

By Senator Wise

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; providing that a community college may
4 operate no more than one charter school that serves
5 students in kindergarten through grade 12, if the
6 community college operates an approved teacher
7 preparation program; conforming provisions to changes
8 made by the act relating to authorized activities of a
9 high-performing charter school that is part of a high-
10 performing charter school system; authorizing each
11 district school board to share revenue generated by
12 its capital outlay millage levy with charter schools
13 on a per-student, pro rata basis; providing for
14 recalculation of a school district's Florida Education
15 Finance Program allocation if the millage levy revenue
16 is not shared; providing for distribution of
17 recalculated funds; requiring payment to charter
18 schools of certain federal funds received by a
19 district school board; amending s. 1002.331, F.S.;
20 revising requirements for designation as a high-
21 performing charter school; revising the restriction on
22 the establishment of new charter schools that
23 replicate a high-performing charter school's
24 educational program; amending s. 1002.332, F.S.;
25 authorizing a high-performing charter school that is
26 part of a high-performing charter school system to
27 increase student enrollment, expand grade levels,
28 submit quarterly financial statements, consolidate
29 charters, and modify charter terms; providing an

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effective date.

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

Section 1. Paragraph (b) of subsection (5), paragraph (a) of subsection (7), paragraph (g) of subsection (9), paragraphs (h) and (i) of subsection (10), and subsection (17) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties*.—

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

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

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

d. The sponsor's policies shall not apply to a charter school unless mutually agreed to by both the sponsor and the charter school.

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

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If

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59 a charter school falls short of performance measures included in
60 the approved charter, the sponsor shall report such shortcomings
61 to the Department of Education.

62 g. The sponsor is ~~shall~~ not be liable for civil damages
63 under state law for personal injury, property damage, or death
64 resulting from an act or omission of an officer, employee,
65 agent, or governing body of the charter school.

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

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

71 j. The sponsor may ~~shall~~ not impose additional reporting
72 requirements on a charter school without providing reasonable
73 and specific justification in writing to the charter school.

74 2. Immunity for the sponsor of a charter school under
75 subparagraph 1. applies only with respect to acts or omissions
76 not under the sponsor's direct authority as described in this
77 section.

78 3. This paragraph does not waive a district school board's
79 sovereign immunity.

80 4. A Florida College System institution may work with the
81 school district or school districts in its designated service
82 area to develop charter schools that offer secondary education.
83 These charter schools must include an option for students to
84 receive an associate degree upon high school graduation. If a
85 community college operates an approved teacher preparation
86 program under s. 1004.04 or s. 1004.85, the community college
87 may operate no more than one charter school that serves students

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88 in kindergarten through grade 12. District school boards shall
89 cooperate with and assist the Florida College System institution
90 on the charter application. Florida College System institution
91 applications for charter schools are not subject to the time
92 deadlines outlined in subsection (6) and may be approved by the
93 district school board at any time during the year. Florida
94 College System institutions may not report FTE for any students
95 who receive FTE funding through the Florida Education Finance
96 Program.

97 (7) CHARTER.—The major issues involving the operation of a
98 charter school shall be considered in advance and written into
99 the charter. The charter shall be signed by the governing board
100 of the charter school and the sponsor, following a public
101 hearing to ensure community input.

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

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

106 2. The focus of the curriculum, the instructional methods
107 to be used, any distinctive instructional techniques to be
108 employed, and identification and acquisition of appropriate
109 technologies needed to improve educational and administrative
110 performance which include a means for promoting safe, ethical,
111 and appropriate uses of technology which comply with legal and
112 professional standards.

113 a. The charter shall ensure that reading is a primary focus
114 of the curriculum and that resources are provided to identify
115 and provide specialized instruction for students who are reading
116 below grade level. The curriculum and instructional strategies

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117 for reading must be consistent with the Sunshine State Standards
118 and grounded in scientifically based reading research.

119 b. In order to provide students with access to diverse
120 instructional delivery models, to facilitate the integration of
121 technology within traditional classroom instruction, and to
122 provide students with the skills they need to compete in the
123 21st century economy, the Legislature encourages instructional
124 methods for blended learning courses consisting of both
125 traditional classroom and online instructional techniques.
126 Charter schools may implement blended learning courses that
127 ~~which~~ combine traditional classroom instruction and virtual
128 instruction. Students in a blended learning course must be full-
129 time students of the charter school and receive the online
130 instruction in a classroom setting at the charter school.
131 Instructional personnel certified pursuant to s. 1012.55 who
132 provide virtual instruction for blended learning courses may be
133 employees of the charter school or may be under contract to
134 provide instructional services to charter school students. At a
135 minimum, such instructional personnel must hold an active state
136 or school district adjunct certification under s. 1012.57 for
137 the subject area of the blended learning course. The funding and
138 performance accountability requirements for blended learning
139 courses are the same as those for traditional courses.

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

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

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

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

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

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

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

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

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

8. The ways by which the school will achieve a

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175 racial/ethnic balance reflective of the community it serves or
176 within the racial/ethnic range of other public schools in the
177 same school district.

178 9. The financial and administrative management of the
179 school, including a reasonable demonstration of the professional
180 experience or competence of those individuals or organizations
181 applying to operate the charter school or those hired or
182 retained to perform such professional services and the
183 description of clearly delineated responsibilities and the
184 policies and practices needed to effectively manage the charter
185 school. A description of internal audit procedures and
186 establishment of controls to ensure that financial resources are
187 properly managed must be included. Both public sector and
188 private sector professional experience shall be equally valid in
189 such a consideration.

190 10. The asset and liability projections required in the
191 application which are incorporated into the charter and shall be
192 compared with information provided in the annual report of the
193 charter school.

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

202 12. The term of the charter, which shall provide for
203 cancellation of the charter if insufficient progress has been

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made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 4 or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location.

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

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

16. A timetable for implementing the charter which 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

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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 are ~~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 that ~~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 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

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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 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

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

(a) Each charter school shall report its student enrollment to the sponsor as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The sponsor shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record

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information required by the Department of Education shall comply with the Department of Education's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the Department of Education's electronic format.

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) Each district school board may annually proportionately share the revenue generated by the millage levy pursuant to s. 1011.71(2) with charter schools in the school district on a per-student basis. If a district school board does not

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349 proportionately share the revenue generated by the millage levy
350 pursuant to s. 1011.71(2), the Florida Education Finance Program
351 allocation for that school district shall be recalculated so
352 that each charter school in the school district receives, on a
353 per-student basis, the same amount of funds that it would have
354 received if the district school board shared the millage levy
355 revenue with charter schools on a per-student, pro rata basis.
356 The school district shall, within 30 days after receipt,
357 distribute the recalculated funds to each charter school in the
358 district. Charter schools may use these recalculated funds only
359 for capital outlay purposes.

360 (d)-(e) If the district school board is providing programs
361 or services to students funded by federal funds, any eligible
362 students enrolled in charter schools in the school district
363 shall be provided federal funds for the same level of service
364 provided students in the schools operated by the district school
365 board. All federal funds received by a district school board for
366 the benefit of charter schools, charter school students, or
367 charter school students as public school students in the school
368 district, including, but not limited to, Title I, Title II, and
369 IDEA funds, shall be paid in total to charter schools within 60
370 days after receipt by the district school board. Pursuant to
371 provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall
372 receive all federal funding for which the school is otherwise
373 eligible, including Title I funding, not later than 5 months
374 after the charter school first opens and within 5 months after
375 any subsequent expansion of enrollment.

376 (e)-(d) Charter schools shall be included by the Department
377 of Education and the district school board in requests for

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378 federal stimulus funds in the same manner as district school
379 board-operated public schools, including Title I and IDEA funds
380 and shall be entitled to receive such funds. Charter schools are
381 eligible to participate in federal competitive grants that are
382 available as part of the federal stimulus funds.

383 (f)~~(e)~~ District school boards shall make timely and
384 efficient payment and reimbursement to charter schools,
385 including processing paperwork required to access special state
386 and federal funding for which they may be eligible. The district
387 school board may distribute funds to a charter school for up to
388 3 months based on the projected full-time equivalent student
389 membership of the charter school. Thereafter, the results of
390 full-time equivalent student membership surveys shall be used in
391 adjusting the amount of funds distributed monthly to the charter
392 school for the remainder of the fiscal year. The payment shall
393 be issued no later than 10 working days after the district
394 school board receives a distribution of state or federal funds.
395 If a warrant for payment is not issued within 10 working days
396 after receipt of funding by the district school board, the
397 school district shall pay to the charter school, in addition to
398 the amount of the scheduled disbursement, interest at a rate of
399 1 percent per month calculated on a daily basis on the unpaid
400 balance from the expiration of the 10 working days until such
401 time as the warrant is issued.

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

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

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1002.331 High-performing charter schools.—

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

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

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

(3)

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

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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 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.