

By the Committee on Education Pre-K - 12; and Senator Rodriguez

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A bill to be entitled

An act relating to education; amending s. 1002.33, F.S.; providing requirements for specified deadlines for charter schools; authorizing a charter school governing board to adopt its own code of student conduct; providing requirements for the code of student conduct; providing that charter schools are not exempt from a specified statute; authorizing a charter school to increase its student enrollment beyond the capacity identified in the charter under certain conditions; requiring a charter school to notify its sponsor in writing by a specified date, and to include specified information, if it plans to increase enrollment; revising services a sponsor must provide to a charter school; requiring the Department of Education to provide student performance data to a charter school and its contractor; providing an exception; prohibiting specified individuals from being on a charter school governing board; providing an exception; amending s. 1002.331, F.S.; authorizing a high-performing charter school to assume the charter of an existing charter school within the same school district; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (5), paragraphs (d) and (h) of subsection (10), paragraph (b) of subsection (16), and paragraph (a) of subsection (20) of section

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1002.33, Florida Statutes, are amended, and paragraph (s) is added to subsection (9), paragraph (h) is added to subsection (18), and paragraph (d) is added to subsection (26) of that section, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties*.—

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

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

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

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

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

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

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

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

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

j. The sponsor may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345.

k. The sponsor may not impose upon a charter school administrative deadlines that are earlier than the sponsor's own corresponding deadlines for similar reports or submissions. Any deadline imposed upon a charter school for financial audits or other administrative requirements may not be earlier than 15 days before the sponsor's own deadline for similar submissions to the department.

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

(I) The report must ~~shall~~ include the following

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information:

(A) The number of applications received during the school year and up to August 1 and each applicant's contact information.

(B) The date each application was approved, denied, or withdrawn.

(C) The date each final contract was executed.

(II) Annually, by November 1, the sponsor shall submit to the department the information for the applications submitted the previous year.

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

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

3. This paragraph does not waive a sponsor's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. District school boards shall

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117 cooperate with and assist the Florida College System institution
118 on the charter application. Florida College System institution
119 applications for charter schools are not subject to the time
120 deadlines outlined in subsection (6) and may be approved by the
121 district school board at any time during the year. Florida
122 College System institutions may not report FTE for any students
123 participating under this subparagraph who receive FTE funding
124 through the Florida Education Finance Program.

125 5. For purposes of assisting the development of a charter
126 school, a school district may enter into nonexclusive interlocal
127 agreements with federal and state agencies, counties,
128 municipalities, and other governmental entities that operate
129 within the geographical borders of the school district to act on
130 behalf of such governmental entities in the inspection,
131 issuance, and other necessary activities for all necessary
132 permits, licenses, and other permissions that a charter school
133 needs in order for development, construction, or operation. A
134 charter school may use, but may not be required to use, a school
135 district for these services. The interlocal agreement must
136 include, but need not be limited to, the identification of fees
137 that charter schools will be charged for such services. The fees
138 must consist of the governmental entity's fees plus a fee for
139 the school district to recover no more than actual costs for
140 providing such services. These services and fees are not
141 included within the services to be provided pursuant to
142 subsection (20). Notwithstanding any other provision of law, an
143 interlocal agreement or ordinance that imposes a greater
144 regulatory burden on charter schools than school districts or
145 that prohibits or limits the creation of a charter school is

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void and unenforceable. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

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

(c) *Sponsor accountability.*—

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

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

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

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

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

2. The department shall compile the results by sponsor and include the results in the report required under sub-sub-

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subparagraph (b)1.l.(III) ~~(b)1.k.(III)~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(s) A charter school governing board may adopt its own code of student conduct. The code of student conduct must meet or exceed the minimum standards set forth in the sponsor's code of student conduct. Any provision of the code of student conduct which is more stringent than the sponsor's code of student conduct must align with the mission of the charter school. The sponsor may review the code and offer recommendations. Any complaint or appeal related to the code of student conduct must be resolved by the charter school's governing board using the board's established procedures and must be in compliance with applicable law and rules.

(10) ELIGIBLE STUDENTS.—

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

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

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

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

4. Students who are the children of:

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

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c)

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or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a ~~voluntary~~ prekindergarten education program ~~under ss. 1002.51-1002.79~~ provided by the charter school, the charter school's governing board, or a ~~voluntary~~ prekindergarten provider that has a written agreement with the governing board.

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

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

8. Students who are the children of a safe-school officer, as defined in s. 1006.12, at the school.

9. Students who transfer from a classical school in this state to a charter classical school in this state. For purposes of this subparagraph, the term "classical school" means a traditional public school or charter school that implements a classical education model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences which is based on the classical trivium stages of grammar, logic, and rhetoric.

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection and subsection (18) unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331. A sponsor may not require a charter

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233 school to waive the provisions of s. 1002.331 or require a
234 student enrollment cap that prohibits a high-performing charter
235 school from increasing enrollment in accordance with s.
236 1002.331(2) as a condition of approval or renewal of a charter.

237 (16) EXEMPTION FROM STATUTES.—

238 (b) Additionally, a charter school shall be in compliance
239 with the following statutes:

240 1. Section 286.011, relating to public meetings and
241 records, public inspection, and criminal and civil penalties.

242 2. Chapter 119, relating to public records.

243 3. Section 1003.03, relating to the maximum class size,
244 except that the calculation for compliance pursuant to s.
245 1003.03 shall be the average at the school level.

246 4. Section 1012.22(1)(c), relating to compensation and
247 salary schedules.

248 5. Section 1012.33(5), relating to workforce reductions.

249 6. Section 1012.335, relating to contracts with
250 instructional personnel hired on or after July 1, 2011.

251 7. Section 1012.34, relating to the substantive
252 requirements for performance evaluations for instructional
253 personnel and school administrators.

254 8. Section 1006.12, relating to safe-school officers.

255 9. Section 1006.07(7), relating to threat management teams.

256 10. Section 1006.07(9), relating to School Environmental
257 Safety Incident Reporting.

258 11. Section 1006.07(10), relating to reporting of
259 involuntary examinations.

260 12. Section 1006.1493, relating to the Florida Safe Schools
261 Assessment Tool.

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13. Section 1006.07(6)(d), relating to adopting an active assailant response plan.

14. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

15. Section 1012.584, relating to youth mental health awareness and assistance training.

16. Section 1001.42(4)(f)2., relating to middle school and high school start times. A charter school-in-the-workplace is exempt from this requirement.

17. Section 1001.42(8)(c), relating to student welfare.

(18) FACILITIES.—

(h) A charter school that is not implementing a school improvement plan pursuant to paragraph (9)(n) or a corrective action plan pursuant to s. 1002.345 may increase its student enrollment to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion must include any improvements to an existing facility or any new facility in which the students of the charter school will enroll. A charter school must notify its sponsor in writing by March 1 if it intends to increase enrollment for the following school year. The written notice must specify the amount of the enrollment increase.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education

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administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Access to the sponsor's student information system must be provided to the charter school and its contractor, unless prohibited by general or federal law. Student performance data for each student in a charter school, including, but not limited to, statewide ~~FCAT~~ scores, standardized test scores, coordinated screening and progress monitoring student results, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. The department

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shall provide student performance data to a charter school and its contractor, unless prohibited by general or federal law.

2. A sponsor shall provide training to charter schools on systems the sponsor will require the charter school to use.

3. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(9), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

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

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

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

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

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

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

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

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

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

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s. 1002.331.

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

4. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.

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

6. A sponsor shall annually provide a report to its charter schools on what services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the department by September 15 of each year.

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(d) A landlord of a charter school or his or her spouse or an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established pursuant to paragraph (15)(c).

Section 2. Subsection (2) of section 1002.331, Florida

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Statutes, is amended to read:

1002.331 High-performing charter schools.—

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

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

(b) Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established in paragraph (a).

(c) Submit a quarterly, rather than a monthly, financial statement to the sponsor pursuant to s. 1002.33(9)(g).

(d) Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board regardless of the renewal cycle.

(e) Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school. The charter must be consistent with s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual review by the sponsor, and may be terminated during its term pursuant to s. 1002.33(8).

(f) Assume the charter of an existing charter school within the same school district in which it operates. Any request to

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assume a charter must be initiated by a school in a written
format to the high-performing charter school.

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters or to assume an existing charter, the sponsor has ~~shall have~~ 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

Section 3. This act shall take effect July 1, 2025.