

1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; revising the charter school application
 4 process; requiring sponsors to use the standard
 5 contract; revising blended learning eligibility;
 6 clarifying tort liability for employees of charter
 7 schools; revising the purpose of charter school
 8 cooperatives; specifying the authorized uses of
 9 charter school unrestricted net assets; revising the
 10 public information disclosures of charter schools;
 11 specifying requirements for entities to share
 12 facilities with charter schools; revising the
 13 administrative fees that a district may withhold from
 14 charter schools; requiring charter schools to complete
 15 and submit an annual survey; deleting an annual
 16 charter school report; revising eligibility for local
 17 education agency status; amending 1002.3305, F.A.;
 18 amending eligibility criteria; amending s. 1002.331,
 19 F.S.; conforming a cross-reference; removing the cap
 20 on the number of replications; amending s. 1002.332,
 21 F.S.; revising the application process for a high-
 22 performing charter school system; amending s. 1008.34,
 23 F.S.; specifying student performance data to be
 24 included in school grades; amending s. 1008.341, F.S.;
 25 including concordant scores in the calculation of a

26 school improvement rating; amending s. 1011.62., F.S.;
 27 revising eligibility criteria for postsecondary
 28 institutions to participate in dual enrollment;
 29 amending s. 1011.71, F.S.; requiring districts to
 30 share discretionary millage with charter-schools-in-a
 31 municipality and providing a distribution methodology;
 32 amending s. 1013.62, F.S.; revising eligibility
 33 criteria for receiving charter school capital outlay;
 34 providing an effective date.

35

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

37

38 Section 1. Subsection (1), paragraphs (a), (b), (c) and
 39 (h) of subsection (6), paragraph (a) of subsection (7),
 40 paragraph (b) of subsection (8), paragraph (h) of subsection
 41 (12), subsection (13), paragraphs (b) and (c) of subsection
 42 (17), paragraph (a) of subsection (20), paragraphs (a) and (b)
 43 of subsection (21), subsection (25) and subsection (28) of
 44 section 1002.33, Florida Statutes, is amended to read:

45 1002.33 Charter schools.—

46 (1) AUTHORIZATION. ~~Charter schools shall be part of the~~
 47 ~~state's program of public education.~~ All charter schools in
 48 Florida are public schools and shall be part of the state's
 49 program of public education. A charter school may be formed by
 50 creating a new school or converting an existing public school to

51 charter status. A charter school may operate a virtual charter
 52 school pursuant to s. 1002.45(1)(d) to provide full-time online
 53 instruction to eligible students, pursuant to s. 1002.455, in
 54 kindergarten through grade 12. An existing charter school that
 55 is seeking to become a virtual charter school must amend its
 56 charter or submit a new application pursuant to subsection (6)
 57 to become a virtual charter school. A virtual charter school is
 58 subject to the requirements of this section; however, a virtual
 59 charter school is exempt from subsections (18) and (19),
 60 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
 61 s. 1003.03. A public school may not use the term charter in its
 62 name unless it has been approved under this section.

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

65 (a) A person or entity seeking to open a charter school
 66 shall prepare and submit an application on the standard ~~a model~~
 67 application form prepared by the Department of Education which:

68 1. Demonstrates how the school will use the guiding
 69 principles and meet the statutorily defined purpose of a charter
 70 school.

71 2. Provides a detailed curriculum plan that illustrates
 72 how students will be provided services to attain the Sunshine
 73 State Standards.

74 3. Contains goals and objectives for improving student
 75 learning and measuring that improvement. These goals and

76 objectives must indicate how much academic improvement students
 77 are expected to show each year, how success will be evaluated,
 78 and the specific results to be attained through instruction.

79 4. Describes the reading curriculum and differentiated
 80 strategies that will be used for students reading at grade level
 81 or higher and a separate curriculum and strategies for students
 82 who are reading below grade level. A sponsor shall deny an
 83 application if the school does not propose a reading curriculum
 84 that is consistent with effective teaching strategies that are
 85 grounded in scientifically based reading research.

86 5. Contains an annual financial plan for each year
 87 requested by the charter for operation of the school for up to 5
 88 years. This plan must contain anticipated fund balances based on
 89 revenue projections, a spending plan based on projected revenues
 90 and expenses, and a description of controls that will safeguard
 91 finances and projected enrollment trends.

92 6. Discloses the name of each applicant, governing board
 93 member, and all proposed education services providers; the name
 94 and sponsor of any charter school operated by each applicant,
 95 each governing board member, and each proposed education
 96 services provider that has closed and the reasons for the
 97 closure; and the academic and financial history of such charter
 98 schools, which the sponsor shall consider in deciding whether to
 99 approve or deny the application.

100 7. Contains additional information a sponsor may require,

101 | which shall be attached as an addendum to the charter school
 102 | application described in this paragraph.

103 | 8. For the establishment of a virtual charter school,
 104 | documents that the applicant has contracted with a provider of
 105 | virtual instruction services pursuant to s. 1002.45(1)(d).

106 | (b) A sponsor shall receive and review all applications
 107 | for a charter school using the evaluation instrument developed
 108 | by the Department of Education. A sponsor shall receive and
 109 | consider charter school applications received on or before
 110 | February 1 ~~August 1~~ of each calendar year for charter schools to
 111 | be opened eighteen months later at the beginning of the school
 112 | district's ~~next~~ school year, or to be opened at a time agreed to
 113 | by the applicant and the sponsor. A sponsor may not refuse to
 114 | receive a charter school application submitted before February 1
 115 | ~~August 1~~ and may receive an application submitted later than
 116 | February 1 ~~August 1~~ if it chooses. ~~In order to facilitate~~
 117 | ~~greater collaboration in the application process, an applicant~~
 118 | ~~may submit a draft charter school application on or before May 1~~
 119 | ~~with an application fee of \$500. If a draft application is~~
 120 | ~~timely submitted, the sponsor shall review and provide feedback~~
 121 | ~~as to material deficiencies in the application by July 1. The~~
 122 | ~~applicant shall then have until August 1 to resubmit a revised~~
 123 | ~~and final application. The sponsor may approve the draft~~
 124 | ~~application. Except as provided for a draft application, A a~~
 125 | sponsor may not charge an applicant for a charter any fee for

126 | the processing or consideration of an application, and a sponsor
 127 | may not base its consideration or approval of a final
 128 | application upon the promise of future payment of any kind.
 129 | Before approving or denying any ~~final~~ application, the sponsor
 130 | shall allow the applicant, upon receipt of written notification,
 131 | at least 7 calendar days to make technical or nonsubstantive
 132 | corrections and clarifications, including, but not limited to,
 133 | corrections of grammatical, typographical, and like errors or
 134 | missing signatures, if such errors are identified by the sponsor
 135 | as cause to deny the final application.

136 | 1. In order to facilitate an accurate budget projection
 137 | process, a sponsor shall be held harmless for FTE students who
 138 | are not included in the FTE projection due to approval of
 139 | charter school applications after the FTE projection deadline.
 140 | In a further effort to facilitate an accurate budget projection,
 141 | within 15 calendar days after receipt of a charter school
 142 | application, a sponsor shall report to the Department of
 143 | Education the name of the applicant entity, the proposed charter
 144 | school location, and its projected FTE.

145 | 2. In order to ensure fiscal responsibility, an
 146 | application for a charter school shall include a full accounting
 147 | of expected assets, a projection of expected sources and amounts
 148 | of income, including income derived from projected student
 149 | enrollments and from community support, and an expense
 150 | projection that includes full accounting of the costs of

151 operation, including start-up costs.

152 3.a. A sponsor shall by a majority vote approve or deny an
 153 application no later than 90 ~~60~~ calendar days after the
 154 application is received, unless the sponsor and the applicant
 155 mutually agree in writing to temporarily postpone the vote to a
 156 specific date, at which time the sponsor shall by a majority
 157 vote approve or deny the application. If the sponsor fails to
 158 act on the application, an applicant may appeal to the State
 159 Board of Education as provided in paragraph (c). If an
 160 application is denied, the sponsor shall, within 10 calendar
 161 days after such denial, articulate in writing the specific
 162 reasons, based upon good cause, supporting its denial of the
 163 application and shall provide the letter of denial and
 164 supporting documentation to the applicant and to the Department
 165 of Education.

166 b. An application submitted by a high-performing charter
 167 school identified pursuant to s. 1002.331 or a high-performing
 168 charter school system identified pursuant to s. 1002.332 may be
 169 denied by the sponsor only if the sponsor demonstrates by clear
 170 and convincing evidence that:

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

173 (II) The charter school proposed in the application does
 174 not materially comply with the requirements in paragraphs
 175 (9) (a) - (f);

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

179 (IV) The applicant has made a material misrepresentation
 180 or false statement or concealed an essential or material fact
 181 during the application process; or

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

185
 186 Material noncompliance is a failure to follow requirements or a
 187 violation of prohibitions applicable to charter school
 188 applications, which failure is quantitatively or qualitatively
 189 significant either individually or when aggregated with other
 190 noncompliance. An applicant is considered to be replicating a
 191 high-performing charter school if the proposed school is
 192 substantially similar to at least one of the applicant's high-
 193 performing charter schools and the organization or individuals
 194 involved in the establishment and operation of the proposed
 195 school are significantly involved in the operation of replicated
 196 schools.

197 c. If the sponsor denies an application submitted by a
 198 high-performing charter school or a high-performing charter
 199 school system, the sponsor must, within 10 calendar days after
 200 such denial, state in writing the specific reasons, based upon

201 the criteria in sub-subparagraph b., supporting its denial of
 202 the application and must provide the letter of denial and
 203 supporting documentation to the applicant and to the Department
 204 of Education. The applicant may appeal the sponsor's denial of
 205 the application in accordance with ~~directly to the State Board~~
 206 ~~of Education and, if an appeal is filed, must provide a copy of~~
 207 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

208 4. For budget projection purposes, the sponsor shall
 209 report to the Department of Education the approval or denial of
 210 an application within 10 calendar days after such approval or
 211 denial. In the event of approval, the report to the Department
 212 of Education shall include the final projected FTE for the
 213 approved charter school.

214 5. Upon approval of an application, the initial startup
 215 shall commence with the beginning of the public school calendar
 216 for the district in which the charter is granted. A charter
 217 school may defer the opening of the school's operations for up
 218 to 2 years to provide time for adequate facility planning. The
 219 charter school must provide written notice of such intent to the
 220 sponsor and the parents of enrolled students at least 30
 221 calendar days before the first day of school.

222 (c)1. An applicant may appeal any denial of that
 223 applicant's application or failure to act on an application to
 224 the State Board of Education no later than 30 calendar days
 225 after receipt of the sponsor's decision or failure to act and

226 shall notify the sponsor of its appeal. Any response of the
 227 sponsor shall be submitted to the State Board of Education
 228 within 30 calendar days after notification of the appeal. Upon
 229 receipt of notification from the State Board of Education that a
 230 charter school applicant is filing an appeal, the Commissioner
 231 of Education shall convene a meeting of the Charter School
 232 Appeal Commission to study and make recommendations to the State
 233 Board of Education regarding its pending decision about the
 234 appeal. The commission shall forward its recommendation to the
 235 state board at least 7 calendar days before the date on which
 236 the appeal is to be heard. ~~An appeal regarding the denial of an~~
 237 ~~application submitted by a high-performing charter school~~
 238 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~
 239 ~~Education in accordance with this paragraph, except that the~~
 240 ~~commission shall not convene to make recommendations regarding~~
 241 ~~the appeal. However, the Commissioner of Education shall review~~
 242 ~~the appeal and make a recommendation to the state board.~~

243 2. The Charter School Appeal Commission ~~or, in the case of~~
 244 ~~an appeal regarding an application submitted by a high-~~
 245 ~~performing charter school, the State Board of Education may~~
 246 reject an appeal submission for failure to comply with
 247 procedural rules governing the appeals process. The rejection
 248 shall describe the submission errors. The appellant shall have
 249 15 calendar days after notice of rejection in which to resubmit
 250 an appeal that meets the requirements set forth in State Board

251 of Education rule. An appeal submitted subsequent to such
 252 rejection is considered timely if the original appeal was filed
 253 within 30 calendar days after receipt of notice of the specific
 254 reasons for the sponsor's denial of the charter application.

255 3.a. The State Board of Education shall by majority vote
 256 accept or reject the decision of the sponsor no later than 90
 257 calendar days after an appeal is filed in accordance with State
 258 Board of Education rule. The State Board of Education shall
 259 remand the application to the sponsor with its written decision
 260 that the sponsor approve or deny the application. The sponsor
 261 shall implement the decision of the State Board of Education.
 262 The decision of the State Board of Education is not subject to
 263 the provisions of the Administrative Procedure Act, chapter 120.

264 b. If an appeal concerns an application submitted by a
 265 high-performing charter school identified pursuant to s.
 266 1002.331, or a high-performing charter school system identified
 267 pursuant to s. 1002.332, the State Board of Education shall
 268 determine whether the sponsor's denial was in accordance with
 269 sub-subsection (6) (b) 3.b. ~~has shown, by clear and convincing~~
 270 ~~evidence, that:~~

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

273 ~~—— (II) The charter school proposed in the application does~~
 274 ~~not materially comply with the requirements in paragraphs~~
 275 ~~(9) (a) – (f);~~

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

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

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

285
 286 ~~The State Board of Education shall approve or reject the~~
 287 ~~sponsor's denial of an application no later than 90 calendar~~
 288 ~~days after an appeal is filed in accordance with State Board of~~
 289 ~~Education rule. The State Board of Education shall remand the~~
 290 ~~application to the sponsor with its written decision that the~~
 291 ~~sponsor approve or deny the application. The sponsor shall~~
 292 ~~implement the decision of the State Board of Education. The~~
 293 ~~decision of the State Board of Education is not subject to the~~
 294 ~~Administrative Procedure Act, chapter 120.~~

295 (d) The sponsor shall act upon the decision of the State
 296 Board of Education within 30 calendar days after it is received.
 297 The State Board of Education's decision is a final action
 298 subject to judicial review in the district court of appeal.

299 (e)1. A Charter School Appeal Commission is established to
 300 assist the commissioner and the State Board of Education with a

301 fair and impartial review of appeals by applicants whose charter
302 applications have been denied, whose charter contracts have not
303 been renewed, or whose charter contracts have been terminated by
304 their sponsors.

305 2. The Charter School Appeal Commission may receive copies
306 of the appeal documents forwarded to the State Board of
307 Education, review the documents, gather other applicable
308 information regarding the appeal, and make a written
309 recommendation to the commissioner. The recommendation must
310 state whether the appeal should be upheld or denied and include
311 the reasons for the recommendation being offered. The
312 commissioner shall forward the recommendation to the State Board
313 of Education no later than 7 calendar days prior to the date on
314 which the appeal is to be heard. The state board must consider
315 the commission's recommendation in making its decision, but is
316 not bound by the recommendation. The decision of the Charter
317 School Appeal Commission is not subject to the provisions of the
318 Administrative Procedure Act, chapter 120.

319 3. The commissioner shall appoint a number of members to
320 the Charter School Appeal Commission sufficient to ensure that
321 no potential conflict of interest exists for any commission
322 appeal decision. Members shall serve without compensation but
323 may be reimbursed for travel and per diem expenses in
324 conjunction with their service. Of the members hearing the
325 appeal, one-half must represent currently operating charter

326 schools and one-half must represent sponsors. The commissioner
 327 or a named designee shall chair the Charter School Appeal
 328 Commission.

329 4. The chair shall convene meetings of the commission and
 330 shall ensure that the written recommendations are completed and
 331 forwarded in a timely manner. In cases where the commission
 332 cannot reach a decision, the chair shall make the written
 333 recommendation with justification, noting that the decision was
 334 rendered by the chair.

335 5. Commission members shall thoroughly review the
 336 materials presented to them from the appellant and the sponsor.
 337 The commission may request information to clarify the
 338 documentation presented to it. In the course of its review, the
 339 commission may facilitate the postponement of an appeal in those
 340 cases where additional time and communication may negate the
 341 need for a formal appeal and both parties agree, in writing, to
 342 postpone the appeal to the State Board of Education. A new date
 343 certain for the appeal shall then be set based upon the rules
 344 and procedures of the State Board of Education. Commission
 345 members shall provide a written recommendation to the state
 346 board as to whether the appeal should be upheld or denied. A
 347 fact-based justification for the recommendation must be
 348 included. The chair must ensure that the written recommendation
 349 is submitted to the State Board of Education members no later
 350 than 7 calendar days prior to the date on which the appeal is to

351 | be heard. Both parties in the case shall also be provided a copy
 352 | of the recommendation.

353 | (f)1. The Department of Education shall provide or arrange
 354 | for training and technical assistance to charter schools in
 355 | developing and adjusting business plans and accounting for costs
 356 | and income. Training and technical assistance shall also
 357 | address, at a minimum, state and federal grant and student
 358 | performance accountability reporting requirements and provide
 359 | assistance in identifying and applying for the types and amounts
 360 | of state and federal financial assistance the charter school may
 361 | be eligible to receive. The department may provide other
 362 | technical assistance to an applicant upon written request.

363 | 2. A charter school applicant must participate in the
 364 | training provided by the Department of Education after approval
 365 | of an application but at least 30 calendar days before the first
 366 | day of classes at the charter school. However, a sponsor may
 367 | require the charter school applicant to attend training provided
 368 | by the sponsor in lieu of the department's training if the
 369 | sponsor's training standards meet or exceed the standards
 370 | developed by the department. In such case, the sponsor may not
 371 | require the charter school applicant to attend the training
 372 | within 30 calendar days before the first day of classes at the
 373 | charter school. The training must include instruction in
 374 | accurate financial planning and good business practices. If the
 375 | applicant is a management company or a nonprofit organization,

376 | the charter school principal and the chief financial officer or
 377 | his or her equivalent must also participate in the training. A
 378 | sponsor may not require a high-performing charter school or
 379 | high-performing charter school system applicant to participate
 380 | in the training described in this subparagraph more than once.

381 | (g) In considering charter applications for a lab school,
 382 | a state university shall consult with the district school board
 383 | of the county in which the lab school is located. The decision
 384 | of a state university may be appealed pursuant to the procedure
 385 | established in this subsection.

386 | ~~(h) The terms and conditions for the operation of a~~
 387 | ~~charter school shall be set forth by the sponsor and the~~
 388 | ~~applicant in a written contractual agreement, called a charter.~~
 389 | ~~The sponsor may not impose unreasonable rules or regulations~~
 390 | ~~that violate the intent of giving charter schools greater~~
 391 | ~~flexibility to meet educational goals. The sponsor has 30 days~~
 392 | ~~after approval of the application to provide an initial proposed~~
 393 | ~~charter contract to the charter school. The applicant and the~~
 394 | ~~sponsor have 40 days thereafter to negotiate and notice the~~
 395 | ~~charter contract for final approval by the sponsor unless both~~
 396 | ~~parties agree to an extension. The proposed charter contract~~
 397 | ~~shall be provided to the charter school at least 7 calendar days~~
 398 | ~~prior to the date of the meeting at which the charter is~~
 399 | ~~scheduled to be voted upon by the sponsor. The Department of~~
 400 | ~~Education shall provide mediation services for any dispute~~

401 ~~regarding this section subsequent to the approval of a charter~~
402 ~~application and for any dispute relating to the approved~~
403 ~~charter, except disputes regarding charter school application~~
404 ~~denials. If the Commissioner of Education determines that the~~
405 ~~dispute cannot be settled through mediation, the dispute may be~~
406 ~~appealed to an administrative law judge appointed by the~~
407 ~~Division of Administrative Hearings. The administrative law~~
408 ~~judge has final order authority to rule on issues of equitable~~
409 ~~treatment of the charter school as a public school, whether~~
410 ~~proposed provisions of the charter violate the intended~~
411 ~~flexibility granted charter schools by statute, or on any other~~
412 ~~matter regarding this section except a charter school~~
413 ~~application denial, a charter termination, or a charter~~
414 ~~nonrenewal and shall award the prevailing party reasonable~~
415 ~~attorney's fees and costs incurred to be paid by the losing~~
416 ~~party. The costs of the administrative hearing shall be paid by~~
417 ~~the party whom the administrative law judge rules against.~~

418 (7) CHARTER.— The terms and conditions for the operation
419 of a charter school shall be set forth by the sponsor and the
420 applicant in a written contractual agreement, called a charter.
421 The sponsor and the governing board of the charter school shall
422 use the standard charter contract pursuant to subsection (21),
423 which shall incorporate the approved application and any addenda
424 approved with the application. The standard contract may not be
425 altered in any way. Any term or condition of a proposed charter

426 contract that differs from the standard charter contract adopted
427 by rule of the department shall be presumed a limitation on
428 charter school flexibility. The sponsor may not impose
429 unreasonable rules or regulations that violate the intent of
430 giving charter schools greater flexibility to meet educational
431 goals. ~~The major issues involving the operation of a charter~~
432 ~~school shall be considered in advance and written into the~~
433 ~~charter.~~ The charter shall be signed by the governing board of
434 the charter school and the sponsor, following a public hearing
435 to ensure community input.

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

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

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

447 a. The charter shall ensure that reading is a primary
448 focus of the curriculum and that resources are provided to
449 identify and provide specialized instruction for students who
450 are reading below grade level. The curriculum and instructional

451 strategies for reading must be consistent with the Next
452 Generation Sunshine State Standards and grounded in
453 scientifically based reading research.

454 b. In order to provide students with access to diverse
455 instructional delivery models, to facilitate the integration of
456 technology within traditional classroom instruction, and to
457 provide students with the skills they need to compete in the
458 21st century economy, the Legislature encourages instructional
459 methods for blended learning courses consisting of both
460 traditional classroom and online instructional techniques.
461 Charter schools may implement blended learning courses which
462 combine traditional classroom instruction and virtual
463 instruction. Students in a blended learning course must be full-
464 time students of the charter school pursuant to s.
465 1011.61(1)(a) ~~and receive the online instruction in a classroom~~
466 ~~setting at the charter school.~~ Instructional personnel certified
467 pursuant to s. 1012.55 who provide virtual instruction for
468 blended learning courses may be employees of the charter school
469 or may be under contract to provide instructional services to
470 charter school students. At a minimum, such instructional
471 personnel must hold an active state or school district adjunct
472 certification under s. 1012.57 for the subject area of the
473 blended learning course. The funding and performance
474 accountability requirements for blended learning courses are the
475 same as those for traditional courses.

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

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

482 b. How these baseline rates will be compared to rates of
483 academic progress achieved by these same students while
484 attending the charter school.

485 c. To the extent possible, how these rates of progress
486 will be evaluated and compared with rates of progress of other
487 closely comparable student populations.

488
489 The district school board is required to provide academic
490 student performance data to charter schools for each of their
491 students coming from the district school system, as well as
492 rates of academic progress of comparable student populations in
493 the district school system.

494 4. The methods used to identify the educational strengths
495 and needs of students and how well educational goals and
496 performance standards are met by students attending the charter
497 school. The methods shall provide a means for the charter school
498 to ensure accountability to its constituents by analyzing
499 student performance data and by evaluating the effectiveness and
500 efficiency of its major educational programs. Students in

501 charter schools shall, at a minimum, participate in the
 502 statewide assessment program created under s. 1008.22.

503 5. In secondary charter schools, a method for determining
 504 that a student has satisfied the requirements for graduation in
 505 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

508 7. The admissions procedures and dismissal procedures,
 509 including the school's code of student conduct. Admission or
 510 dismissal must not be based on a student's academic performance.

511 8. The ways by which the school will achieve a
 512 racial/ethnic balance reflective of the community it serves or
 513 within the racial/ethnic range of other public schools in the
 514 same school district.

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

526 | such a consideration.

527 | 10. The asset and liability projections required in the
528 | application which are incorporated into the charter and shall be
529 | compared with information provided in the annual report of the
530 | charter school.

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

540 | 12. The term of the charter which shall provide for
541 | cancellation of the charter if insufficient progress has been
542 | made in attaining the student achievement objectives of the
543 | charter and if it is not likely that such objectives can be
544 | achieved before expiration of the charter. The initial term of a
545 | charter shall be for 4 or 5 years. In order to facilitate access
546 | to long-term financial resources for charter school
547 | construction, charter schools that are operated by a
548 | municipality or other public entity as provided by law are
549 | eligible for up to a 15-year charter, subject to approval by the
550 | district school board. A charter lab school is eligible for a

551 charter for a term of up to 15 years. In addition, to facilitate
552 access to long-term financial resources for charter school
553 construction, charter schools that are operated by a private,
554 not-for-profit, s. 501(c)(3) status corporation are eligible for
555 up to a 15-year charter, subject to approval by the district
556 school board. Such long-term charters remain subject to annual
557 review and may be terminated during the term of the charter, but
558 only according to the provisions set forth in subsection (8).

559 13. The facilities to be used and their location. The
560 sponsor may not require a charter school to have a certificate
561 of occupancy or a temporary certificate of occupancy for such a
562 facility earlier than 15 calendar days before the first day of
563 school.

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

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

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

574 17. In the case of an existing public school that is being
575 converted to charter status, alternative arrangements for

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

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

597 19. Implementation of the activities authorized under s.
 598 1002.331 by the charter school when it satisfies the eligibility
 599 requirements for a high-performing charter school. A high-
 600 performing charter school shall notify its sponsor in writing by

601 March 1 if it intends to increase enrollment or expand grade
602 levels the following school year. The written notice shall
603 specify the amount of the enrollment increase and the grade
604 levels that will be added, as applicable.

605 (b) The sponsor has 30 days after approval of the
606 application to provide an initial proposed charter contract to
607 the charter school. The applicant and the sponsor have 40 days
608 thereafter to negotiate and notice the charter contract for
609 final approval by the sponsor unless both parties agree to an
610 extension. The proposed charter contract shall be provided to
611 the charter school at least 7 calendar days prior to the date of
612 the meeting at which the charter is scheduled to be voted upon
613 by the sponsor. The Department of Education shall provide
614 mediation services for any dispute regarding this section
615 subsequent to the approval of a charter application and for any
616 dispute relating to the approved charter, except disputes
617 regarding charter school application denials. If the
618 Commissioner of Education determines that the dispute cannot be
619 settled through mediation, the dispute may be appealed to an
620 administrative law judge appointed by the Division of
621 Administrative Hearings. The administrative law judge has final
622 order authority to rule on issues of equitable treatment of the
623 charter school as a public school, whether proposed provisions
624 of the charter violate the intended flexibility granted charter
625 schools by statute, or on any other matter regarding this

626 section except a charter school application denial, a charter
 627 termination, or a charter nonrenewal. The administrative law
 628 judge shall award the prevailing party reasonable attorney's
 629 fees and costs incurred during the mediation process,
 630 administrative proceeding, and any appeals, to be paid by the
 631 party whom the administrative law judge rules against.

632 (c)~~(b)~~1. A charter may be renewed provided that a program
 633 review demonstrates that the criteria in paragraph (a) have been
 634 successfully accomplished and that none of the grounds for
 635 nonrenewal established by paragraph (8) (a) has been documented.
 636 In order to facilitate long-term financing for charter school
 637 construction, charter schools operating for a minimum of 3 years
 638 and demonstrating exemplary academic programming and fiscal
 639 management are eligible for a 15-year charter renewal. Such
 640 long-term charter is subject to annual review and may be
 641 terminated during the term of the charter.

642 2. The 15-year charter renewal that may be granted
 643 pursuant to subparagraph 1. shall be granted to a charter school
 644 that has received a school grade of "A" or "B" pursuant to s.
 645 1008.34 in 3 of the past 4 years and is not in a state of
 646 financial emergency or deficit position as defined by this
 647 section. Such long-term charter is subject to annual review and
 648 may be terminated during the term of the charter pursuant to
 649 subsection (8).

650 (d)~~(e)~~ A charter may be modified during its initial term

651 or any renewal term upon the recommendation of the sponsor or
 652 the charter school's governing board and the approval of both
 653 parties to the agreement. Modification may include, but is not
 654 limited to, consolidation of multiple charters into a single
 655 charter if the charters are operated under the same governing
 656 board and physically located on the same campus, regardless of
 657 the renewal cycle.

658 (e)~~(d)~~ A charter may be terminated by a charter school's
 659 governing board through voluntary closure. The decision to cease
 660 operations must be determined at a public meeting. The governing
 661 board shall notify the parents and sponsor of the public meeting
 662 in writing before the public meeting. The governing board must
 663 notify the sponsor, parents of enrolled students, and the
 664 department in writing within 24 hours after the public meeting
 665 of its determination. The notice shall state the charter
 666 school's intent to continue operations or the reason for the
 667 closure and acknowledge that the governing board agrees to
 668 follow the procedures for dissolution and reversion of public
 669 funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

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

671 (b) At least 90 days prior to renewing, non-renewing or
 672 terminating a charter, the sponsor shall notify the governing
 673 board of the school of the proposed action in writing. The
 674 notice shall state in reasonable detail the grounds for the
 675 proposed action and stipulate that the school's governing board

676 may, within 14 calendar days after receiving the notice, request
 677 a hearing. The hearing shall be conducted at the sponsor's
 678 election in accordance with one of the following procedures:

679 1. A direct hearing conducted by the sponsor within 60
 680 days after receipt of the request for a hearing. The hearing
 681 shall be conducted in accordance with ss. 120.569 and 120.57.
 682 The sponsor shall decide upon nonrenewal or termination by a
 683 majority vote. The sponsor's decision shall be a final order; or

684 2. A hearing conducted by an administrative law judge
 685 assigned by the Division of Administrative Hearings. The hearing
 686 shall be conducted within 60 days after receipt of the request
 687 for a hearing and in accordance with chapter 120. The
 688 administrative law judge's recommended order shall be submitted
 689 to the sponsor. A majority vote by the sponsor shall be required
 690 to adopt or modify the administrative law judge's recommended
 691 order. The sponsor shall issue a final order.

692 (12) EMPLOYEES OF CHARTER SCHOOLS.—

693 (h) For the purposes of tort liability, the charter
 694 school, including its governing body and employees of a charter
 695 school, shall be governed by s. 768.28.

696 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may
 697 enter into cooperative agreements to form charter school
 698 cooperative organizations that may provide ~~the following~~
 699 services to further educational, operational, and administrative
 700 initiatives in which the participating charter schools share

701 ~~common interests: charter school planning and development,~~
702 ~~direct instructional services, and contracts with charter school~~
703 ~~governing boards to provide personnel administrative services,~~
704 ~~payroll services, human resource management, evaluation and~~
705 ~~assessment services, teacher preparation, and professional~~
706 ~~development.~~

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

712 (b) The basis for the agreement for funding students
713 enrolled in a charter school shall be the sum of the school
714 district's operating funds from the Florida Education Finance
715 Program as provided in s. 1011.62 and the General Appropriations
716 Act, including gross state and local funds, discretionary
717 lottery funds, and funds from the school district's current
718 operating discretionary millage levy; divided by total funded
719 weighted full-time equivalent students in the school district;
720 multiplied by the weighted full-time equivalent students for the
721 charter school. Charter schools whose students or programs meet
722 the eligibility criteria in law are entitled to their
723 proportionate share of categorical program funds included in the
724 total funds available in the Florida Education Finance Program
725 by the Legislature, including transportation, the research-based

726 reading allocation, and the Florida digital classrooms
 727 allocation. Total funding for each charter school shall be
 728 recalculated during the year to reflect the revised calculations
 729 under the Florida Education Finance Program by the state and the
 730 actual weighted full-time equivalent students reported by the
 731 charter school during the full-time equivalent student survey
 732 periods designated by the Commissioner of Education. Any
 733 unrestricted surplus or unrestricted net assets identified in
 734 the charter school's annual audit may be used for K-12
 735 educational purposes for other charter schools in the state
 736 operated by the not-for-profit or municipal entity operating the
 737 charter school with the surplus. Surplus operating funds shall
 738 be used in accordance with s. 1011.62, and surplus capital
 739 outlay funds shall be used in accordance with s. 1013.62(2).

740 (c) ~~If the district school board is providing programs or~~
 741 ~~services to students funded by federal funds, any eligible~~
 742 ~~students enrolled in charter schools in the school district~~
 743 ~~shall be provided federal funds for the same level of service~~
 744 ~~provided students in the schools operated by the district school~~
 745 ~~board.~~ Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
 746 charter schools shall receive all federal funding for which the
 747 school is otherwise eligible, including Title I funding, not
 748 later than 5 months after the charter school first opens and
 749 within 5 months after any subsequent expansion of enrollment.
 750 Unless otherwise mutually agreed to by the charter school and

751 its sponsor, and consistent with state and federal rules and
 752 regulations governing the use and disbursement of federal funds,
 753 the sponsor shall reimburse the charter school on a monthly
 754 basis for all invoices submitted by the charter school for
 755 federal funds available to the sponsor for the benefit of the
 756 charter school, the charter school's students, and the charter
 757 school's students as public school students in the school
 758 district. Such federal funds include, but are not limited to,
 759 Title I, Title II, and Individuals with Disabilities Education
 760 Act (IDEA) funds. To receive timely reimbursement for an
 761 invoice, the charter school must submit the invoice to the
 762 sponsor at least 30 days before the monthly date of
 763 reimbursement set by the sponsor. In order to be reimbursed, any
 764 expenditures made by the charter school must comply with all
 765 applicable state rules and federal regulations, including, but
 766 not limited to, the applicable federal Office of Management and
 767 Budget Circulars; the federal Education Department General
 768 Administrative Regulations; and program-specific statutes,
 769 rules, and regulations. Such funds may not be made available to
 770 the charter school until a plan is submitted to the sponsor for
 771 approval of the use of the funds in accordance with applicable
 772 federal requirements. The sponsor has 30 days to review and
 773 approve any plan submitted pursuant to this paragraph.

774 (18) FACILITIES.—

775 (c) Any facility, or portion thereof, used to house a

776 charter school whose charter has been approved by the sponsor
777 and the governing board, pursuant to subsection (7), shall be
778 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
779 community service, museum, performing arts, theatre, cinema,
780 church, Florida College System institution, college, and
781 university facilities may provide space to charter schools
782 within their facilities under their preexisting zoning and land
783 use designations without obtaining a special exception,
784 rezoning, land use charter, or other approval.

785 (20) SERVICES.—

786 (a)1. A sponsor shall provide certain administrative and
787 educational services to charter schools. These services shall
788 include contract management services; full-time equivalent and
789 data reporting services; exceptional student education
790 administration services; services related to eligibility and
791 reporting duties required to ensure that school lunch services
792 under the federal lunch program, consistent with the needs of
793 the charter school, are provided by the school district at the
794 request of the charter school, that any funds due to the charter
795 school under the federal lunch program be paid to the charter
796 school as soon as the charter school begins serving food under
797 the federal lunch program, and that the charter school is paid
798 at the same time and in the same manner under the federal lunch
799 program as other public schools serviced by the sponsor or the
800 school district; test administration services, including payment

801 of the costs of state-required or district-required student
 802 assessments; processing of teacher certificate data services;
 803 and information services, including equal access to student
 804 information systems that are used by public schools in the
 805 district in which the charter school is located. Student
 806 performance data for each student in a charter school,
 807 including, but not limited to, FCAT scores, standardized test
 808 scores, previous public school student report cards, and student
 809 performance measures, shall be provided by the sponsor to a
 810 charter school in the same manner provided to other public
 811 schools in the district.

812 2. A sponsor may withhold an administrative fee for the
 813 provision of such services which shall be a percentage of the
 814 available funds defined in paragraph (17) (b) calculated on
 815 weighted full-time equivalent students as follows:

816 a. up to 5 percent for:

817 i. enrollment up to and including 250 students in a charter
 818 school as defined in this section. If the charter school serves
 819 75 percent or more exceptional education students as defined in
 820 1003.01(3), the percentage shall be calculated on unweighted
 821 full-time equivalent students; or

822 ii. enrollment up to and including 500 students within a
 823 system of charter schools which meets all of the following:

824 a) includes both conversion charter schools and
 825 nonconversion charter schools;

- 826 b) Has all schools located in the same county;
- 827 c) Has a total enrollment exceeding the total enrollment
- 828 of at least one school district in the state;
- 829 d) Has the same governing board; and
- 830 e) Does not contract with a for-profit service provider
- 831 for management of school operations; or
- 832 iii. enrollment up to and including 250 students in a
- 833 virtual charter school.

834 b. up to 2 percent for enrollment up to and including 250

835 students in a high-performing charter school as defined in s.

836 1002.331.

837 3. A sponsor shall not charge charter schools any

838 additional fees or surcharges for administrative and educational

839 services in addition to the maximum percentage administrative

840 fees withheld pursuant to this paragraph.

841 ~~A total administrative fee for the provision of such~~

842 ~~services shall be calculated based upon up to 5 percent of the~~

843 ~~available funds defined in paragraph (17) (b) for all students,~~

844 ~~except that when 75 percent or more of the students enrolled in~~

845 ~~the charter school are exceptional students as defined in s.~~

846 ~~1003.01(3), the 5 percent of those available funds shall be~~

847 ~~calculated based on unweighted full-time equivalent students.~~

848 ~~However, a sponsor may only withhold up to a 5 percent~~

849 ~~administrative fee for enrollment for up to and including 250~~

850 ~~students. For charter schools with a population of 251 or more~~

851 ~~students, the difference between the total administrative fee~~
 852 ~~calculation and the amount of the administrative fee withheld~~
 853 ~~may only be used for capital outlay purposes specified in s.~~
 854 ~~1013.62(3).~~

855 ~~—— 3. For high-performing charter schools, as defined in s.~~
 856 ~~1002.331, a sponsor may withhold a total administrative fee of~~
 857 ~~up to 2 percent for enrollment up to and including 250 students~~
 858 ~~per school.~~

859 ~~—— 4. In addition, a sponsor may withhold only up to a 5-~~
 860 ~~percent administrative fee for enrollment for up to and~~
 861 ~~including 500 students within a system of charter schools which~~
 862 ~~meets all of the following:~~

863 ~~—— a. Includes both conversion charter schools and~~
 864 ~~nonconversion charter schools;~~

865 ~~—— b. Has all schools located in the same county;~~

866 ~~—— c. Has a total enrollment exceeding the total enrollment~~
 867 ~~of at least one school district in the state;~~

868 ~~—— d. Has the same governing board; and~~

869 ~~—— e. Does not contract with a for-profit service provider~~
 870 ~~for management of school operations.~~

871 ~~—— 5. The difference between the total administrative fee~~
 872 ~~calculation and the amount of the administrative fee withheld~~
 873 ~~pursuant to subparagraph 4. may be used for instructional and~~
 874 ~~administrative purposes as well as for capital outlay purposes~~
 875 ~~specified in s. 1013.62(3).~~

876 ~~6. For a high-performing charter school system that also~~
 877 ~~meets the requirements in subparagraph 4., a sponsor may~~
 878 ~~withhold a 2-percent administrative fee for enrollments up to~~
 879 ~~and including 500 students per system.~~

880 ~~7. Sponsors shall not charge charter schools any~~
 881 ~~additional fees or surcharges for administrative and educational~~
 882 ~~services in addition to the maximum 5-percent administrative fee~~
 883 ~~withheld pursuant to this paragraph.~~

884 ~~8. The sponsor of a virtual charter school may withhold a~~
 885 ~~fee of up to 5 percent. The funds shall be used to cover the~~
 886 ~~cost of services provided under subparagraph 1. and~~
 887 ~~implementation of the school district's digital classrooms plan~~
 888 ~~pursuant to s. 1011.62.~~

889 (b) If goods and services are made available to the
 890 charter school through the contract with the school district,
 891 they shall be provided to the charter school at a rate no
 892 greater than the district's actual cost unless mutually agreed
 893 upon by the charter school and the sponsor in a contract
 894 negotiated separately from the charter. When mediation has
 895 failed to resolve disputes over contracted services or
 896 contractual matters not included in the charter, an appeal may
 897 be made for a dispute resolution hearing before the Charter
 898 School Appeal Commission. To maximize the use of state funds,
 899 school districts shall allow charter schools to participate in
 900 the sponsor's bulk purchasing program if applicable.

901 (c) Transportation of charter school students shall be
 902 provided by the charter school consistent with the requirements
 903 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
 904 body of the charter school may provide transportation through an
 905 agreement or contract with the district school board, a private
 906 provider, or parents. The charter school and the sponsor shall
 907 cooperate in making arrangements that ensure that transportation
 908 is not a barrier to equal access for all students residing
 909 within a reasonable distance of the charter school as determined
 910 in its charter.

911 (d) Each charter school shall annually complete and
 912 submit a survey, provided in a format specified by the
 913 Department of Education, to rate the timeliness and quality of
 914 services provided by the district in accordance with this
 915 section. The department shall compile the results, by district,
 916 and include them in the report required pursuant to sub-
 917 subsection (5) (b)1.k.III.

918 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

919 (a) The Department of Education shall provide information
 920 to the public, directly and through sponsors, on how to form and
 921 operate a charter school and how to enroll in a charter school
 922 once it is created. This information shall include a standard
 923 ~~model~~ application form, standard charter contract, standard
 924 evaluation instrument, and standard charter renewal contract,
 925 which shall include the information specified in subsection (7)

926 and shall be developed by consulting and negotiating with both
 927 school districts and charter schools before implementation. The
 928 charter and charter renewal contracts shall be used by charter
 929 school sponsors.

930 (b)1. The Department of Education shall report to each
 931 charter school receiving a school grade pursuant to s. 1008.34
 932 or a school improvement rating pursuant to s. 1008.341 the
 933 school's student assessment data.

934 2. The charter school shall report the information in
 935 subparagraph 1. to each parent of a student at the charter
 936 school, the parent of a child on a waiting list for the charter
 937 school, the district in which the charter school is located, and
 938 the governing board of the charter school. This paragraph does
 939 not abrogate the provisions of s. 1002.22, relating to student
 940 records, or the requirements of 20 U.S.C. s. 1232g, the Family
 941 Educational Rights and Privacy Act.

942 ~~3.a. Pursuant to this paragraph, the Department of~~
 943 ~~Education shall compare the charter school student performance~~
 944 ~~data for each charter school in subparagraph 1. with the student~~
 945 ~~performance data in traditional public schools in the district~~
 946 ~~in which the charter school is located and other charter schools~~
 947 ~~in the state. For alternative charter schools, the department~~
 948 ~~shall compare the student performance data described in this~~
 949 ~~paragraph with all alternative schools in the state. The~~
 950 ~~comparative data shall be provided by the following grade~~

951 ~~groupings:~~

952 ~~—— (I) Grades 3 through 5;~~

953 ~~—— (II) Grades 6 through 8; and~~

954 ~~—— (III) Grades 9 through 11.~~

955 ~~—— b. Each charter school shall provide the information~~
 956 ~~specified in this paragraph on its Internet website and also~~
 957 ~~provide notice to the public at large in a manner provided by~~
 958 ~~the rules of the State Board of Education. The State Board of~~
 959 ~~Education shall adopt rules to administer the notice~~
 960 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~
 961 ~~120.54. The website shall include, through links or actual~~
 962 ~~content, other information related to school performance.~~

963 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 964 SCHOOL SYSTEMS.—A charter school system's governing board shall
 965 be designated a local educational agency for the purpose of
 966 receiving federal funds, the same as though the charter school
 967 system were a school district, if the governing board of the
 968 charter school system has adopted and filed a resolution with
 969 its sponsoring district school board and the Department of
 970 Education in which the governing board of the charter school
 971 system accepts the full responsibility for all local education
 972 agency requirements and the charter school system meets all of
 973 the following:

974 ~~(a) Includes both conversion charter schools and~~
 975 ~~nonconversion charter schools;~~

- 976 (b) Has all schools located in the same county;
- 977 (c) Has a total enrollment exceeding the total enrollment
- 978 of at least one school district in the state;
- 979 (d) Has the same governing board; ~~and~~
- 980 ~~(e) Does not contract with a for-profit service provider~~
- 981 ~~for management of school operations.~~

982

983 Such designation does not apply to other provisions unless

984 specifically provided in law.

985 (28) RULEMAKING.—The Department of Education, after

986 consultation with school districts and charter school directors,

987 shall recommend that the State Board of Education adopt rules to

988 implement specific subsections of this section. Such rules shall

989 require minimum paperwork and shall not limit charter school

990 flexibility authorized by statute. The State Board of Education

991 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to

992 implement a charter standard model application form, a standard

993 application form for high-performing charter school system

994 replications, standard evaluation instrument, and standard

995 charter and charter renewal contracts in accordance with this

996 section.

997 Section 2. Paragraph (b) of subsection (2) of section

998 1002.3305, Florida Statutes, is amended to read:

999 1002.3305 College-Preparatory Boarding Academy Pilot

1000 Program for at-risk students.—

1001 (2) DEFINITIONS.—As used in this section, the term:

1002 (a) "Board" means the board of trustees of a college-

1003 preparatory boarding academy for at-risk students.

1004 (b) "Eligible student" means a student who is a resident

1005 of the state and entitled to attend school in a participating

1006 school district, is at risk of academic failure, is currently

1007 enrolled in grade 5-12, ~~or 6~~ if it is determined by the operator

1008 that a seat is available, is from a family whose gross income is

1009 at or below 200 percent of the federal poverty guidelines, is

1010 eligible for benefits or services funded by Temporary Assistance

1011 for Needy Families (TANF) or Title IV-E of the Social Security

1012 Act, and meets at least one of the following additional risk

1013 factors:

1014 1. The child is in foster care or has been declared an

1015 adjudicated dependent by a court.

1016 2. The student's head of household is not the student's

1017 custodial parent.

1018 3. The student resides in a household that receives a

1019 housing voucher or has been determined eligible for public

1020 housing assistance.

1021 4. A member of the student's immediate family has been

1022 incarcerated.

1023 5. The child is covered under the terms of the state's

1024 Child Welfare Waiver Demonstration project with the United

1025 States Department of Health and Human Services.

1026 (c) "Operator" means a private, nonprofit corporation that
 1027 is selected by the state under subsection (3) to operate the
 1028 program.

1029 (d) "Program" means a college-preparatory boarding academy
 1030 for at-risk students which includes:

- 1031 1. A remedial curriculum for middle school grades;
- 1032 2. The college-preparatory curriculum for high school
 1033 grades;
- 1034 3. Extracurricular activities, including athletics and
 1035 cultural events;
- 1036 4. College admissions counseling;
- 1037 5. Health and mental health services;
- 1038 6. Tutoring;
- 1039 7. Community service and service learning opportunities;
- 1040 8. A residential student life program;
- 1041 9. Extended school days and supplemental programs; and
- 1042 10. Professional services focused on the language arts and
 1043 reading standards, mathematics standards, science standards,
 1044 technology standards, and developmental or life skill standards
 1045 using innovative and best practices for all students.

1046 (e) "Sponsor" means a public school district that acts as
 1047 a sponsor pursuant to s. 1002.33.

1048 Section 3. Subsection (3) of section 1002.331, Florida
 1049 Statutes, is amended to read:

1050 1002.331 High-performing charter schools.-

1051 (3) (a) A high-performing charter school may submit an
 1052 application pursuant to s. 1002.33(6) in any school district in
 1053 the state to establish and operate a new charter school that
 1054 will substantially replicate its educational program. An
 1055 application submitted by a high-performing charter school must
 1056 state that the application is being submitted pursuant to this
 1057 paragraph and must include the verification letter provided by
 1058 the Commissioner of Education pursuant to subsection (4).

1059 2. If the sponsor fails to act on the application within 90
 1060 ~~60~~ days after receipt, the application is deemed approved and
 1061 the procedure in s. 1002.33 7-(6)(h) applies. ~~If the sponsor~~
 1062 ~~denies the application, the high-performing charter school may~~
 1063 ~~appeal pursuant to s. 1002.33(6).~~

1064 (b) A high-performing charter school may not establish
 1065 more than one charter school within the state under paragraph
 1066 (a) in any year. A subsequent application to establish a charter
 1067 school under paragraph (a) may not be submitted unless each
 1068 charter school established in this manner achieves high-
 1069 performing charter school status. However, a high-performing
 1070 charter school may establish more than one charter school within
 1071 the state under paragraph (a) in any year only if it chooses to
 1072 operate in the area of a persistently low performing school and
 1073 serve students from that school.

1074 Section 4. Paragraph (b) of subsection (2) of section
 1075 1002.332, Florida Statutes is amended to read:

1076 1002.332 High-performing charter school system.—
 1077 (2) (b) A high-performing charter school system may
 1078 replicate its high-performing charter schools in any school
 1079 district in the state. ~~pursuant to s. 1002.331(3).~~ The applicant
 1080 must submit an application using a standard application form
 1081 prepared by the Department of Education which:

- 1082 1. Contains goals and objectives for improving student
 1083 learning and measuring that improvement. These goals and
 1084 objectives must indicate how much academic improvement students
 1085 are expected to show each year, how success will be evaluated,
 1086 and the specific results to be attained through instruction.
- 1087 2. Contains an annual financial plan for each year
 1088 requested by the charter for operation of the school for up to 5
 1089 years. This plan must contain anticipated fund balances based on
 1090 revenue projections, a spending plan based on projected revenues
 1091 and expenses, and a description of controls that will safeguard
 1092 finances and projected enrollment trends.
- 1093 3. Discloses the name of each applicant, governing board
 1094 member, and all proposed education services providers; the name
 1095 and sponsor of any charter school operated by each applicant,
 1096 each governing board member, and each proposed education
 1097 services provider that has closed and the reasons for the
 1098 closure; and the academic and financial history of such charter
 1099 schools, which the sponsor shall consider in deciding whether to
 1100 approve or deny the application.

1101 (c) An application submitted by a high-performing charter
 1102 school system must state that the application is being submitted
 1103 pursuant to this paragraph and must include the verification
 1104 letter provided by the Commissioner of Education pursuant to
 1105 subsection (2). If the sponsor fails to act on the application
 1106 within 90 days after receipt, the application is deemed approved
 1107 and the procedure in s. 1002.33(7) applies.

1108 Section 5. Paragraph (d) of subsection (3) of section
 1109 1008.34, Florida Statutes, is amended to read:

1110 1008.34 School grading system; school report cards;
 1111 district grade.—

1112 (3) DESIGNATION OF SCHOOL GRADES.—

1113 (d) The performance of students attending alternative
 1114 schools and students designated as hospital or homebound shall
 1115 be factored into a school grade as follows:

1116 1. The student performance data for eligible students
 1117 attending alternative schools, including charter alternative
 1118 schools, that provide dropout prevention and academic
 1119 intervention services pursuant to s. 1003.53 shall be included
 1120 in the calculation of the home school's grade. The term
 1121 "eligible students" in this subparagraph does not include
 1122 students attending an alternative school who are subject to
 1123 district school board policies for expulsion for repeated or
 1124 serious offenses, who are in dropout retrieval programs serving
 1125 students who have officially been designated as dropouts, or who

1126 are in programs operated or contracted by the Department of
 1127 Juvenile Justice. As used in this subparagraph, the term "home
 1128 school" means the school to which the student would be assigned
 1129 if the student were not assigned to an alternative school. If an
 1130 alternative school chooses to be graded under this section,
 1131 student performance data for eligible students identified in
 1132 this subparagraph shall not be included in the home school's
 1133 grade but shall be included only in the calculation of the
 1134 alternative school's grade. A school district that fails to
 1135 assign statewide, standardized end-of-course assessment scores
 1136 of each of its students to his or her home school or to the
 1137 alternative school that receives a grade shall forfeit Florida
 1138 School Recognition Program funds for one fiscal year. School
 1139 districts must require collaboration between the home school and
 1140 the alternative school in order to promote student success. This
 1141 collaboration must include an annual discussion between the
 1142 principal of the alternative school and the principal of each
 1143 student's home school concerning the most appropriate school
 1144 assignment of the student.

1145 2. Student performance data for students designated as
 1146 hospital or homebound shall be assigned to their home school for
 1147 the purposes of school grades. As used in this subparagraph, the
 1148 term "home school" means the school to which a student would be
 1149 assigned if the student were not assigned to a hospital or
 1150 homebound program.

1151 3. Student performance data for a high school student who
 1152 transfers to a private school that has a contractual
 1153 relationship with the school district shall be assigned to the
 1154 school in which the student was last enrolled.

1155 Section 6. Subsection (3) of 1008.341, F.S., is amended to
 1156 read:

1157 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student
 1158 Learning Gains based on statewide, standardized assessments,
 1159 including retakes, administered under s. 1008.22 for all
 1160 eligible students who were assigned to and enrolled in the
 1161 school during the October or February FTE count and who have
 1162 assessment scores, concordant scores, or comparable scores for
 1163 the preceding school year shall be used in determining an
 1164 alternative school's school improvement rating. An alternative
 1165 school's rating shall be based on the following components:

1166 (a) The percentage of eligible students who make Learning
 1167 Gains in English Language Arts as measured by statewide,
 1168 standardized assessments under s. 1008.22(3).

1169 (b) The percentage of eligible students who make Learning
 1170 Gains in mathematics as measured by statewide, standardized
 1171 assessments under s. 1008.22(3).

1172
 1173 Student performance results of students who are subject to
 1174 district school board policies for expulsion for repeated or
 1175 serious offenses, who are in dropout retrieval programs serving

1176 students who have officially been designated as dropouts, or who
 1177 are in programs operated or contracted by the Department of
 1178 Juvenile Justice may not be included in an alternative school's
 1179 school improvement rating.

1180 Section 7. Paragraph (1) of section 1011.62, Florida
 1181 Statutes is amended to read:

1182 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1183 OPERATION.—The following procedure shall be followed in
 1184 determining the annual allocation to each district for
 1185 operation:

1186 (i) Calculation of full-time equivalent membership with
 1187 respect to dual enrollment instruction.—Students enrolled in
 1188 dual enrollment instruction pursuant to s. 1007.271 may be
 1189 included in calculations of full-time equivalent student
 1190 memberships for basic programs for grades 9 through 12 by a
 1191 district school board. Instructional time for dual enrollment
 1192 may vary from 900 hours; however, the full-time equivalent
 1193 student membership value shall be subject to the provisions in
 1194 s. 1011.61(4). Dual enrollment full-time equivalent student
 1195 membership shall be calculated in an amount equal to the hours
 1196 of instruction that would be necessary to earn the full-time
 1197 equivalent student membership for an equivalent course if it
 1198 were taught in the school district. Students in dual enrollment
 1199 courses may also be calculated as the proportional shares of
 1200 full-time equivalent enrollments they generate for a Florida

1201 College System institution or university conducting the dual
 1202 enrollment instruction. Early admission students shall be
 1203 considered dual enrollments for funding purposes. Students may
 1204 be enrolled in dual enrollment instruction provided by an
 1205 eligible independent college or university and may be included
 1206 in calculations of full-time equivalent student memberships for
 1207 basic programs for grades 9 through 12 by a district school
 1208 board. However, those provisions of law which exempt dual
 1209 enrolled and early admission students from payment of
 1210 instructional materials and tuition and fees, including
 1211 laboratory fees, shall not apply to students who select the
 1212 option of enrolling in an eligible independent institution. An
 1213 independent college or university, which is located and
 1214 ~~chartered in Florida,~~ is not for profit, is accredited by a
 1215 regional or national accrediting agency recognized by the United
 1216 States Department of Education ~~the Commission on Colleges of the~~
 1217 ~~Southern Association of Colleges and Schools or the Accrediting~~
 1218 ~~Council for Independent Colleges and Schools,~~ and confers
 1219 degrees as defined in s. 1005.02 shall be eligible for inclusion
 1220 in the dual enrollment or early admission program. Students
 1221 enrolled in dual enrollment instruction shall be exempt from the
 1222 payment of tuition and fees, including laboratory fees. No
 1223 student enrolled in college credit mathematics or English dual
 1224 enrollment instruction shall be funded as a dual enrollment
 1225 unless the student has successfully completed the relevant

1226 section of the entry-level examination required pursuant to s.
 1227 1008.30.

1228 Section 8. Subsection (2) of s. 1011.71, Florida Statutes
 1229 is amended and subsection (10) is created to read:

1230 1011.71 District school tax.—

1231 (2) In addition to the maximum millage levy as provided in
 1232 subsection (1), each school board may levy not more than 1.5
 1233 mills against the taxable value for school purposes for district
 1234 schools and charter-schools-in-a-municipality, including charter
 1235 schools at the discretion of the school board, to fund:

1236 (a) New construction and remodeling projects, as set forth
 1237 in s. 1013.64(3)(b) and (6)(b) and included in the district's
 1238 educational plant survey pursuant to s. 1013.31, without regard
 1239 to prioritization, sites and site improvement or expansion to
 1240 new sites, existing sites, auxiliary facilities, athletic
 1241 facilities, or ancillary facilities.

1242 (b) Maintenance, renovation, and repair of existing school
 1243 plants or of leased facilities to correct deficiencies pursuant
 1244 to s. 1013.15(2).

1245 (c) The purchase, lease-purchase, or lease of school
 1246 buses.

1247 (d) The purchase, lease-purchase, or lease of new and
 1248 replacement equipment; computer hardware, including electronic
 1249 hardware and other hardware devices necessary for gaining access
 1250 to or enhancing the use of electronic content and resources or

1251 to facilitate the access to and the use of a school district's
 1252 digital classrooms plan pursuant to s. 1011.62, excluding
 1253 software other than the operating system necessary to operate
 1254 the hardware or device; and enterprise resource software
 1255 applications that are classified as capital assets in accordance
 1256 with definitions of the Governmental Accounting Standards Board,
 1257 have a useful life of at least 5 years, and are used to support
 1258 districtwide administration or state-mandated reporting
 1259 requirements.

1260 (e) Payments for educational facilities and sites due
 1261 under a lease-purchase agreement entered into by a district
 1262 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
 1263 exceeding, in the aggregate, an amount equal to three-fourths of
 1264 the proceeds from the millage levied by a district school board
 1265 pursuant to this subsection. The three-fourths limit is waived
 1266 for lease-purchase agreements entered into before June 30, 2009,
 1267 by a district school board pursuant to this paragraph.

1268 (f) Payment of loans approved pursuant to ss. 1011.14 and
 1269 1011.15.

1270 (g) Payment of costs directly related to complying with
 1271 state and federal environmental statutes, rules, and regulations
 1272 governing school facilities.

1273 (h) Payment of costs of leasing relocatable educational
 1274 facilities, of renting or leasing educational facilities and
 1275 sites pursuant to s. 1013.15(2), or of renting or leasing

1276 buildings or space within existing buildings pursuant to s.
 1277 1013.15(4).

1278 (i) Payment of the cost of school buses when a school
 1279 district contracts with a private entity to provide student
 1280 transportation services if the district meets the requirements
 1281 of this paragraph.

1282 1. The district's contract must require that the private
 1283 entity purchase, lease-purchase, or lease, and operate and
 1284 maintain, one or more school buses of a specific type and size
 1285 that meet the requirements of s. 1006.25.

1286 2. Each such school bus must be used for the daily
 1287 transportation of public school students in the manner required
 1288 by the school district.

1289 3. Annual payment for each such school bus may not exceed
 1290 10 percent of the purchase price of the state pool bid.

1291 4. The proposed expenditure of the funds for this purpose
 1292 must have been included in the district school board's notice of
 1293 proposed tax for school capital outlay as provided in s.
 1294 200.065(10).

1295 (j) Payment of the cost of the opening day collection for
 1296 the library media center of a new school.

1297 (10) A school board that levies the discretionary millage
 1298 authorized in subsection (2) shall use the following methodology
 1299 to determine the amount of revenue that must be shared with a
 1300 charter school-in-a-municipality:

1301 (a) Reduce the total discretionary millage revenue by the
 1302 school district's annual debt service obligation incurred as of
 1303 March 1, 2017.

1304 (b) Divide the sum of the school district's adjusted
 1305 discretionary millage revenue by the school district's total
 1306 capital outlay full-time equivalent membership and the total
 1307 number of unweighted full-time equivalent students of each
 1308 eligible charter school-in-a-municipality to determine a capital
 1309 outlay allocation per full-time equivalent student.

1310 (c) Multiply the capital outlay allocation per full-time
 1311 equivalent student by the total number of full-time equivalent
 1312 students of each eligible charter school-in-a-municipality to
 1313 determine the capital outlay allocation for each charter school-
 1314 in-a-municipality.

1315 (d) If applicable, adjust the capital outlay allocation
 1316 identified in paragraph (c) by the total amount of state funds
 1317 allocated to each eligible charter school-in-a-municipality in
 1318 subsection 1013.62(2) to determine the maximum calculated
 1319 capital outlay allocation.

1320 (e) The school district shall distribute capital outlay
 1321 funds to charter schools-in-a-municipality no later than
 1322 February 1 of each year, beginning on February 1, 2018, for the
 1323 2017-2018 fiscal year.

1324 Section 9. Paragraph (a) of subsection (1) of section
 1325 1013.62, Florida Statutes, is amended to read:

1326 | 1013.62 Charter schools capital outlay funding.—

1327 | (1) In each year in which funds are appropriated for

1328 | charter school capital outlay purposes, the Commissioner of

1329 | Education shall allocate the funds among eligible charter

1330 | schools as specified in this section.

1331 | (a) To be eligible for a funding allocation, a charter

1332 | school must:

1333 | 1.a. Have been in operation for 2 or more years;

1334 | b. Be governed by a governing board established in the

1335 | state for 3 or more years which operates both charter schools

1336 | and conversion charter schools within the state;

1337 | c. Be an expanded feeder chain of a charter school within

1338 | the same school district that is currently receiving charter

1339 | school capital outlay funds;

1340 | d. Have been accredited by the Commission on Schools of

1341 | the Southern Association of Colleges and Schools; or

1342 | e. Serve students in facilities that are provided by a

1343 | business partner for a charter school-in-the-workplace pursuant

1344 | to s. 1002.33(15) (b).

1345 | 2. Have an annual audit that does not reveal any of the

1346 | financial emergency conditions provided in s. 218.503(1) for the

1347 | most recent fiscal year for which such audit results are

1348 | available.

1349 | ~~3. Have satisfactory student achievement based on state~~

1350 | ~~accountability standards applicable to the charter school.~~

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1351 3.4. Have received final approval from its sponsor
1352 pursuant to s. 1002.33 for operation during that fiscal year.

1353 4.5. Serve students in facilities that are not provided by
1354 the charter school's sponsor.

1355 Section 10. This act shall take effect July 1, 2017.