203 determined in its charter.

1204 (d) Each charter school shall annually complete and submit
1205 a survey, provided in a format specified by the Department of
1206 Education, to rate the timeliness and quality of services
1207 provided by the sponsor ~~district~~ in accordance with this
1208 section. The department shall compile the results, by sponsor
1209 ~~district~~, and include the results in the report required under
1210 sub-sub-subparagraph (5) (b) 1.k. (III).

1211 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1212 (a) The Department of Education shall provide information
1213 to the public, directly and through sponsors, on how to form and
1214 operate a charter school and how to enroll in a charter school
1215 once it is created. This information shall include the standard
1216 application form, standard charter contract, standard evaluation
1217 instrument, and standard charter renewal contract, which shall
1218 include the information specified in subsection (7) and shall be

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1219 developed by consulting and negotiating with both sponsors
1220 ~~school districts~~ and charter schools before implementation. The
1221 charter and charter renewal contracts shall be used by charter
1222 school sponsors.

1223 (b)1. The Department of Education shall report to each
1224 charter school receiving a school grade pursuant to s. 1008.34
1225 or a school improvement rating pursuant to s. 1008.341 the
1226 school's student assessment data.

1227 2. The charter school shall report the information in
1228 subparagraph 1. to each parent of a student at the charter
1229 school, the parent of a child on a waiting list for the charter
1230 school, the sponsor ~~district in which the charter school is~~
1231 ~~located~~, and the governing board of the charter school. This
1232 paragraph does not abrogate the provisions of s. 1002.22,
1233 relating to student records, or the requirements of 20 U.S.C. s.
1234 1232g, the Family Educational Rights and Privacy Act.

1235 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
1236 SCHOOL SYSTEMS.—

1237 (a) A charter school system's governing board shall be
1238 designated a local educational agency for the purpose of
1239 receiving federal funds, the same as though the charter school
1240 system were a school district, if the governing board of the
1241 charter school system has adopted and filed a resolution with
1242 its sponsor ~~sponsoring district school board~~ and the Department
1243 of Education in which the governing board of the charter school
1244 system accepts the full responsibility for all local education
1245 agency requirements and the charter school system meets all of
1246 the following:

1247 1. Has all schools located in the same county;

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1248 2. Has a total enrollment exceeding the total enrollment of
1249 at least one school district in the state; and

1250 3. Has the same governing board.

1251
1252 Such designation does not apply to other provisions unless
1253 specifically provided in law.

1254 (28) RULEMAKING.—The Department of Education, after
1255 consultation with sponsors ~~school districts~~ and charter school
1256 directors, shall recommend that the State Board of Education
1257 adopt rules to implement specific subsections of this section.
1258 Such rules shall require minimum paperwork and shall not limit
1259 charter school flexibility authorized by statute. The State
1260 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
1261 and 120.54, to implement a standard charter application form,
1262 standard application form for the replication of charter schools
1263 in a high-performing charter school system, standard evaluation
1264 instrument, and standard charter and charter renewal contracts
1265 in accordance with this section.

1266 Section 3. Paragraph (b) of subsection (3) of section
1267 1002.331, Florida Statutes, is amended to read:

1268 1002.331 High-performing charter schools.—

1269 (3)

1270 (b) A high-performing charter school may submit ~~not~~
1271 ~~establish more than~~ two applications for a charter school
1272 ~~schools~~ within the state under paragraph (a) to be opened at a
1273 time determined by the high-performing charter school ~~in any~~
1274 ~~year~~. A subsequent application to establish a charter school
1275 under paragraph (a) may not be submitted unless each charter
1276 school applicant commences operations or an application is

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1277 ~~otherwise withdrawn established in this manner achieves high-~~
1278 ~~performing charter school status.~~ However, a high-performing
1279 charter school may establish more than one charter school within
1280 the state under paragraph (a) in any year if it operates in the
1281 area of a persistently low-performing school and serves students
1282 from that school. This paragraph applies to any high-performing
1283 charter school with an existing approved application.

1284 Section 4. Paragraph (c) of subsection (1), paragraphs (g)
1285 and (h) of subsection (6), paragraph (d) of subsection (7), and
1286 paragraph (b) of subsection (10) of section 1002.333, Florida
1287 Statutes, are amended to read:

1288 1002.333 Persistently low-performing schools.—

1289 (1) DEFINITIONS.—As used in this section, the term:

1290 (c) "Persistently low-performing school" means a school
1291 that has earned three grades lower than a "C," pursuant to s.
1292 1008.34, in at least 3 of the previous 5 years that the school
1293 received a grade and has not earned a grade of "B" or higher in
1294 the most recent 2 school years, and a school that was closed
1295 pursuant to s. 1008.33(4) within 2 years after the submission of
1296 a notice of intent.

1297 (6) STATUTORY AUTHORITY.—

1298 (g) Each school of hope that has not been designated as a
1299 local education agency shall report its students to the school
1300 district as required in s. 1011.62, and in accordance with the
1301 definitions in s. 1011.61. The school district shall include
1302 each charter school's enrollment in the district's report of
1303 student enrollment. A school of hope designated as a local
1304 education agency may report its students to the department in
1305 accordance with the definitions in s. 1011.61 pursuant to

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1306 procedures and timelines adopted by the department. All charter
1307 schools submitting student record information required by the
1308 department shall comply with the department's guidelines for
1309 electronic data formats for such data, and all districts shall
1310 accept electronic data that complies with the department's
1311 electronic format.

1312 (h) A ~~school of hope~~ operator shall provide the school
1313 district with a concise, uniform, quarterly financial statement
1314 summary sheet that contains a balance sheet and a statement of
1315 revenue, expenditures, and changes in fund balance. The balance
1316 sheet and the statement of revenue, expenditures, and changes in
1317 fund balance shall be in the governmental fund format prescribed
1318 by the Governmental Accounting Standards Board. Additionally, a
1319 ~~school of hope~~ operator shall comply with the annual audit
1320 requirement ~~for charter schools~~ in s. 218.39.

1321 (7) FACILITIES.—

1322 (d) No later than January ~~October~~ 1, the department ~~each~~
1323 ~~school district~~ shall annually provide to school districts ~~the~~
1324 ~~Department of Education~~ a list of all underused, vacant, or
1325 surplus facilities owned or operated by the school district as
1326 reported in the Florida Inventory of School Houses. A school
1327 district may provide evidence to the department that the list
1328 contains errors or omissions within 30 days after receipt of the
1329 list. By each April 1, the department shall update and publish a
1330 final list of all underused, vacant, or surplus facilities owned
1331 or operated by each school district, based upon updated
1332 information provided by each school district. A hope operator
1333 establishing a school of hope may use an educational facility
1334 identified in this paragraph at no cost or at a mutually

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1335 agreeable cost not to exceed \$600 per student. A hope operator
1336 using a facility pursuant to this paragraph may not sell or
1337 dispose of such facility without the written permission of the
1338 school district. For purposes of this paragraph, the term
1339 "underused, vacant, or surplus facility" means an entire
1340 facility or portion thereof which is not fully used or is used
1341 irregularly or intermittently by the school district for
1342 instructional or program use.

1343 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
1344 is created within the Department of Education.

1345 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
1346 funds allocated for the purpose of this subsection which are not
1347 disbursed by June 30 of the fiscal year in which the funds are
1348 allocated may be carried forward for up to 7 ~~5~~ years after the
1349 effective date of the original appropriation.

1350 Section 5. Paragraph (a) of subsection (1) of section
1351 1003.493, Florida Statutes, is amended to read:

1352 1003.493 Career and professional academies and career-
1353 themed courses.—

1354 (1) (a) A "career and professional academy" is a research-
1355 based program that integrates a rigorous academic curriculum
1356 with an industry-specific curriculum aligned directly to
1357 priority workforce needs established by the local workforce
1358 development board or the Department of Economic Opportunity.
1359 Career and professional academies shall be offered by public
1360 schools and school districts. Career and professional academies
1361 may be offered by charter schools. The Florida Virtual School is
1362 encouraged to develop and offer rigorous career and professional
1363 courses as appropriate. Students completing career and

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1364 professional academy programs must receive a standard high
1365 school diploma, the highest available industry certification,
1366 and opportunities to earn postsecondary credit if the academy
1367 partners with a postsecondary institution approved to operate in
1368 the state.

1369 Section 6. Present subsection (3) of section 1008.3415,
1370 Florida Statutes, is redesignated as subsection (4), and a new
1371 subsection (3) is added to that section, to read:

1372 1008.3415 School grade or school improvement rating for
1373 exceptional student education centers.—

1374 (3) The Commissioner of Education, upon request by a
1375 charter school that is an exceptional student education center
1376 and that has received two consecutive ratings of "maintaining"
1377 or higher pursuant to s. 1008.341(2), shall provide a letter to
1378 the charter school and to the charter school's sponsor stating
1379 that the charter school may replicate its educational program in
1380 the same manner as a high-performing charter school under s.
1381 1002.331(3).

1382 Section 7. Subsection (2) of section 1012.32, Florida
1383 Statutes, is amended to read:

1384 1012.32 Qualifications of personnel.—

1385 (2) (a) Instructional and noninstructional personnel who are
1386 hired or contracted to fill positions that require direct
1387 contact with students in any district school system or
1388 university lab school must, upon employment or engagement to
1389 provide services, undergo background screening as required under
1390 s. 1012.465 or s. 1012.56, whichever is applicable.

1391 (b) 1. Instructional and noninstructional personnel who are
1392 hired or contracted to fill positions in a ~~any~~ charter school

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1393 other than a school of hope as defined in s. 1002.333(1)(d)1.,
1394 and members of the governing board of such ~~any~~ charter school,
1395 in compliance with s. 1002.33(12)(g), ~~must,~~ upon employment,
1396 engagement of services, or appointment, shall undergo background
1397 screening as required under s. 1012.465 or s. 1012.56, whichever
1398 is applicable, by filing with the district school board for the
1399 school district in which the charter school is located a
1400 complete set of fingerprints taken by an authorized law
1401 enforcement agency or an employee of the school or school
1402 district who is trained to take fingerprints.

1403 2. Instructional and noninstructional personnel who are
1404 hired or contracted to fill positions in a school of hope as
1405 defined in s. 1002.333(1)(d)1., and members of the governing
1406 board of such school of hope, shall file with the school of hope
1407 a complete set of fingerprints taken by an authorized law
1408 enforcement agency, by an employee of the school of hope or
1409 school district who is trained to take fingerprints, or by any
1410 other entity recognized by the Department of Law Enforcement to
1411 take fingerprints.

1412 (c) Instructional and noninstructional personnel who are
1413 hired or contracted to fill positions that require direct
1414 contact with students in an alternative school that operates
1415 under contract with a district school system must, upon
1416 employment or engagement to provide services, undergo background
1417 screening as required under s. 1012.465 or s. 1012.56, whichever
1418 is applicable, by filing with the district school board for the
1419 school district to which the alternative school is under
1420 contract a complete set of fingerprints taken by an authorized
1421 law enforcement agency or an employee of the school or school

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1422 district who is trained to take fingerprints.

1423 (d) Student teachers and persons participating in a field
1424 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
1425 district school system, lab school, or charter school must, upon
1426 engagement to provide services, undergo background screening as
1427 required under s. 1012.56.

1428
1429 Required fingerprints must ~~shall~~ be submitted to the Department
1430 of Law Enforcement for statewide criminal and juvenile records
1431 checks and to the Federal Bureau of Investigation for federal
1432 criminal records checks. A person subject to this subsection who
1433 is found ineligible for employment under s. 1012.315, or
1434 otherwise found through background screening to have been
1435 convicted of any crime involving moral turpitude as defined by
1436 rule of the State Board of Education, shall not be employed,
1437 engaged to provide services, or serve in any position that
1438 requires direct contact with students. Probationary persons
1439 subject to this subsection terminated because of their criminal
1440 record have the right to appeal such decisions. The cost of the
1441 background screening may be borne by the district school board,
1442 the charter school, the employee, the contractor, or a person
1443 subject to this subsection. A district school board shall
1444 reimburse a charter school the cost of background screening if
1445 it does not notify the charter school of the eligibility of a
1446 governing board member or instructional or noninstructional
1447 personnel within the earlier of 14 days after receipt of the
1448 background screening results from the Florida Department of Law
1449 Enforcement or 30 days of submission of fingerprints by the
1450 governing board member or instructional or noninstructional

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1451 personnel.

1452 Section 8. Paragraph (a) of subsection (1) of section
1453 1013.62, Florida Statutes, is amended to read:

1454 1013.62 Charter schools capital outlay funding.—

1455 (1) For the 2020-2021 fiscal year, charter school capital
1456 outlay funding shall consist of state funds appropriated in the
1457 2020-2021 General Appropriations Act. Beginning in fiscal year
1458 2021-2022, charter school capital outlay funding shall consist
1459 of state funds when such funds are appropriated in the General
1460 Appropriations Act and revenue resulting from the discretionary
1461 millage authorized in s. 1011.71(2) if the amount of state funds
1462 appropriated for charter school capital outlay in any fiscal
1463 year is less than the average charter school capital outlay
1464 funds per unweighted full-time equivalent student for the 2018-
1465 2019 fiscal year, multiplied by the estimated number of charter
1466 school students for the applicable fiscal year, and adjusted by
1467 changes in the Consumer Price Index issued by the United States
1468 Department of Labor from the previous fiscal year. Nothing in
1469 this subsection prohibits a school district from distributing to
1470 charter schools funds resulting from the discretionary millage
1471 authorized in s. 1011.71(2).

1472 (a) To be eligible to receive capital outlay funds, a
1473 charter school must:

1474 1.a. Have been in operation for 2 or more years;

1475 b. Be governed by a governing board established in the
1476 state for 2 or more years which operates both charter schools
1477 and conversion charter schools within the state;

1478 c. Be an expanded feeder chain of a charter school within
1479 the same school district that is currently receiving charter

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1480 school capital outlay funds;

1481 d. Have been accredited by a regional accrediting
1482 association as defined by State Board of Education rule; ~~or~~

1483 e. Serve students in facilities that are provided by a
1484 business partner for a charter school-in-the-workplace pursuant
1485 to s. 1002.33(15) (b); or

1486 f. Be operated by a hope operator pursuant to s. 1002.333.

1487 2. Have an annual audit that does not reveal any of the
1488 financial emergency conditions provided in s. 218.503(1) for the
1489 most recent fiscal year for which such audit results are
1490 available.

1491 3. Have satisfactory student achievement based on state
1492 accountability standards applicable to the charter school.

1493 4. Have received final approval from its sponsor pursuant
1494 to s. 1002.33 for operation during that fiscal year.

1495 5. Serve students in facilities that are not provided by
1496 the charter school's sponsor.

1497 Section 9. This act shall take effect July 1, 2021.