

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 609 Florida Institute for Charter School Innovation

**SPONSOR(S):** Secondary Education & Career Development Subcommittee, Borrero and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 622

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Secondary Education & Career Development Subcommittee	11 Y, 0 N, As CS	Sleap	Sanchez
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

### SUMMARY ANALYSIS

Charter schools are public schools created through an agreement or “charter,” with a sponsor. In Florida, several types of entities may authorize or “sponsor” charter schools, including school districts, Florida College System (FCS) institutions, and state universities.

To improve charter school authorizing practices in Florida, the bill creates the Florida Institute for Charter School Innovation at Miami Dade College (MDC). The bill requires the MDC Board of Trustees to establish policies for the supervision, administration, and governance of the institute.

The bill establishes the following duties for the institute:

- create a state resource of best practices for charter school applications and application review;
- provide training, technical assistance, and support to charter school sponsors on the review of charter applications and renewals;
- conduct applied research on policy and practices related to charter schools;
- conduct or compile research on the status of educational choice, charter authorizing, and charter school performance in Florida and other topics related to charter schools;
- collaborate with the Department of Education in developing the sponsor evaluation framework;
- disseminate information regarding research-based charter school teaching practices to educators in Florida; and
- host research workshops and conferences which allow charter school sponsors, operators, students, and parents to engage in topics related to charter schools.

The bill has an indeterminate fiscal impact. See Fiscal Comments.

The bill takes effect on July 1, 2022.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Charter Schools

All charter schools in Florida are tuition-free public schools within the state's public education system.<sup>1</sup> Charter schools are created through an agreement, or "charter," between a charter governing board and a sponsor. The charter provides the school flexibility relative to regulations created for traditional public schools in return for a commitment to higher standards of accountability.<sup>2</sup> One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."<sup>3</sup> During the 2020-2021 school year, 341,926 students were enrolled in 687 charter schools in Florida.<sup>4</sup>

In Florida, several types of entities may authorize or "sponsor" charter schools:

- School districts, Florida College System (FCS) institutions, and state universities may sponsor charter schools.<sup>5</sup>
- State universities may sponsor charter lab schools.<sup>6</sup>
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.<sup>7</sup>

To address the needs of educational capacity, workforce qualifications, and career education opportunities that may extend beyond a school district's boundaries, in 2021, the Legislature authorized Florida's state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the Department of Education (DOE).<sup>8</sup> A state university sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands.<sup>9</sup> A FCS institution sponsored charter school may exist in any county within its service area<sup>10</sup> to meet workforce demands and the school may offer postsecondary programs leading to industry certifications for the school's students.<sup>11</sup>

Currently, almost all of Florida's charter schools are sponsored by school districts.<sup>12</sup>

##### *Charter School Sponsor Duties*

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<sup>1</sup> Section 1002.33(1), F.S. Florida's first charter school law was enacted in 1996. Chapter 96-186, L.O.F., *initially codified at s. 228.056, F.S., re-designated in 2002 as s. 1002.33, F.S.*

<sup>2</sup> Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida's Charter Schools* (Sept. 2021), available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2021.pdf>. [hereinafter *Charter School Fact Sheet*].

<sup>3</sup> Section 1002.33(2)(a)1., F.S.

<sup>4</sup> *Charter School Fact Sheet*, *supra* note 2.

<sup>5</sup> Section 1002.33(5)(a)1.-3., F.S.; In 2021, the Legislature authorized Florida's state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the DOE. A state university or FCS institution may, at its discretion, deny an application for a charter school. S. 1002.33(5)(a)3.c., F.S.

<sup>6</sup> Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

<sup>7</sup> Section 1002.34(3)(a)-(b), F.S.

<sup>8</sup> Section 4, ch. 2021-35, L.O.F. (2021) A state university or FCS institution may, at its discretion, deny an application for a charter school. S. 1002.33(5)(a)3.c., F.S. The Board of Trustees of a sponsoring state university or FCS institution is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepting full responsibility for all local educational agency requirements and responsibilities. S. 1002.33(5)(b)6. F.S.

<sup>9</sup> Section 1002.33(5)(a)3.a., F.S.

<sup>10</sup> Section 1000.21(3)(a)-(bb), F.S.

<sup>11</sup> Section 1002.33(5)(a)3.b., F.S.

<sup>12</sup> See, e.g., Florida Department of Education, *Directory of Charter Schools*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-directories/> (last visited Jan. 27, 2022).

A sponsor's responsibilities include:

- approving or denying charter school applications;
- overseeing each sponsored charter school's progress toward the goals established in the charter;
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state's education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.<sup>13</sup>

A sponsor must provide various administrative services to sponsored charter schools, such as contract management, student enrollment and achievement data reporting, exceptional student education program administration, eligibility determination and reporting for National School Lunch Program, assessment test administration, processing of teacher certification data and student information services.<sup>14</sup>

### *Sponsor Accountability*

To ensure accountability for Florida's charter school sponsors, in 2021, the Florida Legislature directed the DOE to develop a sponsor evaluation framework in collaboration with charter school sponsors and operators.<sup>15</sup> The framework must, at a minimum, address the following:

- The sponsor's strategic vision for charter school authorization and the sponsor's progress toward that vision.
- Alignment of the sponsor's policies and practices to best practices for charter school authorization.
- Academic and financial performance of all operating charter schools overseen by the sponsor.
- The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.<sup>16</sup>

The DOE must compile the results of the evaluation framework and include the results in the required annual charter school sponsor report.<sup>17</sup>

Presently, the DOE is working with charter school sponsors to assemble and collect information for the sponsor evaluation framework. The DOE intends to continue to gather stakeholder feedback to further enhance the framework.<sup>18</sup>

### *Support for Charter School Sponsors*

In 2015, the Legislature appropriated \$250,000 to Florida State University<sup>19</sup> to establish the Institute for Charter School Research.<sup>20</sup> The institute's mission was to conduct research on policy and practice related to charter schools with a focus on Florida and to provide technical assistance and support to charter school applicants and sponsors. Some of the material the institute developed included online professional development modules on topics related to the charter application process and research related to the charter school application and authorization process.<sup>21</sup>

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<sup>13</sup> Section 1002.33(5)(b), F.S.

<sup>14</sup> Section 1002.33(20)(a)1., F.S.

<sup>15</sup> Section 4, ch. 2021-35, L.O.F.

<sup>16</sup> Section 1002.33(5)(c), F.S.

<sup>17</sup> Section 1002.33(5)(c)2., F.S.

<sup>18</sup> Florida Department of Education, Agency Analysis of 2022 Senate Bill 622, pg. 2 (Nov. 9, 2021).

<sup>19</sup> Appropriations 2015A, Education Appropriations, *Conference Offer June 9, 2015 – 4:45 PM*, at 19, available at [https://www.flsenate.gov/usercontent/session/2015A/Appropriations/Senate/Offers/AED/Offer\\_06092015\\_1645.pdf](https://www.flsenate.gov/usercontent/session/2015A/Appropriations/Senate/Offers/AED/Offer_06092015_1645.pdf). The 2015 appropriation for the Institute for Charter School Research was funded as recurring general revenue, however, the institute has not been funded since the initial appropriation.

<sup>20</sup> Florida State University, Learning Systems Institute, *Institute for Charter School Research*, <https://lsi.fsu.edu/projects/current-projects/institute-for-charter-school-research/> (last visited Jan. 27, 2022).

<sup>21</sup> *Id.*

The DOE supports charter school sponsors by providing resources and technical assistance information to sponsors.<sup>22</sup> Such resources include model forms for the evaluation of charter school applications<sup>23</sup> and information on *Florida's Principles and Standards for Quality Charter School Authorizing* developed in collaboration with the National Association of Charter School Authorizers (NACSA).<sup>24</sup> In 2016, the DOE was awarded a grant from the federal Charter School Program (CSP) initiative and used a portion of the award to aid charter school authorizing in Florida by conducting trainings for sponsors in partnership with the NACSA on *Florida's Principles and Standards for Quality Charter School Authorizing* and providing a fellowship program for select Florida sponsors to visit and observe best practices in other states.<sup>25</sup> In 2020, the DOE was awarded another CSP grant and is presently using a portion of the award to provide additional targeted training and support to sponsors, to continue the fellowship program, and to host a Florida charter school sponsors summit.<sup>26</sup>

### **Effect of Proposed Changes**

To improve charter school authorizing practices in Florida, the bill creates the Florida Institute for Charter School Innovation at Miami Dade College (MDC). The bill requires the MDC Board of Trustees to establish policies for the supervision, administration, and governance of the institute.

The bill establishes the following duties for the institute:

- create a state resource of best practices for charter school applications and application review;
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- disseminate information regarding research-based charter school teaching practices to educators in Florida; and
- host research workshops and conferences which allow charter school sponsors, operators, students, and parents to engage in topics related to charter schools.

The bill authorizes the institute to apply for and receive federal, state, or local agency grants for the purpose of fulfilling its duties established in law.

The bill requires the DOE to collaborate with the Florida Institute for Charter School Innovation in the development of the sponsor evaluation framework.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1002.33, F.S.; requiring the Department of Education to collaborate with the Florida Institute for Charter School Innovation in developing a sponsor evaluation framework for charter schools.

**Section 2.** Creates s. 1004.88, F.S.; establishing the institute at Miami Dade College; providing the purpose of the institute; specifying the duties of the institute; authorizing the institute to

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<sup>22</sup> See Florida Department of Education, Charter School Authorizers, *Links for Authorizers*, <https://www.fldoe.org/schools/school-choice/charter-schools/authorizers/> (last visited Jan. 27, 2022).

<sup>23</sup> Rule 6A-6.0786, F.A.C.; See also Florida Department of Education, Charter Schools, *Form IEPC-M2 Standard Model Charter School Application Evaluation Instrument*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference/> (last visited Jan. 27, 2022); In addition to the application evaluation instrument, the DOE also publishes standard forms for charter school applications, Form IEPC-M1 which a person or entity submitting a charter school application must use, a standard charter contract, a charter renewal contract, and forms relevant to high-performing charter schools and virtual charter schools.

<sup>24</sup> Florida Department of Education, Office of Independent Education and Parental Choice, *Florida Principles & Standards for Quality Charter School Authorizing* (2018), available at <https://www.fldoe.org/core/fileparse.php/9905/urlt/PrinciplesStandards.pdf>.

<sup>25</sup> Florida Department of Education, Office of Independent Education and Parental Choice, *2019 Authorizer Report* (Nov. 1, 2020), pg. 4, available at <https://www.fldoe.org/core/fileparse.php/9905/urlt/19-AuthorizerReport.pdf>.

<sup>26</sup> *Id.*

apply for and receive certain grants; requiring the District Board of Trustees of Miami Dade College to establish policies regarding the institute.

**Section 3.** Provides an effective date of July 1, 2022.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The bill creates the Florida Institute for Charter School Innovation (Institute) at Miami Dade College (MDC) and establishes duties for the Institute. Absent an appropriation in the 2022-2023 General Appropriations Act, the cost for MDC to create and implement the institute are indeterminate.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 27, 2022, the Secondary Education & Career Development Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed the appropriation for the Florida Institute for Charter School Innovation.

The analysis is drafted to the committee substitute passed by the Secondary Education & Career Development Subcommittee.