

March 12, 2015

**MEMORANDUM**

TO: District School Superintendents

FROM: Joy Frank  
Allie Akre, Legislative Intern  
Courtney Larkin, Legislative Intern

RE: Legislative Update – Week 2; March 9<sup>th</sup> – 12<sup>th</sup>

**General Information**

The House and Senate have not worked on budgets yet. In fact, the Senate Education Appropriations Subcommittee meeting was cancelled. The House Education Appropriations Subcommittee met and considered several education bills. The results are reported below.

The House Education Committee also discussed two proposals. The first is a bill restructuring FHSAA. The second relates to Personal Learning Scholarship Accounts. Charts summarizing the provisions are attached.

**HB 7069 – Education Accountability by Education Committee.** The House Education Appropriations Subcommittee heard the bill and the bill was amended. The attached chart is updated and incorporates the amendments. The bill is now a committee substitute. We hear that the bill could be on the House floor next week. The Senate bill has not been heard by the Senate Education Appropriations Subcommittee as of yet.

**HB 7037 – School Choice by Choice & Innovation Subcommittee and Rep. Cortes.** The bill was amended in the House Education Appropriations Subcommittee. A charter school may, at the charter school’s option, notify the sponsor of its intent to defer the opening of the school’s operations for up to two years to provide time for adequate facility planning. The sponsor may not require a charter school to provide written notice of its intent to defer earlier than 15 calendar days before the first day of school.

In addition, language was added to provide that any unrestricted surplus or unrestricted net assets identified in the charter school’s annual audit may be used for the not-for-profit or municipal entity organizing or operating the charter school for any educational purpose consistent with the applicable provisions of Chapter 617, F.S., if the entity is a not-for-profit organization, and consistent with the applicable provisions of Title XII of the Florida Statutes if the entity is a municipality.

Finally, the bill was amended to appropriate for the 2015-2016 fiscal year, \$4,184,000 in recurring GR to the FEFP to funds student enrollment increased as a result of the repeal of s. 1002.455, F.S., which restricted enrollment in virtual education programs. In addition, \$1,000,000 in recurring GR is appropriated to FSU to create and implement the Florida Institute for Charter School Innovation.

The bill passed the House Education Appropriations Subcommittee as a committee substitute.

**HB 7057 – School Administration by House K-12 Education Subcommittee.** The bill was heard in the House Education Committee and several amendments were adopted. One amendment expands the role of the internal auditor to include the performance of other audits and reviews as the school board directs for the purpose of determining the adequacy of internal controls designed to prevent and detect fraud, waste, and abuse; compliance with applicable laws, rules, contracts, grant agreements, school board-approved policies, and best practices; the efficiency of operations; the reliability of financial records and reports; and the safeguarding of assets.

Another amendment creates s. 1012.562 re to Public Accountability and state approval for school leader preparation programs. Basically, the amendment requires the SBE to maintain a system for the development and approval of school leader preparation programs.

The bill passed the House Education Committee as a committee substitute.

**HB 665 – Maximum Class Size by Rep. Moraitis.** The bill amends s. 1003.03(04), F.S., to revise the method for calculating the penalty for schools that fail to comply with the class size requirements by calculating steps 2, 3, and 4 at the school average instead of at the classroom level. The increase in the penalty scheduled to begin in FY 2014-2015 and thereafter is repealed.

The bill removes the exemption from the class size requirement for charter schools and district innovation schools of technology program.

The bill requires the amount of the reduction calculation to be expended in the schools that are out of compliance to achieve compliance.

The bill repeals the reallocation of funds to districts that are in compliance with class size and requires the district to publish, by school, compliance data and the compliance plan on the school district website and provide a copy of the compliance plan to the School Advisory Committee at all non-compliant schools.

The bill passed the House Education Appropriations Subcommittee favorably as a committee substitute

**HB 19 – School Safety by Steube.** The bill allows school superintendents, upon approval of the district school board, to create a school safety designee program through which the school superintendent may designate one or more individuals to carry a concealed weapon or firearm on school property. Weapons or firearms may only be carried in a concealed manner and must be on

the individual's person at all times while performing official school duties. The bill requires school safety designees to possess a concealed weapon license.

The bill establishes criteria and training requirements that school safety designees must meet. The bill also requires a level 2 background screening for school safety designees who have not already had a level 2 background screening by the school board and authorizes each school superintendent to require additional background screenings for all school safety designees.

The bill requires district school board policies and procedures for emergencies and emergency drills to include active shooters and hostage situations. Active-shooter situation procedures for each school must be developed in consultation with a local law enforcement agency.

The bill requires each district school superintendent to provide recommendations to improve school safety and security to the first responding local law enforcement agencies.

The bill requires school districts and private schools to allow first-responding law enforcement agencies to tour the school campuses once every three years. Any recommendations relating to school safety and emergency issues based on a campus tour must be documented by the district or private school.

The bill specifies that a district school board may commission one or more school safety officers on each school campus.

The bill specifies that the required training will be created and defined by the Criminal Justice Standards and Training Commission, which is administered by the Florida Department of Law Enforcement (FDLE).

HB 19 was reported favorably by the House K-12 Subcommittee.

**HB 85 – Public School Instruction by Hill.** The bill requires public schools to provide instruction on the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation. The materials will be provided to school districts for free by the Library of Congress.

HB 85 was reported favorably by the House K-12 Subcommittee.

**HB 181 –Education Facilities by Bileca.** The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the State Requirements for Educational Facilities (SREF), is adopted by the Florida Building Commission as part of the Florida Building Code. The Department of Education (DOE) must biennially review and recommend to the Florida Building Commission updates and revisions to the SREF. The law and State Board of Education rules require district school boards to adhere to the SREF when constructing and renovating educational facilities.

Generally speaking, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.

The bill authorizes a district school board to adopt a resolution to implement one or more of the following exceptions to the SREF requirements regarding:

- Use of wood studs in interior nonload-bearing walls;
- Paved walkways, roadways, driveways, and parking areas;
- Covered walkways for relocatable buildings; and
- Site lighting.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

HB 181 was reported favorably by the House K-12 Subcommittee.

**HB 571 – Personal Privacy by Rodrigues.** The evolution of the Internet, the widespread use of electronic devices, and the advancement of data gathering technologies has made it exceptionally easy to gather digital data about users. The bill contains a variety of provisions relating to the privacy of digital information. There were several provisions impacting student information and also perhaps search and seizure of devices/cell phones, etc. The bill was substantially amended in committee and an attempt was made to address the education issues.

The bill passed the House Criminal Justice Subcommittee favorably as a committee substitute.

**HB 587 – Educational Professional Practices by Spano.** The Education Practices Commission (EPC) is a 25 member panel comprised of educators, parents, former school board members, and law enforcement officials that is responsible for adjudicating complaints of misconduct committed by certified educators. The EPC is authorized to suspend or revoke an educator's certificate and may impose other sanctions if the Department of Education (DOE) finds probable cause to prosecute a complaint. Law enforcement members of EPC are not required to be Florida residents. The law does not provide membership for public virtual school administrators, former charter school governing board members, and former district school superintendents.

DOE is required to investigate complaints of misconduct committed by certified educators. DOE employees who are responsible for investigating or prosecuting misconduct by certified educators are not currently authorized to access child abandonment, abuse, or neglect records held by the Department of Children and Families (DCF). Currently, the Commissioner of Education is authorized to enter into a deferred prosecution agreement with a certified educator who is accused of misconduct in lieu of finding probable cause if, in his or her judgment, the agreement is in the best interests of DOE, the educator, and the public, unless there is probable cause to believe that a felony or an act of moral turpitude has occurred. Upon finding no probable cause, the commissioner must dismiss the complaint.

Among other things, the bill revises the membership of the EPC to include membership opportunities for school administrators employed by virtual schools; former charter school governing board members; and former district school superintendents, assistant superintendents, or deputy superintendents. The bill also requires EPC members to be Florida residents and authorizes the appointment of emeritus members.

The bill authorizes DCF to disclose child abandonment, abuse, or neglect records to DOE employees who investigate or prosecute misconduct by certified educators.

Current law establishes criteria for when the commissioner may enter into a deferred prosecution agreement in lieu of finding probable cause. The bill authorizes the commissioner to also provide a letter of guidance in lieu of finding probable cause, but it does not provide criteria for when the letter will be provided.

HB 587 was reported favorably by the House K-12 Subcommittee.

**SB 224 - Relating to Public Records/Public Agency Contracts by Simpson.** The bill amends s. 119.0701, F.S., which governs public records maintained by private contractors performing services for a public agency.

The bill requires each public agency contract for services to include the contact information of the agency's public records custodian. The contract must also include language providing that public records law applies to the contractor unless the agency has determined otherwise.

The bill removes the requirement that records, including records that are electronically stored, be transferred to the public agency upon termination of the contract. Under the bill, a former contractor has the option to retain public records, unless a public agency requests the records.

The bill changes the way a person must request a public record from a contractor. A public records request regarding contracts for services must be made directly to the agency contracting with the contractor rather than to the contractor. If the agency does not have the records, the contractor must produce them in a reasonable time or is subject to criminal penalties. As a prerequisite to the entitlement to attorney fees and cost in an action to compel the production of public records, a person must send a notice to the public agency by certified mail at least 3 business days before filing suit.

SB 224 was reported favorably with committee substitute by the Senate Judiciary Committee. The committee substitute differs from the original bill in that it removes the definition of contractor and “acting on behalf of a public agency,” alters statements and terms that must be placed in each contract, shortens the notice requirement from five days to three days, removes a bad faith or willful refusal element from enforcement cases.

**SB 518 – Relating to Voluntary Prekindergarten Education Program by Gibson.** SB 518 expands the formula for calculating the Voluntary Prekindergarten Education Program readiness rate to include students’ performance results on pre- and post-assessments in addition to student’s performance results on the statewide kindergarten screening. The bill provides an effective date of July 1, 2015.

The bill was reported favorably by the Senate Pre-K – 12 Committee.

**SB 556 - Relating to State Symbols by Montford.** Currently, no honey is designated as the official state honey. Chapter 15, F.S., designates official state emblems. To date, there are designations for a state tree, fruit, beverage, citrus archive, anthem, song, shell, stone, gem, wildflower, play, animal, freshwater fish, saltwater fish, marine mammal, saltwater mammal, butterfly, reptile, saltwater reptile, tortoise, air fair, rodeo, festival, moving image center and archive, litter control symbol, pageant, opera, renaissance festival, railroad museums, transportation museum, flagship, soil, fiddle contest, band, sports hall of fame, pie, maritime museum, and horse.

Tupelo honey is produced from the Ogeechee Tupelo (*Nyssa ogeche*) tree. The Ogeechee Tupelo is known as “an important honey tree” and is located along rivers, swamps and ponds of the Coastal Plain that are frequently flooded. 1 The Ogeechee Tupelo is also known as the White Tupelo and ranges from the Ogeechee River of Georgia to the Apalachicola and Chattahoochee River basins of northwest Florida.2 The White Tupelo has a short blossoming season in April and May.3 Tupelo honey will not granulate, and some doctors recommend this honey to diabetic patients due to its high laevulose content. 4

The bill was reported favorably by the Government Oversight and Accountability Committee.

**SB 574 - Relating to Government Procurement by Montford.** The bill amends s. 1001.42(12), F.S., to authorize district school boards to adopt rules regarding procurement practices, including the use of online procurement and electronic auction services. The term “electronic auction services” is defined. The bill also amends s. 1006.27(1), F.S., to authorize the Department of Education and district school boards to use electronic auction services and other efficient procurement tools for specified purchases.

SB 572 was reported favorably with committee substitute by the Government Oversight and Accountability Committee.

**SB 782 - Relating to County Officers by Montford.** SB 782 provides that the salaries of county constitutional officers and school district officials will not decrease under specific circumstances related to an increase in county population. When a county’s population increases, such that the

county falls into a new population group, the bill would prevent a salary decrease, while still allowing the group rate associated with the new population group to be used for purposes of the salary computation. The bill provides an effective date of July 1, 2015.

The bill was temporarily postponed by the Senate Community Affairs Committee.

**SB 802 - Relating to Vocational Rehabilitation by Gaetz (D).** SB 802 imposes performance improvement plan and accountability reporting requirements on the Division of Vocational Rehabilitation (division), the designated state administrative unit, for implementing federal vocational rehabilitation (VR) program requirements.

Specifically, the bill:

- Requires the division to develop and implement, by October 1, 2015, a performance improvement plan, designed to assist the division in achieving specified performance goals.
- Repeals the designation of the division as the administrative unit of the state for the purposes of effecting compliance with the federal Rehabilitation Act of 1973, as amended, pending a review of the division's progress on achieving the specified performance goals.
- Establishes criteria and reporting requirements associated with a pilot partnership program for the employment of persons with unique abilities.

The purpose of the bill is to elevate the state VR program as one of the best in the nation. Consequently, to direct efforts to improve the state VR program, the bill establishes measurable metrics that focus on outcomes related to employment, independence, and other meaningful measures of success. The bill takes effect July 1, 2015.

SB 802 was reported favorably by the Senate Higher Education Committee.

**SB 848 – Relating to Employment of Individuals by Richter.** SB 848 creates the Employment First Act. The bill provides legislative intent and purpose regarding employment of individuals with disabilities. The bill requires the development and implementation of an interagency cooperative agreement among specified state agencies and organizations. The interagency cooperative agreement provides roles, responsibilities and objectives.

SB 848 was reported favorably with committee substitute by the Government Oversight and Accountability Committee.

**SB 954 – Relating to Involuntary Examinations of Minors by Garcia.** SB 954 requires each county health department to develop, jointly with the district school board and the local school health advisory committee, a school health services plan to provide for immediate notification to a student's parent or guardian if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to the Baker Act. Each district school board and charter school governing board must develop a policy and procedures for such notification.

Specifically, the bill:

- Expands the definition of "emergency health needs" to include onsite evaluation of a student for illness or injury and release of the student to a law enforcement officer.

- Requires immediate notification by the school principal, or his or her designee, to a public school or a charter school student's parent or guardian if the student is removed from the school, school transportation, or a school-sponsored activity for an involuntary examination.
- Permits a school principal, or his or her designee, and the receiving facility to delay notification no more than 24 hours if it has been deemed to be in the student's or minor patient's best interest and after a report of known or suspected abuse, abandonment, or neglect is submitted to the Department of Children and Families' Central Abuse Hotline.
- Provides the following notification requirements for receiving facilities that hold minor patients for involuntary examination:
  - Immediate notice to the patient's parent, guardian, or guardian advocate in person or by telephone or other electronic communication.
  - Repeated and documented attempts of notification until receiving confirmation by the parent, guardian, or guardian advocate. The bill has an effective date of July 1, 2015.

The bill was reported favorably by the Senate Pre-K – 12 Committee.

**SB 960 - Relating to Florida Bright Futures Scholarship Program by Lee (T).** SB 960 modifies student community service requirements affecting student eligibility for the Florida Bright Futures Scholarship Program awards by clarifying that community service work means volunteer service work, expanding the permissible activities that students can participate in to meet the volunteer service work requirement, and placing parameters on such activities.

Specifically, the bill:

- Expands service work areas beyond social areas of interest to include a civic issue or a professional area of interest.
- Requires students to develop a plan for personal involvement in addressing the issue or learning about the issue in addition to reflecting on such experience through papers or presentations.
- Provides accountability requirements for students' service work.
- Prohibits students from receiving compensation or academic credit for the volunteer service work.

Additionally, the bill specifies that volunteer service work may include, but is not limited to, the following activities:

- Internship with a business or government entity;
- Work for a nonprofit community service organization; or
- Activity on behalf of a candidate for public office.

The volunteer service hours must be documented in writing and signed by the student, the student's parent or guardian, and a representative of the organization where the student volunteered. The bill takes effect on July 1, 2015.

SB 960 was reported favorably by the Senate Higher Education Committee.

**SB 1140 - Relating to Bright Futures Scholarship Program by Montford.** SB 1140 allows a high school graduate who is eligible to accept a Florida Bright Futures Scholarship award to defer the 2-year period for the initial award and the 5-year period for renewing the award until such time that he or she completes a full-time religious or service obligation lasting at least 18 months. In addition, the bill requires the organization to document, in writing, and verify the student's religious obligation or service work. The bill takes effect on July 1, 2015.

The bill was reported favorably by the Senate Higher Education Committee.

**SB 1264 – Relating to Digital Classrooms by Legg.** The bill requires the involvement of the Agency for State Technology, or contracted organization, in the implementation of the digital classroom plan, specifically with respect to the state's 5-year strategic plan, school districts' digital classroom plan, identification of infrastructure gaps, and facilitation of access. The bill also revises and adds additional reporting digital classroom requirements for the Commissioner of Education, school districts, and charter schools.

**Creates s. 282.0052 – re Digital classrooms technology infrastructure planning**

Requires the Agency for State Technology, or contracted organization, to: consult with DOE to identify standards and targets for the successful implementation of digital classrooms, perform retrospective analyses of the state's 5-year strategic plan and the school district/charter school digital classroom plan, provide prospective planning and guidance to the DOE and school districts with respect to gaps in technology infrastructure, and summarize and report the status of technology infrastructure of school districts, and recommendations for cost efficiency improvements.

**Amends s. 1001.20(4)(a) – re Office of Technology and Information Services**

Requires the Office of Technology and Information Services to consult with the Agency for State Technology in the development of the state's 5-year strategic plan, identification of minimum technology infrastructure requirements, and facilitation of school districts' access to statewide procurement service agreements.

**Amends s. 1011.62(12) – re Florida Digital Classroom Allocation**

Revises the date the date by which district school boards must annually submit a digital classrooms plan to the Department of Education.

Requires charter schools to submit the school's digital classrooms plan to the applicable school district.

Specifies conditions for a school district to maintain eligibility for Florida digital classrooms allocation funds to include an annual independent verification of its use of Florida digital classrooms allocation funds pursuant to statutory requirements.

Requires the Commissioner of Education to implement an online portal for electronic submission of digital classrooms plans by a specified date.

Requires charter schools to annually report its use of funds allocated through the digital classroom plan.

Amends the reporting requirements for the Commission of Education to include a summary of each district's student performance goals and outcomes, and use of funds, in support of such student performance goals and outcomes.

The bill was temporarily postponed or TP'd by the Senate PreK-12 Education Committee.

**SB 7042 – Relating to Florida Retirement System by Government Oversight and Accountability.** SPB 7042 reestablishes renewed membership in the Florida Retirement System (FRS). A retiree of the FRS pension plan, the FRS investment plan, the Senior Management Service Optional Annuity Program (SMSOAP), the State University System Optional Retirement Program (SUSORP) or the State Community College System Optional Retirement Program (SCCSOAP) who is employed in a regularly established position with a covered employer on or after July 1, 2016, will be a renewed member in the FRS as follows:

- FRS (all retirees) → Investment Plan (any eligible class)
- SMSOAP → Investment Plan (any eligible class)
- SUSORP → SUSORP
- SCCSORP → SCCSORP

A renewed member must meet the vesting requirements of the applicable plan in which he becomes a renewed member. Except for renewed members reemployed prior to June 30, 2010, creditable service does not accrue for a retiree's employment in a regularly established position with a covered employer from July 1, 2010, through June 30, 2016, and no employer or employee contributions may be paid into a renewed member's investment plan account for employment with a covered employer during this time period.

A special actuarial study is required to determine the contribution rates necessary to fund the costs associated with this modification to the FRS.

The bill also requires employers to pay the full contribution related to the purchase of general military service under s. 121.111, F.S., in those instances in which the FRS member leaves the employment of a FRS-participating employer to report for active duty in the Armed Forces. This modification does not impact the FRS Trust Fund but does shift the costs of the service from the member to the employer

SB 7042 was submitted as a committee bill with two amendments by the Government Oversight and Accountability Committee.

**SB 7046 by Education Pre-K – 12.** SPB 7046 modifies fiscal policy aspects regarding preeminent state research universities; intensive reading instruction; teacher bonus funding; and performance funding for universities and state colleges.

Specifically, the bill:

- Requires a state university seeking to be designated as a preeminent state research university to enter into and maintain a formal agreement with the National Merit Scholarship Corporation.
- Extends the additional hour of daily elementary grade intensive reading instruction through the 2017-2018 academic year, and authorizes a summer program as an equivalency.
- Increases maximum available public school teacher bonus funding, including establishing two new tiers of bonuses available to CAPE industry certification teachers.
- Establishes performance-funding formulas for the State University System and Florida College System institutions.

The effective date of the bill is July 1, 2015.

**Senator Gaetz had an amendment that does the following:**

**The first 50% of the revenue from the 1.5 discretionary millage shall be allocated to both charter schools and traditional public schools on a per capital outlay FTE basis by the school district. Each charter school eligible to receive capital outlay funding under s. 1013.62 shall receive its proportional share of the millage revenue. The school district shall retain discretion over the expenditure of these funds that are allocated to traditional public schools, as well as the remaining 50% of the millage revenue.**

**The amendment was temporarily passed, but we may see something similar as we moved through session.**

The bill was reported favorably as a committee bill with one amendment by the Senate Pre-K – 12 Committee.

### **Senate Pre-K – 12 Education Committee**

The Committee discussed the Senate charter school bills in a workshop.

The issues were consolidated into a chart that is reproduced below. A more thorough analysis of the charter schools bills is provided after the chart. The expectation is at least one bill, perhaps two, will be developed that contain the charter provisions that will move through the Senate.

<b>Issue</b>	<b>Source</b>	<b>Proposal</b>
1. Charter School Institute	<ul style="list-style-type: none"><li>• 1448 by Legg</li><li>• 7037 by Cortes (House)</li></ul>	Establishes a charter institute at FSU.
2. Historical Performance	<ul style="list-style-type: none"><li>• 906 by Sobel</li><li>• 1448 by Legg</li><li>• 7037 by Cortes (House)</li></ul>	Requires applications to contain names and historical performance of charter schools, and documentation of adequate financial resources. May constitute grounds for denial.

<b>Issue</b>	<b>Source</b>	<b>Proposal</b>
3. Renewal	<ul style="list-style-type: none"> <li>• 1448 by Legg</li> <li>• 7037 by Cortes (House)</li> </ul>	Removes limitation on authority to renew term (of facilitating access to long-term financial resources) for certain charter schools (operated by a public entity or private not-for-profit 501(c)(3)) in order to obtain a 15-year term.
4. School Operations	<ul style="list-style-type: none"> <li>• 720 by Ring</li> </ul>	Requires background checks, SACS accreditation, documentation of adequate financial resources, and moves up deadline to obtain a certificate of occupancy.
5. Financial	<ul style="list-style-type: none"> <li>• 906 by Sobel</li> <li>• 1448 by Legg</li> <li>• 7037 by Cortes (House)</li> </ul>	<ul style="list-style-type: none"> <li>• (906) Requires monthly financial statements during first year.</li> <li>• (1448 &amp; 7037) Prohibits districts from delaying payments of local funds to charter schools.</li> <li>• (7037) Requires sponsor to review monthly/quarterly financial statements to identify deteriorating financial conditions.</li> </ul>
6. Demonstrating Need	<ul style="list-style-type: none"> <li>• 254 by Clemens</li> <li>• 1038 by Montford</li> </ul>	<ul style="list-style-type: none"> <li>• (254) Requires charter school applications to meet a specific instructional need or need for additional educational facilities, which the local school district does not or is unable to provide.</li> <li>• (1038) Before applying for a charter school, or increasing enrollment or grades to an existing charter school, must apply to and obtain from DOE a statement of need that the school provides innovation services not found in public schools and does not duplicate existing services provided by public schools.</li> </ul>

Issue	Source	Proposal
		DOE may issue fines for noncompliance with conditions associated with statement of need.
7. Surety Bond	<ul style="list-style-type: none"> <li>• 1336 by Braynon</li> <li>• 1036 by Montford</li> </ul>	<ul style="list-style-type: none"> <li>• (1336) Requires, before first day of class, a charter school to have a surety bond or secured escrow in excess of first year projected expenses.</li> <li>• (1036) Requires an annual performance bond payable to the district covering half of the school’s projected expenses.</li> </ul>
8. Management Companies	<ul style="list-style-type: none"> <li>• 1036 by Montford</li> </ul>	Requires a charter school governing board to be independent of a management company.
9. Voluntary Student Withdrawal	<ul style="list-style-type: none"> <li>• 1036 by Montford</li> </ul>	<ul style="list-style-type: none"> <li>• Establishes limitations and procedures for voluntary withdraw of charter school students.</li> <li>• Requires charter schools to annually identify information related to the withdrawal of students.</li> </ul>
10. Audits	<ul style="list-style-type: none"> <li>• 1036 by Montford</li> </ul>	Establishes procedures for Auditor General audits of entities that charter school do business with, and requires greater district oversight and DOE investigations of charter schools.
11. Charter School District Pilot Project	<ul style="list-style-type: none"> <li>• 952 by Garcia</li> </ul>	Authorizes SBE to enter into a performance contract with 6 district school boards to provide principals of participating schools with increased autonomy and authority.
12. High Performing Charter Schools	<ul style="list-style-type: none"> <li>• 692 by Brandes • 7037 by Cortes (House)</li> </ul>	Removes restriction on replication of high performing charter schools in the attendance zone of a school in need of intervention, to meet

Issue	Source	Proposal
		capacity needs, or to meet district identified innovative choice options.
13. High Performing Charter School System	<ul style="list-style-type: none"> <li>• 692 by Brandes</li> </ul>	Permits SBE to authorize an out-of-state charter school system to receive high-performing status.
14. School Choice	<ul style="list-style-type: none"> <li>• 1448 by Legg</li> <li>• 1552 by Benacquisto</li> </ul>	<ul style="list-style-type: none"> <li>• (1448 &amp; 1552) Authorizes parents to choose to enroll and transport child to any school in the district or state that has not reached capacity.</li> <li>• (1552) Allows a student to transfer to another classroom teacher.</li> </ul>
15. Fiscal Transparency	1552 by Benacquisto	Requires districts to notify parents of the cost of a child's education.
16. District Schools of Technology	<ul style="list-style-type: none"> <li>• 1036 by Montford</li> </ul>	Deletes performance contracts for district innovation schools of technology.
17. Hospitalized Program Services	<ul style="list-style-type: none"> <li>• 1448 by Legg</li> </ul>	Enables customized instruction for students receiving hospitalized program services in children's hospitals.

**Charter School/Choice Bills that were discussed in the Workshop**

**SB 254 – Relating to Charter Schools**

By: Clemens (Co-Sponsor: Bullard)

Summary: Requires a charter school to demonstrate it meets certain needs that the local school district does not or is unable to provide to students in that district in order to obtain approval. Allows certain out-of-state entities to apply for designation as a high-performing charter school system, and requires that such entities receive a reduction in certain administrative fees.

**SB 692 – Relating to Charter Schools**

By: Brandes

Summary: Provides an exception to the prohibition on a high-performing charter school establishing more than one charter school in Florida under certain circumstances.

Analysis:

**Amends s. 1002.331 – re High-Performing Charter Schools**

Removes the limitation that high-performing charter schools may not establish more than one charter school per year for high-performing charter schools in the attendance zone of a school identified as in need of intervention or support or to meet capacity or innovative choice option needs.

**Amends s. 1002.332 – re High-Performing Charter School System**

Allows an entity that successfully operates an out-of-state charter school system to apply for status as a high-performing charter school system. Requires the State Board of Education to adopt rules, and to the extent practicable, a rubric for the approval of such entities that aligns with federal charter school grants. Requires a reduction in administrative fees for the first three years for such entities.

**SB 720 – Relating to School Choice**

By: Ring

Summary: Requires a charter school applicant to undergo a background screening, and provide evidence of accreditation. Requires approval by a sponsor be based on documentation of adequate funding.

**SB 906 – Relating to Charter Schools**

By: Sobel

Summary: Requires a charter school application to contain a list of all charter schools currently or previously operated by the applicant(s), or proposed management company. Requires a sponsor to consider current or past performance of the applicant(s), or proposed management company, and authorizes a sponsor to deny an application based on charter school failures. Requires additional financial reporting for charter schools including monthly reports for the first year of operation, plan to become financially viable under certain circumstances, and documentation of adequate financial resources.

**SB 952 – Relating to Charter District Pilot Program**

By: Garcia

Summary: Creates the Charter School District Pilot program, and the requirements for participation in the program for charter schools, charter school principals, and school districts.

Analysis:

**Creates s. 1011.6202 – re Charter School District Pilot Program**

Allows the State Board of Education to enter into a performance contract with up to six district school boards to establish such districts as charter school districts.

Defines a charter school district as a school district in the state that has submitted, and the state board has approved, a charter proposal that exchanges statutory and rule exemption for an agreement to meet performance goals established in the charter proposal. States that a charter school district will be chartered for 3 years, after which there will be an evaluation.

Requires a charter school district submit in its proposal: a list of three middle schools or high schools whose principals will have fiscal and administrative autonomy, a description of the current fiscal and administrative management and areas where there will be increased fiscal and administrative autonomy, an explanation of each participating school's strengths and needs with a suggestions for improvement, a list of performance goals and an explanation of how increased autonomy will help schools achieve those goals, and a list of each participating school's mission and student population.

Requires the state board to establish criteria for the approval of a school district charter proposal.

Exempts a charter school district from certain provisions in chapters 1000-1013, including opening date for schools.

Requires a charter school district to comply with certain provisions in chapters 1000-1013 including laws relating to elections, public records, and ethics requirements, laws relating to student assessment school grading system, laws relating to students with disabilities, laws relating to student health, safety, and welfare, laws relating to election/appointment and compensation of school board members and superintendents, laws governing maximum class size, laws relating to workforce reduction for annual contracts, laws relating to personnel evaluations, and laws governing educational facilities.

Requires each principal of a participating school to participate in a specified professional development program.

Requires each charter school district to submit an annual report.

#### **Amends s. 1012.28 – re Public School Personnel; Duties of School Principals**

Provides additional authority and responsibilities for charter school district principals relating to placement of instructional personnel, financial autonomy, and budgeting.

#### **Amends s. 1012.986 – re William Cecil Golden Professional Development Program for School Leaders**

Specifies the training participating charter school district principals will receive.

#### **SB 1336 – Relating to Charter Schools**

By: Braynon

Summary: Requires a charter school applicant to provide verified evidence of a surety bond or secured escrow account in a certain amount within a specified timeframe.

**SB 1448 re to Student Choice by Senator Legg.**

**Section 1. Amends s. 1002.31 re to controlled open enrollment; public school parental choice.**

The bill authorized a parent to choose to enroll his/her child in, and transport such child to, any public school, including a charter school, which has not reached capacity in any school district. Requires district to accept the student and report student for FEFP funding. "Capacity" is defined as a school in which capital outlay FTE enrollment exceeds 95% of space and occupant design capacity of nonrelocatable facilities. If school's initial design incorporated such relocatables, the term means a school in which the capital outlay FTE exceeds 95% of space and occupant design capacity of its core facilities.

**Section 2. Amends s. 1002.33 re to Charter schools.** Authorizes a charter school to operate a virtual charter school to provide full-time online instruction to eligible student in k-12. Requires an existing charter school seeking to become a virtual charter school to amend its charter or submit a new application to become a virtual charter school.

In the application process, a sponsor may continue to deny an application if the school does not propose a reading curriculum consistent with effective reading strategies, but the sponsor may not require school to implement any curriculum adopted by the district.

The application must disclose name of each applicant, governing board member, and proposed management company, if any; name and sponsor of any charter school operated by such parties; and the academic and financial history of such charter school, which the sponsor shall consider in deciding to approve or deny the application.

Current language authorizes 15-year charter in order to facilitate long-term financial resources for charter school construction. The bill removes this requirement, therefore a charter could get a 15-year charter regardless of whether they have construction needs. Also, the 15-year charter is currently limited to municipalities or other public entities. Any not for profit entity must obtain approval by a school board in order to get a 15-year charter. The bill removes requirement that school board approve 15-year charter of not for profit applicant.

The applicant must explain termination or nonrenewal of a charter.

Deletes requirement that governing board must appoint a representative to facilitate parental involvement and that at the governing board must hold least two public meetings in the school district. But, puts back in later in bill.

Certain provisions must be followed regarding recovery of funds, property, etc. when a charter is not renewed or is terminated. Language is added to apply these provisions when a charter school is voluntarily closed by the operator. Adds language to require that the governing of a school that

closes voluntarily must notify the sponsor and DOE within 7 calendar days of its decision to cease operations.

For a high-performing charter school that is having charter agreement renewed, the charter contract is extended and automatically renewed for 15 years if the governing board and sponsor have not executed the renewal before the term expires.

Requires charter to provide sponsor with monthly financial statement upon execution of the contract. Requires sponsor to review the statement to identify any deteriorating financial conditions.

Charter automatically terminated if the school earns two consecutive grades of “F” after all grade appeals are final.

Requires sponsor to notify the governing board, principal and DOE when charter terminated.

Authorizes charter school to enter into cooperative agreements with other charter schools or educational institutions.

Prohibits a school board from delaying payment to a charter school of any portion of funds based on the timing of receipt of the local funds by the school board.

Requires “standard” vs “model” application form.

**Section 3. Amends s. 1002.331 reo to High-performing charter schools.**

Technical.

**Section 4. Amends s. 1002.37 re to the Florida Virtual School.**

Technical. Conforms to changes in eligibility requirements.

**Section 5. Amends s. 1002.45 re to Virtual instruction Programs.**

Technical.

**Section 6. Repeals s. 1002.455 re to student eligibility for K-12 virtual instruction.**

Do not have to be in attendance prior year, etc. Can enroll K-12.

**Section 7. Amends s. 1003.498 re to School district virtual course offerings.**

Conforming cross reference.

**Section 8. Creates s. 1003.5711 re to instruction for students receiving hospitalized program services.**

- a. Classifies an eligible student as a student with a disability.
- b. Allows IEP to be modified to reduce student's course load and to allow instruction outside normal school days/year. Allows student to be exempted from PE based on doctor's orders.
- c. Requires student admitted to children's hospital to continue to receive educational instruction. If student expected to stay more than 15 days, district of attendance has until 5<sup>th</sup> day to provide certified teacher. If not, then district where children's hospital is located must provide certified teacher or arrange services through the FLVS and must also provide instructional materials and other requirements of IEP. The school district providing the instruction will receive FEFP funding for student.
- d. Requires children's hospital to provide appropriate instructional space for student and enter into agreement with school district to implement.

**Section 9. Creates s. 1004.6491 re to Florida Institute for Charter School Innovation.**

Establishes institute at FSU to conduct research on charter schools, partner with teacher prep programs to allow aspiring teachers opportunities in schools of choice, and provide technical assistance and support to innovative charter school applicants. Allows President of FSU to appoint the director. Requires institute to report annually to Governor and Legislature by October. Provide for annual audit by an independent CPA.

**Section 10. Amends s. 1011.62 re to Funds for operation of schools.**

Modifies virtual education contribution in the FEFP.

**Section 11. Effective date: July 1, 2015.**

**SB 1552 re to Parent and Student Rights by Senator Benacquisto**

**Section 1. Amends s. 1002.20 re to K-12 student and parent rights.**

Replaces "controlled open enrollment" with "public school parental choice."

Adds language stating the a parent has the right to know the average amount of money estimated to be expended from all sources, state, local, and federal, for the education of his or her child, including operating and capital outlay expenses. The department shall annually provide each district the estimated amount of funding allocated for a student in the district by grade level and level of support. Each district must notify parents of the estimated amount of funding allocated for a student similar to their child, based upon grade level and level of support. The fiscal transparency notification may be included in the student handbook or a similar publication.

**Section 2. Amends s. 1002.31 re to Public school parental choice.**

Requires each school board to establish a public school parental choice policy that authorizes a parent to choose to enroll his/her child in and transport his/her child to any public school that has not reached capacity, including charter schools, in the district.

Defines capacity. Does include provision that for a student in grades 9-12, interscholastic and intrascholastic extracurricular student activity eligibility may be impacted by choosing to attend a school other than the school assigned by the district.

**Section 3. Amends s. 1002.33 re to Charter Schools.**

Requires charter school with space available to be open to any student in the state.

**Section 4. Amends s. 1002.451 re to District Innovation School of Technology Program.**

Technical amendments.

**Section 5. Creates s. 1003.3101 re to Additional school choice options.**

Each school district board shall establish a transfer process for a parent to request his or her child be transferred to another classroom teacher. A school must grant or deny the transfer within 2 weeks after receiving a request. If a request for transfer is denied, the school shall notify the parent and specify the reasons for a denial. An explanation of the transfer process must be made available in the student handbook or a similar publication.

**Section 6. Amends S. 1006.15 re to Student standards for participation in interscholastic and intrascholastic extracurricular student activities.**

Technical amendments.

**Section 7. Amends s. 1012 re to Teacher teaching out-of-field.**

A parent that receives this notification may, after the October student membership survey, request that his or her child be transferred to another classroom teacher within the school and grade in which the child is currently enrolled. The school district shall grant the parent's request and transfer the student to a different classroom teacher within a reasonable period of time, not to exceed 2 weeks. This does not provide a parent the right to choose a specific teacher.

**Section 8. Effective date of July 1, 2015.**

**Charter School - Statement of Need  
SB 1038 by Senator Montford**

The proposed legislation requires the Department of Education to establish and administer a statement of need program for charter schools.

Since 1995, the number of charter schools has grown to over 615 schools. These independent public schools can be opened and operated by individuals, companies or cities, and volunteer governing boards, not local elected school boards, control them. Charter school enrollment is over 229,000 students. Duplicative programs in charter schools, that merely mirror programs available

in traditional public school, serve as a strain on already limited public education resources and fail to serve any of the originally intended purposes of charter schools. Charter schools should function as a complement to, not a duplicator of, traditional public schools.

A statement of need program will ensure that charter schools will be established in areas where there is a particular need for educational services that are not being provided by the school districts; and ensure that public funds are efficiently utilized. This is modeled after the certificate of need requirements of health care facilities.

If the bill is enacted, a charter school must have a statement of need beginning July 1, 2016.

## **Section by Section Summary**

### **Section 1. Creates s. 1002.322, F.S., – Short title and purpose.**

Sections 1002.322-1002.329, F.S., are created and may be cited as the “Charter School Excellence Act.”

The bill sets forth legislative findings.

- Florida’s State Constitution mandates a “uniform, efficient, safe, security, and high quality system of free public schools.” Charter schools are public schools and are subject to this constitutional mandate.
- The number of charter schools has grown to more than 615 schools and enrollment has grown to more than 229,000 students. Charter schools are independently opened and operated. Duplicative programs in charter schools, which largely mirror programs available in traditional public school, are a burden on the already financially strained public school system. Charter schools should complement, and not duplicate, traditional public schools.
- The application process is biased toward encouraging unmitigated growth of the charter school industry, rather than focusing on the specific needs of students or safeguarding taxpayer dollars.
- The lack of transparency and local control over charter schools has resulted in the inefficient use of taxpayer dollars. Districts are limited in their ability to intervene which has exacerbated the number of charter school failures. This has resulted in the displacement of students and prevented districts from recouping taxpayer dollars.
- For-profit companies that provide charter schools with various administrative services can consume a significant portion of the school’s budget which ultimately results in less money going toward student education. These services are duplicative of those services available through school districts and are an inefficient use of taxpayer dollars.
- Many charter schools are offering the same instructional services offered in traditional public schools and have failed to assume the role that was originally envisioned. Unlike other states, Florida does not have a maximum cap on the number of charter schools that may be authorized.

The purpose of the bill is to develop a statement of need program to ensure that charter schools provide innovative educational services not provided by traditional public school; do not duplicate existing services; and are responsible stewards of taxpayer money.

**Section 2. Creates s. 1002.323, F.S. - to Definitions.**

Defines several terms including “statement of need” to mean a written statement issued by the Department of Education (DOE) evidencing the need for a new, converted, expanded, or otherwise significantly modified charter school in a specific school district.

**Section 3. Creates s. 1002.324, F.S., - Duties and responsibilities of department; rules.**

DOE is designated as the sole agency that may issue statements of need. Before determining there is a need for additional charter school, DOE must assess whether a specific need can be satisfied through existing traditional public schools and charter schools. The State Board of Education (SBE) must establish by rule uniform need methodologies for charter schools and includes criteria that must be considered including student population trends, student demographics, number of schools already operational in a district, need for additional programs and educational services, and need for innovative educational services. In developing the rules, the SBE must involve all of the stakeholders.

**Section 4. Creates s. 1002.325, F.S., - Application process and review for statements of need.**

Letters of Intent must be filed at least 30 days before filing an application for a statement of need. The Letter of Intent s filed with DOE and also with the district school board in which the proposed charter school would be located. The bill specifies what must be contained in the Letter of Intent. Within 21 days after receipt of a Letter of Intent, DOE must publish notice in the Florida Administrative Register.

The bill specifies what must be contained in the application including a description of the proposed charter school project; how the project meets the required criteria; a statement of financial resources; and an audited financial statement.

The bill requires the SBE to adopt rules that establish a timetable or cycle basis for the submission and review of Statement of Need applications.

The bill establishes evaluation criteria for applications including the following:

- Need for the proposed charter school.
- Availability of proposed educational services in existing public and charter schools.
- Ability of applicant to provide quality educational services and applicant’s record of providing such services, if applicable.
- Availability of both operating and capital resources.
- Extent to which proposed services will enhance educational options in the district and are not duplicative of existing educational services.
- Financial feasibility and fiscal efficiency of the charter school.
- Costs and methods of proposed construction.

- Applicant’s record of providing educational services to students who are from lower socioeconomic backgrounds, who are low performing, or who have disabilities.

DOE must assess a few on each application. A minimum base fee is \$10,000 per application and an additional \$50 fee for each FTE student projected to enroll based on the enrollment capacity of the applicant school. However, the total fee may not exceed \$50,000 in the aggregate.

**Section 5. Creates s. 1002.326, F.S., - Disposition of applications; administrative hearing; judicial review.**

The bill establishes a review and appeals process.

**Section 6. Creates s. 1002.327, F.S., - applicability; expedited review; exemption.**

Beginning July 1, 2016, all charter schools described in this subsection are subject to review and must file an application for a Statement of Need with DOE. Schools subject to review include:

- A charter school newly constructed or established, including a replacement charter school, if the proposed project site is not located on the same site as, or within 1 miles of, the existing charter school.
- A conversion charter school.
- An existing charter school that increases the number of students enrolled or enrollment capacity.
- An existing charter school that increases the number of grades being provided educational services.

The bill provides for expedited review under certain circumstances including transfer of a previously issued Statement of Need; replacement of an existing charter school; expansion of a high performing charter school; replication of a high-performing charter school in a high-performing charter school system.

The bill also provides for an exemption request to DOE.

**Section 7. Creates s. 1002.328, F.S., - Conditions and monitoring.**

DOE may conditionally issue a Statement of Need. The bill provides that the Statement of Need terminates 18 months after the date of issuance if construction or an enforcement capital expenditure commitment does not occur. The validity period of the Statement of Need may be extended by DOE if the applicant demonstrates that commencement is being delayed due to litigation or regulation or permitting issues that preclude commencement.

**Section 8. Creates s. 1002.3281, F.S., - Statement of need required; penalties.**

The bill provides that it is unlawful for any person to undertake a project without a valid Statement of Need. Any person violating this section commits a second degree misdemeanor.

**Section 9. Creates s. 1002.3282, F.S., - Transfer prohibited.**

A Statement of Need may not be transferred. A holder who violates this section commits a first degree misdemeanor.

**Sections 10. Creates s. 1002.329, F.S., - Injunction.**

Authorizes DOE to maintain an action for injunction or other process against any person to prevent a project from being pursued that is subject to review.

**Section 11. Amends s. 1002.33, F.S., - Charter Schools.**

The bill provides that effective July 1, 2016, a school board may not issue a charter to a charter school that is not issued a Statement of Need. The bill requires that documentation that a Statement of Need has been issued must be included in the charter school application to the school board. Issuance of a Statement of Need does not guarantee approval of the charter school application by the school board. The charter must also identify the issuance of a Statement of Need by DOE. Finally, failure to maintain a valid Statement of Need is grounds for nonrenewal or termination of the charter.

**Section 12. Effective date is October 1, 2015.**

**Charter School Legislation  
SB 1036 by Montford**

**Summary**

**Highlights:**

Requires annual report to SBE by the School Board to include the number of students who have voluntarily or involuntarily withdrawn from a charter school, identification of schools, reason for withdrawal and amount of pro-rata funds transferred to the district school.

The charter application must demonstrate that the governing board is independent of any management company and has the ability to terminate the contract with the management company at any time and in the sole discretion of the governing board.

Requires that at least one member of the charter school governing board must be a parent of a student enrolled in that school.

Current language states that a student may withdraw from a charter school at any time and enroll in another public school as determined by district school board rule. Language is added to ensure students voluntarily leave charter schools. The language is modeled after language used to protect students in corporate scholarship and other choice programs. Placement of a student in a charter school must remain in force until the student voluntarily withdraws from the charter school, or successfully completes the highest grade offered in the charter school.

Requires charter schools to post a performance bond equal to one-half of the projected operating funds so that a school district and the state do not lose state FTE revenues in the event of a closure due to financial reasons;

The current statute requires the SBE to adopt rules relating to the standard contract. The proposed language would remove the requirement for a standard contract and authorize a model contract that is not required to be used by school boards

Subjects charter schools to audits and/or investigations by the state Auditor, DOE's Inspector General, and local school board, at their discretion. Specifically authorizes the local school board to oversee each approved charter school in order to ensure state and federal compliance.

This section authorizes the establishment of District Innovation Schools of Technology. However the language is so restrictive that districts are not taking advantage of the flexibility. The district eligibility requirements are modified to authorize "C" districts to participate. In addition, the requirement for the district to apply to the State Board of Education for approval is removed. The district must submit an annual report to the State Board and also the board retains its monitoring function. Other requirements are also modified to encourage districts to utilize this innovative program.

**Amends s. 1002.33(5) re to Sponsor (School Board) Duties**

Requires annual report to State Board of Education by the Sponsor (School Board) to include the number of students who have voluntarily or involuntarily withdrawn from a charter school, identification of schools, reason for withdrawal and amount of pro-rata funds transferred to the district school.

**Amends s. 1002.33(6) - Charter Application re to Management Companies**

The application must demonstrate and have documentation that the governing board is independent of any management company and has the ability to terminate the contract with the management company at any time and in the sole discretion of the governing board.

**Amends s. 1002.33(7) re to Charter – must demonstrate governing board is independent of a management company**

The charter must demonstrate and have documentation that the governing board is independent of any management company and has the ability to terminate the management company at the will of the governing board. Requires that at least one member of the charter school governing board must be a parent of a student enrolled in that school.

**Amends s. 1002.33(10) re to Eligible Students – Withdrawal by Charter School/transfer of pro-rated funded back to school board.**

Current language states that a student may withdraw from a charter school at any time and enroll in another public school as determined by district school board rule.

Language is added to ensure students voluntarily leave charter schools. The language is modeled after language used to protect students in corporate scholarship and other choice programs. Placement of a student in a charter school must remain in force until the student voluntarily withdraws from the charter school, or successfully completes the highest grade offered in the charter school.

Prior to being voluntarily withdrawn from a charter school, the parent and charter school personnel must sign a document stating that the student is being voluntarily withdrawn and that charter school personnel have not prohibited, discouraged, or attempted to discourage the student from continued enrollment in the charter school.

A student may voluntarily withdraw from a charter school at any time and enroll in another public school. The charter school from which a student voluntarily withdraws shall transfer a pro rata share of the student funding for that student to the district school board that governs the school in which the student subsequently enrolls. The transfer of funds is required within 15 days of withdrawal of the student from the charter school. In the event the charter school does not timely transfer the funds, the district school board in which the charter school is located shall withhold the funds from the next payment due to the charter school.

If the withdrawal of a student in a charter school to another public school is initiated by the charter school as a result of the student committing an expellable offense, the charter school must submit a recommendation to the district school board detailing the reasons for recommending expulsion. The expulsion process of the district school board shall be followed by the charter school. In the event the district school board grants the expulsion, the student will be expelled from all public education for the duration of the expulsion period. In the event the district school board rejects the expulsion, the student shall return to the charter school. In the event the district school board recommends reassignment of the student to a district alternative placement appropriate to the expellable offense reported by the charter school, the charter school shall transfer a pro rata share of funding for that student to the district school board that governs the school in which the student is subsequently placed sufficient to pay for the per student cost of actually delivering services to the student in the alternative setting for the balance of the fiscal year or until the student is counted by the district in a FTE funding survey. The transfer of funds is required within 15 days of the entry of the district school board decision on the recommendation of expulsion from the charter school. In the event the charter school does not timely transfer the funds, the district school board in which the charter school is located shall withhold the funds from the next payment due to the charter school.

A charter school student may not be dismissed or requested to withdraw from the charter school because of anticipated or actual poor academic performance or anticipated or actual poor performance on statewide assessments, or due to issues related to student behavior unless that behavior is alleged to be an expellable offense as that term is defined by the district school board.

**Amends s.1002.33 (17) re to Funding**

Requires charter schools to post a performance bond equal to one-half of the projected operating funds so that a school district and the state do not lose state FTE revenues in the event of a closure due to financial reasons;

**Amends s. 1002.33(21) re to Public Information on Charter Schools (Standard contract language removed)**

Requires that the Department only develop model charter contracts and removed the requirement that the contract shall be used by sponsors (school boards).

**Adds s. 1002.33(27) re to Conflicts of Interest and Ethics**

Defines circumstances that are conflicts of interest for individuals to avoid if they wish to serve on a charter school governing board.

**Adds s. 1002.33(28) re to Unlawful Acts**

Provides procedure for a parent, guardian or other individual to file a complaint directly with the Department of Education if they believe a charter school has violated any state or federal law.

**Amends s. 1002.33(30) re to Rulemaking (Standard contract language removed)**

The current statute requires the State Board to adopt rules relating to the standard contract. The proposed language would remove the requirement for a standard contract and authorize a model contract that is not required to be used by school boards

**Adds s.1002.346 re to Charter School Audits and Investigations**

Subjects charter schools to audits and/or investigations by the state Auditor, DOE's Inspector General, and local school board, at their discretion. Specifically authorizes the local school board to oversee each approved charter school in order to ensure state and federal compliance.

**Amends s. 1002.451 re to District Innovation School of Technology – Simplifies**

This section authorizes the establishment of District Innovation Schools of Technology. However the language is so restrictive that districts are not taking advantage of the flexibility. The district eligibility requirements are modified to authorize "C" districts to participate. In addition, the requirement for the district to apply to the State Board of Education for approval is removed. The district must submit an annual report to the State Board and also the board retains its monitoring function. Other requirements are also modified to encourage districts to utilize this innovative program.