

1 A bill to be entitled

2 An act relating to charter schools; amending s.
3 1002.33, F.S.; revising requirements for the charter
4 school application process; authorizing certain assets
5 of specified charter schools to be used for certain
6 other charter schools across the state; establishing
7 the Charter School Review Commission; providing for
8 membership of the commission; providing duties of the
9 commission; providing for an appeal of certain
10 decisions; requiring school districts to act upon
11 certain State Board of Education decisions within a
12 specified time; requiring the school district to serve
13 as the sponsor of certain charter schools; amending s.
14 1002.331, F.S.; revising provisions relating to the
15 opening of additional high-performing charter schools;
16 providing applicability; amending s. 1002.45, F.S.;
17 authorizing a virtual charter school to provide part-
18 time virtual instruction and be an approved provider;
19 authorizing a virtual charter school to contract,
20 rather than enter into an agreement, with a public or
21 charter school for specified purposes; revising
22 teacher-parent and teacher-student contact information
23 requirements; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (28) of section 1002.33, Florida
28 Statutes, is renumbered as subsection (29), paragraph (b) of
29 subsection (5), paragraph (b) of subsection (6), and paragraph
30 (b) of subsection (17) are amended, and a new subsection (28) is
31 added to that section, to read:

32 1002.33 Charter schools.—

33 (5) SPONSOR; DUTIES.—

34 (b) Sponsor duties.—

35 1.a. The sponsor shall monitor and review the charter
36 school in its progress toward the goals established in the
37 charter.

38 b. The sponsor shall monitor the revenues and expenditures
39 of the charter school and perform the duties provided in s.
40 1002.345.

41 c. The sponsor may approve a charter for a charter school
42 before the applicant has identified space, equipment, or
43 personnel, if the applicant indicates approval is necessary for
44 it to raise working funds.

45 d. The sponsor shall not apply its policies to a charter
46 school unless mutually agreed to by both the sponsor and the
47 charter school. If the sponsor subsequently amends any agreed-
48 upon sponsor policy, the version of the policy in effect at the
49 time of the execution of the charter, or any subsequent
50 modification thereof, shall remain in effect and the sponsor may

51 not hold the charter school responsible for any provision of a
52 newly revised policy until the revised policy is mutually agreed
53 upon.

54 e. The sponsor shall ensure that the charter is innovative
55 and consistent with the state education goals established by s.
56 1000.03(5).

57 f. The sponsor shall ensure that the charter school
58 participates in the state's education accountability system. If
59 a charter school falls short of performance measures included in
60 the approved charter, the sponsor shall report such shortcomings
61 to the Department of Education.

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

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

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

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

74 k. The sponsor shall submit an annual report to the
75 Department of Education in a web-based format to be determined

76 | by the department.

77 | (I) The report shall include the following information:

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

80 | (B) The number of final applications received ~~on or before~~
 81 | ~~August 1~~ and each applicant's contact information.

82 | (C) The date each application was approved, denied, or
 83 | withdrawn.

84 | (D) The date each final contract was executed.

85 | (II) Beginning August 31, 2013, and each year thereafter,
 86 | the sponsor shall submit to the department the information for
 87 | the applications submitted the previous year.

88 | (III) The department shall compile an annual report, by
 89 | district, and post the report on its website by November 1 of
 90 | each year.

91 | 2. Immunity for the sponsor of a charter school under
 92 | subparagraph 1. applies only with respect to acts or omissions
 93 | not under the sponsor's direct authority as described in this
 94 | section.

95 | 3. This paragraph does not waive a district school board's
 96 | sovereign immunity.

97 | 4. A Florida College System institution may work with the
 98 | school district or school districts in its designated service
 99 | area to develop charter schools that offer secondary education.
 100 | These charter schools must include an option for students to

101 receive an associate degree upon high school graduation. If a
102 Florida College System institution operates an approved teacher
103 preparation program under s. 1004.04 or s. 1004.85, the
104 institution may operate no more than one charter school that
105 serves students in kindergarten through grade 12. In
106 kindergarten through grade 8, the charter school shall implement
107 innovative blended learning instructional models in which, for a
108 given course, a student learns in part through online delivery
109 of content and instruction with some element of student control
110 over time, place, path, or pace and in part at a supervised
111 brick-and-mortar location away from home. A student in a blended
112 learning course must be a full-time student of the charter
113 school and receive the online instruction in a classroom setting
114 at the charter school. District school boards shall cooperate
115 with and assist the Florida College System institution on the
116 charter application. Florida College System institution
117 applications for charter schools are not subject to the time
118 deadlines outlined in subsection (6) and may be approved by the
119 district school board at any time during the year. Florida
120 College System institutions may not report FTE for any students
121 who receive FTE funding through the Florida Education Finance
122 Program.

123 5. A school district may enter into nonexclusive
124 interlocal agreements with federal and state agencies, counties,
125 municipalities, and other governmental entities that operate

126 within the geographical borders of the school district to act on
127 behalf of such governmental entities in the inspection,
128 issuance, and other necessary activities for all necessary
129 permits, licenses, and other permissions that a charter school
130 needs in order for development, construction, or operation. A
131 charter school may use, but may not be required to use, a school
132 district for these services. The interlocal agreement must
133 include, but need not be limited to, the identification of fees
134 that charter schools will be charged for such services. The fees
135 must consist of the governmental entity's fees plus a fee for
136 the school district to recover no more than actual costs for
137 providing such services. These services and fees are not
138 included within the services to be provided pursuant to
139 subsection (20).

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

142 (b) A sponsor shall receive and review all applications
143 for a charter school using the evaluation instrument developed
144 by the Department of Education. A sponsor shall receive and
145 consider charter school applications received during ~~on or~~
146 ~~before August 1~~ of each calendar year for charter schools to be
147 opened at the beginning of the school district's next school
148 year, or to be opened at a time determined ~~agreed to~~ by the
149 applicant ~~and the sponsor~~. A sponsor may not refuse to receive a
150 charter school application submitted by an applicant during the

151 calendar year ~~before August 1 and may receive an application~~
152 ~~submitted later than August 1 if it chooses. Beginning in 2018~~
153 ~~and thereafter, a sponsor shall receive and consider charter~~
154 ~~school applications received on or before February 1 of each~~
155 ~~calendar year for charter schools to be opened 18 months later~~
156 ~~at the beginning of the school district's school year, or to be~~
157 ~~opened at a time determined by the applicant. A sponsor may not~~
158 ~~refuse to receive a charter school application submitted before~~
159 ~~February 1 and may receive an application submitted later than~~
160 ~~February 1 if it chooses. A sponsor may not charge an applicant~~
161 ~~for a charter any fee for the processing or consideration of an~~
162 ~~application, and a sponsor may not base its consideration or~~
163 ~~approval of a final application upon the promise of future~~
164 ~~payment of any kind. Before approving or denying any~~
165 ~~application, the sponsor shall allow the applicant, upon receipt~~
166 ~~of written notification, at least 7 calendar days to make~~
167 ~~technical or nonsubstantive corrections and clarifications,~~
168 ~~including, but not limited to, corrections of grammatical,~~
169 ~~typographical, and like errors or missing signatures, if such~~
170 ~~errors are identified by the sponsor as cause to deny the final~~
171 ~~application.~~

172 1. In order to facilitate an accurate budget projection
173 process, a sponsor shall be held harmless for FTE students who
174 are not included in the FTE projection due to approval of
175 charter school applications after the FTE projection deadline.

176 In a further effort to facilitate an accurate budget projection,
177 within 15 calendar days after receipt of a charter school
178 application, a sponsor shall report to the Department of
179 Education the name of the applicant entity, the proposed charter
180 school location, and its projected FTE.

181 2. In order to ensure fiscal responsibility, an
182 application for a charter school shall include a full accounting
183 of expected assets, a projection of expected sources and amounts
184 of income, including income derived from projected student
185 enrollments and from community support, and an expense
186 projection that includes full accounting of the costs of
187 operation, including start-up costs.

188 3.a. A sponsor shall by a majority vote approve or deny an
189 application no later than 90 calendar days after the application
190 is received, unless the sponsor and the applicant mutually agree
191 in writing to temporarily postpone the vote to a specific date,
192 at which time the sponsor shall by a majority vote approve or
193 deny the application. If the sponsor fails to act on the
194 application, an applicant may appeal to the State Board of
195 Education as provided in paragraph (c). If an application is
196 denied, the sponsor shall, within 10 calendar days after such
197 denial, articulate in writing the specific reasons, based upon
198 good cause, supporting its denial of the application and shall
199 provide the letter of denial and supporting documentation to the
200 applicant and to the Department of Education.

201 b. An application submitted by a high-performing charter
 202 school identified pursuant to s. 1002.331 or a high-performing
 203 charter school system identified pursuant to s. 1002.332 may be
 204 denied by the sponsor only if the sponsor demonstrates by clear
 205 and convincing evidence that:

206 (I) The application of a high-performing charter school
 207 does not materially comply with the requirements in paragraph
 208 (a) or, for a high-performing charter school system, the
 209 application does not materially comply with s. 1002.332(2)(b);

210 (II) The charter school proposed in the application does
 211 not materially comply with the requirements in paragraphs
 212 (9)(a)-(f);

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

216 (IV) The applicant has made a material misrepresentation
 217 or false statement or concealed an essential or material fact
 218 during the application process; or

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

222
 223 Material noncompliance is a failure to follow requirements or a
 224 violation of prohibitions applicable to charter school
 225 applications, which failure is quantitatively or qualitatively

226 | significant either individually or when aggregated with other
227 | noncompliance. An applicant is considered to be replicating a
228 | high-performing charter school if the proposed school is
229 | substantially similar to at least one of the applicant's high-
230 | performing charter schools and the organization or individuals
231 | involved in the establishment and operation of the proposed
232 | school are significantly involved in the operation of replicated
233 | schools.

234 | c. If the sponsor denies an application submitted by a
235 | high-performing charter school or a high-performing charter
236 | school system, the sponsor must, within 10 calendar days after
237 | such denial, state in writing the specific reasons, based upon
238 | the criteria in sub-subparagraph b., supporting its denial of
239 | the application and must provide the letter of denial and
240 | supporting documentation to the applicant and to the Department
241 | of Education. The applicant may appeal the sponsor's denial of
242 | the application in accordance with paragraph (c).

243 | 4. For budget projection purposes, the sponsor shall
244 | report to the Department of Education the approval or denial of
245 | an application within 10 calendar days after such approval or
246 | denial. In the event of approval, the report to the Department
247 | of Education shall include the final projected FTE for the
248 | approved charter school.

249 | 5. Upon approval of an application, the initial startup
250 | shall commence with the beginning of the public school calendar

251 for the district in which the charter is granted. A charter
252 school may defer the opening of the school's operations for up
253 to 3 years to provide time for adequate facility planning. The
254 charter school must provide written notice of such intent to the
255 sponsor and the parents of enrolled students at least 30
256 calendar days before the first day of school.

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

262 (b) The basis for the agreement for funding students
263 enrolled in a charter school shall be the sum of the school
264 district's operating funds from the Florida Education Finance
265 Program as provided in s. 1011.62 and the General Appropriations
266 Act, including gross state and local funds, discretionary
267 lottery funds, and funds from the school district's current
268 operating discretionary millage levy; divided by total funded
269 weighted full-time equivalent students in the school district;
270 multiplied by the weighted full-time equivalent students for the
271 charter school. Charter schools whose students or programs meet
272 the eligibility criteria in law are entitled to their
273 proportionate share of categorical program funds included in the
274 total funds available in the Florida Education Finance Program
275 by the Legislature, including transportation, the research-based

276 reading allocation, and the Florida digital classrooms
277 allocation. Total funding for each charter school shall be
278 recalculated during the year to reflect the revised calculations
279 under the Florida Education Finance Program by the state and the
280 actual weighted full-time equivalent students reported by the
281 charter school during the full-time equivalent student survey
282 periods designated by the Commissioner of Education. For charter
283 schools operated by a not-for-profit or municipal entity, any
284 unrestricted current and capital assets identified in the
285 charter school's annual financial audit may be used for other
286 charter schools operated by the not-for-profit or municipal
287 entity within the state ~~school district~~. Unrestricted current
288 assets shall be used in accordance with s. 1011.62, and any
289 unrestricted capital assets shall be used in accordance with s.
290 1013.62(2).

291 (28) CHARTER SCHOOL REVIEW COMMISSION.-There is created
292 the Charter School Review Commission that shall be composed of
293 seven members with experience or expertise selected by the
294 Commissioner of Education. One member of the commission shall be
295 designated as the chair by the commissioner. The commission
296 shall review and approve charter school applications in
297 accordance with the requirements of paragraphs (6) (a) and (b).
298 The duties assigned to a sponsor under those paragraphs shall
299 apply to the commission. The decision of the commission may be
300 appealed in accordance with paragraph (6) (c). The school

301 district shall act upon the decision of the State Board of
302 Education within 30 calendar days after it is received and shall
303 be the sponsor of and supervise the charter school. The State
304 Board of Education's decision is a final action subject to
305 judicial review in the district court of appeal.

306 Section 2. Paragraph (b) of subsection (3) of section
307 1002.331, Florida Statutes, is amended to read:

308 1002.331 High-performing charter schools.-

309 (3)

310 (b) A high-performing charter school may submit not
311 establish more than two applications for a charter school
312 schools within the state under paragraph (a) to be opened at a
313 time determined by the high-performing charter school in any
314 year. A subsequent application to establish a charter school
315 under paragraph (a) may not be submitted unless each charter
316 school application commences operations or an application is
317 otherwise withdrawn ~~established in this manner achieves high-~~
318 ~~performing charter school status~~. However, a high-performing
319 charter school may establish more than one charter school within
320 the state under paragraph (a) in any year if it operates in the
321 area of a persistently low-performing school and serves students
322 from that school. This paragraph applies to any high-performing
323 charter school with an existing approved application.

324 Section 3. Paragraph (d) of subsection (1) and paragraph
325 (a) of subsection (2) of section 1002.45, Florida Statutes, are

326 amended to read:

327 1002.45 Virtual instruction programs.—

328 (1) PROGRAM.—

329 (d) A virtual charter school may provide full-time or
330 part-time virtual instruction for students in kindergarten
331 through grade 12 if the virtual charter school has a charter
332 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~
333 ~~instruction~~. A virtual charter school may:

334 1. Contract with the Florida Virtual School.

335 2. Contract with or be an approved provider under
336 subsection (2).

337 3. Contract with any public school or charter school ~~Enter~~
338 ~~into an agreement with a school district~~ to allow the
339 participation of the virtual charter school's students in
340 courses that the virtual school is unable to provide ~~the school~~
341 ~~district's virtual instruction program~~. The agreement must
342 indicate a process for reporting of student enrollment and the
343 transfer of funds required by paragraph (7) (e).

344 (2) PROVIDER QUALIFICATIONS.—

345 (a) The department shall annually publish online a list of
346 providers approved to offer virtual instruction programs. To be
347 approved by the department, a provider must document that it:

348 1. Is nonsectarian in its programs, admission policies,
349 employment practices, and operations;

350 2. Complies with the antidiscrimination provisions of s.

351 1000.05;

352 3. Locates an administrative office or offices in this
353 state, requires its administrative staff to be state residents,
354 requires all instructional staff to be Florida-certified
355 teachers under chapter 1012 and conducts background screenings
356 for all employees or contracted personnel, as required by s.
357 1012.32, using state and national criminal history records;

358 4. Provides to parents and students specific information
359 posted and accessible online that includes, but is not limited
360 to, the following teacher-parent and teacher-student contact
361 information for each course:

362 a. How to contact the instructor via phone, e-mail, or
363 online messaging tools.

364 b. How to contact technical support via phone, e-mail, or
365 online messaging tools.

366 c. How to contact the administration office via phone, e-
367 mail, or online messaging tools.

368 d. Any requirement for regular contact with the instructor
369 for the course and clear expectations for meeting the
370 requirement.

371 e. The requirement that the instructor in each course
372 must, at a minimum, conduct one contact ~~via phone~~ with the
373 parent and the student each month;

374 5. Possesses prior, successful experience offering online
375 courses to elementary, middle, or high school students as

376 demonstrated by quantified student learning gains in each
377 subject area and grade level provided for consideration as an
378 instructional program option. However, for a provider without
379 sufficient prior, successful experience offering online courses,
380 the department may conditionally approve the provider to offer
381 courses measured pursuant to subparagraph (8)(a)2. Conditional
382 approval shall be valid for 1 school year only and, based on the
383 provider's experience in offering the courses, the department
384 shall determine whether to grant approval to offer a virtual
385 instruction program;

386 6. Is accredited by a regional accrediting association as
387 defined by State Board of Education rule;

388 7. Ensures instructional and curricular quality through a
389 detailed curriculum and student performance accountability plan
390 that addresses every subject and grade level it intends to
391 provide through contract with the school district, including:

392 a. Courses and programs that meet the standards of the
393 International Association for K-12 Online Learning and the
394 Southern Regional Education Board.

395 b. Instructional content and services that align with, and
396 measure student attainment of, student proficiency in the Next
397 Generation Sunshine State Standards.

398 c. Mechanisms that determine and ensure that a student has
399 satisfied requirements for grade level promotion and high school
400 graduation with a standard diploma, as appropriate;

401 8. Publishes for the general public, in accordance with
 402 disclosure requirements adopted in rule by the State Board of
 403 Education, as part of its application as a provider and in all
 404 contracts negotiated pursuant to this section:
 405 a. Information and data about the curriculum of each full-
 406 time and part-time program.
 407 b. School policies and procedures.
 408 c. Certification status and physical location of all
 409 administrative and instructional personnel.
 410 d. Hours and times of availability of instructional
 411 personnel.
 412 e. Student-teacher ratios.
 413 f. Student completion and promotion rates.
 414 g. Student, educator, and school performance
 415 accountability outcomes;
 416 9. If the provider is a Florida College System
 417 institution, employs instructors who meet the certification
 418 requirements for instructional staff under chapter 1012; and
 419 10. Performs an annual financial audit of its accounts and
 420 records conducted by an independent certified public accountant
 421 which is in accordance with rules adopted by the Auditor
 422 General, is conducted in compliance with generally accepted
 423 auditing standards, and includes a report on financial
 424 statements presented in accordance with generally accepted
 425 accounting principles.

426 | Section 4. This act shall take effect July 1, 2021. |