

HB 7009

2013

1                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           1002.33, F.S.; requiring policies agreed to by the  
4           sponsor and charter school to be incorporated into the  
5           charter contract; authorizing a charter school  
6           operated by a Florida College System institution to  
7           serve students in kindergarten through grade 12 if  
8           certain criteria are met; prohibiting the governing  
9           board or other related entity of a charter school  
10          subject to a corrective action plan or financial  
11          recovery plan from applying to open an additional  
12          charter school; providing disclosure requirements;  
13          revising provisions relating to the timely submission  
14          of charter school applications; providing requirements  
15          relating to the appeal of a denied application  
16          submitted by a high-performing charter school;  
17          requiring the use of a standard charter contract;  
18          reducing the amount of time for negotiation of a  
19          charter; revising provisions relating to the issuance  
20          of a final order in contract dispute cases; providing  
21          a restriction relating to a required certificate of  
22          occupancy; authorizing the consolidation of multiple  
23          charters into a single charter in certain  
24          circumstances; establishing student academic  
25          achievement as a priority in determining charter  
26          renewals and terminations; revising the timeline for  
27          charter schools to submit waiver of termination  
28          requests to the Department of Education; restricting

29 | expenditures upon nonrenewal or termination of a  
30 | charter school; requiring a charter school to maintain  
31 | specified information on a website; revising  
32 | provisions relating to determination of a charter  
33 | school's student enrollment; revising provisions  
34 | requiring charter school compliance with statutes  
35 | relating to education personnel compensation,  
36 | contracts, and performance evaluations and workforce  
37 | reductions; providing requirements for the  
38 | reimbursement of federal funds to charter schools;  
39 | requiring that certain unused or under-used school  
40 | district facilities be made available to, or shared  
41 | with, charter schools at no cost; restricting capital  
42 | outlay funding; requiring the use of standard charter  
43 | and charter renewal contracts and a standard  
44 | evaluation instrument; providing restrictions on the  
45 | membership of a governing board; amending s. 1002.331,  
46 | F.S.; revising criteria for classification as a high-  
47 | performing charter school; providing requirements for  
48 | modification of the charter of a high-performing  
49 | charter school; requiring the Commissioner of  
50 | Education to annually review a high-performing charter  
51 | school's eligibility for high-performing status;  
52 | authorizing declassification as a high-performing  
53 | charter school; amending s. 1002.332, F.S.; revising  
54 | requirements for classification as a high-performing  
55 | charter school system; authorizing an entity operating  
56 | outside the state to obtain high-performing charter

57 | school system status under certain circumstances;  
 58 | requiring the commissioner to annually review a high-  
 59 | performing charter school system's eligibility for  
 60 | high-performing status; authorizing declassification  
 61 | as a high-performing charter school system; providing  
 62 | an effective date.

63 |

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

65 |

66 | Section 1. Paragraph (b) of subsection (5), paragraphs  
 67 | (a), (b), (c), (d), and (h) of subsection (6), paragraphs (a)  
 68 | and (c) of subsection (7), paragraph (a) of subsection (8),  
 69 | paragraph (n) of subsection (9), paragraphs (b), (h), and (i) of  
 70 | subsection (10), paragraph (b) of subsection (16), paragraph (c)  
 71 | of subsection (17), paragraph (e) of subsection (18), paragraph  
 72 | (a) of subsection (21), and subsection (27) of section 1002.33,  
 73 | Florida Statutes, are amended, and paragraphs (o) and (p) are  
 74 | added to subsection (9) and paragraph (c) is added to subsection  
 75 | (26) of that section, to read:

76 | 1002.33 Charter schools.—

77 | (5) SPONSOR; DUTIES.—

78 | (b) Sponsor duties.—

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

82 | b. The sponsor shall monitor the revenues and expenditures  
 83 | of the charter school and perform the duties provided in s.  
 84 | 1002.345.

HB 7009

2013

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

89 | d. The sponsor ~~sponsor's policies~~ shall not apply policies  
90 | to a charter school unless mutually agreed to by both the  
91 | sponsor and the charter school. Each policy agreed to by the  
92 | sponsor and the charter school must be incorporated into the  
93 | final charter contract. If the sponsor subsequently amends any  
94 | policy that affects charter schools, the sponsor and the charter  
95 | school must mutually agree to the newly revised policy and  
96 | incorporate the agreed-to terms into the contract through the  
97 | contract amendment process. The sponsor may not hold the charter  
98 | school responsible for any provision of a newly revised policy  
99 | until the policy is mutually agreed to and adopted through the  
100 | amendment process.

101 | e. The sponsor shall ensure that the charter is innovative  
102 | and consistent with the state education goals established by s.  
103 | 1000.03(5).

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

109 | g. The sponsor shall not be liable for civil damages under  
110 | state law for personal injury, property damage, or death  
111 | resulting from an act or omission of an officer, employee,  
112 | agent, or governing board ~~body~~ of the charter school.

113 h. The sponsor shall not be liable for civil damages under  
114 state law for any employment actions taken by an officer,  
115 employee, agent, or governing board ~~body~~ of the charter school.

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

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

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

125 3. This paragraph does not waive a district school board's  
126 sovereign immunity.

127 4. A Florida College System institution may work with the  
128 school district or school districts in its designated service  
129 area to develop charter schools that offer secondary education.  
130 These charter schools must include an option for students to  
131 receive an associate degree upon high school graduation. If a  
132 Florida College System institution operates an approved teacher  
133 preparation program under s. 1004.04 or s. 1004.85, the  
134 institution may operate no more than one charter school that  
135 serves students in kindergarten through grade 12. In  
136 kindergarten through grade 8, the charter school shall implement  
137 innovative blended learning instructional models in which, for a  
138 given course, a student learns in part through online delivery  
139 of content and instruction with some element of student control  
140 over time, place, path, or pace and in part at a supervised

HB 7009

2013

141 brick-and-mortar location away from home. A student in a blended  
142 learning course must be a full-time student of the charter  
143 school and receive the online instruction in a classroom setting  
144 at the charter school. District school boards shall cooperate  
145 with and assist the Florida College System institution on the  
146 charter application. Florida College System institution  
147 applications for charter schools are not subject to the time  
148 deadlines outlined in subsection (6) and may be approved by the  
149 district school board at any time during the year. Florida  
150 College System institutions may not report FTE for any students  
151 who receive FTE funding through the Florida Education Finance  
152 Program.

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

155 (a) A person or entity that wants ~~wishing~~ to open a  
156 charter school shall prepare and submit an application on the a  
157 model application form prepared by the Department of Education  
158 which:

159 1. Demonstrates how the school will use the guiding  
160 principles and meet the statutorily defined purpose of a charter  
161 school.

162 2. Provides a detailed curriculum plan that illustrates  
163 how students will be provided instruction on ~~services to attain~~  
164 the Next Generation Sunshine State Standards.

165 3. Contains goals and objectives for improving student  
166 learning and measuring that improvement. These goals and  
167 objectives must indicate how much academic improvement students  
168 are expected to show each year, how success will be evaluated,

HB 7009

2013

169 and the specific results to be attained through instruction.

170 4. Describes the reading curriculum and differentiated  
171 strategies that will be used for students reading at grade level  
172 or higher and a separate curriculum and strategies for students  
173 who are reading below grade level. A sponsor shall deny a  
174 charter if the school does not propose a reading curriculum that  
175 is consistent with effective teaching strategies that are  
176 grounded in scientifically based reading research.

177 5. Contains an annual financial plan for each year that  
178 the applicant intends to operate ~~requested by the charter for~~  
179 ~~operation of~~ the school for up to 5 years. This plan must  
180 contain anticipated fund balances based on revenue projections,  
181 a spending plan based on projected revenues and expenses, and a  
182 description of controls that will safeguard finances and  
183 projected enrollment trends.

184 6. Discloses whether the applicant was a member of a  
185 charter school governing board or was a person with  
186 decisionmaking authority for a charter school that was subject  
187 to corrective action pursuant to subparagraph (9)(n)2., a  
188 corrective action plan pursuant to s. 1002.345(1)(c), or a  
189 financial recovery plan pursuant to s. 1002.345(2)(a). The  
190 applicant must include a detailed explanation of the  
191 circumstances requiring a corrective action plan or financial  
192 recovery plan and the resolution of the plan. However, a  
193 governing board member or other related entity of a charter  
194 school under a current corrective action plan or financial  
195 recovery plan is not eligible to apply to open an additional  
196 charter school. ~~Documents that the applicant has participated in~~

HB 7009

2013

197 ~~the training required in subparagraph (f)2. A sponsor may~~  
198 ~~require an applicant to provide additional information as an~~  
199 ~~addendum to the charter school application described in this~~  
200 ~~paragraph.~~

201 7. For the establishment of a virtual charter school,  
202 documents that the applicant has contracted with a provider of  
203 virtual instruction services pursuant to s. 1002.45(1)(d).

204

205 A sponsor may require an applicant to provide additional  
206 information as an addendum to the charter school application  
207 described in this paragraph.

208 (b) A sponsor shall receive and review all applications  
209 for a charter school using the ~~an~~ evaluation instrument  
210 developed by the Department of Education. A sponsor shall  
211 receive and consider charter school applications received on or  
212 before August 1 of each calendar year for charter schools to be  
213 opened at the beginning of the school district's next school  
214 year, or to be opened at a time agreed to by the applicant and  
215 the sponsor. A sponsor may not refuse to receive a charter  
216 school application submitted before August 1 and may receive an  
217 application submitted ~~applications~~ later than August 1 ~~this date~~  
218 if it chooses. In order to facilitate greater collaboration in  
219 the application process, an applicant may submit a draft charter  
220 school application on or before May 1. If a draft application is  
221 timely submitted, the sponsor shall review and provide feedback  
222 as to any potential grounds for denial within 60 days after  
223 receipt of the draft application. The applicant shall then have  
224 until August 1 to resubmit a revised and final application. A



HB 7009

2013

225 sponsor may not charge an applicant for a charter any fee for  
226 the processing or consideration of an application, and a sponsor  
227 may not base its consideration or approval of an application  
228 upon the promise of future payment of any kind. Before approving  
229 or denying any final application, the sponsor shall allow the  
230 applicant, upon receipt of written notification, at least 7  
231 calendar days to make technical or nonsubstantive corrections  
232 and clarifications, including, but not limited to, corrections  
233 of grammatical, typographical, and like errors or missing  
234 signatures, if such errors are identified by the sponsor as  
235 cause to deny the application.

236 1. In order to facilitate an accurate budget projection  
237 process, a sponsor shall be held harmless for FTE students who  
238 are not included in the FTE projection due to approval of  
239 charter school applications after the FTE projection deadline.  
240 In a further effort to facilitate an accurate budget projection,  
241 within 15 calendar days after receipt of a charter school  
242 application, a sponsor shall report to the Department of  
243 Education the name of the applicant entity, the proposed charter  
244 school location, and its projected FTE.

245 2. In order to ensure fiscal responsibility, an  
246 application for a charter school shall include a full accounting  
247 of expected assets, a projection of expected sources and amounts  
248 of income, including income derived from projected student  
249 enrollments and from community support, and an expense  
250 projection that includes full accounting of the costs of  
251 operation, including start-up costs.

252 3.a. A sponsor shall by a majority vote approve or deny an

HB 7009

2013

253 application within ~~no later than~~ 60 calendar days after the  
254 application is received, unless the sponsor and the applicant  
255 mutually agree in writing to temporarily postpone the vote to a  
256 specific date, at which time the sponsor shall by a majority  
257 vote approve or deny the application. If the sponsor fails to  
258 act on the application, an applicant may appeal to the State  
259 Board of Education as provided in paragraph (c). If an  
260 application is denied, the sponsor shall, within 10 calendar  
261 days after such denial, articulate in writing the specific  
262 reasons, based upon good cause, supporting its denial of the  
263 charter application and shall provide the letter of denial and  
264 supporting documentation to the applicant and to the Department  
265 of Education.

266 b. An application submitted by a high-performing charter  
267 school identified pursuant to s. 1002.331 may be denied by the  
268 sponsor only if the sponsor demonstrates by clear and convincing  
269 evidence that:

270 (I) The application does not materially comply with the  
271 requirements in paragraph (a);

272 (II) The charter school proposed in the application does  
273 not materially comply with the requirements in paragraphs  
274 (9) (a) - (f);

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

278 (IV) The applicant has made a material misrepresentation  
279 or false statement or concealed an essential or material fact  
280 during the application process; or

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

284  
 285 Material noncompliance is a failure to follow requirements or a  
 286 violation of prohibitions applicable to charter school  
 287 applications, which failure is quantitatively or qualitatively  
 288 significant either individually or when aggregated with other  
 289 noncompliance. An applicant is considered to be replicating a  
 290 high-performing charter school if the proposed school is  
 291 substantially similar to at least one of the applicant's high-  
 292 performing charter schools and the organization or individuals  
 293 involved in the establishment and operation of the proposed  
 294 school are significantly involved in the operation of replicated  
 295 schools.

296 c. If the sponsor denies an application submitted by a  
 297 high-performing charter school, the sponsor must, within 10  
 298 calendar days after such denial, state in writing the specific  
 299 reasons, based upon the criteria in sub-subparagraph b.,  
 300 supporting ~~its~~ denial of the application and must provide the  
 301 letter of denial and supporting documentation to the applicant  
 302 and to the Department of Education. The applicant may appeal the  
 303 sponsor's denial of the application ~~directly~~ to the State Board  
 304 of Education pursuant to paragraph (c) and must provide the  
 305 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

306 4. For budget projection purposes, the sponsor shall  
 307 report to the Department of Education the approval or denial of  
 308 a charter application within 10 calendar days after such

HB 7009

2013

309 approval or denial. In the event of approval, the report to the  
310 Department of Education shall include the final projected FTE  
311 for the approved charter school.

312 5. Upon approval of a charter application, the initial  
313 startup shall commence with the beginning of the public school  
314 calendar for the district in which the charter is granted unless  
315 the sponsor allows a waiver of this subparagraph for good cause.

316 (c)1. An applicant may appeal any denial of that  
317 applicant's application or failure to act on an application to  
318 the State Board of Education within ~~no later than~~ 30 calendar  
319 days after receipt of the sponsor's decision or failure to act  
320 and shall notify the sponsor of its appeal. Any response of the  
321 sponsor shall be submitted to the State Board of Education  
322 within 30 calendar days after notification of the appeal. Upon  
323 receipt of notification from the State Board of Education that a  
324 charter school applicant is filing an appeal, the Commissioner  
325 of Education shall convene a meeting of the Charter School  
326 Appeal Commission to study and make recommendations to the State  
327 Board of Education regarding its pending decision about the  
328 appeal. The commission shall forward its recommendation to the  
329 state board within ~~no later than~~ 7 calendar days before ~~prior to~~  
330 the date on which the appeal is to be heard. An appeal regarding  
331 the denial of an application submitted by a high-performing  
332 charter school pursuant to s. 1002.331 shall be conducted by the  
333 State Board of Education in accordance with this paragraph,  
334 except that the commission shall not convene to make  
335 recommendations regarding the appeal. However, the Commissioner  
336 of Education shall review the appeal and make a recommendation

HB 7009

2013

337 | to the state board.

338 |         2. The Charter School Appeal Commission or, in the case of  
339 | an appeal regarding an application submitted by a high-  
340 | performing charter school, the State Board of Education may  
341 | reject an appeal submission for failure to comply with  
342 | procedural rules governing the appeals process. The rejection  
343 | shall describe the submission errors. The appellant shall have  
344 | 15 calendar days after notice of rejection in which to resubmit  
345 | an appeal that meets the requirements set forth in State Board  
346 | of Education rule. An appeal submitted subsequent to such  
347 | rejection is considered timely if the original appeal was filed  
348 | within 30 calendar days after receipt of notice of the specific  
349 | reasons for the sponsor's denial of the charter application.

350 |         3.a. The State Board of Education shall by majority vote  
351 | accept or reject the decision of the sponsor within ~~no later~~  
352 | ~~than~~ 90 calendar days after an appeal is filed in accordance  
353 | with State Board of Education rule. The State Board of Education  
354 | shall remand the application to the sponsor with its written  
355 | decision that the sponsor approve or deny the application. The  
356 | sponsor shall implement the decision of the State Board of  
357 | Education. The decision of the State Board of Education is not  
358 | subject to ~~the provisions of~~ the Administrative Procedure Act,  
359 | chapter 120.

360 |         b. If an appeal concerns an application submitted by a  
361 | high-performing charter school identified pursuant to s.  
362 | 1002.331, the State Board of Education shall determine whether  
363 | the sponsor's denial of the application complies with the  
364 | requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~

HB 7009

2013

365 clear and convincing evidence, that:

366 ~~(I) The application does not materially comply with the~~  
367 ~~requirements in paragraph (a);~~

368 ~~(II) The charter school proposed in the application does~~  
369 ~~not materially comply with the requirements in paragraphs~~  
370 ~~(9) (a) - (f);~~

371 ~~(III) The proposed charter school's educational program~~  
372 ~~does not substantially replicate that of the applicant or one of~~  
373 ~~the applicant's high-performing charter schools;~~

374 ~~(IV) The applicant has made a material misrepresentation~~  
375 ~~or false statement or concealed an essential or material fact~~  
376 ~~during the application process; or~~

377 ~~(V) The proposed charter school's educational program and~~  
378 ~~financial management practices do not materially comply with the~~  
379 ~~requirements of this section.~~

380

381 The State Board of Education shall approve or reject the  
382 sponsor's denial of an application no later than 90 calendar  
383 days after an appeal is filed in accordance with State Board of  
384 Education rule. The State Board of Education shall remand the  
385 application to the sponsor with its written decision that the  
386 sponsor approve or deny the application. The sponsor shall  
387 implement the decision of the State Board of Education. The  
388 decision of the State Board of Education is not subject to the  
389 Administrative Procedure Act, chapter 120.

390 (d) The sponsor shall act upon the decision of the State  
391 Board of Education within 30 calendar days after it is received.  
392 The State Board of Education's decision is a final action

393 subject to judicial review in the district court of appeal.

394 (h) The terms and conditions for the operation of a  
395 charter school shall be set forth by the sponsor and the  
396 applicant in a written contractual agreement, called a charter.  
397 The applicant and sponsor shall use the standard charter adopted  
398 in state board rule pursuant to subsection (27) and the  
399 application submitted by the applicant. The sponsor may not  
400 omit, supplement, or amend any provision of the standard charter  
401 agreement. In addition, the sponsor may not insert or append  
402 attachments, addenda, or exhibits to the standard charter  
403 contract. The sponsor shall not impose unreasonable rules or  
404 regulations that violate the intent of giving charter schools  
405 greater flexibility to meet educational goals. The sponsor shall  
406 have 30 ~~60~~ days after approval of the application to provide an  
407 initial proposed charter contract to the charter school. The  
408 applicant and the sponsor shall have 40 ~~75~~ days thereafter to  
409 negotiate and notice the charter contract for final approval by  
410 the sponsor unless both parties agree to an extension. The  
411 proposed charter contract shall be provided to the charter  
412 school at least 7 calendar days before ~~prior to~~ the date of the  
413 meeting at which the charter is scheduled to be voted upon by  
414 the sponsor. The Department of Education shall provide mediation  
415 services for any dispute regarding this section subsequent to  
416 the approval of a charter application and for any dispute  
417 relating to the approved charter, except disputes regarding  
418 charter school application denials. If the Commissioner of  
419 Education determines that the dispute cannot be settled through  
420 mediation, the dispute may be appealed to an administrative law

HB 7009

2013

421 judge appointed by the Division of Administrative Hearings. The  
422 administrative law judge has final order authority to ~~may~~ rule  
423 on issues of equitable treatment of the charter school as a  
424 public school, whether proposed provisions of the charter  
425 violate the intended flexibility granted charter schools by  
426 statute, or on any other matter regarding this section except a  
427 charter school application denial, a charter termination, or a  
428 charter nonrenewal and shall award the prevailing party  
429 reasonable attorney ~~attorney's~~ fees and costs incurred to be  
430 paid by the losing party. The costs of the administrative  
431 hearing shall be paid by the party whom the administrative law  
432 judge rules against.

433 (7) CHARTER.—The major issues involving the operation of a  
434 charter school shall be considered in advance and written into  
435 the charter. The charter shall be signed by the governing board  
436 of the charter school and the sponsor, following a public  
437 hearing to ensure community input.

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

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

442 2. The focus of the curriculum, the instructional methods  
443 to be used, any distinctive instructional techniques to be  
444 employed, and identification and acquisition of appropriate  
445 technologies needed to improve educational and administrative  
446 performance, which include a means for promoting safe, ethical,  
447 and appropriate uses of technology which comply with legal and  
448 professional standards.



HB 7009

2013

449 a. The charter shall ensure that reading is a primary  
450 focus of the curriculum and that resources are provided to  
451 identify and provide specialized instruction for students who  
452 are reading below grade level. The curriculum and instructional  
453 strategies for reading must be consistent with the Next  
454 Generation Sunshine State Standards and grounded in  
455 scientifically based reading research.

456 b. In order to provide students with access to diverse  
457 instructional delivery models, to facilitate the integration of  
458 technology within traditional classroom instruction, and to  
459 provide students with the skills they need to compete in the  
460 21st century economy, the Legislature encourages instructional  
461 methods for blended learning courses in which a student learns  
462 in part through online delivery of content and instruction with  
463 some element of student control over time, place, path, or pace  
464 and in part at a supervised brick-and-mortar location away from  
465 home consisting of both traditional classroom and online  
466 instructional techniques. Charter schools may implement blended  
467 learning courses that ~~which~~ combine traditional classroom  
468 instruction and virtual instruction. Students in a blended  
469 learning course must be full-time students of the charter school  
470 and receive the online instruction in a classroom setting at the  
471 charter school. Instructional personnel certified pursuant to s.  
472 1012.55 who provide virtual instruction for blended learning  
473 courses may be employees of the charter school or may be under  
474 contract to provide instructional services to charter school  
475 students. At a minimum, such instructional personnel must hold  
476 an active state or school district adjunct certification under

477 s. 1012.57 for the subject area of the blended learning course.  
 478 The funding and performance accountability requirements for  
 479 blended learning courses are the same as those for traditional  
 480 courses.

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

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

487 b. How these baseline rates will be compared to rates of  
 488 academic progress achieved by these same students while  
 489 attending the charter school.

490 c. To the extent possible, how these rates of progress  
 491 will be evaluated and compared with rates of progress of other  
 492 closely comparable student populations.

493  
 494 The district school board is required to provide academic  
 495 student performance data to charter schools for each of their  
 496 students coming from the district school system, as well as  
 497 rates of academic progress of comparable student populations in  
 498 the district school system.

499 4. The methods used to identify the educational strengths  
 500 and needs of students and how well educational goals and  
 501 performance standards are met by students attending the charter  
 502 school. The methods shall provide a means for the charter school  
 503 to ensure accountability to its constituents by analyzing  
 504 student performance data and by evaluating the effectiveness and

HB 7009

2013

505 efficiency of its major educational programs. Students in  
506 charter schools shall, at a minimum, participate in the  
507 statewide assessment program created under s. 1008.22.

508 5. In secondary charter schools, a method for determining  
509 that a student has satisfied the requirements for graduation in  
510 s. 1003.428, s. 1003.429, or s. 1003.43.

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

513 7. The admissions procedures and dismissal procedures,  
514 including the school's code of student conduct.

515 8. The ways by which the school will achieve a  
516 racial/ethnic balance reflective of the community it serves or  
517 within the racial/ethnic range of other public schools in the  
518 same school district.

519 9. The financial and administrative management of the  
520 school, including a reasonable demonstration of the professional  
521 experience or competence of those individuals or organizations  
522 applying to operate the charter school or those hired or  
523 retained to perform such professional services and the  
524 description of clearly delineated responsibilities and the  
525 policies and practices needed to effectively manage the charter  
526 school. A description of internal audit procedures and  
527 establishment of controls to ensure that financial resources are  
528 properly managed must be included. Both public sector and  
529 private sector professional experience shall be equally valid in  
530 such a consideration.

531 10. The asset and liability projections required in the  
532 application which are incorporated into the charter and shall be

HB 7009

2013

533 compared with information provided in the annual report of the  
534 charter school.

535 11. A description of procedures that identify various  
536 risks and provide for a comprehensive approach to reduce the  
537 impact of losses; plans to ensure the safety and security of  
538 students and staff; plans to identify, minimize, and protect  
539 others from violent or disruptive student behavior; and the  
540 manner in which the school will be insured, including whether or  
541 not the school will be required to have liability insurance,  
542 and, if so, the terms and conditions thereof and the amounts of  
543 coverage.

544 12. The term of the charter, which shall provide for  
545 termination ~~cancellation~~ of the charter if insufficient progress  
546 has been made in attaining the student achievement objectives of  
547 the charter and if it is not likely that such objectives can be  
548 achieved before expiration of the charter. The initial term of a  
549 charter shall be for 4 or 5 years. ~~In order to facilitate access~~  
550 ~~to long-term financial resources for charter school~~  
551 ~~construction,~~ Charter schools that are operated by a  
552 municipality or other public entity as provided by law are  
553 eligible for up to a 15-year charter, subject to approval by the  
554 district school board. A charter lab school is eligible for a  
555 charter for a term of up to 15 years. In addition, ~~to facilitate~~  
556 ~~access to long-term financial resources for charter school~~  
557 ~~construction,~~ charter schools that are operated by a private,  
558 not-for-profit, s. 501(c)(3) status corporation are eligible for  
559 up to a 15-year charter, subject to approval by the district  
560 school board. Such long-term charters remain subject to annual

HB 7009

2013

561 review and may be terminated during the term of the charter, but  
562 only according to ~~the provisions set forth in~~ subsection (8).

563 13. The facilities to be used and their location. The  
564 sponsor may not require a charter school to have a certificate  
565 of occupancy for such a facility earlier than 15 calendar days  
566 before the first day of school.

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

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

573 16. A timetable for implementing the charter which  
574 addresses the implementation of each element thereof and the  
575 date by which the charter shall be awarded in order to meet this  
576 timetable.

577 17. In the case of an existing public school that is being  
578 converted to charter status, alternative arrangements for  
579 current students who choose not to attend the charter school and  
580 for current teachers who choose not to teach in the charter  
581 school after conversion in accordance with the existing  
582 collective bargaining agreement or district school board rule in  
583 the absence of a collective bargaining agreement. However,  
584 alternative arrangements shall not be required for current  
585 teachers who choose not to teach in a charter lab school, except  
586 as authorized by the employment policies of the state university  
587 which grants the charter to the lab school.

588 18. Full disclosure of the identity of all relatives

HB 7009

2013

589 employed by the charter school who are related to the charter  
590 school owner, president, chairperson of the governing board of  
591 directors, superintendent, governing board member, principal,  
592 assistant principal, or any other person employed by the charter  
593 school who has equivalent decisionmaking authority. For the  
594 purpose of this subparagraph, the term "relative" means father,  
595 mother, son, daughter, brother, sister, uncle, aunt, first  
596 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
597 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
598 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
599 stepsister, half brother, or half sister.

600 19. Implementation of the activities authorized under s.  
601 1002.331 by the charter school when it satisfies the eligibility  
602 requirements for a high-performing charter school. A high-  
603 performing charter school shall notify its sponsor in writing by  
604 March 1 if it intends to increase enrollment or expand grade  
605 levels the following school year. The written notice shall  
606 specify the amount of the enrollment increase and the grade  
607 levels that will be added, as applicable.

608 (c) A charter may be modified during its initial term or  
609 any renewal term upon the recommendation of the sponsor or the  
610 charter school's governing board and the approval of both  
611 parties to the agreement. Modification may include, but is not  
612 limited to, consolidation of multiple charters into a single  
613 charter if the charters are operated under the same governing  
614 board and physically located on the same campus, regardless of  
615 the renewal cycle.

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

HB 7009

2013

617           (a) The sponsor shall make student academic achievement  
618 for all students the most important factor when determining  
619 whether to renew or terminate the charter. The sponsor may also  
620 choose not to renew or may terminate the charter for any of the  
621 following grounds:

622           1. Failure to participate in the state's education  
623 accountability system created in s. 1008.31, as required in this  
624 section, or failure to meet the requirements for student  
625 performance stated in the charter.

626           2. Failure to meet generally accepted standards of fiscal  
627 management.

628           3. Violation of law.

629           4. Other good cause shown.

630           (9) CHARTER SCHOOL REQUIREMENTS.—

631           (n)1. The director and a representative of the governing  
632 board of a charter school that has earned a grade of "D" or "F"  
633 pursuant to s. 1008.34(2) shall appear before the sponsor to  
634 present information concerning each contract component having  
635 noted deficiencies. The director and a representative of the  
636 governing board shall submit to the sponsor for approval a  
637 school improvement plan to raise student achievement. Upon  
638 approval by the sponsor, the charter school shall begin  
639 implementation of the school improvement plan. The department  
640 shall offer technical assistance and training to the charter  
641 school and its governing board and establish guidelines for  
642 developing, submitting, and approving such plans.

643           2.a. If a charter school earns three consecutive grades of  
644 "D," two consecutive grades of "D" followed by a grade of "F,"

HB 7009

2013

645 or two nonconsecutive grades of "F" within a 3-year period, the  
646 charter school governing board shall choose one of the following  
647 corrective actions:

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

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

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

655 (IV) Voluntarily close the charter school.

656 b. The charter school must implement the corrective action  
657 in the school year following receipt of a third consecutive  
658 grade of "D," a grade of "F" following two consecutive grades of  
659 "D," or a second nonconsecutive grade of "F" within a 3-year  
660 period.

661 c. The sponsor may annually waive a corrective action if  
662 it determines that the charter school is likely to improve a  
663 letter grade if additional time is provided to implement the  
664 intervention and support strategies prescribed by the school  
665 improvement plan. Notwithstanding this sub-subparagraph, a  
666 charter school that earns a second consecutive grade of "F" is  
667 subject to subparagraph 4.

668 d. A charter school is no longer required to implement a  
669 corrective action if it improves by at least one letter grade.  
670 However, the charter school must continue to implement  
671 strategies identified in the school improvement plan. The  
672 sponsor must annually review implementation of the school



HB 7009

2013

673 improvement plan to monitor the school's continued improvement  
674 pursuant to subparagraph 5.

675 e. A charter school implementing a corrective action that  
676 does not improve by at least one letter grade after 2 full  
677 school years of implementing the corrective action must select a  
678 different corrective action. Implementation of the new  
679 corrective action must begin in the school year following the  
680 implementation period of the existing corrective action, unless  
681 the sponsor determines that the charter school is likely to  
682 improve a letter grade if additional time is provided to  
683 implement the existing corrective action. Notwithstanding this  
684 sub-subparagraph, a charter school that earns a second  
685 consecutive grade of "F" while implementing a corrective action  
686 is subject to subparagraph 4.

687 3. A charter school with a grade of "D" or "F" that  
688 improves by at least one letter grade must continue to implement  
689 the strategies identified in the school improvement plan. The  
690 sponsor must annually review implementation of the school  
691 improvement plan to monitor the school's continued improvement  
692 pursuant to subparagraph 5.

693 4. The sponsor shall terminate a charter if the charter  
694 school earns two consecutive grades of "F" unless:

695 a. The charter school is established to turn around the  
696 performance of a district public school pursuant to s.  
697 1008.33(4)(b)3. Such charter schools shall be governed by s.  
698 1008.33;

699 b. The charter school serves a student population the  
700 majority of which resides in a school zone served by a district

HB 7009

2013

701 public school that earned a grade of "F" in the year before the  
702 charter school opened and the charter school earns at least a  
703 grade of "D" in its third year of operation. The exception  
704 provided under this sub-subparagraph does not apply to a charter  
705 school in its fourth year of operation and thereafter; or

706 c. The state board grants the charter school a waiver of  
707 termination. The charter school must request the waiver within  
708 15 ~~30~~ days after the department's official release completion of  
709 school grades ~~grade appeals~~. The state board may waive  
710 termination if the charter school demonstrates that the learning  
711 gains of its students on statewide assessments are comparable to  
712 or better than the learning gains of similarly situated students  
713 enrolled in nearby district public schools. The waiver is valid  
714 for 1 year and may only be granted once. Charter schools that  
715 have been in operation for more than 5 years are not eligible  
716 for a waiver under this sub-subparagraph.

717 5. The director and a representative of the governing  
718 board of a graded charter school that has implemented a school  
719 improvement plan under this paragraph shall appear before the  
720 sponsor at least once a year to present information regarding  
721 the progress of intervention and support strategies implemented  
722 by the school pursuant to the school improvement plan and  
723 corrective actions, if applicable. The sponsor shall communicate  
724 at the meeting, and in writing to the director, the services  
725 provided to the school to help the school address its  
726 deficiencies.

727 6. Notwithstanding any provision of this paragraph except  
728 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter

HB 7009

2013

729 at any time pursuant to subsection (8).

730 (o) Upon notification of nonrenewal or termination of its  
731 charter, a charter school may not expend more than \$10,000  
732 without prior written approval from the sponsor, unless such  
733 expenditure was included within the annual budget submitted to  
734 the sponsor pursuant to the charter contract or such expenditure  
735 is for reasonable attorney fees and costs during the pendency of  
736 any appeal.

737 (p) Each charter school shall maintain a website that  
738 enables the public to obtain information regarding the school,  
739 its personnel, and its programs. The website shall include  
740 information or online links to information regarding any entity  
741 that owns, operates, or manages the school, including any  
742 nonprofit or for-profit entity; the names of all governing  
743 officers and administrative personnel of the entity; and any  
744 fees the school pays to the entity. The information or online  
745 links must be prominently displayed and easily accessible to  
746 visitors of the website.

747 (10) ELIGIBLE STUDENTS.—

748 (b) The charter school shall enroll an eligible student  
749 who submits a timely application, unless the number of  
750 applications exceeds the capacity of a program, class, grade  
751 level, or building. In such case, all applicants shall have an  
752 equal chance of being admitted through a random selection  
753 process observed by the sponsor or a third party mutually agreed  
754 to by the charter school and sponsor.

755 (h) The capacity of the charter school shall be determined  
756 annually by the governing board, ~~in conjunction with the~~

HB 7009

2013

757 ~~sponsor,~~ of the charter school in consideration of the factors  
758 identified in this subsection ~~unless the charter school is~~  
759 ~~designated as a high-performing charter school pursuant to s.~~  
760 ~~1002.331.~~ A sponsor may not require a charter school to waive  
761 its rights to determine its own ~~the provisions of s. 1002.331 or~~  
762 ~~require a student enrollment cap that prohibits a high-~~  
763 ~~performing charter school from increasing enrollment in~~  
764 ~~accordance with s. 1002.331(2)~~ as a condition of approval or  
765 renewal of a charter.

766 ~~(i) The capacity of a high-performing charter school~~  
767 ~~identified pursuant to s. 1002.331 shall be determined annually~~  
768 ~~by the governing board of the charter school.~~ The governing  
769 board shall notify the sponsor of any increase in enrollment by  
770 March 1 of the school year preceding the increase. A sponsor may  
771 not require a charter school to identify the names of students  
772 to be enrolled or to enroll those students before the start of  
773 the school year as a condition of approval or renewal of a  
774 charter.

775 (16) EXEMPTION FROM STATUTES.—

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

778 1. Section 286.011, relating to public meetings and  
779 records, public inspection, and criminal and civil penalties.

780 2. Chapter 119, relating to public records.

781 3. Section 1003.03, relating to the maximum class size,  
782 except that the calculation for compliance pursuant to s.  
783 1003.03 shall be the average at the school level.

784 4. Section 1012.22(1)(c)5.b. ~~1012.22(1)(c)~~, relating to

HB 7009

2013

785 the implementation of a compensation system that requires annual  
786 salary adjustments for instructional personnel to be based upon  
787 performance and salary schedules.

788 5. Section 1012.33(5), relating to workforce reductions,  
789 if the charter school awards contracts to instructional  
790 personnel and the term of a contract exceeds 1 year.

791 6. Section 1012.335, relating to contracts with  
792 instructional personnel hired on or after July 1, 2011, if the  
793 charter school awards contracts to instructional personnel and  
794 the term of a contract exceeds 1 year.

795 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to  
796 ~~the substantive requirements for performance evaluations for~~  
797 instructional personnel and school administrators. For purposes  
798 of compliance with this subparagraph, the duties assigned to a  
799 district school superintendent apply to a charter school  
800 principal or his or her equivalent, and the duties assigned to a  
801 district school board apply to a charter school's governing  
802 board.

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

808 (c) If the district school board is providing programs or  
809 services to students funded by federal funds, any eligible  
810 students enrolled in charter schools in the school district  
811 shall be provided federal funds for the same level of service  
812 provided students in the schools operated by the district school

HB 7009

2013

813 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
814 charter schools shall receive all federal funding for which the  
815 school is otherwise eligible, including Title I funding, not  
816 later than 5 months after the charter school first opens and  
817 within 5 months after any subsequent expansion of enrollment.  
818 Unless otherwise mutually agreed to by the charter school and  
819 its sponsor, and consistent with state and federal rules and  
820 regulations governing the use and disbursement of federal funds,  
821 the sponsor shall reimburse the charter school on a monthly  
822 basis for all invoices submitted by the charter school for  
823 federal funds available to the sponsor for the benefit of the  
824 charter school, the charter school's students, and the charter  
825 school's students as public school students in the school  
826 district. Such federal funds include, but are not limited to,  
827 Title I, Title II, and Individuals with Disabilities Education  
828 Act (IDEA) funds. To receive timely reimbursement for an  
829 invoice, the charter school must submit the invoice to the  
830 sponsor at least 30 days before the monthly date of  
831 reimbursement set by the sponsor. In order to be reimbursed, any  
832 expenditure made by the charter school must comply with all  
833 applicable state and federal rules and regulations, including,  
834 but not limited to, the applicable federal Office of Management  
835 and Budget Circulars, the federal Education Department General  
836 Administrative Regulations, and program-specific statutes,  
837 rules, and regulations. Such funds may not be made available to  
838 the charter school until a plan is submitted to the sponsor for  
839 approval of the use of the funds in accordance with applicable  
840 federal requirements. The sponsor has 30 days to review and

HB 7009

2013

841 approve any plan submitted pursuant to this paragraph.

842 (18) FACILITIES.—

843 (e) If a district school board-owned ~~board~~ facility that

844 has previously been used for K-12 educational purposes ~~or~~

845 ~~property is available because it is surplus, marked for~~

846 ~~disposal, or otherwise unused, it shall be made available~~

847 ~~provided for a charter school's use at no cost on the same basis~~

848 ~~as it is made available to other public schools in the district.~~

849 If the facility was used as a K-12 public school in the previous

850 school year, as a condition of using such a facility, the

851 charter school shall agree to target students who had been

852 assigned to that public school the previous school year and to

853 enroll a sufficient number of students to ensure that the

854 facility will be used at a greater capacity than it had been

855 used in the previous school year. A district school board-owned

856 facility that is being used at less than 50 percent of its

857 Florida Inventory of School Houses (FISH) student capacity shall

858 be shared with the charter school at no cost to the charter

859 school, or the entire facility shall be made available to the

860 charter school at no cost. The district school board may give

861 priority for the use of such facility to charter schools and

862 charter school operators with a proven record of academic

863 success. A charter school using such a facility receiving

864 ~~property from the school district may not sell, sublease, or~~

865 ~~dispose of such facility property without written permission of~~

866 ~~the school district. The charter school may not earn capital~~

867 ~~outlay funds; however, the school district shall include the~~

868 charter school's capital outlay full-time equivalent (COFTE)

869 student count in the district's capital outlay calculations. The  
 870 charter school may choose to maintain the charter school  
 871 facility or pay the school district the actual cost to maintain  
 872 the facility at the same standard and level it would maintain  
 873 any other district-operated school similar in age and condition.  
 874 Maintenance does not include capital improvements. Similarly,  
 875 for an existing public school converting to charter status, no  
 876 rental or leasing fee for the existing facility or for the  
 877 property normally inventoried to the conversion school may be  
 878 charged by the district school board to the parents and teachers  
 879 organizing the charter school. The charter school shall agree to  
 880 reasonable maintenance provisions in order to maintain the  
 881 facility in a manner similar to district school board standards.  
 882 The Public Education Capital Outlay maintenance funds or any  
 883 other maintenance funds generated by the facility operated as a  
 884 conversion school shall remain with the conversion school.

885 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

886 (a) The Department of Education shall provide information  
 887 to the public, directly and through sponsors, on how to form and  
 888 operate a charter school and how to enroll in a charter school  
 889 once it is created. This information shall include a model  
 890 ~~standard~~ application form ~~format~~, standard charter contract  
 891 ~~format~~, standard evaluation instrument, and standard charter  
 892 renewal contract ~~format~~, which shall include the information  
 893 specified in subsection (7) and shall be developed by consulting  
 894 and negotiating with both school districts and charter schools  
 895 before implementation. The charter and charter renewal contracts  
 896 ~~formats~~ shall be used by charter school sponsors.



897 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

898 (c) An employee of a charter school or his or her spouse  
 899 or an employee of a charter management organization or his or  
 900 her spouse may not be a member of the charter school governing  
 901 board.

902 (27) RULEMAKING.—The Department of Education, after  
 903 consultation with school districts and charter school directors,  
 904 shall recommend that the State Board of Education adopt rules to  
 905 implement specific subsections of this section. Such rules shall  
 906 require minimum paperwork and shall not limit charter school  
 907 flexibility authorized by statute. The State Board of Education  
 908 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
 909 implement a charter model application form, standard evaluation  
 910 instrument, and standard charter and charter renewal contracts  
 911 ~~formats~~ in accordance with this section.

912 Section 2. Paragraph (d) is added to subsection (1) of  
 913 section 1002.331, Florida Statutes, and subsections (2), (4),  
 914 and (5) of that section are amended, to read:

915 1002.331 High-performing charter schools.—

916 (1) A charter school is a high-performing charter school  
 917 if it:

918 (d) Is established primarily to serve students in the  
 919 attendance zone of a school identified in need of intervention  
 920 and support pursuant to s. 1008.33(3)(b) and is operated by an  
 921 entity classified as a high-performing charter school system by  
 922 the State Board of Education pursuant to s. 1002.332(2).

923  
 924 A virtual charter school established under s. 1002.33 is not

925 eligible for designation as a high-performing charter school.

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

927 (a) Increase its student enrollment once per school year  
 928 by up to 15 percent more than the capacity identified in the  
 929 charter.

930 (b) Expand grade levels within kindergarten through grade  
 931 12 to add grade levels not already served if any annual  
 932 enrollment increase resulting from grade level expansion is  
 933 within the limit established in paragraph (a).

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

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

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

947  
 948 A high-performing charter school shall notify its sponsor in  
 949 writing by March 1 if it intends to increase enrollment or  
 950 expand grade levels the following school year. The written  
 951 notice shall specify the amount of the enrollment increase and  
 952 the grade levels that will be added, as applicable. If a high-

HB 7009

2013

953 performing charter school requests to consolidate multiple  
954 charters or to modify its charter pursuant to this subsection,  
955 the sponsor shall have 40 days after receipt of that request to  
956 provide an initial draft charter to the charter school. The  
957 sponsor and charter school shall have 50 days thereafter to  
958 negotiate and notice the charter contract for final approval by  
959 the sponsor.

960 (4) A high-performing charter school may not increase  
961 enrollment or expand grade levels following any school year in  
962 which it receives a school grade of "C" or below. If the charter  
963 school receives a school grade of "C" or below in any 2 years  
964 during the term of the charter awarded under subsection (2), the  
965 term of the charter may be modified by the sponsor ~~and the~~  
966 ~~charter school loses its high-performing charter school status~~  
967 ~~until it regains that status under subsection (1).~~

968 (5) The Commissioner of Education, upon request by a  
969 charter school, shall verify that the charter school meets the  
970 criteria in subsection (1) and provide a letter to the charter  
971 school and the sponsor stating that the charter school is a  
972 high-performing charter school pursuant to this section. The  
973 commissioner shall annually determine whether a high-performing  
974 charter school continues to meet the criteria in subsection (1).  
975 A high-performing charter school shall maintain its high-  
976 performing status unless the commissioner determines that the  
977 charter school no longer meets the criteria in subsection (1),  
978 at which time the commissioner shall send a letter providing  
979 notification of its declassification as a high-performing  
980 charter school.

981 Section 3. Section 1002.332, Florida Statutes, is amended  
 982 to read:

983 1002.332 High-performing charter school system.—

984 (1) For purposes of this section, the term:

985 (a) "Entity" means a municipality or other public entity  
 986 that is authorized by law to operate a charter school; a  
 987 private, nonprofit corporation with tax-exempt status under s.  
 988 501(c)(3) of the Internal Revenue Code; or a private, for-profit  
 989 education management corporation.

990 (b) "High-performing charter school system" means an  
 991 entity that:

992 1. Operated ~~Operates~~ at least three high-performing  
 993 charter schools in the state during each of the previous 3  
 994 school years;

995 2. Operated ~~Operates~~ a system of charter schools in which  
 996 at least 50 percent of the charter schools were ~~are~~ high-  
 997 performing charter schools pursuant to s. 1002.331 and no  
 998 charter school earned a school grade of "D" or "F" pursuant to  
 999 s. 1008.34 in any of the previous 3 school years, except that:

1000 a. If the entity ~~has~~ assumed operation of a public school  
 1001 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that  
 1002 school's grade may not be considered in determining high-  
 1003 performing charter school system status for a period of 3 years.

1004 b. If the entity established ~~establishes~~ a new charter  
 1005 school that served ~~serves~~ a student population the majority of  
 1006 which resided ~~resides~~ in a school zone served by a public school  
 1007 that earned a grade of "F" or three consecutive grades of "D"  
 1008 pursuant to s. 1008.34, that charter school's grade may not be

1009 considered in determining high-performing charter school system  
 1010 status if it attained ~~attains~~ and maintained ~~maintains~~ a school  
 1011 grade that was ~~is~~ higher than that of the public school serving  
 1012 that school zone within 3 years after establishment; and

1013 3. Did ~~Has~~ not receive ~~received~~ a financial audit that  
 1014 revealed one or more of the financial emergency conditions set  
 1015 forth in s. 218.503(1) for any charter school assumed or  
 1016 established by the entity in the most recent 3 fiscal years for  
 1017 which such audits are available.

1018 (2) An entity that successfully operates a system of  
 1019 charter schools outside the state may apply to the State Board  
 1020 of Education for status as a high-performing charter school  
 1021 system solely for the purpose of establishing a charter school  
 1022 that primarily serves students in the attendance zone of a  
 1023 school identified in need of intervention and support pursuant  
 1024 to s. 1008.33(3) (b). The State Board of Education shall adopt  
 1025 rules prescribing a process for determining whether the entity  
 1026 meets the requirements of this subsection by reviewing student  
 1027 demographic and performance data from all schools operated by  
 1028 the entity.

1029 (3) (2) (a) The Commissioner of Education, ~~upon request by~~  
 1030 ~~an entity,~~ shall verify all charter schools served by an entity  
 1031 and verify that the entity meets the criteria in this section  
 1032 ~~subsection (1)~~ for the previous ~~prior~~ school year and provide a  
 1033 letter to the entity stating that it is a high-performing  
 1034 charter school system. The commissioner shall annually determine  
 1035 whether a high-performing charter school system continues to  
 1036 meet the criteria in this section. A high-performing charter

HB 7009

2013

1037 | school system shall maintain its high-performing status unless  
1038 | the commissioner determines that the charter school system no  
1039 | longer meets the criteria in this section, at which time the  
1040 | commissioner shall send a letter providing notification of its  
1041 | declassification as a high-performing charter school system.

1042 |       (b) A high-performing charter school system may replicate  
1043 | its high-performing charter schools pursuant to s. 1002.331(3).  
1044 |       Section 4. This act shall take effect July 1, 2013.