

1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; revising required contents of charter
 4 school applications and charter contracts; authorizing
 5 a sponsor to require an applicant to provide
 6 additional information as an addendum to a charter
 7 school application; requiring a sponsor to allow an
 8 applicant an opportunity to correct both material and
 9 technical deficiencies in the application; conforming
 10 provisions regarding the appeal process for denial of
 11 high-performing charter school applications; requiring
 12 sponsors and applicants to use a standard charter
 13 document; specifying that the standard charter
 14 consists of the approved application and any addenda
 15 and other specified contents; conforming provisions;
 16 specifying that charter terms that are inconsistent
 17 with or prohibited by law are void and unenforceable;
 18 authorizing the sponsor and applicant to negotiate
 19 additional terms after approving the charter;
 20 providing that the charter school may open and operate
 21 during such negotiations; providing that matters
 22 included in the approved application and any addenda
 23 are deemed settled for purposes of negotiating the
 24 charter; clarifying provisions regarding long-term
 25 charters and charter terminations; specifying that a
 26 charter is terminated automatically when a charter

27 | school earns a second consecutive grade of "F," after
 28 | appeals, unless an exception applies; specifying
 29 | requirements regarding such terminations; prohibiting
 30 | sponsors from requiring a high-performing charter
 31 | school to limit enrollment or capacity to students
 32 | enrolled before the start of the school year;
 33 | clarifying that sponsors must make unused school
 34 | facilities available to charter schools; specifying
 35 | requirements for such use of facilities; requiring the
 36 | Department of Education to adopt a model application
 37 | form, standard charter contract, standard application
 38 | evaluation instrument, and standard charter renewal
 39 | contract in rule; specifying that the department adopt
 40 | such documents for virtual charter schools and
 41 | replication of high-performing charter schools;
 42 | amending s. 1002.331, F.S.; specifying that charter
 43 | schools established by certain high-performing charter
 44 | school systems qualify for high-performing charter
 45 | school status for the first three years of operation;
 46 | revising limits on high-performing charter school
 47 | replication; specifying that high-performing charter
 48 | schools may only replicate in order to serve an
 49 | attendance zone served by a school identified as in
 50 | need of intervention and support or to meet specified
 51 | needs identified by district school boards; amending
 52 | s. 1002.332. F.S.; authorizing certain out-of-state

53 entities to apply for high-performing charter school
 54 system status; requiring the State Board of Education
 55 to adopt eligibility criteria for such designation;
 56 specifying requirements regarding eligibility
 57 criteria; amending s. 1013.62, F.S.; specifying that a
 58 charter school must have no financial emergency
 59 conditions on annual audits to qualify for capital
 60 outlay funding; providing an effective date.

61
 62

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

64

65 Section 1. Paragraphs (a), (b), (c), and (h) of subsection
 66 (6), paragraph (a) of subsection (7), paragraphs (n) and (o) of
 67 subsection (9), paragraph (i) of subsection (10), paragraph (e)
 68 of subsection (18), and paragraph (a) of subsection (21) of
 69 section 1002.33, Florida Statutes, are amended to read:

70 1002.33 Charter schools.—

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

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

77 1. Demonstrates how the school will use the guiding
 78 principles and meet the statutorily defined purpose of a charter

79 | school and describes the school's mission, the students to be
 80 | served, and the ages and grades to be included.

81 | 2. Describes the focus of the curriculum, the
 82 | instructional methods to be used, any distinctive instructional
 83 | techniques to be employed, and identification and acquisition of
 84 | appropriate technologies needed to improve educational and
 85 | administrative performance which include a means for promoting
 86 | safe, ethical, and appropriate uses of technology which comply
 87 | with legal and professional standards. The ~~Provides a detailed~~
 88 | curriculum plan ~~that~~ must illustrates how students will be
 89 | provided ~~instruction on services to attain~~ the Next Generation
 90 | Sunshine State Standards.

91 | a. Reading shall be a primary focus of the curriculum. The
 92 | curriculum plan must describe the differentiated strategies that
 93 | will be used for students reading at grade level or higher and a
 94 | separate curriculum and strategies for students who are reading
 95 | below grade level. Resources must be provided to identify and
 96 | provide specialized instruction for students who are reading
 97 | below grade level. The curriculum and instructional strategies
 98 | for reading must be consistent with the Next Generation Sunshine
 99 | State Standards and grounded in scientifically based reading
 100 | research. A sponsor shall deny a charter if the school does not
 101 | propose a reading curriculum that is consistent with effective
 102 | teaching strategies that are grounded in scientifically based
 103 | reading research.

104 | b. In order to provide students with access to diverse

105 instructional delivery models, to facilitate the integration of
 106 technology within traditional classroom instruction, and to
 107 provide students with the skills they need to compete in the
 108 21st century economy, the Legislature encourages instructional
 109 methods for blended learning courses consisting of both
 110 traditional classroom and online instructional techniques.
 111 Charter schools may implement blended learning courses which
 112 combine traditional classroom instruction and virtual
 113 instruction. Students in a blended learning course must be full-
 114 time students of the charter school and receive the online
 115 instruction in a classroom setting at the charter school.
 116 Instructional personnel certified pursuant to s. 1012.55 who
 117 provide virtual instruction for blended learning courses may be
 118 employees of the charter school or may be under contract to
 119 provide instructional services to charter school students. At a
 120 minimum, such instructional personnel must hold an active state
 121 or school district adjunct certification under s. 1012.57 for
 122 the subject area of the blended learning course. The funding and
 123 performance accountability requirements for blended learning
 124 courses are the same as those for traditional courses.

125 3. Contains goals and objectives for improving student
 126 learning and measuring that improvement. These goals and
 127 objectives must indicate how much academic improvement students
 128 are expected to show each year, how success will be evaluated,
 129 and the specific results to be attained through instruction.

130 4. The methods used to identify the educational strengths

131 and needs of students and how well educational goals and
132 performance standards are met by students attending the charter
133 school. The methods shall provide a means for the charter school
134 to ensure accountability to its constituents by analyzing
135 student performance data and by evaluating the effectiveness and
136 efficiency of its major educational programs. Students in
137 charter schools shall, at a minimum, participate in the
138 statewide assessment program created under s. 1008.22.

139 5. In secondary charter schools, a method for determining
140 that a student has satisfied the requirements for graduation in
141 s. 1003.428 or s. 1003.4282.

142 ~~4. Describes the reading curriculum and differentiated~~
143 ~~strategies that will be used for students reading at grade level~~
144 ~~or higher and a separate curriculum and strategies for students~~
145 ~~who are reading below grade level. A sponsor shall deny a~~
146 ~~charter if the school does not propose a reading curriculum that~~
147 ~~is consistent with effective teaching strategies that are~~
148 ~~grounded in scientifically based reading research.~~

149 ~~5. Contains an annual financial plan for each year~~
150 ~~requested by the charter for operation of the school for up to 5~~
151 ~~years. This plan must contain anticipated fund balances based on~~
152 ~~revenue projections, a spending plan based on projected revenues~~
153 ~~and expenses, and a description of controls that will safeguard~~
154 ~~finances and projected enrollment trends.~~

155 ~~6. Documents that the applicant has participated in the~~
156 ~~training required in subparagraph (f)2. A sponsor may require an~~

157 ~~applicant to provide additional information as an addendum to~~
 158 ~~the charter school application described in this paragraph.~~

159 6.7. For the establishment of a virtual charter school,
 160 documents that the applicant has contracted with a provider of
 161 virtual instruction services pursuant to s. 1002.45(1)(d).

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

164 8. The ways by which the school will achieve a
 165 racial/ethnic balance reflective of the community it serves or
 166 within the racial/ethnic range of other public schools in the
 167 same school district.

168 9. Contains an annual financial plan for each year that
 169 the applicant intends to operate the school for up to 5 years.
 170 This plan must contain anticipated fund balances based on
 171 revenue projections, a spending plan based on projected revenues
 172 and expenses, and a description of controls that will safeguard
 173 finances and projected enrollment trends.

174 10. The financial and administrative management of the
 175 school, including a reasonable demonstration of the professional
 176 experience or competence of those individuals or organizations
 177 applying to operate the charter school or those hired or
 178 retained to perform such professional services and the
 179 description of clearly delineated responsibilities and the
 180 policies and practices needed to effectively manage the charter
 181 school. A description of internal audit procedures and
 182 establishment of controls to ensure that financial resources are

183 properly managed must be included. Both public sector and
 184 private sector professional experience shall be equally valid in
 185 such a consideration.

186 11. A description of procedures that identify various
 187 risks and provide for a comprehensive approach to reduce the
 188 impact of losses; plans to ensure the safety and security of
 189 students and staff; plans to identify, minimize, and protect
 190 others from violent or disruptive student behavior; and the
 191 manner in which the school will be insured, including whether or
 192 not the school will be required to have liability insurance,
 193 and, if so, the terms and conditions thereof and the amounts of
 194 coverage.

195 12. The qualifications to be required of the teachers and
 196 the potential strategies used to recruit, hire, train, and
 197 retain qualified staff to achieve best value.

198 13. The governance structure of the school, including the
 199 status of the charter school as a public or private employer as
 200 required in paragraph (12) (i).

201 14. A timetable for implementing the charter which
 202 addresses the implementation of each element thereof and the
 203 date by which the charter shall be awarded in order to meet this
 204 timetable.

205 15. In the case of an existing public school that is being
 206 converted to charter status, alternative arrangements for
 207 current students who choose not to attend the charter school and
 208 for current teachers who choose not to teach in the charter

209 school after conversion in accordance with the existing
 210 collective bargaining agreement or district school board rule in
 211 the absence of a collective bargaining agreement. However,
 212 alternative arrangements shall not be required for current
 213 teachers who choose not to teach in a charter lab school, except
 214 as authorized by the employment policies of the state university
 215 which grants the charter to the lab school.

216
 217 A sponsor may require an applicant to provide additional
 218 information as an addendum to the charter school application
 219 described in this paragraph.

220 (b) A sponsor shall receive and review all applications
 221 for a charter school using the ~~an~~ evaluation instrument
 222 developed by the Department of Education. A sponsor shall
 223 receive and consider charter school applications received on or
 224 before August 1 of each calendar year for charter schools to be
 225 opened at the beginning of the school district's next school
 226 year, or to be opened at a time agreed to by the applicant and
 227 the sponsor. A sponsor may not refuse to receive a charter
 228 school application submitted before August 1 and may receive an
 229 application submitted later than August 1 if it chooses. In
 230 order to facilitate greater collaboration in the application
 231 process, an applicant may submit a draft charter school
 232 application on or before May 1 with an application fee of \$500.
 233 If a draft application is timely submitted, the sponsor shall
 234 review and provide feedback as to material deficiencies in the

235 application by July 1. The applicant shall then have until
 236 August 1 to resubmit a revised and final application. The
 237 sponsor may approve the draft application. A sponsor may not
 238 charge an applicant for a charter any fee for the processing or
 239 consideration of an application, and a sponsor may not base its
 240 consideration or approval of a final application upon the
 241 promise of future payment of any kind. Before approving or
 242 denying any final application, the sponsor shall allow the
 243 applicant, upon receipt of written notification, at least 7
 244 calendar days to make ~~technical or nonsubstantive~~ corrections
 245 and clarifications to address any deficiencies, including, but
 246 ~~not limited to, corrections of grammatical, typographical, and~~
 247 ~~like errors or missing signatures, if such errors are identified~~
 248 by the sponsor as cause to deny the final application.

249 1. In order to facilitate an accurate budget projection
 250 process, a sponsor shall be held harmless for FTE students who
 251 are not included in the FTE projection due to approval of
 252 charter school applications after the FTE projection deadline.
 253 In a further effort to facilitate an accurate budget projection,
 254 within 15 calendar days after receipt of a charter school
 255 application, a sponsor shall report to the Department of
 256 Education the name of the applicant entity, the proposed charter
 257 school location, and its projected FTE.

258 2. In order to ensure fiscal responsibility, an
 259 application for a charter school shall include a full accounting
 260 of expected assets, a projection of expected sources and amounts

261 of income, including income derived from projected student
 262 enrollments and from community support, and an expense
 263 projection that includes full accounting of the costs of
 264 operation, including start-up costs.

265 3.a. A sponsor shall by a majority vote approve or deny an
 266 application no later than 60 calendar days after the application
 267 is received, unless the sponsor and the applicant mutually agree
 268 in writing to temporarily postpone the vote to a specific date,
 269 at which time the sponsor shall by a majority vote approve or
 270 deny the application. If the sponsor fails to act on the
 271 application, an applicant may appeal to the State Board of
 272 Education as provided in paragraph (c). If an application is
 273 denied, the sponsor shall, within 10 calendar days after such
 274 denial, articulate in writing the specific reasons, based upon
 275 good cause, supporting its denial of the charter application and
 276 shall provide the letter of denial and supporting documentation
 277 to the applicant and to the Department of Education.

278 b. An application submitted by a high-performing charter
 279 school identified pursuant to s. 1002.331 may be denied by the
 280 sponsor only if the sponsor demonstrates by clear and convincing
 281 evidence that:

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

284 (II) The charter school proposed in the application does
 285 not materially comply with the requirements in paragraphs

286 (9) (a) - (f);

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

290 (IV) The applicant has made a material misrepresentation
 291 or false statement or concealed an essential or material fact
 292 during the application process; or

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

296

297 Material noncompliance is a failure to follow requirements or a
 298 violation of prohibitions applicable to charter school
 299 applications, which failure is quantitatively or qualitatively
 300 significant either individually or when aggregated with other
 301 noncompliance. An applicant is considered to be replicating a
 302 high-performing charter school if the proposed school is
 303 substantially similar to at least one of the applicant's high-
 304 performing charter schools and the organization or individuals
 305 involved in the establishment and operation of the proposed
 306 school are significantly involved in the operation of replicated
 307 schools.

308 c. If the sponsor denies an application submitted by a
 309 high-performing charter school, the sponsor must, within 10
 310 calendar days after such denial, state in writing the specific
 311 reasons, based upon the criteria in sub-subparagraph b.,
 312 supporting its denial of the application and must provide the

313 letter of denial and supporting documentation to the applicant
 314 and to the Department of Education. The applicant may appeal the
 315 sponsor's denial of the application ~~directly~~ to the State Board
 316 of Education pursuant to paragraph (c) and must provide the
 317 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

318 4. For budget projection purposes, the sponsor shall
 319 report to the Department of Education the approval or denial of
 320 a charter application within 10 calendar days after such
 321 approval or denial. In the event of approval, the report to the
 322 Department of Education shall include the final projected FTE
 323 for the approved charter school.

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

328 (c)1. An applicant may appeal any denial of that
 329 applicant's application or failure to act on an application to
 330 the State Board of Education within ~~no later than~~ 30 calendar
 331 days after receipt of the sponsor's decision or failure to act
 332 and shall notify the sponsor of its appeal. Any response of the
 333 sponsor shall be submitted to the State Board of Education
 334 within 30 calendar days after notification of the appeal. Upon
 335 receipt of notification from the State Board of Education that a
 336 charter school applicant is filing an appeal, the Commissioner
 337 of Education shall convene a meeting of the Charter School
 338 Appeal Commission to study and make recommendations to the State

339 Board of Education regarding its pending decision about the
 340 appeal. The commission shall forward its recommendation to the
 341 state board at least 7 calendar days before the date on which
 342 the appeal is to be heard. An appeal regarding the denial of an
 343 application submitted by a high-performing charter school
 344 pursuant to s. 1002.331 shall be conducted by the State Board of
 345 Education in accordance with this paragraph, except that the
 346 commission shall not convene to make recommendations regarding
 347 the appeal. However, the Commissioner of Education shall review
 348 the appeal and make a recommendation to the state board.

349 2. The Charter School Appeal Commission or, in the case of
 350 an appeal regarding an application submitted by a high-
 351 performing charter school, the State Board of Education may
 352 reject an appeal submission for failure to comply with
 353 procedural rules governing the appeals process. The rejection
 354 shall describe the submission errors. The appellant shall have
 355 15 calendar days after notice of rejection in which to resubmit
 356 an appeal that meets the requirements set forth in State Board
 357 of Education rule. An appeal submitted subsequent to such
 358 rejection is considered timely if the original appeal was filed
 359 within 30 calendar days after receipt of notice of the specific
 360 reasons for the sponsor's denial of the charter application.

361 3.a. The State Board of Education shall by majority vote
 362 accept or reject the decision of the sponsor no later than 90
 363 calendar days after an appeal is filed in accordance with State
 364 Board of Education rule. The State Board of Education shall

365 remand the application to the sponsor with its written decision
 366 that the sponsor approve or deny the application. The sponsor
 367 shall implement the decision of the State Board of Education.
 368 The decision of the State Board of Education is not subject to
 369 the provisions of the Administrative Procedure Act, chapter 120.

370 b. If an appeal concerns an application submitted by a
 371 high-performing charter school identified pursuant to s.
 372 1002.331, the State Board of Education shall determine whether
 373 the sponsor's denial of the application complies with the
 374 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
 375 ~~clear and convincing evidence, that:~~

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

378 ~~(II) The charter school proposed in the application does~~
 379 ~~not materially comply with the requirements in paragraphs~~
 380 ~~(9)(a)-(f);~~

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

384 ~~(IV) The applicant has made a material misrepresentation~~
 385 ~~or false statement or concealed an essential or material fact~~
 386 ~~during the application process; or~~

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

390

391 The State Board of Education shall approve or reject the
 392 sponsor's denial of an application no later than 90 calendar
 393 days after an appeal is filed in accordance with State Board of
 394 Education rule. The State Board of Education shall remand the
 395 application to the sponsor with its written decision that the
 396 sponsor approve or deny the application. The sponsor shall
 397 implement the decision of the State Board of Education. The
 398 decision of the State Board of Education is not subject to the
 399 Administrative Procedure Act, chapter 120.

400 (h) The terms and conditions for the operation of a
 401 charter school shall be set forth by the sponsor and the
 402 applicant in a written contractual agreement, called a charter.
 403 The sponsor may not impose unreasonable rules or regulations
 404 that violate the intent of giving charter schools greater
 405 flexibility to meet educational goals. The sponsor has 30 days
 406 after approval of the application to provide a standard an
 407 ~~initial-proposed~~ charter contract developed by the department to
 408 the charter school, which shall consist of the approved
 409 application and any addenda and the elements specified in
 410 paragraph (7) (a). The applicant and the sponsor have 40 days
 411 thereafter to negotiate the remaining terms and notice the
 412 charter contract for final approval by the sponsor unless both
 413 parties agree to an extension. The proposed charter contract
 414 shall be provided to the charter school at least 7 calendar days
 415 before ~~prior to~~ the date of the meeting at which the charter is
 416 scheduled to be voted upon by the sponsor. Any provision of a

417 charter contract inconsistent with or prohibited by the
 418 requirements of this section is void and unenforceable. The
 419 department ~~Department of Education~~ shall provide mediation
 420 services for any dispute regarding this section subsequent to
 421 the approval of a charter application and for any dispute
 422 relating to the approved charter, except disputes regarding
 423 charter school application denials. If the Commissioner of
 424 Education determines that the dispute cannot be settled through
 425 mediation, the dispute may be appealed to an administrative law
 426 judge appointed by the Division of Administrative Hearings. The
 427 administrative law judge has final order authority to rule on
 428 issues of equitable treatment of the charter school as a public
 429 school, whether proposed provisions of the charter violate the
 430 intended flexibility granted charter schools by statute, or on
 431 any other matter regarding this section except a charter school
 432 application denial, a charter termination, or a charter
 433 nonrenewal and shall award the prevailing party reasonable
 434 attorney ~~attorney's~~ fees and costs incurred to be paid by the
 435 losing party. The costs of the administrative hearing shall be
 436 paid by the party whom the administrative law judge rules
 437 against. Once the sponsor has voted upon and approved the
 438 standard charter contract, the sponsor and applicant have the
 439 right to negotiate additional terms, as necessary. The charter
 440 school may open and operate during the pendency of any
 441 negotiation, mediation, or administrative proceeding.

442 (7) CHARTER.— The major issues involving the operation of

443 a charter school shall be set forth in ~~considered in advance and~~
 444 ~~written into~~ the charter. The governing board of the charter
 445 school and the sponsor shall use the standard charter contract
 446 developed by the Department of Education, which shall
 447 incorporate the approved application and any addenda. Matters
 448 included in the approved application and any addenda are deemed
 449 settled for purposes of negotiating the charter; however, the
 450 parties may agree to address such matters after approval of the
 451 charter. The charter shall be signed by the governing board of
 452 the charter school and the sponsor, following a public hearing
 453 to ensure community input.

454 (a) The charter shall address ~~and criteria for approval of~~
 455 ~~the charter shall be based on:~~

456 1. ~~The school's mission, the students to be served, and~~
 457 ~~the ages and grades to be included.~~

458 2. ~~The focus of the curriculum, the instructional methods~~
 459 ~~to be used, any distinctive instructional techniques to be~~
 460 ~~employed, and identification and acquisition of appropriate~~
 461 ~~technologies needed to improve educational and administrative~~
 462 ~~performance which include a means for promoting safe, ethical,~~
 463 ~~and appropriate uses of technology which comply with legal and~~
 464 ~~professional standards.~~

465 a. ~~The charter shall ensure that reading is a primary~~
 466 ~~focus of the curriculum and that resources are provided to~~
 467 ~~identify and provide specialized instruction for students who~~
 468 ~~are reading below grade level. The curriculum and instructional~~

469 ~~strategies for reading must be consistent with the Next~~
 470 ~~Generation Sunshine State Standards and grounded in~~
 471 ~~scientifically based reading research.~~

472 ~~b. In order to provide students with access to diverse~~
 473 ~~instructional delivery models, to facilitate the integration of~~
 474 ~~technology within traditional classroom instruction, and to~~
 475 ~~provide students with the skills they need to compete in the~~
 476 ~~21st century economy, the Legislature encourages instructional~~
 477 ~~methods for blended learning courses consisting of both~~
 478 ~~traditional classroom and online instructional techniques.~~
 479 ~~Charter schools may implement blended learning courses which~~
 480 ~~combine traditional classroom instruction and virtual~~
 481 ~~instruction. Students in a blended learning course must be full-~~
 482 ~~time students of the charter school and receive the online~~
 483 ~~instruction in a classroom setting at the charter school.~~
 484 ~~Instructional personnel certified pursuant to s. 1012.55 who~~
 485 ~~provide virtual instruction for blended learning courses may be~~
 486 ~~employees of the charter school or may be under contract to~~
 487 ~~provide instructional services to charter school students. At a~~
 488 ~~minimum, such instructional personnel must hold an active state~~
 489 ~~or school district adjunct certification under s. 1012.57 for~~
 490 ~~the subject area of the blended learning course. The funding and~~
 491 ~~performance accountability requirements for blended learning~~
 492 ~~courses are the same as those for traditional courses.~~

493 1.3. ~~The current incoming baseline standard of student~~
 494 ~~academic achievement, the outcomes to be achieved, and the~~

495 method of measurement that will be used. The criteria listed in
 496 this subparagraph shall include a detailed description of:

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

499 b. How these baseline rates will be compared to rates of
 500 academic progress achieved by these same students while
 501 attending the charter school.

502 c. To the extent possible, how these rates of progress
 503 will be evaluated and compared with rates of progress of other
 504 closely comparable student populations.

505
 506 The district school board is required to provide academic
 507 student performance data to charter schools for each of their
 508 students coming from the district school system, as well as
 509 rates of academic progress of comparable student populations in
 510 the district school system.

511 ~~4. The methods used to identify the educational strengths~~
 512 ~~and needs of students and how well educational goals and~~
 513 ~~performance standards are met by students attending the charter~~
 514 ~~school. The methods shall provide a means for the charter school~~
 515 ~~to ensure accountability to its constituents by analyzing~~
 516 ~~student performance data and by evaluating the effectiveness and~~
 517 ~~efficiency of its major educational programs. Students in~~
 518 ~~charter schools shall, at a minimum, participate in the~~
 519 ~~statewide assessment program created under s. 1008.22.~~

520 ~~5. In secondary charter schools, a method for determining~~

521 ~~that a student has satisfied the requirements for graduation in~~
 522 ~~s. 1003.428 or s. 1003.4282.~~

523 2.6. A method for resolving conflicts between the
 524 governing board of the charter school and the sponsor.

525 ~~7. The admissions procedures and dismissal procedures,~~
 526 ~~including the school's code of student conduct.~~

527 ~~8. The ways by which the school will achieve a~~
 528 ~~racial/ethnic balance reflective of the community it serves or~~
 529 ~~within the racial/ethnic range of other public schools in the~~
 530 ~~same school district.~~

531 ~~9. The financial and administrative management of the~~
 532 ~~school, including a reasonable demonstration of the professional~~
 533 ~~experience or competence of those individuals or organizations~~
 534 ~~applying to operate the charter school or those hired or~~
 535 ~~retained to perform such professional services and the~~
 536 ~~description of clearly delineated responsibilities and the~~
 537 ~~policies and practices needed to effectively manage the charter~~
 538 ~~school. A description of internal audit procedures and~~
 539 ~~establishment of controls to ensure that financial resources are~~
 540 ~~properly managed must be included. Both public sector and~~
 541 ~~private sector professional experience shall be equally valid in~~
 542 ~~such a consideration.~~

543 ~~10. The asset and liability projections required in the~~
 544 ~~application which are incorporated into the charter and shall be~~
 545 ~~compared with information provided in the annual report of the~~
 546 ~~charter school.~~

547 ~~11. A description of procedures that identify various~~
 548 ~~risks and provide for a comprehensive approach to reduce the~~
 549 ~~impact of losses; plans to ensure the safety and security of~~
 550 ~~students and staff; plans to identify, minimize, and protect~~
 551 ~~others from violent or disruptive student behavior; and the~~
 552 ~~manner in which the school will be insured, including whether or~~
 553 ~~not the school will be required to have liability insurance,~~
 554 ~~and, if so, the terms and conditions thereof and the amounts of~~
 555 ~~coverage.~~

556 3.12. The initial term of the charter, which shall be for
 557 4 or 5 years. ~~The term of the charter which shall provide for~~
 558 ~~cancellation of the charter if insufficient progress has been~~
 559 ~~made in attaining the student achievement objectives of the~~
 560 ~~charter and if it is not likely that such objectives can be~~
 561 ~~achieved before expiration of the charter. The initial term of a~~
 562 ~~charter shall be for 4 or 5 years. In order to facilitate access~~
 563 ~~to long-term financial resources for charter school~~
 564 ~~construction, Charter~~ charter ~~schools that are operated by a~~
 565 ~~municipality or other public entity, as provided by law, or a~~
 566 private, not-for-profit, s. 501(c)(3) status corporation ~~are~~
 567 ~~eligible for up to a 15-year charter, subject to approval by the~~
 568 ~~district school board. A charter lab school is also eligible for~~
 569 ~~a charter for a term of up to 15 years. In addition, to~~
 570 ~~facilitate access to long-term financial resources for charter~~
 571 ~~school construction, charter schools that are operated by a~~
 572 ~~private, not-for-profit, s. 501(c)(3) status corporation are~~

573 ~~eligible for up to a 15-year charter, subject to approval by the~~
 574 ~~district school board.~~ Such long-term charters remain subject to
 575 annual review and may be terminated during the term of the
 576 charter, but only according to ~~the provisions set forth in~~
 577 subsection (8) or paragraph (9) (n).

578 4. Termination or nonrenewal of the charter pursuant to
 579 subsection (8), including termination for failure to make
 580 sufficient progress towards attaining the student achievement
 581 objectives of the charter or likely failure to meet such
 582 objectives before expiration of the charter, and automatic
 583 termination pursuant to paragraph (9) (n).

584 ~~5.13.~~ The facilities to be used and their location. The
 585 sponsor may not require a charter school to have a certificate
 586 of occupancy or a temporary certificate of occupancy for such a
 587 facility earlier than 15 calendar days before the first day of
 588 school.

589 ~~14. The qualifications to be required of the teachers and~~
 590 ~~the potential strategies used to recruit, hire, train, and~~
 591 ~~retain qualified staff to achieve best value.~~

592 ~~15. The governance structure of the school, including the~~
 593 ~~status of the charter school as a public or private employer as~~
 594 ~~required in paragraph (12) (i).~~

595 ~~16. A timetable for implementing the charter which~~
 596 ~~addresses the implementation of each element thereof and the~~
 597 ~~date by which the charter shall be awarded in order to meet this~~
 598 ~~timetable.~~

599 ~~17. In the case of an existing public school that is being~~
 600 ~~converted to charter status, alternative arrangements for~~
 601 ~~current students who choose not to attend the charter school and~~
 602 ~~for current teachers who choose not to teach in the charter~~
 603 ~~school after conversion in accordance with the existing~~
 604 ~~collective bargaining agreement or district school board rule in~~
 605 ~~the absence of a collective bargaining agreement. However,~~
 606 ~~alternative arrangements shall not be required for current~~
 607 ~~teachers who choose not to teach in a charter lab school, except~~
 608 ~~as authorized by the employment policies of the state university~~
 609 ~~which grants the charter to the lab school.~~

610 6.18. Full disclosure of the identity of all relatives
 611 employed by the charter school who are related to the charter
 612 school owner, president, chairperson of the governing board of
 613 directors, superintendent, governing board member, principal,
 614 assistant principal, or any other person employed by the charter
 615 school who has equivalent decisionmaking authority. For the
 616 purpose of this subparagraph, the term "relative" means father,
 617 mother, son, daughter, brother, sister, uncle, aunt, first
 618 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 619 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 620 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 621 stepsister, half brother, or half sister.

622 7.19. Implementation of the activities authorized under s.
 623 1002.331 by the charter school when it satisfies the eligibility
 624 requirements for a high-performing charter school. A high-

625 performing charter school shall notify its sponsor in writing by
 626 March 1 if it intends to increase enrollment or expand grade
 627 levels the following school year. The written notice shall
 628 specify the amount of the enrollment increase and the grade
 629 levels that will be added, as applicable.

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,"
 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
 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. A charter school's charter is automatically terminated
 694 if it earns a second consecutive grade of "F," after all school
 695 grade appeals are final, ~~The sponsor shall terminate a charter~~
 696 ~~if the charter school earns two consecutive grades of "F"~~
 697 unless:

698 a. The charter school is established to turn around the
 699 performance of a district public school pursuant to s.
 700 1008.33(4)(b)3. Such charter schools shall be governed by s.
 701 1008.33;

702 b. The charter school serves a student population the

703 majority of which resides in a school zone served by a district
704 public school that earned a grade of "F" in the year before the
705 charter school opened and the charter school earns at least a
706 grade of "D" in its third year of operation. The exception
707 provided under this sub-subparagraph does not apply to a charter
708 school in its fourth year of operation and thereafter; or

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

720
721 The sponsor shall notify in writing the charter school's
722 governing board, the charter school principal, and the
723 department when charter is terminated under this sub-paragraph.
724 A charter school terminated under this sub-paragraph is governed
725 by the requirements of paragraphs (e), (f), and (g) of
726 subsection (8).

727 5. The director and a representative of the governing
728 board of a graded charter school that has implemented a school

729 improvement plan under this paragraph shall appear before the
 730 sponsor at least once a year to present information regarding
 731 the progress of intervention and support strategies implemented
 732 by the school pursuant to the school improvement plan and
 733 corrective actions, if applicable. The sponsor shall communicate
 734 at the meeting, and in writing to the director, the services
 735 provided to the school to help the school address its
 736 deficiencies.

737 6. Notwithstanding any provision of this paragraph except
 738 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
 739 at any time pursuant to subsection (8).

740 (o)1. Upon initial notification of nonrenewal, closure, or
 741 termination of its charter, a charter school may not expend more
 742 than \$10,000 per expenditure without prior written approval from
 743 the sponsor unless such expenditure was included within the
 744 annual budget submitted to the sponsor pursuant to the charter
 745 contract, is for reasonable attorney fees and costs during the
 746 pendency of any hearing or appeal, or is for reasonable fees and
 747 costs to conduct an independent audit.

748 2. An independent audit shall be completed within 30 days
 749 after notice of nonrenewal, closure, or termination to account
 750 for all public funds and assets.

751 3. A provision in a charter contract that contains an
 752 acceleration clause requiring the expenditure of funds based
 753 upon closure or upon notification of nonrenewal or termination
 754 is void and unenforceable.

755 4. A charter school may not enter into a contract with an
 756 employee that exceeds the term of the school's charter contract
 757 with its sponsor.

758 5. A violation of this paragraph triggers a reversion or
 759 clawback power by the sponsor allowing for collection of an
 760 amount equal to or less than the accelerated amount that exceeds
 761 normal expenditures. The reversion or clawback plus legal fees
 762 and costs shall be levied against the person or entity receiving
 763 the accelerated amount.

764 (10) ELIGIBLE STUDENTS.—

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

774 (18) FACILITIES.—

775 (e) If a district school board-owned ~~board~~ facility that
 776 has previously been used for K-12 educational purposes ~~or~~
 777 property is no longer used as a school as defined in s.
 778 1003.01(2) available because it is surplus, marked for disposal,
 779 or otherwise unused, it shall be made available ~~provided~~ for a
 780 charter school's use on the same basis as it is made available

781 to other public schools in the district. The charter school is
 782 responsible for the costs required to bring the facility into
 783 compliance with the current Florida Building Code and for costs
 784 required to maintain such compliance. A charter school using
 785 such a facility ~~receiving property from the school district~~ may
 786 not sell, sublease, or dispose of such facility ~~property~~ without
 787 written permission of the school district. The charter school
 788 may not earn capital outlay funds; however, the school district
 789 shall include the charter school's capital outlay full-time
 790 equivalent (COFTE) student count in the district's capital
 791 outlay calculations. The charter school may choose to maintain
 792 and repair the facility at the same standard and level as any
 793 other district-operated school of similar age and condition.
 794 Maintenance and repair do not include the construction of any
 795 new building, structure, or substantial addition, extension, or
 796 upgrade to an existing facility. Similarly, for an existing
 797 public school converting to charter status, no rental or leasing
 798 fee for the existing facility or for the property normally
 799 inventoried to the conversion school may be charged by the
 800 district school board to the parents and teachers organizing the
 801 charter school. The charter school shall agree to reasonable
 802 maintenance provisions in order to maintain the facility in a
 803 manner similar to district school board standards. The Public
 804 Education Capital Outlay maintenance funds or any other
 805 maintenance funds generated by the facility operated as a
 806 conversion school shall remain with the conversion school.

807 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—
 808 (a) The Department of Education shall provide information
 809 to the public, directly and through sponsors, on how to form and
 810 operate a charter school and how to enroll in a charter school
 811 once it is created. This information shall include a model
 812 application form, standard charter contract, standard
 813 application evaluation instrument, and standard charter renewal
 814 contract, which shall include the information specified in
 815 subsections (6) and (7), as applicable, and shall be developed
 816 by consulting and negotiating with both school districts and
 817 charter schools before implementation. The model application
 818 form, standard charter contract, standard application evaluation
 819 instrument, and standard charter renewal contract must clearly
 820 identify the specific statutes and rules from which charter
 821 schools are statutorily exempted from compliance. The department
 822 shall develop a model application form, standard charter
 823 contract, standard application evaluation instrument, and
 824 standard charter renewal contract that is uniquely tailored to
 825 virtual charter schools established under subsection (1) and
 826 replication of high-performing charter schools under s.
 827 1002.331(3). The charter and charter renewal contracts shall be
 828 used by charter school sponsors.

829 Section 2. Subsections (1), (3), and (5) of section
 830 1002.331, Florida Statutes, are amended to read:

831 1002.331 High-performing charter schools.—

832 (1) A charter school is a high-performing charter school

833 | if it:

834 | (a) Received at least two school grades of "A" and no
835 | school grade below "B," pursuant to s. 1008.34, during each of
836 | the previous 3 school years.

837 | (b) Received an unqualified opinion on each annual
838 | financial audit required under s. 218.39 in the most recent 3
839 | fiscal years for which such audits are available.

840 | (c) Did not receive a financial audit that revealed one or
841 | more of the financial emergency conditions set forth in s.
842 | 218.503(1) in the most recent 3 fiscal years for which such
843 | audits are available. However, this requirement is deemed met
844 | for a charter school-in-the-workplace if there is a finding in
845 | an audit that the school has the monetary resources available to
846 | cover any reported deficiency or that the deficiency does not
847 | result in a deteriorating financial condition pursuant to s.
848 | 1002.345(1) (a) 3.

849 |
850 | A virtual charter school established under s. 1002.33 is not
851 | eligible for designation as a high-performing charter school. A
852 | charter school that is established in this state and operated by
853 | an entity classified as a high-performing charter school system
854 | pursuant to s. 1002.332(2) shall be deemed a high-performing
855 | charter school during its first three years of operation.
856 | Beginning in the fourth year of operation and thereafter, such a
857 | charter school must meet the criteria in paragraphs (a) through
858 | (c) to maintain the designation.

859 (3) (a) A high-performing charter school may submit an
 860 application pursuant to s. 1002.33(6) in any school district in
 861 the state to establish and operate a new charter school that
 862 will substantially replicate its educational program in order to
 863 serve the attendance zone of a school identified in need of
 864 intervention and support pursuant to s. 1008.33(3) (b) or to meet
 865 capacity needs or needs for innovative choice options identified
 866 by the district school board. An application submitted by a
 867 high-performing charter school must state that the application
 868 is being submitted pursuant to this paragraph and must include
 869 the verification letter provided by the Commissioner of
 870 Education pursuant to subsection (5). If the sponsor fails to
 871 act on the application within 60 days after receipt, the
 872 application is deemed approved and the procedure in s.
 873 1002.33(6) (h) applies. If the sponsor denies the application,
 874 the high-performing charter school may appeal pursuant to s.
 875 1002.33(6).

876 ~~(b) A high-performing charter school may not establish~~
 877 ~~more than one charter school within the state under paragraph~~
 878 ~~(a) in any year. A subsequent application to establish a charter~~
 879 ~~school under paragraph (a) may not be submitted unless each~~
 880 ~~charter school established in this manner achieves high-~~
 881 ~~performing charter school status.~~

882 (5) The Commissioner of Education, upon request by a
 883 charter school, shall verify that the charter school meets the
 884 criteria in subsection (1) and provide a letter to the charter

885 school and the sponsor stating that the charter school is a
 886 high-performing charter school pursuant to this section. The
 887 commissioner shall annually determine whether a high-performing
 888 charter school under subsection (1) continues to meet the
 889 criteria in that subsection. Such high-performing charter school
 890 shall maintain its high-performing status unless the
 891 commissioner determines that the charter school no longer meets
 892 the criteria in subsection (1), at which time the commissioner
 893 shall send a letter to the charter school and its sponsor
 894 providing notification that the charter school has been
 895 declassified ~~of its declassification~~ as a high-performing
 896 charter school.

897
 898 Section 3. Subsection (2) of section 1002.332, Florida
 899 Statutes, is renumbered as subsection (3), and subsection (2) is
 900 added to that section, to read:

901 1002.332 High-performing charter school system.—

902 (2) An entity that successfully operates a system of
 903 charter schools outside the state may apply to the State Board
 904 of Education for status as a high-performing charter school
 905 system. The State Board of Education shall adopt rules
 906 prescribing a process for determining whether the entity meets
 907 the requirements of this subsection by reviewing student
 908 demographic and performance data and fiscal accountability of
 909 all schools operated by the entity. To the extent practicable,
 910 the State Board of Education shall develop a rubric for the

911 approval of such entities that aligns with the priorities of the
 912 Federal Charter Schools Program Grants for Replication and
 913 Expansion of High-Quality Charter Schools, found in the Federal
 914 Register, Volume 76, Number 133.

915
 916 Section 4. Paragraph (a) of subsection (1) of section
 917 1013.62, Florida Statutes, is amended to read:

918 1013.62 Charter schools capital outlay funding.—

919 (1) In each year in which funds are appropriated for
 920 charter school capital outlay purposes, the Commissioner of
 921 Education shall allocate the funds among eligible charter
 922 schools.

923 (a) To be eligible for a funding allocation, a charter
 924 school must:

925 1.a. Have been in operation for 3 or more years;

926 b. Be governed by a governing board established in the
 927 state for 3 or more years which operates both charter schools
 928 and conversion charter schools within the state;

929 c. Be an expanded feeder chain of a charter school within
 930 the same school district that is currently receiving charter
 931 school capital outlay funds;

932 d. Have been accredited by the Commission on Schools of
 933 the Southern Association of Colleges and Schools; or

934 e. Serve students in facilities that are provided by a
 935 business partner for a charter school-in-the-workplace pursuant
 936 to s. 1002.33(15) (b) .

937 2. Have an annual audit that does not reveal one or more
 938 of the financial emergency conditions set forth in s. 218.503(1)
 939 for the most recent fiscal year for which such audit is
 940 available ~~stability for future operation as a charter school.~~

941 3. Have satisfactory student achievement based on state
 942 accountability standards applicable to the charter school.

943 4. Have received final approval from its sponsor pursuant
 944 to s. 1002.33 for operation during that fiscal year.

945 5. Serve students in facilities that are not provided by
 946 the charter school's sponsor.

947 Section 5. This act shall take effect July 1, 2014.