

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Early Learning &
 2 Elementary Education Subcommittee
 3 Representative McClain offered the following:

Amendment (with directory and title amendments)

6 Remove lines 527-537 and insert:

7 (b) The sponsor has 30 days after approval of the
 8 application to provide an initial proposed charter contract to
 9 the charter school. The applicant and the sponsor have 40 days
 10 thereafter to negotiate and notice the charter contract for
 11 final approval by the sponsor unless both parties agree to an
 12 extension. The proposed charter contract shall be provided to
 13 the charter school at least 7 calendar days before the date of
 14 the meeting at which the charter is scheduled to be voted upon
 15 by the sponsor. The Department of Education shall provide
 16 mediation services for any dispute regarding this section

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17 subsequent to the approval of a charter application and for any
18 dispute relating to the approved charter, except a dispute
19 regarding a charter school application denial. If either the
20 charter school or the sponsor indicates in writing that the
21 party does not desire to settle any dispute arising under this
22 section through mediation procedures offered by the Department
23 of Education, a charter school may immediately appeal any formal
24 or informal decision by the sponsor to an administrative law
25 judge appointed by the Division of Administrative Hearings. If
26 the Commissioner of Education determines that the dispute cannot
27 be settled through mediation, the dispute may also be appealed
28 to an administrative law judge appointed by the Division of
29 Administrative Hearings. The administrative law judge has final
30 order authority to rule on issues of equitable treatment of the
31 charter school as a public school, whether proposed provisions
32 of the charter violate the intended flexibility granted charter
33 schools by statute, or any other matter regarding this section,
34 except a dispute regarding charter school application denial, a
35 charter termination, or a charter nonrenewal. The administrative
36 law judge shall award the prevailing party reasonable attorney
37 fees and costs incurred during the mediation process,
38 administrative proceeding, and any appeals, to be paid by the
39 party whom the administrative law judge rules against.

40 (d) A charter may be modified during its initial term or
41 any renewal term upon the recommendation of the sponsor or the

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42 charter school's governing board and the approval of both
43 parties to the agreement. Changes to curriculum that are
44 consistent with state standards and are necessary to implement
45 blended learning shall be deemed approved unless the sponsor
46 determines in writing that the curriculum is inconsistent with
47 state standards. Modification during any term may include, but
48 is not limited to, consolidation of multiple charters into a
49 single charter if the charters are operated under the same
50 governing board, regardless of the renewal cycle. A charter
51 school that is not subject to a school improvement plan and that
52 closes as part of a consolidation shall be reported by the
53 sponsor ~~school district~~ as a consolidation.

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

55 (c) A charter may be terminated immediately if the sponsor
56 sets forth in writing the particular facts and circumstances
57 demonstrating ~~indicating~~ that an immediate and serious danger to
58 the health, safety, or welfare of the charter school's students
59 exists, that the immediate and serious danger is likely to
60 continue, and that an immediate termination of the charter is
61 necessary. The sponsor's determination is subject to the
62 procedures set forth in paragraph (b), except that the hearing
63 may take place after the charter has been terminated. The
64 sponsor shall notify in writing the charter school's governing
65 board, the charter school principal, and the department of the
66 facts and circumstances supporting the emergency termination ~~if~~

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67 ~~a charter is terminated immediately.~~ The sponsor shall clearly
68 identify the specific issues that resulted in the immediate
69 termination and provide evidence of prior notification of issues
70 resulting in the immediate termination, if applicable when
71 ~~appropriate.~~ Upon receiving written notice from the sponsor, the
72 charter school's governing board has 10 calendar days to request
73 a hearing. A requested hearing must be expedited and the final
74 order must be issued within 60 days after the date of request.
75 The administrative law judge shall award reasonable attorney
76 fees and costs to the prevailing party of any injunction,
77 administrative proceeding and any appeal. The sponsor may seek
78 an injunction in circuit court where the charter school is
79 located to enjoin continued operation of the charter school
80 ~~shall assume operation of the charter school throughout the~~
81 ~~pendency of the hearing under paragraph (b) unless the~~ if
82 ~~continued operation of the charter school~~ would materially
83 threaten the health, safety, or welfare of the students. ~~Failure~~
84 ~~by the sponsor to assume and continue operation of the charter~~
85 ~~school shall result in the awarding of reasonable costs and~~
86 ~~attorney's fees to the charter school if the charter school~~
87 ~~prevails on appeal.~~

88
89 -----
90 **D I R E C T O R Y A M E N D M E N T**

91 Remove line 43 and insert:

501311 - H0051- 3 line 527.docx

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92 (5), paragraph (b) of subsection (6), paragraphs (a), (b), (c),
93 and (d) of

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T I T L E A M E N D M E N T

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Remove line 12 and insert:

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must post a specified annual report; allowing an immediate

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appeal without participating in mediation under certain

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circumstances; providing for approval of curriculum under

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certain circumstances; revising requirements for the immediate

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termination of a charter in certain circumstances; providing for

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attorney's fees in certain circumstances; authorizing a sponsor

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to seek an injunction in certain circumstances; removing certain

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authority; revising