

HB 903

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; conforming provisions to changes made
4 by the act relating to authorized activities of a
5 high-performing charter school that is part of a high-
6 performing charter school system; authorizing each
7 district school board to share revenue generated by
8 its capital outlay millage levy with charter schools
9 on a per-student pro rata basis; providing for
10 recalculation of a school district's Florida Education
11 Finance Program allocation if the millage levy revenue
12 is not shared; providing for distribution of
13 recalculated funds; requiring payment to charter
14 schools of certain federal funds received by a
15 district school board; amending s. 1002.331, F.S.;
16 revising requirements for designation as a high-
17 performing charter school; revising the restriction on
18 the establishment of new charter schools that
19 replicate a high-performing charter school's
20 educational program; amending s. 1002.332, F.S.;
21 authorizing a high-performing charter school that is
22 part of a high-performing charter school system to
23 increase student enrollment, expand grade levels,
24 submit quarterly financial statements, consolidate
25 charters, and modify charter terms; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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29
30 Section 1. Paragraph (a) of subsection (7), paragraph (g)
31 of subsection (9), paragraphs (h) and (i) of subsection (10),
32 and subsection (17) of section 1002.33, Florida Statutes, are
33 amended to read:

34 1002.33 Charter schools.—

35 (7) CHARTER.—The major issues involving the operation of a
36 charter school shall be considered in advance and written into
37 the charter. The charter shall be signed by the governing board
38 of the charter school and the sponsor, following a public
39 hearing to ensure community input.

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

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

44 2. The focus of the curriculum, the instructional methods
45 to be used, any distinctive instructional techniques to be
46 employed, and identification and acquisition of appropriate
47 technologies needed to improve educational and administrative
48 performance which include a means for promoting safe, ethical,
49 and appropriate uses of technology which comply with legal and
50 professional standards.

51 a. The charter shall ensure that reading is a primary
52 focus of the curriculum and that resources are provided to
53 identify and provide specialized instruction for students who
54 are reading below grade level. The curriculum and instructional
55 strategies for reading must be consistent with the Sunshine
56 State Standards and grounded in scientifically based reading

57 research.

58 b. In order to provide students with access to diverse
59 instructional delivery models, to facilitate the integration of
60 technology within traditional classroom instruction, and to
61 provide students with the skills they need to compete in the
62 21st century economy, the Legislature encourages instructional
63 methods for blended learning courses consisting of both
64 traditional classroom and online instructional techniques.
65 Charter schools may implement blended learning courses which
66 combine traditional classroom instruction and virtual
67 instruction. Students in a blended learning course must be full-
68 time students of the charter school and receive the online
69 instruction in a classroom setting at the charter school.
70 Instructional personnel certified pursuant to s. 1012.55 who
71 provide virtual instruction for blended learning courses may be
72 employees of the charter school or may be under contract to
73 provide instructional services to charter school students. At a
74 minimum, such instructional personnel must hold an active state
75 or school district adjunct certification under s. 1012.57 for
76 the subject area of the blended learning course. The funding and
77 performance accountability requirements for blended learning
78 courses are the same as those for traditional courses.

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

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

85 b. How these baseline rates will be compared to rates of
86 academic progress achieved by these same students while
87 attending the charter school.

88 c. To the extent possible, how these rates of progress
89 will be evaluated and compared with rates of progress of other
90 closely comparable student populations.

91
92 The district school board is required to provide academic
93 student performance data to charter schools for each of their
94 students coming from the district school system, as well as
95 rates of academic progress of comparable student populations in
96 the district school system.

97 4. The methods used to identify the educational strengths
98 and needs of students and how well educational goals and
99 performance standards are met by students attending the charter
100 school. The methods shall provide a means for the charter school
101 to ensure accountability to its constituents by analyzing
102 student performance data and by evaluating the effectiveness and
103 efficiency of its major educational programs. Students in
104 charter schools shall, at a minimum, participate in the
105 statewide assessment program created under s. 1008.22.

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

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

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

113 8. The ways by which the school will achieve a
114 racial/ethnic balance reflective of the community it serves or
115 within the racial/ethnic range of other public schools in the
116 same school district.

117 9. The financial and administrative management of the
118 school, including a reasonable demonstration of the professional
119 experience or competence of those individuals or organizations
120 applying to operate the charter school or those hired or
121 retained to perform such professional services and the
122 description of clearly delineated responsibilities and the
123 policies and practices needed to effectively manage the charter
124 school. A description of internal audit procedures and
125 establishment of controls to ensure that financial resources are
126 properly managed must be included. Both public sector and
127 private sector professional experience shall be equally valid in
128 such a consideration.

129 10. The asset and liability projections required in the
130 application which are incorporated into the charter and shall be
131 compared with information provided in the annual report of the
132 charter school.

133 11. A description of procedures that identify various
134 risks and provide for a comprehensive approach to reduce the
135 impact of losses; plans to ensure the safety and security of
136 students and staff; plans to identify, minimize, and protect
137 others from violent or disruptive student behavior; and the
138 manner in which the school will be insured, including whether or
139 not the school will be required to have liability insurance,
140 and, if so, the terms and conditions thereof and the amounts of

141 coverage.

142 12. The term of the charter which shall provide for
143 cancellation of the charter if insufficient progress has been
144 made in attaining the student achievement objectives of the
145 charter and if it is not likely that such objectives can be
146 achieved before expiration of the charter. The initial term of a
147 charter shall be for 4 or 5 years. In order to facilitate access
148 to long-term financial resources for charter school
149 construction, charter schools that are operated by a
150 municipality or other public entity as provided by law are
151 eligible for up to a 15-year charter, subject to approval by the
152 district school board. A charter lab school is eligible for a
153 charter for a term of up to 15 years. In addition, to facilitate
154 access to long-term financial resources for charter school
155 construction, charter schools that are operated by a private,
156 not-for-profit, s. 501(c)(3) status corporation are eligible for
157 up to a 15-year charter, subject to approval by the district
158 school board. Such long-term charters remain subject to annual
159 review and may be terminated during the term of the charter, but
160 only according to the provisions set forth in subsection (8).

161 13. The facilities to be used and their location.

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

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

168 16. A timetable for implementing the charter which

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addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

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

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

19. Implementation of the activities authorized under s. 1002.331 or s. 1002.332 by the charter school when it satisfies

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

(9) CHARTER SCHOOL REQUIREMENTS.—

(g) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

2. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this

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paragraph. A charter school shall provide a monthly financial statement to the sponsor unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331 or s. 1002.332, in which case the high-performing charter school may provide a quarterly financial statement. The financial statement required under this paragraph shall be in a form prescribed by the Department of Education.

(10) ELIGIBLE STUDENTS.—

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331 or s. 1002.332. A sponsor may not require a charter school to waive the provisions of s. 1002.331 or s. 1002.332 or require a student enrollment cap that prohibits a high-performing charter school from increasing enrollment in accordance with s. 1002.331(2) or s. 1002.332(2)(c) as a condition of approval or renewal of a charter.

(i) The capacity of a high-performing charter school identified pursuant to s. 1002.331 or s. 1002.332 shall be determined annually by the governing board of the charter school. The governing board shall notify the sponsor of any increase in enrollment by March 1 of the school year preceding the increase.

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students

253 enrolled in other public schools in the school district. Funding
254 for a charter lab school shall be as provided in s. 1002.32.

255 (a) Each charter school shall report its student
256 enrollment to the sponsor as required in s. 1011.62, and in
257 accordance with the definitions in s. 1011.61. The sponsor shall
258 include each charter school's enrollment in the district's
259 report of student enrollment. All charter schools submitting
260 student record information required by the Department of
261 Education shall comply with the Department of Education's
262 guidelines for electronic data formats for such data, and all
263 districts shall accept electronic data that complies with the
264 Department of Education's electronic format.

265 (b) The basis for the agreement for funding students
266 enrolled in a charter school shall be the sum of the school
267 district's operating funds from the Florida Education Finance
268 Program as provided in s. 1011.62 and the General Appropriations
269 Act, including gross state and local funds, discretionary
270 lottery funds, and funds from the school district's current
271 operating discretionary millage levy; divided by total funded
272 weighted full-time equivalent students in the school district;
273 multiplied by the weighted full-time equivalent students for the
274 charter school. Charter schools whose students or programs meet
275 the eligibility criteria in law shall be entitled to their
276 proportionate share of categorical program funds included in the
277 total funds available in the Florida Education Finance Program
278 by the Legislature, including transportation. Total funding for
279 each charter school shall be recalculated during the year to
280 reflect the revised calculations under the Florida Education

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281 Finance Program by the state and the actual weighted full-time
282 equivalent students reported by the charter school during the
283 full-time equivalent student survey periods designated by the
284 Commissioner of Education.

285 (c) Each district school board may annually
286 proportionately share the revenue generated by the millage levy
287 pursuant to s. 1011.71(2) with charter schools in the school
288 district on a per-student basis. If a district school board does
289 not proportionately share the revenue generated by the millage
290 levy pursuant to s. 1011.71(2), the Florida Education Finance
291 Program allocation for that school district shall be
292 recalculated so that each charter school in the school district
293 receives, on a per-student basis, the same amount of funds that
294 it would have received if the district school board shared the
295 millage levy revenue with charter schools on a per-student pro
296 rata basis. The school district shall, within 30 days after
297 receipt, distribute the recalculated funds to each charter
298 school in the district. Charter schools may only use these
299 recalculated funds for capital outlay purposes.

300 (d)(e) If the district school board is providing programs
301 or services to students funded by federal funds, any eligible
302 students enrolled in charter schools in the school district
303 shall be provided federal funds for the same level of service
304 provided students in the schools operated by the district school
305 board. All federal funds received by a district school board for
306 the benefit of charter schools, charter school students, or
307 charter school students as public school students in the school
308 district, including, but not limited to, Title I, Title II, and

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IDEA funds, shall be paid in total to charter schools within 60 days after receipt by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(e)~~(d)~~ Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(f)~~(e)~~ District school boards shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 10 working days after receipt of funding by the district school board, the

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337 school district shall pay to the charter school, in addition to
338 the amount of the scheduled disbursement, interest at a rate of
339 1 percent per month calculated on a daily basis on the unpaid
340 balance from the expiration of the 10 working days until such
341 time as the warrant is issued.

342 (g)~~(f)~~ Funding for a virtual charter school shall be as
343 provided in s. 1002.45(7).

344 Section 2. Paragraph (c) of subsection (1) and paragraph
345 (b) of subsection (3) of section 1002.331, Florida Statutes, are
346 amended to read:

347 1002.331 High-performing charter schools.—

348 (1) A charter school is a high-performing charter school
349 if it:

350 (c) Did not receive a financial audit that revealed one or
351 more of the financial emergency conditions set forth in s.
352 218.503(1) in the most recent 3 fiscal years for which such
353 audits are available. However, this requirement is deemed met
354 ~~for a charter school in the workplace~~ if there is a finding in
355 an audit that the school has the monetary resources available to
356 cover any reported deficiency or that the deficiency does not
357 result in a deteriorating financial condition pursuant to s.
358 1002.345(1)(a)3.

359
360 A virtual charter school established under s. 1002.33 is not
361 eligible for designation as a high-performing charter school.

362 (3)

363 (b) A high-performing charter school may not establish
364 more than three ~~one~~ charter schools ~~school~~ within the state

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under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status.

Section 3. Paragraph (c) is added to subsection (2) of section 1002.332, Florida Statutes, to read:

1002.332 High-performing charter school system.—

(2)

(c) A high-performing charter school that is part of a high-performing charter school system may:

1. Increase its student enrollment once per school year by up to 15 percent more than the capacity identified in the charter.

2. Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established in subparagraph 1.

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

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

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

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review by the sponsor, and may be terminated during its term
pursuant to s. 1002.33(8).

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

Section 4. This act shall take effect July 1, 2012.