



Choice & Innovation Subcommittee

Tuesday, October 6, 2015

1:00 PM – 3:00 PM

306 HOB

Meeting Packet

**Steve Crisafulli
Speaker**

**Manny Diaz
Chair**



AGENDA

Choice & Innovation Subcommittee
Thursday, October 6, 2015
1:00 PM – 3:00 PM
306 HOB

- I. Call to Order/Roll Call
- II. Welcome/Opening Remarks
- III. Presentations on Charter Schools
 - Adam Miller, Executive Director for K-12 School Choice Office, Florida Department of Education
 - Jenna Hodgens, Director, Florida Association of Charter School Authorizers (FACSA)
- IV. Workshop School Choice Language
- V. Closing Remarks and Adjournment



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Florida Charter School Sector

October 6, 2015

Florida House of Representatives

Choice and Innovation Subcommittee

Presented by: Adam Miller, Executive Director, Office of Independent Education
and Parental Choice, Florida Department of Education

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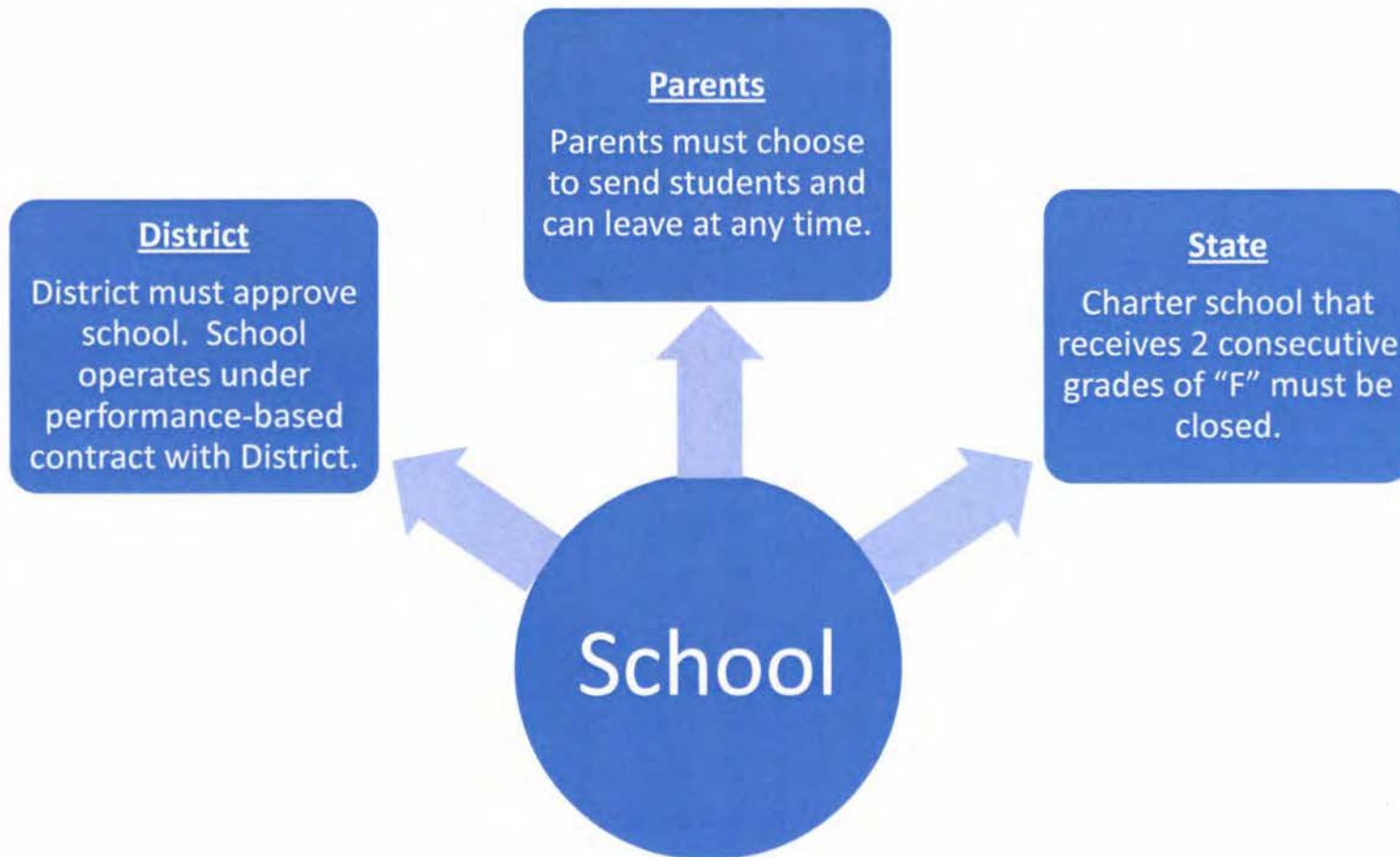
Agenda

- Sector Overview
- Update: Model Charter School Application
- Update: District Charter Collaborative Compact

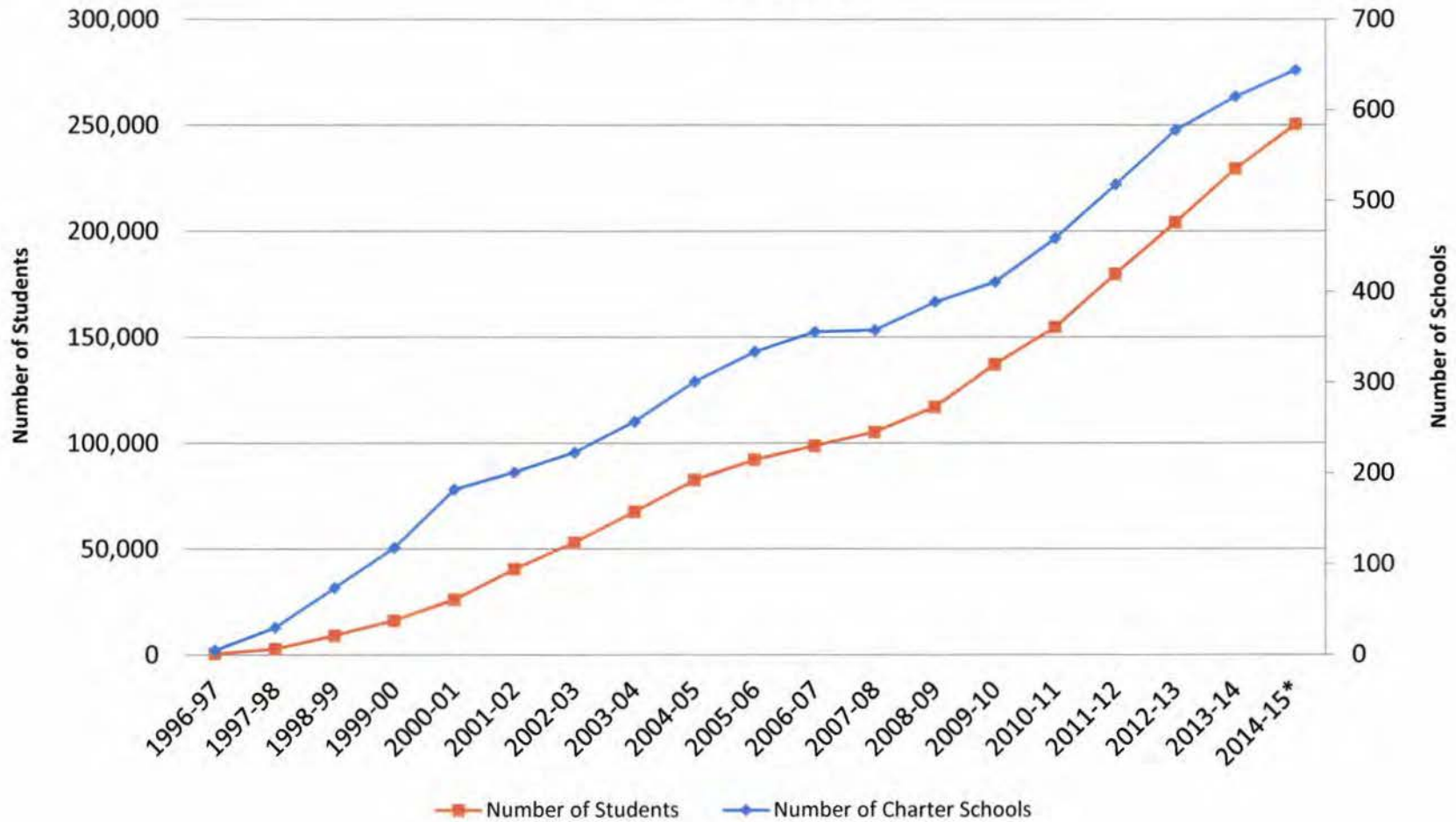
Charter Schools: Principles and Purpose

- Guiding Principles
 - Meet high standards of student achievement while providing parents choices
 - Promote enhanced academic success
 - Provide parents information about their child's performance and growth
- Purpose
 - Improve student learning and academic achievement
 - Increase learning opportunities for students, with special emphasis on low-performing students
 - Encourage use of innovative learning methods
 - Require measurement of learning outcomes

Multi-Layered Accountability

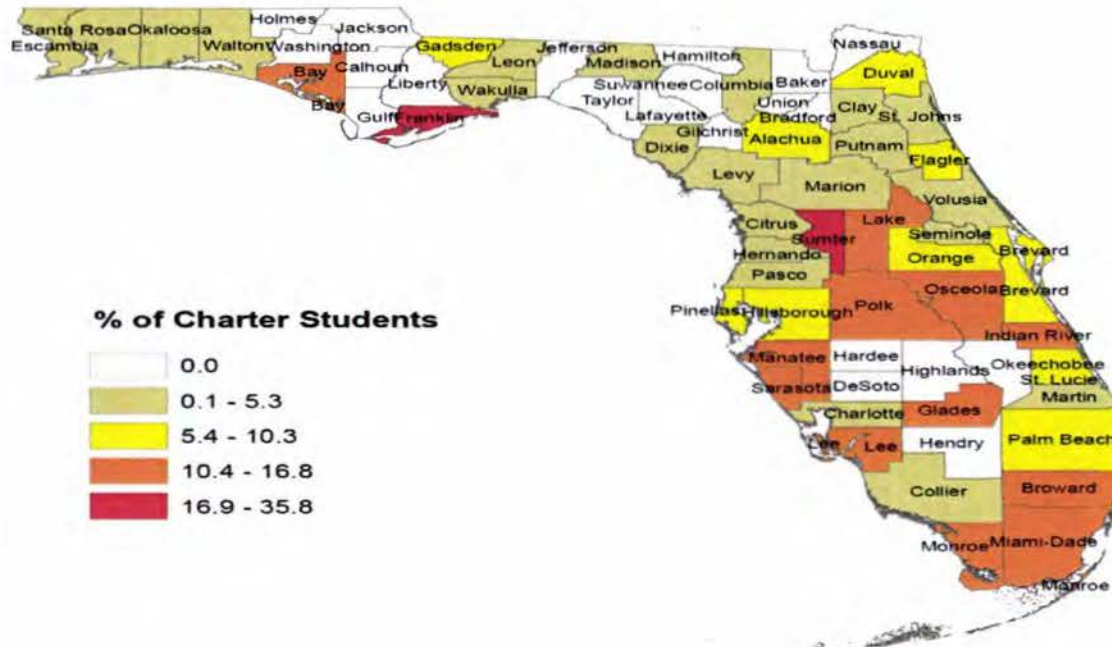


Historical Growth





Charter Students as a Percentage of Total Public School Membership 2014-15



Charter School Authorizing Process

Applications

Application Review
Applicant Interview
Due Diligence

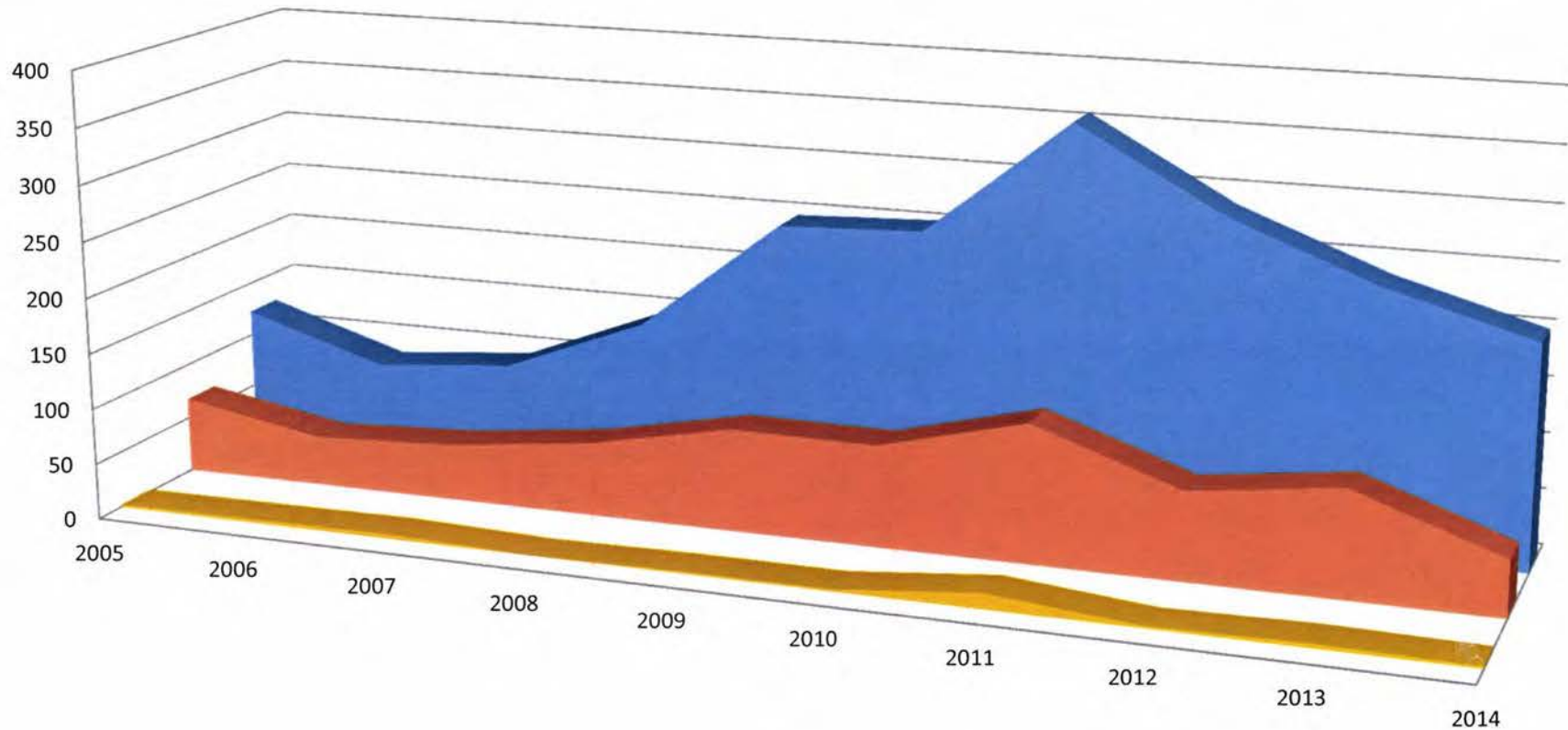
Contract Negotiations

Academic Expectations
Renewal/Non Renewal
Terms
Financial Accountability

Monitoring and Oversight

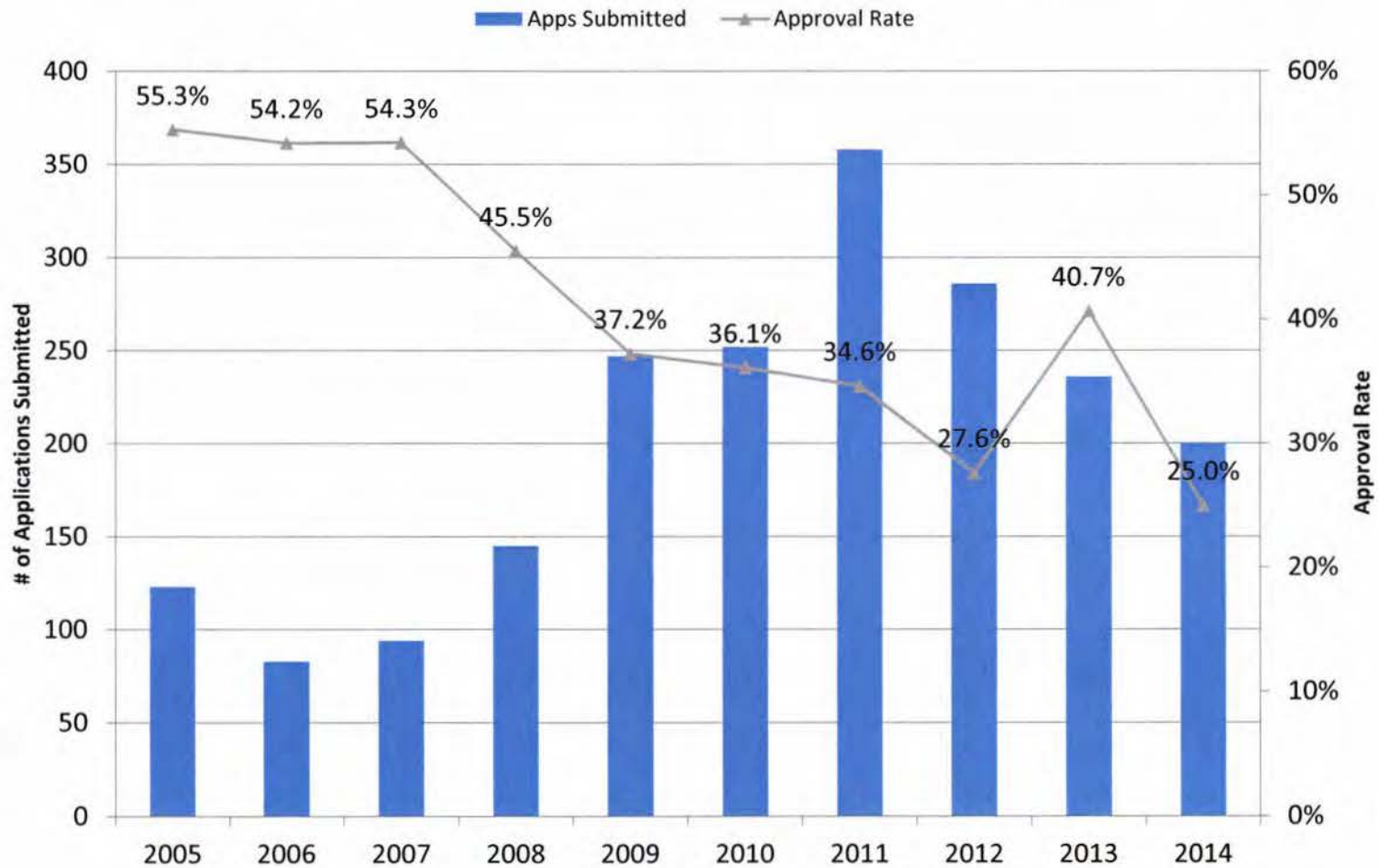
Academic, Financial,
Operational Performance
Compliance
Renewal/Closure Decisions

2005-Present: Charter School Applications



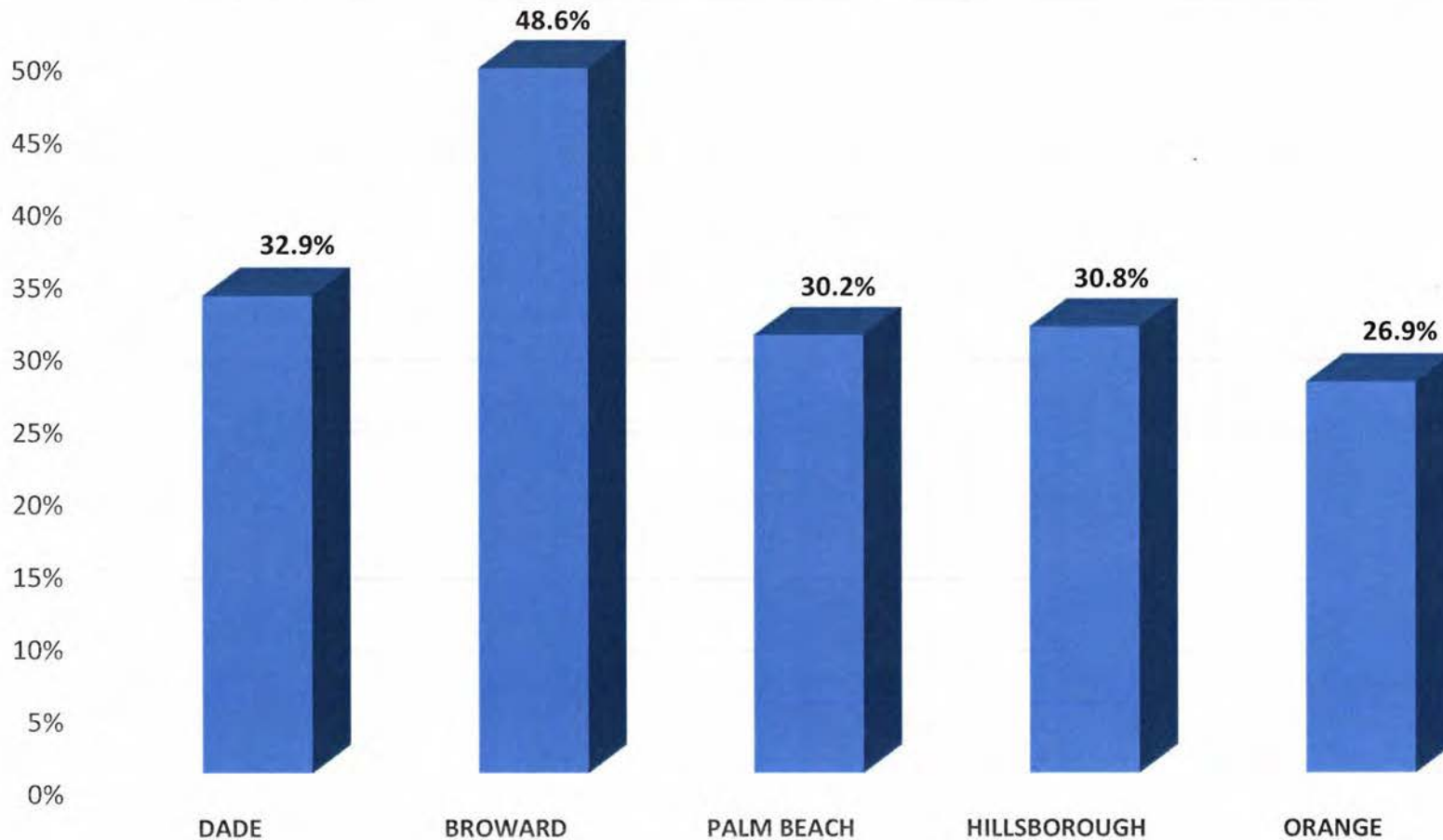
■ # of Appeals Granted by State Board of Ed
 ■ # of Apps Approved by Local Districts
 ■ # of Apps Submitted to Local Districts

History of Application Approval Rate



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Application Approval Rates for 2013 & 2014



Model Forms for Charter Schools and Sponsors

- Model Forms
 - Charter School Application
 - Application Evaluation Instrument
 - Charter School Standard Contract
- Purpose
 - Ensure rigor and consistency
 - Set high standard for charter approvals and performance

Model Forms for Charter Schools and Sponsors

2009

Developed
Initial
Model
Application

2010

Initial
Model
Application
Adopted

2012

Model
Application
for Virtual
and HP
Adopted

2014

Standard
Charter
Contract
Adopted

2015

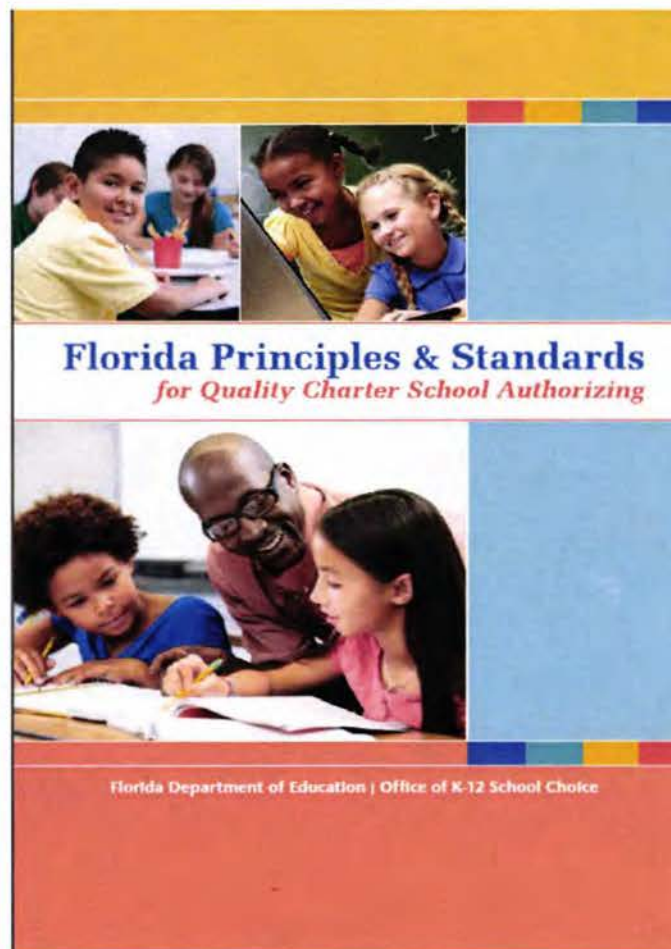
Added
Applicant
History
Forms

Model Charter School Application

- Required for all applicants
- Developed in consultation with districts, operators, and national experts (2009)
- Districts may request information of the applicant in addition to what is on the model application
- Recent and proposed revisions

Model Charter School Application

- Recent and Proposed Revisions
 - Guided by Principles & Standards
 - Raising the bar
 - Rigor
 - Scope
 - Clarity



Model Charter School Application Recent Revisions

- Applicant History Worksheet
 - Adopted June 2015
 - Completed by applicants with previous charter school experience
 - Individual (leadership), governing board, management company
 - 5 years of data per charter school
 - Status (active/closed)
 - Enrollment and FRL%
 - Academic performance
 - Grade/School Improvement Rating
 - Financial performance
 - Fund balance
 - Financial emergency condition

Model Charter School Application Applicant History Worksheet

- Aligned with Principles & Standards of Quality Authorizing
 - *Accept proposals from first-time charter applicants as well as existing school operators/replicators, while taking into consideration past performance, experience and capacity (Standard 2.A.2)*
 - *Grant charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria (Standard 2.C.5)*
 - *Rigorously evaluate each application through a thorough review of the written proposal, a substantive interview with the applicant group, and other due diligence to examine the applicant's experience and capacity, conducted by knowledgeable and competent evaluators (Standard 2.C.6)*
- 18/46 authorizers have explicit policies relating to consideration of past performance of applicants

Model Charter School Application Proposed Revisions

- Collaborative effort
 - National Association of Charter School Authorizers (NACSA)
 - Districts and Operators
 - Florida Association of Charter School Authorizers (FACSA)
 - Florida Charter School Alliance
 - Florida Consortium of Public Charter Schools
- Rule workshops September 21-22

Model Application Proposed Revisions

Cover Sheet		
Executive Summary		
Educational Plan	Organizational Plan	Business Plan
Mission, Guiding Principles and Purpose	Governance	Facilities
Target Population and Student Body	Management	Transportation Service
Educational Program Design	Human Resources and Employment	Food Service
Curriculum Plan	Professional Development	School Safety and Security
Student Performance, Assessment and Evaluation	Student Recruitment and Enrollment	Budget
Exceptional Students	Parent and Community Involvement	Financial Management and Oversight
English Language Learners		Start-Up Plan
School Climate and Discipline		
Supplemental Programming		
Replications		
Education Service Providers		

Current Management Section

- Describe the management structure of the school. Include job descriptions for teachers and each administrative position that identify key roles, responsibilities and accountability.
- Outline the criteria and process that will be used to select the school's leader.
- Provide a staffing plan for each year of the charter term aligned with the school's projected enrollment as detailed on the cover page of this application.
- Explain the school's plan for recruitment, selection, and development.

Proposed Management Section

- Submit as Attachment J organization charts that show the school governance, management, and staffing structure in
 - The first year of school operations
 - At the end of the charter term; and
 - When the school reaches full capacity, if in a year beyond the first charter term.
- Each organization chart should clearly delineate the roles and responsibilities of and lines of authority and reporting among the governing board, staff, and any related bodies (such as advisory bodies or parent/teacher councils), and any external organizations that will play a role in managing the school. **The organization charts should also specifically document lines of authority and reporting within the school.**
- Identify the principal / head of school candidate and **explain why this individual is well-qualified to lead the proposed school in achieving its mission.** Summarize the proposed leader's academic and organizational leadership record. **Provide specific evidence that demonstrates capacity to design, launch, and manage a high-performing charter school.** If the proposed leader has never run a school, describe any leadership training programs that (s)he has completed or is currently participating in. Discuss the evidence of the leader's ability to effectively serve the anticipated population. Also provide, as Attachment K, the proposed job description and resume for this individual.
- --OR--

Current Management Section

Proposed Management Section

- If no candidate has been identified, discuss the process and timeline for recruiting, selecting, and hiring the school leader. Describe the criteria to be used in selecting this leader, and provide as Attachment L the position's qualification requirements. **What are the key skills and competencies for the school leader? What qualities must the school leader have for this school to be successful?**
- Describe the management structure of the school. As Attachment M provide job descriptions for each administrative or leadership position that identifies key roles, responsibilities, and accountability.
- Provide a staffing plan for each year of the charter term that includes all anticipated personnel and is aligned with the school's projected enrollment and with all other sections of the application. Provide as Attachment N the proposed job description and qualification requirements for the school's teachers.
- Explain the school's plan for recruitment, selection, and development of a highly qualified and appropriately certified instructional staff that is aligned with applicable federal laws and state requirements as well as the school's design.

Current Budget Section

- Provide an operating budget covering each year of the requested charter term that contains revenue projections, expenses and anticipated fund balances. The budget should be based on the projected student enrollment indicated on the cover page of the application.
- Provide a start-up budget that contains a balance sheet, revenue projections, including source of revenues, expenses, and anticipated fund balance. The start-up budget must cover any period prior to the beginning of FTE payments in which the school will expend funds on activities necessary for the successful start-up of the school.
- Provide a detailed narrative description of the revenue and expenditure assumptions on which the operating and start-up budget are based.
- *The budget narrative should provide sufficient information to fully understand how budgetary figures were determined.*
- Explain how the governing board will monitor the budget, including a strategy for addressing revenue shortfalls due to lower than expected enrollment.
- Provide monthly cash flow projections for the school's start-up period (i.e. from the date on which the application is approved to the beginning of the first fiscal year of operation) through the first year of operation.
- Describe the school's fundraising plan, if applicable. Report on the current status of any fundraising efforts, including verification of any fundraising monies reported in the school's start-up or operating budgets.

Proposed Budget Section

- Provide an operating budget covering each year of the requested charter term that contains revenue projections (using the Florida charter school revenue estimate worksheet as Attachment U), expenses, and anticipated fund balances. The budget should be based on the projected student enrollment indicated on the cover page of the application.
- Provide a start-up budget that contains a balance sheet, revenue projections, including source of revenues, expenses, and anticipated fund balance. The start-up budget must cover any period prior to the beginning of FTE payments in which the school will expend funds on activities necessary for the successful start-up of the school.
- **If sources of funding are anticipated beyond those typically provided by local, state, and federal governments (such as funding from foundations, donors, grants), provide evidence of such funding (e.g. MOU, letters) as Attachment V.**
- Provide a detailed narrative description of the line-item revenue and expenditure assumptions on which the operating and start-up budget are based. The budget narrative should provide sufficient information to fully understand how budgetary figures were determined.
- Describe the strategy for adjusting the proposed budget should the number of enrolled students fall short of projections and/or anticipated receipt of any funding does not materialize.
- Provide monthly cash flow projections for the school's start-up period (i.e. from the date on which the application is approved to the beginning of the first fiscal year of operation) through the first year of operation.

Additional Initiatives

- Principles & Standards of Quality Authorizing
- Comprehensive Authorizer Evaluations
 - Conducted by the National Association of Charter School Authorizers
 - No cost to district
 - 5 completed, 3 scheduled
- Applicant Interview Training
- Additional Tools
 - NACSA database (beta)
 - Charter School Search (beta)

District Charter Collaborative Compact

- Encourage and support the development and implementation of sustainable strategies to ensure that all students, especially those attending or zoned for schools in high-need areas, have access to highly effective schools
- Opportunity for Districts to develop and implement bold and innovative strategies for collaborating and partnering with high-impact charter school organizations that are capable and prepared to serve students in Florida's highest need areas.
 - Innovation authorizing
 - Knowledge transfer
 - Facilities support
 - Resource equity

District Charter Collaborative Compact

- Based upon following core values and beliefs
 - All students should have access to highly-effective schools that will prepare them for college and/or career
 - Districts and charter schools share the responsibility for ensuring that all students have access to highly effective schools
 - Collaboration between Districts and charter schools can improve the educational reform efforts underway in Florida and improve student academic achievement for all students

District Charter Collaborative Compact

	Letter of Interest	Proposal Submitted	Funded
Round 1			
Broward	Yes	Yes	Yes*
Dade	Yes	Yes	Yes
Duval	Yes	Yes	Yes
Hillsborough	Yes	Yes	No
Orange	Yes	No	No
Pinellas	No	No	No
Round 2			
Broward	No	TBD	TBD
Hillsborough	Yes	TBD	TBD
Orange	Yes	TBD	TBD
Palm Beach	No	TBD	TBD
Pasco	No	TBD	TBD
Pinellas	No	TBD	TBD
Polk	Yes	TBD	TBD

District Charter Collaborative Compact Projects

- Miami
 - Partner with high-impact Charter Management Organization (CMO) to serve in high-need areas
 - Refine and strengthen authorizing practices
 - Develop and sustain mechanisms for knowledge transfer between district managed schools and charter schools
- Duval
 - Support expansion of KIPP Jacksonville
 - Knowledge transfer related to blended learning and teacher development and retention practices



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Charter Schools
Florida Association of Charter School Authorizers

Florida Association of Charter School Authorizers

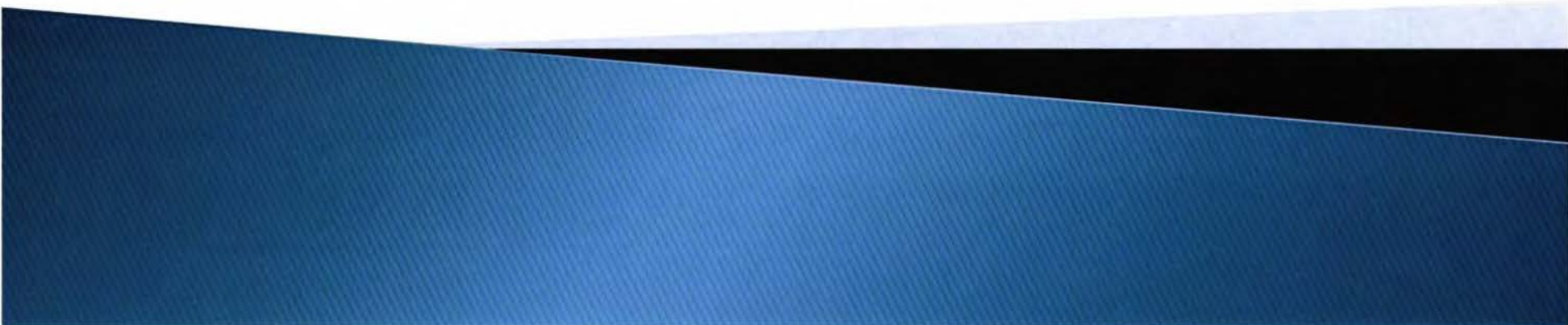
Presented to:

Florida House of Representatives
Choice & Innovation Subcommittee

By:

Jenna Hodgens, President
Dr. Kia Scott, Secretary
Tiffanie Pauline, Director

October 6, 2015



Florida Association of Charter School Authorizers (FACSA)

- ▶ Began in 2005
- ▶ Purpose: Committed to supporting districts and promoting best practices
- ▶ A membership organization:
 - Florida district employees or designees of the district
 - 32 school districts
- ▶ Monthly meetings
- ▶ Professional partners: FLDOE & National Association of Charter School Authorizers (NACSA)

Principles and Standards

- ▶ Initiated by the DOE
- ▶ Year-long project
- ▶ Collaboration between authorizers and charter stakeholders
- ▶ Facilitated by NACSA
- ▶ Utilized the NACSA Principles and Standards and made relevant for Florida
- ▶ Committed to best practices to ensure quality authorizing

Florida Principles and Standards Activities

NACSA Conference in Miami (2014)

- Florida authorizers participated in a Summit with NACSA to look more closely at specific standards

Monthly FACSA meetings

- Each month a standard is discussed and members share out supportive best practices to encourage the use of the standard
- Analysis of utilization of standards or challenges, if any

Principles and Standards Evidence of Support and Growth

- ▶ Utilization or enhancement of application review process
 - interviews
 - external evaluators
 - applicant training
 - application reviewer training

- ▶ Monitoring/Oversight
 - performance framework
 - increased autonomy
 - enhanced financial reviews

Authorizer Accountability

- ▶ Response to the language in the bill last session
- ▶ Group of authorizers in partnership with NACSA and supported by the DOE
- ▶ Utilized the 12 Essential Practices and aligned to the Florida Principles and Standards
- ▶ Self-reporting and data based metrics
- ▶ Continue to work on details such as:
 - Who will collect the data?
 - How will it be reviewed?
 - What supports will be put in place to work with authorizers?

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1 A bill to be entitled

2 An act relating to ; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (1), paragraphs (a), (b) and (c) of
7 subsection (6), paragraph (d) of subsection (7), paragraphs (g),
8 (n), and (p) of subsection (9), paragraph (a) of subsection
9 (10), subsection (13), and paragraphs (b) and (e) of subsection
10 (17), of section 1002.33, Florida Statutes, are amended to read:

11 1002.33 Charter schools.—

12 (1) AUTHORIZATION.—Charter schools shall be part of the
13 state's program of public education. All charter schools in
14 Florida are public schools. A charter school may be formed by
15 creating a new school or converting an existing public school to
16 charter status. A charter school may operate a virtual charter
17 school pursuant to s. 1002.45(1)(d) to provide full-time online
18 instruction to eligible students, pursuant to s. 1002.455, in
19 kindergarten through grade 12. An existing A charter school that
20 is seeking to become a virtual charter school must amend its
21 charter or submit a new application pursuant to subsection (6)
22 to become a virtual charter school. A virtual charter school is
23 subject to the requirements of this section; however, a virtual
24 charter school is exempt from subsections (18) and (19),
25 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and

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26 s. 1003.03. A public school may not use the term charter in its
27 name unless it has been approved under this section.

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

30 (a) A person or entity seeking ~~wishing~~ to open a charter
31 school shall prepare and submit an application on a model
32 application form prepared by the Department of Education which:

33 1. Demonstrates how the school will use the guiding
34 principles and meet the statutorily defined purpose of a charter
35 school.

36 2. Provides a detailed curriculum plan that illustrates
37 how students will be provided services to attain the Sunshine
38 State Standards.

39 3. Contains goals and objectives for improving student
40 learning and measuring that improvement. These goals and
41 objectives must indicate how much academic improvement students
42 are expected to show each year, how success will be evaluated,
43 and the specific results to be attained through instruction.

44 4. Describes the reading curriculum and differentiated
45 strategies that will be used for students reading at grade level
46 or higher and a separate curriculum and strategies for students
47 who are reading below grade level. A sponsor shall deny an
48 application ~~a charter~~ if the school does not propose a reading
49 curriculum that is consistent with effective teaching strategies
50 that are grounded in scientifically based reading research;

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51 however, a sponsor may not require the school to implement the
 52 reading plan adopted by the school district.

53 5. Contains an annual financial plan for each year
 54 requested by the charter for operation of the school for up to 5
 55 years. This plan must contain anticipated fund balances based on
 56 revenue projections, a spending plan based on projected revenues
 57 and expenses, and a description of controls that will safeguard
 58 finances and projected enrollment trends.

59 6. Discloses the name of each applicant, governing board
 60 member, and proposed management company, if any; the name and
 61 sponsor of any charter school currently or previously operated
 62 by each applicant, each governing board member, and the proposed
 63 management company; and the academic and financial history of
 64 such charter schools, which the sponsor shall consider in
 65 deciding whether to approve or deny the application.

66 ~~7.6-~~ Contains additional information a sponsor may
 67 require, which shall be attached as an addendum to the charter
 68 school application described in this paragraph.

69 ~~8.7-~~ For the establishment of a virtual charter school,
 70 documents that the applicant has contracted with a provider of
 71 virtual instruction services pursuant to s. 1002.45(1)(d).

72 (b) A sponsor shall receive and review all applications
 73 for a charter school using the ~~an~~ evaluation instrument
 74 developed by the Department of Education. A sponsor shall
 75 receive and consider charter school applications received on or

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76 | before August 1 of each calendar year for charter schools to be
 77 | opened at the beginning of the school district's next school
 78 | year, or to be opened at a time agreed to by the applicant and
 79 | the sponsor. A sponsor may not refuse to receive a charter
 80 | school application submitted before August 1 and may receive an
 81 | application submitted later than August 1 if it chooses. In
 82 | order to facilitate greater collaboration in the application
 83 | process, an applicant may submit a draft charter school
 84 | application on or before May 1 with an application fee of \$500.
 85 | If a draft application is timely submitted, the sponsor shall
 86 | review and provide feedback as to material deficiencies in the
 87 | application by July 1. The applicant shall then have until
 88 | August 1 to resubmit a revised and final application. The
 89 | sponsor may approve the draft application. Except as provided
 90 | for a draft application, a sponsor may not charge an applicant
 91 | for a charter any fee for the processing or consideration of an
 92 | application, and a sponsor may not base its consideration or
 93 | approval of a final application upon the promise of future
 94 | payment of any kind. Before approving or denying any final
 95 | application, the sponsor shall allow the applicant, upon receipt
 96 | of written notification, at least 7 calendar days to make
 97 | technical or nonsubstantive corrections and clarifications,
 98 | including, but not limited to, corrections of grammatical,
 99 | typographical, and like errors or missing signatures, if such
 100 | errors are identified by the sponsor as cause to deny the final

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101 application.

102 1. In order to facilitate an accurate budget projection
 103 process, a sponsor shall be held harmless for FTE students who
 104 are not included in the FTE projection due to approval of
 105 charter school applications after the FTE projection deadline.
 106 In a further effort to facilitate an accurate budget projection,
 107 within 15 calendar days after receipt of a charter school
 108 application, a sponsor shall report to the Department of
 109 Education the name of the applicant entity, the proposed charter
 110 school location, and its projected FTE.

111 2. In order to ensure fiscal responsibility, an
 112 application for a charter school shall include a full accounting
 113 of expected assets, a projection of expected sources and amounts
 114 of income, including income derived from projected student
 115 enrollments and from community support, and an expense
 116 projection that includes full accounting of the costs of
 117 operation, including start-up costs.

118 3.a. A sponsor shall by a majority vote approve or deny an
 119 application no later than 60 calendar days after the application
 120 is received, unless the sponsor and the applicant mutually agree
 121 in writing to temporarily postpone the vote to a specific date,
 122 at which time the sponsor shall by a majority vote approve or
 123 deny the application. If the sponsor fails to act on the
 124 application, an applicant may appeal to the State Board of
 125 Education as provided in paragraph (c). If an application is

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126 denied, the sponsor shall, within 10 calendar days after such
 127 denial, articulate in writing the specific reasons, based upon
 128 good cause, supporting its denial of the ~~charter~~ application and
 129 shall provide the letter of denial and supporting documentation
 130 to the applicant and to the Department of Education.

131 b. An application submitted by a high-performing charter
 132 school identified pursuant to s. 1002.331 may be denied by the
 133 sponsor only if the sponsor demonstrates by clear and convincing
 134 evidence that:

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

137 (II) The charter school proposed in the application does
 138 not materially comply with the requirements in paragraphs
 139 (9) (a) - (f);

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

143 (IV) The applicant has made a material misrepresentation
 144 or false statement or concealed an essential or material fact
 145 during the application process; or

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

149

150 Material noncompliance is a failure to follow requirements or a

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151 violation of prohibitions applicable to charter school
 152 applications, which failure is quantitatively or qualitatively
 153 significant either individually or when aggregated with other
 154 noncompliance. An applicant is considered to be replicating a
 155 high-performing charter school if the proposed school is
 156 substantially similar to at least one of the applicant's high-
 157 performing charter schools and the organization or individuals
 158 involved in the establishment and operation of the proposed
 159 school are significantly involved in the operation of replicated
 160 schools.

161 c. If the sponsor denies an application submitted by a
 162 high-performing charter school, the sponsor must, within 10
 163 calendar days after such denial, state in writing the specific
 164 reasons, based upon the criteria in sub-subparagraph b.,
 165 supporting its denial of the application and must provide the
 166 letter of denial and supporting documentation to the applicant
 167 and to the Department of Education. The applicant may appeal the
 168 sponsor's denial of the application directly to the State Board
 169 of Education pursuant to paragraph (c). If an applicant files an
 170 appeal, the applicant must provide the sponsor with a copy of
 171 the appeal ~~sub-subparagraph (c)3.b.~~

172 4. For budget projection purposes, the sponsor shall
 173 report to the Department of Education the approval or denial of
 174 an a-charter application within 10 calendar days after such
 175 approval or denial. In the event of approval, the report to the

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176 Department of Education shall include the final projected FTE
 177 for the approved charter school.

178 5. Upon approval of an ~~a charter~~ application, the initial
 179 startup shall commence with the beginning of the public school
 180 calendar for the district in which the charter is granted unless
 181 the sponsor allows a waiver of this subparagraph for good cause.

182 (c)1. An applicant may appeal any denial of that
 183 applicant's application or failure to act on an application to
 184 the State Board of Education no later than 30 calendar days
 185 after receipt of the sponsor's decision or failure to act and
 186 shall notify the sponsor of its appeal. Any response of the
 187 sponsor shall be submitted to the State Board of Education
 188 within 30 calendar days after notification of the appeal. Upon
 189 receipt of notification from the State Board of Education that a
 190 charter school applicant is filing an appeal, the Commissioner
 191 of Education shall convene a meeting of the Charter School
 192 Appeal Commission to study and make recommendations to the State
 193 Board of Education regarding its pending decision about the
 194 appeal. The commission shall forward its recommendation to the
 195 state board at least 7 calendar days before the date on which
 196 the appeal is to be heard. An appeal regarding the denial of an
 197 application submitted by a high-performing charter school
 198 pursuant to s. 1002.331 shall be conducted by the State Board of
 199 Education in accordance with this paragraph, except that the
 200 commission shall not convene to make recommendations regarding

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201 the appeal. However, the Commissioner of Education shall review
 202 the appeal and make a recommendation to the state board.

203 2. The Charter School Appeal Commission or, in the case of
 204 an appeal regarding an application submitted by a high-
 205 performing charter school, the State Board of Education may
 206 reject an appeal submission for failure to comply with
 207 procedural rules governing the appeals process. The rejection
 208 shall describe the submission errors. The appellant shall have
 209 15 calendar days after notice of rejection in which to resubmit
 210 an appeal that meets the requirements set forth in State Board
 211 of Education rule. An appeal submitted subsequent to such
 212 rejection is considered timely if the original appeal was filed
 213 within 30 calendar days after receipt of notice of the specific
 214 reasons for the sponsor's denial of the charter application.

215 3.a. The State Board of Education shall by majority vote
 216 accept or reject the decision of the sponsor no later than 90
 217 calendar days after an appeal is filed in accordance with State
 218 Board of Education rule. The State Board of Education shall
 219 remand the application to the sponsor with its written decision
 220 that the sponsor approve or deny the application. The sponsor
 221 shall implement the decision of the State Board of Education.
 222 The decision of the State Board of Education is not subject to
 223 the provisions of the Administrative Procedure Act, chapter 120.

224 b. If an appeal concerns an application submitted by a
 225 high-performing charter school identified pursuant to s.

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226 1002.331, the State Board of Education shall determine whether
 227 the sponsor has shown, by clear and convincing evidence, that:

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

230 (II) The charter school proposed in the application does
 231 not materially comply with the requirements in paragraphs
 232 (9) (a) - (f);

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

236 (IV) The applicant has made a material misrepresentation
 237 or false statement or concealed an essential or material fact
 238 during the application process; or

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

242
 243 The State Board of Education shall approve or reject the
 244 sponsor's denial of an application no later than 90 calendar
 245 days after an appeal is filed in accordance with State Board of
 246 Education rule. The State Board of Education shall remand the
 247 application to the sponsor with its written decision that the
 248 sponsor approve or deny the application. The sponsor shall
 249 implement the decision of the State Board of Education. The
 250 decision of the State Board of Education is not subject to the

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251 Administrative Procedure Act, chapter 120.

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

256 (e)1. A Charter School Appeal Commission is established to
 257 assist the commissioner and the State Board of Education with a
 258 fair and impartial review of appeals by applicants whose charter
 259 applications have been denied, whose charter contracts have not
 260 been renewed, or whose charter contracts have been terminated by
 261 their sponsors.

262 2. The Charter School Appeal Commission may receive copies
 263 of the appeal documents forwarded to the State Board of
 264 Education, review the documents, gather other applicable
 265 information regarding the appeal, and make a written
 266 recommendation to the commissioner. The recommendation must
 267 state whether the appeal should be upheld or denied and include
 268 the reasons for the recommendation being offered. The
 269 commissioner shall forward the recommendation to the State Board
 270 of Education no later than 7 calendar days prior to the date on
 271 which the appeal is to be heard. The state board must consider
 272 the commission's recommendation in making its decision, but is
 273 not bound by the recommendation. The decision of the Charter
 274 School Appeal Commission is not subject to the provisions of the
 275 Administrative Procedure Act, chapter 120.

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276 3. The commissioner shall appoint a number of members to
 277 the Charter School Appeal Commission sufficient to ensure that
 278 no potential conflict of interest exists for any commission
 279 appeal decision. Members shall serve without compensation but
 280 may be reimbursed for travel and per diem expenses in
 281 conjunction with their service. Of the members hearing the
 282 appeal, one-half must represent currently operating charter
 283 schools and one-half must represent sponsors. The commissioner
 284 or a named designee shall chair the Charter School Appeal
 285 Commission.

286 4. The chair shall convene meetings of the commission and
 287 shall ensure that the written recommendations are completed and
 288 forwarded in a timely manner. In cases where the commission
 289 cannot reach a decision, the chair shall make the written
 290 recommendation with justification, noting that the decision was
 291 rendered by the chair.

292 5. Commission members shall thoroughly review the
 293 materials presented to them from the appellant and the sponsor.
 294 The commission may request information to clarify the
 295 documentation presented to it. In the course of its review, the
 296 commission may facilitate the postponement of an appeal in those
 297 cases where additional time and communication may negate the
 298 need for a formal appeal and both parties agree, in writing, to
 299 postpone the appeal to the State Board of Education. A new date
 300 certain for the appeal shall then be set based upon the rules

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301 and procedures of the State Board of Education. Commission
 302 members shall provide a written recommendation to the state
 303 board as to whether the appeal should be upheld or denied. A
 304 fact-based justification for the recommendation must be
 305 included. The chair must ensure that the written recommendation
 306 is submitted to the State Board of Education members no later
 307 than 7 calendar days prior to the date on which the appeal is to
 308 be heard. Both parties in the case shall also be provided a copy
 309 of the recommendation.

310 (f)1. The Department of Education shall provide or arrange
 311 for training and technical assistance to charter schools in
 312 developing and adjusting business plans and accounting for costs
 313 and income. Training and technical assistance shall also
 314 address, at a minimum, state and federal grant and student
 315 performance accountability reporting requirements and provide
 316 assistance in identifying and applying for the types and amounts
 317 of state and federal financial assistance the charter school may
 318 be eligible to receive. The department may provide other
 319 technical assistance to an applicant upon written request.

320 2. A charter school applicant must participate in the
 321 training provided by the Department of Education after approval
 322 of an application but at least 30 calendar days before the first
 323 day of classes at the charter school. However, a sponsor may
 324 require the charter school applicant to attend training provided
 325 by the sponsor in lieu of the department's training if the

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326 sponsor's training standards meet or exceed the standards
 327 developed by the department. In such case, the sponsor may not
 328 require the charter school applicant to attend the training
 329 within 30 calendar days before the first day of classes at the
 330 charter school. The training must include instruction in
 331 accurate financial planning and good business practices. If the
 332 applicant is a management company or a nonprofit organization,
 333 the charter school principal and the chief financial officer or
 334 his or her equivalent must also participate in the training. A
 335 sponsor may not require a high-performing charter school or
 336 high-performing charter school system applicant to participate
 337 in the training described in this subparagraph more than once.

338 (g) A charter school applicant, after approval of an
 339 application but before the first day of school, must provide
 340 verified evidence of a surety bond, loan commitment, or cash
 341 reserve in an amount sufficient to cover the financial
 342 obligations of the charter school from the first day of school
 343 to the October FTE student membership survey. Funds reserved for
 344 such purposes shall be held in trust and unused funds at the
 345 time of the October FTE student membership survey shall be
 346 reserved for the next school year.

347 (h) ~~(g)~~ In considering charter applications for a lab
 348 school, a state university shall consult with the district
 349 school board of the county in which the lab school is located.
 350 The decision of a state university may be appealed pursuant to

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351 the procedure established in this subsection.
 352 (i)~~(h)~~ The terms and conditions for the operation of a
 353 charter school shall be set forth by the sponsor and the
 354 applicant in a written contractual agreement, called a charter.
 355 The sponsor may not impose unreasonable rules or regulations
 356 that violate the intent of giving charter schools greater
 357 flexibility to meet educational goals. The sponsor has 30 days
 358 after approval of the application to provide an initial proposed
 359 charter contract to the charter school. The applicant and the
 360 sponsor have 40 days thereafter to negotiate and notice the
 361 charter contract for final approval by the sponsor unless both
 362 parties agree to an extension. The proposed charter contract
 363 shall be provided to the charter school at least 7 calendar days
 364 prior to the date of the meeting at which the charter is
 365 scheduled to be voted upon by the sponsor. The Department of
 366 Education shall provide mediation services for any dispute
 367 regarding this section subsequent to the approval of a charter
 368 application and for any dispute relating to the approved
 369 charter, except disputes regarding charter school application
 370 denials. If the Commissioner of Education determines that the
 371 dispute cannot be settled through mediation, the dispute may be
 372 appealed to an administrative law judge appointed by the
 373 Division of Administrative Hearings. The administrative law
 374 judge has final order authority to rule on issues of equitable
 375 treatment of the charter school as a public school, whether

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376 proposed provisions of the charter violate the intended
 377 flexibility granted charter schools by statute, or on any other
 378 matter regarding this section except a charter school
 379 application denial, a charter termination, or a charter
 380 nonrenewal and shall award the prevailing party reasonable
 381 attorney's fees and costs incurred to be paid by the losing
 382 party. The costs of the administrative hearing shall be paid by
 383 the party whom the administrative law judge rules against.

384 (7) CHARTER.—The major issues involving the operation of a
 385 charter school shall be considered in advance and written into
 386 the charter. The charter shall be signed by the governing board
 387 of the charter school and the sponsor, following a public
 388 hearing to ensure community input.

389 (d)~~1-~~ A charter may be terminated by a charter school's
 390 governing board through voluntary closure. The governing board
 391 must notify the sponsor and the department in writing within 7
 392 calendar days after its decision to cease operations. The notice
 393 shall state the reason for the closure and acknowledge that the
 394 governing board agrees to follow the procedures for dissolution
 395 and reversion of public funds pursuant to paragraphs (8) (e) - (g)
 396 and (9) (c) ~~Each charter school's governing board must appoint a~~
 397 ~~representative to facilitate parental involvement, provide~~
 398 ~~access to information, assist parents and others with questions~~
 399 ~~and concerns, and resolve disputes. The representative must~~
 400 ~~reside in the school district in which the charter school is~~

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401 ~~located and may be a governing board member, charter school~~
 402 ~~employee, or individual contracted to represent the governing~~
 403 ~~board. If the governing board oversees multiple charter schools~~
 404 ~~in the same school district, the governing board must appoint a~~
 405 ~~separate individual representative for each charter school in~~
 406 ~~the district. The representative's contact information must be~~
 407 ~~provided annually in writing to parents and posted prominently~~
 408 ~~on the charter school's website if a website is maintained by~~
 409 ~~the school. The sponsor may not require that governing board~~
 410 ~~members reside in the school district in which the charter~~
 411 ~~school is located if the charter school complies with this~~
 412 ~~paragraph.~~

413 ~~2. Each charter school's governing board must hold at~~
 414 ~~least two public meetings per school year in the school~~
 415 ~~district. The meetings must be noticed, open, and accessible to~~
 416 ~~the public, and attendees must be provided an opportunity to~~
 417 ~~receive information and provide input regarding the charter~~
 418 ~~school's operations. The appointed representative and charter~~
 419 ~~school principal or director, or his or her equivalent, must be~~
 420 ~~physiically present at each meeting.~~

421 (9) CHARTER SCHOOL REQUIREMENTS.—

422 (g)1. In order to provide financial information that is
 423 comparable to that reported for other public schools, charter
 424 schools are to maintain all financial records that constitute
 425 their accounting system:

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

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

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

443 3. A charter school shall, upon approval of the charter
 444 contract, provide the sponsor with a concise, uniform, monthly
 445 financial statement summary sheet that contains a balance sheet
 446 and a statement of revenue, expenditures, and changes in fund
 447 balance. The balance sheet and the statement of revenue,
 448 expenditures, and changes in fund balance shall be in the
 449 governmental funds format prescribed by the Governmental
 450 Accounting Standards Board. A high-performing charter school

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451 pursuant to s. 1002.331 may provide a quarterly financial
 452 statement in the same format and requirements as the uniform
 453 monthly financial statement summary sheet. The sponsor shall
 454 review each monthly or quarterly financial statement to identify
 455 the existence of any conditions identified in s. 1002.345(1)(a).

456 4. A charter school shall maintain and provide financial
 457 information as required in this paragraph. The financial
 458 statement required in subparagraph 3. must be in a form
 459 prescribed by the Department of Education.

460 (n)1. The director and a representative of the governing
 461 board of a charter school that has earned a grade of "D" or "F"
 462 pursuant to s. 1008.34 shall appear before the sponsor to
 463 present information concerning each contract component having
 464 noted deficiencies. The director and a representative of the
 465 governing board shall submit to the sponsor for approval a
 466 school improvement plan to raise student performance. Upon
 467 approval by the sponsor, the charter school shall begin
 468 implementation of the school improvement plan. The department
 469 shall offer technical assistance and training to the charter
 470 school and its governing board and establish guidelines for
 471 developing, submitting, and approving such plans.

472 2.a. If a charter school earns three consecutive grades of
 473 "D," two consecutive grades of "D" followed by a grade of "F,"
 474 or two nonconsecutive grades of "F" within a 3-year period, the
 475 charter school governing board shall choose one of the following

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476 corrective actions:

477 (I) Contract for educational services to be provided
 478 directly to students, instructional personnel, and school
 479 administrators, as prescribed in state board rule;

480 (II) Contract with an outside entity that has a
 481 demonstrated record of effectiveness to operate the school;

482 (III) Reorganize the school under a new director or
 483 principal who is authorized to hire new staff; or

484 (IV) Voluntarily close the charter school.

485 b. The charter school must implement the corrective action
 486 in the school year following receipt of a third consecutive
 487 grade of "D," a grade of "F" following two consecutive grades of
 488 "D," or a second nonconsecutive grade of "F" within a 3-year
 489 period.

490 c. The sponsor may annually waive a corrective action if
 491 it determines that the charter school is likely to improve a
 492 letter grade if additional time is provided to implement the
 493 intervention and support strategies prescribed by the school
 494 improvement plan. Notwithstanding this sub-subparagraph, a
 495 charter school that earns a second consecutive grade of "F" is
 496 subject to subparagraph 4.

497 d. A charter school is no longer required to implement a
 498 corrective action if it improves by at least one letter grade.
 499 However, the charter school must continue to implement
 500 strategies identified in the school improvement plan. The

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501 sponsor must annually review implementation of the school
 502 improvement plan to monitor the school's continued improvement
 503 pursuant to subparagraph 5.

504 e. A charter school implementing a corrective action that
 505 does not improve by at least one letter grade after 2 full
 506 school years of implementing the corrective action must select a
 507 different corrective action. Implementation of the new
 508 corrective action must begin in the school year following the
 509 implementation period of the existing corrective action, unless
 510 the sponsor determines that the charter school is likely to
 511 improve a letter grade if additional time is provided to
 512 implement the existing corrective action. Notwithstanding this
 513 sub-subparagraph, a charter school that earns a second
 514 consecutive grade of "F" while implementing a corrective action
 515 is subject to subparagraph 4.

516 3. A charter school with a grade of "D" or "F" that
 517 improves by at least one letter grade must continue to implement
 518 the strategies identified in the school improvement plan. The
 519 sponsor must annually review implementation of the school
 520 improvement plan to monitor the school's continued improvement
 521 pursuant to subparagraph 5.

522 4. A charter school's charter contract is automatically
 523 terminated if the school earns two consecutive grades of "F"
 524 after all school grade appeals are final ~~The sponsor shall~~
 525 ~~terminate a charter if the charter school earns two consecutive~~

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526 ~~grades of "F"~~ unless:

527 a. The charter school is established to turn around the
528 performance of a district public school pursuant to s.

529 1008.33(4)(b)3. Such charter schools shall be governed by s.
530 1008.33;

531 b. The charter school serves a student population the
532 majority of which resides in a school zone served by a district
533 public school that earned a grade of "F" in the year before the
534 charter school opened and the charter school earns at least a
535 grade of "D" in its third year of operation. The exception
536 provided under this sub-subparagraph does not apply to a charter
537 school in its fourth year of operation and thereafter; or

538 c. The state board grants the charter school a waiver of
539 termination. The charter school must request the waiver within
540 15 days after the department's official release of school
541 grades. The state board may waive termination if the charter
542 school demonstrates that the Learning Gains of its students on
543 statewide assessments are comparable to or better than the
544 Learning Gains of similarly situated students enrolled in nearby
545 district public schools. The waiver is valid for 1 year and may
546 only be granted once. Charter schools that have been in
547 operation for more than 5 years are not eligible for a waiver
548 under this sub-subparagraph.

549
550 The sponsor shall notify the charter school's governing board,

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551 the charter school principal, and the department in writing when
 552 a charter contract is terminated under this subparagraph. The
 553 letter of termination shall be governed by the terms of
 554 paragraph (8)(c). A charter terminated under this subparagraph
 555 is governed by the requirements of paragraphs (8)(e)-(g) and
 556 (9)(o).

557 5. The director and a representative of the governing
 558 board of a graded charter school that has implemented a school
 559 improvement plan under this paragraph shall appear before the
 560 sponsor at least once a year to present information regarding
 561 the progress of intervention and support strategies implemented
 562 by the school pursuant to the school improvement plan and
 563 corrective actions, if applicable. The sponsor shall communicate
 564 at the meeting, and in writing to the director, the services
 565 provided to the school to help the school address its
 566 deficiencies.

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

570 (p)1. Each charter school shall maintain a website that
 571 enables the public to obtain information regarding the school;
 572 the school's academic performance; the names of the governing
 573 board members; the programs at the school; any management
 574 companies, service providers, or education management
 575 corporations associated with the school; the school's annual

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576 budget and its annual independent fiscal audit; the school's
 577 grade pursuant to s. 1008.34; and, on a quarterly basis, the
 578 minutes of governing board meetings.

579 2. Each charter school's governing board must appoint a
 580 representative to facilitate parental involvement, provide
 581 access to information, assist parents and others with questions
 582 and concerns, and resolve disputes. The representative must
 583 reside in the school district in which the charter school is
 584 located and may be a governing board member, a charter school
 585 employee, or an individual contracted to represent the governing
 586 board. If the governing board oversees multiple charter schools
 587 in the same school district, the governing board must appoint a
 588 separate representative for each charter school in the district.
 589 The representative's contact information must be provided
 590 annually in writing to parents and posted prominently on the
 591 charter school's website. The sponsor may not require governing
 592 board members to reside in the school district in which the
 593 charter school is located if the charter school complies with
 594 this subparagraph.

595 3. Each charter school's governing board must hold at
 596 least two public meetings per school year in the school district
 597 where the charter school is located. The meetings must be
 598 noticed, open, and accessible to the public, and attendees must
 599 be provided an opportunity to receive information and provide
 600 input regarding the charter school's operations. The appointed

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601 representative and charter school principal or director, or his
 602 or her designee, must be physically present at each meeting.
 603 Members of the governing board may attend in person or by means
 604 of communications media technology used in accordance with rules
 605 adopted by the Administration Commission under s. 120.54(5).

606 (10) ELIGIBLE STUDENTS.—

607 (a) A charter school shall be open to any student covered
 608 in an interdistrict agreement or residing in the school district
 609 in which the charter school is located; however, in the case of
 610 a charter lab school, the charter lab school shall be open to
 611 any student eligible to attend the lab school as provided in s.
 612 1002.32 or who resides in the school district in which the
 613 charter lab school is located. Any eligible student shall be
 614 allowed interdistrict transfer to attend a charter school when
 615 based on good cause. Good cause shall include, but is not
 616 limited to, geographic proximity to a charter school in a
 617 neighboring school district. A charter school that has not
 618 reached capacity, as determined by the charter school's
 619 governing board, may be open to any student in the state.

620 (b) The charter school shall enroll an eligible student
 621 who submits a timely application, unless the number of
 622 applications exceeds the capacity of a program, class, grade
 623 level, or building. In such case, all applicants shall have an
 624 equal chance of being admitted through a random selection
 625 process.

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626 (c) When a public school converts to charter status,
 627 enrollment preference shall be given to students who would have
 628 otherwise attended that public school. The district school board
 629 shall consult and negotiate with the conversion charter school
 630 every 3 years to determine whether realignment of the conversion
 631 charter school's attendance zone is appropriate in order to
 632 ensure that students residing closest to the charter school are
 633 provided with an enrollment preference.

634 (d) A charter school may give enrollment preference to the
 635 following student populations:

636 1. Students who are siblings of a student enrolled in the
 637 charter school.

638 2. Students who are the children of a member of the
 639 governing board of the charter school.

640 3. Students who are the children of an employee of the
 641 charter school.

642 4. Students who are the children of:

643 a. An employee of the business partner of a charter
 644 school-in-the-workplace established under paragraph (15)(b) or a
 645 resident of the municipality in which such charter school is
 646 located; or

647 b. A resident of a municipality that operates a charter
 648 school-in-a-municipality pursuant to paragraph (15)(c).

649 5. Students who have successfully completed a voluntary
 650 prekindergarten education program under ss. 1002.51-1002.79

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651 provided by the charter school or the charter school's governing
 652 board during the previous year.

653 6. Students who are the children of an active duty member
 654 of any branch of the United States Armed Forces.

655 7. Students who meet the requirements of s. 1002.38(2).

656 (e) A charter school may limit the enrollment process only
 657 to target the following student populations:

658 1. Students within specific age groups or grade levels.

659 2. Students considered at risk of dropping out of school
 660 or academic failure. Such students shall include exceptional
 661 education students.

662 3. Students enrolling in a charter school-in-the-workplace
 663 or charter school-in-a-municipality established pursuant to
 664 subsection (15).

665 4. Students residing within a reasonable distance of the
 666 charter school, as described in paragraph (20)(c). Such students
 667 shall be subject to a random lottery and to the racial/ethnic
 668 balance provisions described in subparagraph (7)(a)8. or any
 669 federal provisions that require a school to achieve a
 670 racial/ethnic balance reflective of the community it serves or
 671 within the racial/ethnic range of other public schools in the
 672 same school district.

673 5. Students who meet reasonable academic, artistic, or
 674 other eligibility standards established by the charter school
 675 and included in the charter school application and charter or,

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676 in the case of existing charter schools, standards that are
 677 consistent with the school's mission and purpose. Such standards
 678 shall be in accordance with current state law and practice in
 679 public schools and may not discriminate against otherwise
 680 qualified individuals.

681 6. Students articulating from one charter school to
 682 another pursuant to an articulation agreement between the
 683 charter schools that has been approved by the sponsor.

684 7. Students living in a development in which a business
 685 entity provides the school facility and related property having
 686 an appraised value of at least \$10 million to be used as a
 687 charter school for the development. Students living in the
 688 development shall be entitled to 50 percent of the student
 689 stations in the charter school. The students who are eligible
 690 for enrollment are subject to a random lottery, the
 691 racial/ethnic balance provisions, or any federal provisions, as
 692 described in subparagraph 4. The remainder of the student
 693 stations shall be filled in accordance with subparagraph 4.

694 (f) Students with disabilities and students served in
 695 English for Speakers of Other Languages programs shall have an
 696 equal opportunity of being selected for enrollment in a charter
 697 school.

698 (g) A student may withdraw from a charter school at any
 699 time and enroll in another public school as determined by
 700 district school board rule.

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701 (h) The capacity of the charter school shall be determined
 702 annually by the governing board, in conjunction with the
 703 sponsor, of the charter school in consideration of the factors
 704 identified in this subsection unless the charter school is
 705 designated as a high-performing charter school pursuant to s.
 706 1002.331. A sponsor may not require a charter school to waive
 707 the provisions of s. 1002.331 or require a student enrollment
 708 cap that prohibits a high-performing charter school from
 709 increasing enrollment in accordance with s. 1002.331(2) as a
 710 condition of approval or renewal of a charter.

711 (i) The capacity of a high-performing charter school
 712 identified pursuant to s. 1002.331 shall be determined annually
 713 by the governing board of the charter school. The governing
 714 board shall notify the sponsor of any increase in enrollment by
 715 March 1 of the school year preceding the increase. A sponsor may
 716 not require a charter school to identify the names of students
 717 to be enrolled or to enroll those students before the start of
 718 the school year as a condition of approval or renewal of a
 719 charter.

720 (13) CHARTER SCHOOL COOPERATIVES.— Charter schools may
 721 enter into cooperative agreements to form charter school
 722 cooperative organizations that may provide ~~the following~~
 723 services to further educational, operational, and administrative
 724 initiatives in which the participating charter schools share
 725 common interests; charter school planning and development,

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726 ~~direct instructional services, and contracts with charter school~~
 727 ~~governing boards to provide personnel administrative services,~~
 728 ~~payroll services, human resource management, evaluation and~~
 729 ~~assessment services, teacher preparation, and professional~~
 730 ~~development.~~

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

736 (b) The basis for the agreement for funding students
 737 enrolled in a charter school shall be the sum of the school
 738 district's operating funds from the Florida Education Finance
 739 Program as provided in s. 1011.62 and the General Appropriations
 740 Act, including gross state and local funds, discretionary
 741 lottery funds, and funds from the school district's current
 742 operating discretionary millage levy; divided by total funded
 743 weighted full-time equivalent students in the school district;
 744 multiplied by the weighted full-time equivalent students for the
 745 charter school. Charter schools whose students or programs meet
 746 the eligibility criteria in law are entitled to their
 747 proportionate share of categorical program funds included in the
 748 total funds available in the Florida Education Finance Program
 749 by the Legislature, including transportation, the research-based
 750 reading allocation, and the Florida digital classrooms

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751 allocation. Total funding for each charter school shall be
 752 recalculated during the year to reflect the revised calculations
 753 under the Florida Education Finance Program by the state and the
 754 actual weighted full-time equivalent students reported by the
 755 charter school during the full-time equivalent student survey
 756 periods designated by the Commissioner of Education.

757 (e) District school boards shall make timely and efficient
 758 payment and reimbursement to charter schools, including
 759 processing paperwork required to access special state and
 760 federal funding for which they may be eligible. Payments of the
 761 funds pursuant to s. 1002.33(17)(b) shall be made monthly or bi-
 762 monthly, beginning with the start of the district school board's
 763 fiscal year. Each payment shall be one-twelfth (1/12), or one-
 764 twenty-fourth (1/24), as applicable, of the total state and
 765 local funds described in s. 1002.13(17)(b), and adjusted as set
 766 forth therein. For the first two years of a charter school's
 767 operation, the ~~The~~ district school board shall ~~may~~ distribute
 768 funds to the a charter school for the up to 3 months of July -
 769 October based on the projected full-time equivalent student
 770 membership of the charter school as submitted in the approved
 771 application, if a minimum of 75 percent of the projected
 772 enrollment is entered into the sponsor's student information
 773 system by the first day of the current month. If less than 75
 774 percent of the projected enrollment is entered into the
 775 sponsor's system, the sponsor shall base payments on the actual

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776 number entered into the sponsor's student information system.
 777 Thereafter, the results of full-time equivalent student
 778 membership surveys shall be used in adjusting the amount of
 779 funds distributed monthly to the charter school for the
 780 remainder of the fiscal year. The payments shall be issued no
 781 later than 10 working days after the district school board
 782 receives a distribution of state or federal funds or the date
 783 the payment is due as set forth in this subsection. If a warrant
 784 for payment is not issued within 10 working days after receipt
 785 of funding by the district school board, the school district
 786 shall pay to the charter school, in addition to the amount of
 787 the scheduled disbursement, interest at a rate of 1 percent per
 788 month calculated on a daily basis on the unpaid balance from the
 789 expiration of the 10 working days until such time as the warrant
 790 is issued. The district school board may not delay payment to a
 791 charter school of any portion of the funds provided in paragraph
 792 (b) based on the timing of receipt of local funds by the
 793 district school board.

794 (18) FACILITIES.—

795 (a) A startup charter school shall utilize facilities
 796 which comply with the Florida Building Code pursuant to chapter
 797 553 except for the State Requirements for Educational
 798 Facilities. Conversion charter schools shall utilize facilities
 799 that comply with the State Requirements for Educational
 800 Facilities provided that the school district and the charter

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801 school have entered into a mutual management plan for the
 802 reasonable maintenance of such facilities. The mutual management
 803 plan shall contain a provision by which the district school
 804 board agrees to maintain charter school facilities in the same
 805 manner as its other public schools within the district. Charter
 806 schools, with the exception of conversion charter schools, are
 807 not required to comply, but may choose to comply, with the State
 808 Requirements for Educational Facilities of the Florida Building
 809 Code adopted pursuant to s. 1013.37. The local governing
 810 authority shall not adopt or impose any local building
 811 requirements or site-development restrictions, such as parking
 812 and site-size criteria, that are addressed by and more stringent
 813 than those found in the State Requirements for Educational
 814 Facilities of the Florida Building Code. ~~Beginning July 1, 2011,~~
 815 A a local governing authority must treat charter schools
 816 equitably in comparison to similar requirements, restrictions,
 817 and processes imposed upon public schools that are not charter
 818 schools. The agency having jurisdiction for inspection of a
 819 facility and issuance of a certificate of occupancy or use shall
 820 be the local municipality or, if in an unincorporated area, the
 821 county governing authority. If any official or employee of the
 822 local governing authority refuses to comply with this section,
 823 the aggrieved school or entity has an immediate right to bring
 824 an action in circuit court to enforce its rights by injunction.
 825 Any aggrieved party that receives injunctive relief may be

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826 awarded attorney fees and court costs.

827 (20) SERVICES.—

828 (a)1. A sponsor shall provide certain administrative and
 829 educational services to charter schools. These services shall
 830 include contract management services; full-time equivalent and
 831 data reporting services; exceptional student education
 832 administration services; services related to eligibility and
 833 reporting duties required to ensure that school lunch services
 834 under the federal lunch program, consistent with the needs of
 835 the charter school, are provided by the school district at the
 836 request of the charter school, that any funds due to the charter
 837 school under the federal lunch program be paid to the charter
 838 school as soon as the charter school begins serving food under
 839 the federal lunch program, and that the charter school is paid
 840 at the same time and in the same manner under the federal lunch
 841 program as other public schools serviced by the sponsor or the
 842 school district; test administration services, including payment
 843 of the costs of state-required or district-required student
 844 assessments; processing of teacher certificate data services;
 845 and information services, including equal access to student
 846 information systems that are used by public schools in the
 847 district in which the charter school is located. Student
 848 performance data for each student in a charter school,
 849 including, but not limited to, FCAT scores, standardized test
 850 scores, previous public school student report cards, and student

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851 performance measures, shall be provided by the sponsor to a
 852 charter school in the same manner provided to other public
 853 schools in the district.

854 2. A total administrative fee for the provision of such
 855 services shall be calculated based upon up to 5 percent of the
 856 available funds defined in paragraph (17)(b) for all students,
 857 except that when 75 percent or more of the students enrolled in
 858 the charter school are exceptional students as defined in s.
 859 1003.01(3), the 5 percent of those available funds shall be
 860 calculated based on unweighted full-time equivalent students.
 861 However, a sponsor may only withhold up to a 5-percent
 862 administrative fee for enrollment for up to and including 250
 863 students. For charter schools with a population of 251 or more
 864 students, the difference between the total administrative fee
 865 calculation and the amount of the administrative fee withheld
 866 may only be used for capital outlay purposes specified in s.
 867 1013.62(2).

868 3. For high-performing charter schools, as defined in
 869 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
 870 administrative fee of up to 2 percent for enrollment up to and
 871 including 250 students per school.

872 4. Charter schools whose initial application was submitted
 873 under the authority of s. 1002.331 and denied by the school
 874 board are exempt from the administrative fee requirements of
 875 this paragraph.

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876 5. In addition, a sponsor may withhold only up to a 5-
 877 percent administrative fee for enrollment for up to and
 878 including 500 students within a system of charter schools which
 879 meets all of the following:

- 880 a. Includes both conversion charter schools and
- 881 nonconversion charter schools;
- 882 b. Has all schools located in the same county;
- 883 c. Has a total enrollment exceeding the total enrollment
- 884 of at least one school district in the state;
- 885 d. Has the same governing board; and
- 886 e. Does not contract with a for-profit service provider
- 887 for management of school operations.

888 5. The difference between the total administrative fee
 889 calculation and the amount of the administrative fee withheld
 890 pursuant to subparagraph 4. may be used for instructional and
 891 administrative purposes as well as for capital outlay purposes
 892 specified in s. 1013.62(2).

893 6. For a high-performing charter school system that also
 894 meets the requirements in subparagraph 4., a sponsor may
 895 withhold a 2-percent administrative fee for enrollments up to
 896 and including 500 students per system.

897 7. Sponsors shall not charge charter schools any
 898 additional fees or surcharges for administrative and educational
 899 services in addition to the maximum 5-percent administrative fee
 900 withheld pursuant to this paragraph.

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901 8. The sponsor of a virtual charter school may withhold a
 902 fee of up to 5 percent. The funds shall be used to cover the
 903 cost of services provided under subparagraph 1. and
 904 implementation of the school district's digital classrooms plan
 905 pursuant to s. 1011.62.

906 Section 2. Paragraph (e) of subsection (2) and
 907 subsections (3), (4), and (5) of section 1002.331, Florida
 908 Statutes, are amended to read:

909 1002.331 High-performing charter schools.—

910 (2) A high-performing charter school is authorized to:

911 (e) Receive a modification of its charter to a term of 15
 912 years or a 15-year charter renewal. The charter may be modified
 913 or renewed for a shorter term at the option of the high-
 914 performing charter school. The charter must be consistent with
 915 s. 1002.33(7)(a)20. ~~1002.33(7)(a)19.~~ and (10)(h) and (i), is
 916 subject to annual review by the sponsor, and may be terminated
 917 during its term pursuant to s. 1002.33(8).

918
 919 A high-performing charter school shall notify its sponsor in
 920 writing by March 1 if it intends to increase enrollment or
 921 expand grade levels the following school year. The written
 922 notice shall specify the amount of the enrollment increase and
 923 the grade levels that will be added, as applicable. If a charter
 924 school notifies the sponsor of its intent to expand, the sponsor
 925 shall modify the charter within 90 days to include the new

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926 enrollment maximum and may not make any other changes. The
 927 sponsor may deny a request to increase the enrollment of a high-
 928 performing charter school if the commissioner has declassified
 929 the charter school as high-performing. If a high-performing
 930 charter school requests to consolidate multiple charters, the
 931 sponsor shall have 40 days after receipt of that request to
 932 provide an initial draft charter to the charter school. The
 933 sponsor and charter school shall have 50 days thereafter to
 934 negotiate and notice the charter contract for final approval by
 935 the sponsor.

936 (3) (a) A high-performing charter school may submit an
 937 application pursuant to s. 1002.33(6) in any school district in
 938 the state to establish and operate a new charter school that
 939 will substantially replicate its educational program. An
 940 application submitted by a high-performing charter school must
 941 state that the application is being submitted pursuant to this
 942 paragraph and must include the verification letter provided by
 943 the Commissioner of Education pursuant to subsection (4)~~(5)~~. If
 944 the sponsor fails to act on the application within 60 days after
 945 receipt, the application is deemed approved and the procedure in
 946 s. 1002.33(6)(i) ~~1002.33(6)(h)~~ applies. If the sponsor denies
 947 the application, the high-performing charter school may appeal
 948 pursuant to s. 1002.33(6).

949 (b) A high-performing charter school may not establish
 950 more than one charter school within the state under paragraph

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951 (a) in any year. A subsequent application to establish a charter
 952 school under paragraph (a) may not be submitted unless each
 953 charter school established in this manner achieves high-
 954 performing charter school status. This paragraph does not apply
 955 to charter schools established by a high-performing charter
 956 school in the attendance zone of a public school that has earned
 957 a grade of "F" or three consecutive grades of "D" pursuant to s.
 958 1008.34 or to meet capacity needs or needs for innovative school
 959 choice options identified by the district school board.

960 ~~(4) A high performing charter school may not increase~~
 961 ~~enrollment or expand grade levels following any school year in~~
 962 ~~which it receives a school grade of "C" or below. If the charter~~
 963 ~~school receives a school grade of "C" or below in any 2 years~~
 964 ~~during the term of the charter awarded under subsection (2), the~~
 965 ~~term of the charter may be modified by the sponsor and the~~
 966 ~~charter school loses its high performing charter school status~~
 967 ~~until it regains that status under subsection (1).~~

968 (4)(5) The Commissioner of Education, upon request by a
 969 charter school, shall verify that the charter school meets the
 970 criteria in subsection (1) and provide a letter to the charter
 971 school and the sponsor stating that the charter school is a
 972 high-performing charter school pursuant to this section. The
 973 commissioner shall annually determine whether a high-performing
 974 charter school under subsection (1) continues to meet the
 975 criteria in that subsection. Such high-performing charter school

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976 shall maintain its high-performing status unless the
 977 commissioner determines that the charter school no longer meets
 978 the criteria in subsection (1), at which time the commissioner
 979 shall send a letter to the charter school and its sponsor
 980 providing notification that the charter school has been
 981 declassified ~~of its declassification~~ as a high-performing
 982 charter school.

983 Section 3. Section 1002.333, Florida Statutes, is created
 984 to read:

985 1002.333 High-Impact Charter Network

986 (1) For purposes of this section, the term:

987 (a) "Entity" means a non-profit organization with tax
 988 exempt status under s. 501(c)(3) of the Internal Revenue Code
 989 that is authorized by law to operate a public charter school.

990 (b) "Critical Need Area" means an area that is served by
 991 one or more non-alternative traditional public schools that
 992 received a school grade of "D" or "F" pursuant to s.1008.34
 993 in four of the last five years;

994 (2) An entity that successfully operates a system of
 995 charter schools that serves primarily educationally
 996 disadvantaged students, as defined in s. 1115(b)(2) of the
 997 Elementary and Secondary Education Act, may apply to the state
 998 board for status as a High-Impact Charter Network. The state
 999 board shall adopt rules prescribing a process for determining
 1000 whether the entity meets the requirements of this subsection by

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1001 reviewing student demographic and academic and financial
 1002 performance data. The process shall include a review of all
 1003 schools currently and previously operated by the entity,
 1004 including school-wide and subgroup performance on all statewide
 1005 assessments for the most recent three years as compared to all
 1006 students in other schools at the same grade level, and as
 1007 compared with other schools serving similar demographics of
 1008 students, and school-level financial performance. The review
 1009 may also include performance on nationally norm-referenced
 1010 assessments, student attendance and retention rates, graduation
 1011 rates, college attendance rates, college persistence rates and
 1012 other outcome measures as determined by the board.

1013 (3) An entity that is designated as a High-Impact Charter
 1014 Network pursuant to this subsection may submit an application
 1015 pursuant to s. 1002.33 to establish and operate charter schools
 1016 in critical need areas. Notwithstanding the provisions in s.
 1017 1013.62(1)(a) a charter school operated by a High-Impact Charter
 1018 Network in a critical need area shall be eligible to receive
 1019 charter school capital outlay.

1020 (4) The administrative fee provided for in s.
 1021 1002.33(20)(a)2., shall be waived for a charter school
 1022 established by a High-Impact Charter Network in a critical need
 1023 area as long as the network maintains its status as a High-
 1024 Impact Charter Network.

1025 (5) The Department of Education shall give priority to

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1026 charter schools operated by a High Impact Charter Network in the
 1027 department's Public Charter School Grant Program competitions.
 1028 Such priority treatment shall be provided only for new charter
 1029 schools that will operate in a critical need area.

1030 (6) The initial High-Impact Charter Network status shall be
 1031 valid for up to four years. If an entity seeks renewal of its
 1032 status, the state board shall review the academic and financial
 1033 performance of the charter schools established in areas of
 1034 critical need consistent with the process described in
 1035 subparagraph (2) of this section.

1036 (7) For purposes of determining critical need areas, school
 1037 grades issued for the 2014-15 school shall not be considered.

1038 (8) RULEMAKING.- The State Board of Education shall adopt
 1039 rules under ss.120.536(1) and 120.54 to administer this section.

1040 Section 4. Paragraph (a) of subsection (3) and paragraph
 1041 (a) of subsection (8) of section 1002.37, Florida Statutes, are
 1042 amended to read:

1043 1002.37 The Florida Virtual School.-

1044 (3) Funding for the Florida Virtual School shall be
 1045 provided as follows:

1046 (a)1. The calculation of "full-time equivalent student"
 1047 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
 1048 to the requirements in s. 1011.61(4). ~~For a student in grades 9~~
 1049 ~~through 12, a "full-time equivalent student" is one student who~~
 1050 ~~has successfully completed six full-credit courses that count~~

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1051 ~~toward the minimum number of credits required for high school~~
 1052 ~~graduation. A student who completes fewer than six full credit~~
 1053 ~~courses is a fraction of a full time equivalent student. Half-~~
 1054 ~~credit course completions shall be included in determining a~~
 1055 ~~full time equivalent student.~~

1056 ~~—— 2. For a student in kindergarten through grade 8, a "full-~~
 1057 ~~time equivalent student" is one student who has successfully~~
 1058 ~~completed six courses or the prescribed level of content that~~
 1059 ~~counts toward promotion to the next grade. A student who~~
 1060 ~~completes fewer than six courses or the prescribed level of~~
 1061 ~~content shall be a fraction of a full time equivalent student.~~

1062 2.3- For a student in a home education program, funding
 1063 shall be provided in accordance with this subsection upon course
 1064 completion if the parent verifies, upon enrollment for each
 1065 course, that the student is registered with the school district
 1066 as a home education student pursuant to s. 1002.41(1)(a).
 1067 Beginning in the 2016-2017 fiscal year, the reported full-time
 1068 equivalent students and associated funding of students enrolled
 1069 in courses requiring passage of an end-of-course assessment
 1070 under s. 1003.4282 to earn a standard high school diploma shall
 1071 be adjusted if the student does not pass the end-of-course
 1072 assessment. However, no adjustment shall be made for home
 1073 education program students who choose not to take an end-of-
 1074 course assessment or for a student who enrolls in a segmented
 1075 remedial course delivered online.

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~~For purposes of this paragraph, the calculation of "full-time equivalent student" shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to the requirements in s. 1011.61(4).~~

(8)(a) The Florida Virtual School may provide full-time and part-time instruction for students in kindergarten through grade 12. ~~To receive part time instruction in kindergarten through grade 5, a student must meet at least one of the eligibility criteria in s. 1002.455(2).~~

Section 5. Subsection (5) and paragraphs (c) and (d) of subsection (8) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(5) STUDENT ELIGIBILITY.—Students in kindergarten through grade 12 ~~A student~~ may enroll in a virtual instruction program provided by the school district or by a virtual charter school operated in the district in which he or she resides ~~if the student meets eligibility requirements for virtual instruction pursuant to s. 1002.455.~~

(8) ASSESSMENT AND ACCOUNTABILITY.—

(c) An approved provider that receives a school grade of "D" or "F" under s. 1008.34 or a school improvement rating of "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a school improvement plan with the department for consultation to

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1101 determine the causes for low performance and to develop a plan
 1102 for correction and improvement.

1103 (d) An approved provider's contract is automatically ~~must~~
 1104 ~~be~~ terminated if the provider earns two consecutive school
 1105 grades of ~~receives a school grade of "D" or "F" under s.~~
 1106 1008.34, receives two consecutive ~~or a school improvement~~
 1107 ratings rating of "unsatisfactory" ~~"Declining"~~ under s.
 1108 1008.341, ~~for 2 years during any consecutive 4 year period or~~
 1109 has violated any qualification requirement pursuant to
 1110 subsection (2). A provider that has a contract terminated under
 1111 this paragraph may not be an approved provider for a period of
 1112 at least 1 year after the date upon which the contract was
 1113 terminated and until the department determines that the provider
 1114 is in compliance with subsection (2) and has corrected each
 1115 cause of the provider's low performance.

1116 Section 6. Section 1002.445, Florida Statutes, is
 1117 repealed.

1118 Section 7. Subsection (2) of section 1003.498, Florida
 1119 Statutes, is amended to read:

1120 1003.498 School district virtual course offerings.—

1121 (2) School districts may offer virtual courses for
 1122 students enrolled in the school district. These courses must be
 1123 identified in the course code directory. ~~Students who meet the~~
 1124 ~~eligibility requirements of s. 1002.455 may participate in these~~
 1125 ~~virtual course offerings.~~

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1126 (a) Any eligible student who is enrolled in a school
 1127 district may register and enroll in an online course offered by
 1128 his or her school district.

1129 (b)1. Any eligible student who is enrolled in a school
 1130 district may register and enroll in an online course offered by
 1131 any other school district in the state. The school district in
 1132 which the student completes the course shall report the
 1133 student's completion of that course for funding pursuant to s.
 1134 1011.61(1)(c)1.b.(VI), and the home school district shall not
 1135 report the student for funding for that course.

1136 2. The full-time equivalent student membership calculated
 1137 under this subsection is subject to the requirements in s.
 1138 1011.61(4). The Department of Education shall establish
 1139 procedures to enable interdistrict coordination for the delivery
 1140 and funding of this online option.

1141 Section 8. Section 1004.650, Florida Statutes, is created
 1142 to read:

1143 1004.650 Florida Institute for Charter School Innovation.—

1144 (1) There is established the Florida Institute for Charter
 1145 School Innovation within the Florida State University. The
 1146 purposes of the institute are to advance charter school
 1147 accountability, quality, and innovation; provide support for and
 1148 technical assistance to charter school applicants and sponsors;
 1149 provide opportunities for aspiring teachers to experience
 1150 teaching in schools of choice; and conduct research for the

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1151 development and promotion of best practices for the authorizing,
 1152 accountability, financing, management, operation, and
 1153 instructional practices of charter schools.

1154 (2) The institute shall:

1155 (a) Provide technical assistance and support to charter
 1156 school applicants and sponsors.

1157 (b) Conduct research to inform both policy and practices
 1158 related to charter school authorizing, accountability,
 1159 instructional practices, financing, management, and operations.

1160 (c) Partner with state-approved teacher preparation
 1161 programs around the state to provide opportunities for aspiring
 1162 teachers to experience teaching in schools of choice.

1163 (3) The President of the Florida State University shall
 1164 appoint a director of the institute. The director is responsible
 1165 for overall management of the institute and for developing and
 1166 executing the work of the institute consistent with this
 1167 section. The director may engage individuals in other state
 1168 universities with accredited colleges of education to
 1169 participate in the work of the institute.

1170 (4) By October 1 of each year, the institute shall publish
 1171 on its website a report of its activities in the preceding year,
 1172 which shall include, but is not limited to, the number of
 1173 applicants and sponsors served, the number of teachers provided
 1174 opportunities to experience teaching in schools of choice,
 1175 significant research findings, detailed expenditures of state

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1176 funds, and specific recommendations for improving the state's
 1177 charter school policies and the institute's ability to fulfill
 1178 its mission.

1179 (5) Within 180 days after completion of the institute's
 1180 fiscal year, the institute must provide to the Auditor General,
 1181 the Board of Governors of the State University System, and the
 1182 State Board of Education a report on the results of an annual
 1183 financial audit conducted by an independent certified public
 1184 accountant in accordance with s. 11.45.

1185 Section 9. Section 1011.61, Florida Statutes, is amended
 1186 to read:

1187 1011.61 - Definitions. - Notwithstanding the provisions of
 1188 s. 1000.21, the following terms are defined as follows for the
 1189 purposes of the Florida Education Finance Program:

1190 (1) A "full-time equivalent student" in each program of
 1191 the district is defined in terms of full-time students and part-
 1192 time students as follows:

1193 (a) A "full-time student" is one student on the membership
 1194 roll of one school program or a combination of school programs
 1195 listed in s. 1011.62(1)(c) for the school year or the equivalent
 1196 for:

1197 1. Instruction in a standard school, comprising not less
 1198 than 900 net hours for a student in or at the grade level of 4
 1199 through 12, or not less than 720 net hours for a student in or
 1200 at the grade level of kindergarten through grade 3 or in an

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1201 authorized prekindergarten exceptional program;

1202 ~~2. Instruction in a double-session school or a school~~

1203 ~~utilizing an experimental school calendar approved by the~~

1204 ~~Department of Education, comprising not less than the equivalent~~

1205 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~

1206 ~~hours in kindergarten through grade 3, or~~

1207 2. 3- Instruction comprising the appropriate number of net

1208 hours set forth in subparagraph 1. or subparagraph 2. for

1209 students who, within the past year, have moved with their

1210 parents for the purpose of engaging in the farm labor or fish

1211 industries, if a plan furnishing such an extended school day or

1212 week, or a combination thereof, has been approved by the

1213 commissioner. Such plan may be approved to accommodate the needs

1214 of migrant students only or may serve all students in schools

1215 having a high percentage of migrant students. The plan described

1216 in this subparagraph is optional for any school district and is

1217 not mandated by the state.

1218 (b) A "part-time student" is a student on the active

1219 membership roll of a school program or combination of school

1220 programs listed in s. 1011.62(1)(c) who is less than a full-time

1221 student. A student who receives instruction in a school that

1222 operates for less than the minimum term shall generate a full-

1223 time equivalent student proportional to the amount of

1224 instructional hours provided by the school divided by the

1225 minimum term requirement as defined in s. 1011.60(2).

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1226 (c)1. A "full-time equivalent student" is:
 1227 a. A full-time student in any one of the programs listed
 1228 in s. 1011.62(1)(c); or
 1229 b. A combination of full-time or part-time students in any
 1230 one of the programs listed in s. 1011.62(1)(c) which is the
 1231 equivalent of one full-time student based on the following
 1232 calculations:
 1233 (I) A full-time student in a combination of programs
 1234 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
 1235 equivalent membership in each special program equal to the
 1236 number of net hours per school year for which he or she is a
 1237 member, divided by the appropriate number of hours set forth in
 1238 subparagraph (a)1. or subparagraph (a)2. The difference between
 1239 that fraction or sum of fractions and the maximum value as set
 1240 forth in subsection (4) for each full-time student is presumed
 1241 to be the balance of the student's time not spent in a special
 1242 program and shall be recorded as time in the appropriate basic
 1243 program.
 1244 (II) A prekindergarten student with a disability shall
 1245 meet the requirements specified for kindergarten students.
 1246 (III) A full-time equivalent student for students in
 1247 kindergarten through grade 12 in a full-time virtual instruction
 1248 program under s. 1002.45 or a virtual charter school under s.
 1249 1002.33 shall consist of six full-credit completions or the
 1250 prescribed level of content that counts toward promotion to the

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1251 next grade in programs listed in s. 1011.62(1)(c). Credit
 1252 completions may be a combination of full-credit courses or half-
 1253 credit courses. Beginning in the 2016-2017 fiscal year, the
 1254 reported full-time equivalent students and associated funding of
 1255 students enrolled in courses requiring passage of an end-of-
 1256 course assessment under s. 1003.4282 to earn a standard high
 1257 school diploma shall be adjusted if the student does not pass
 1258 the end-of-course assessment. However, no adjustment shall be
 1259 made for a student who enrolls in a segmented remedial course
 1260 delivered online.

1261 (IV) A full-time equivalent student for students in
 1262 kindergarten through grade 12 in a part-time virtual instruction
 1263 program under s. 1002.45 shall consist of six full-credit
 1264 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 1265 Credit completions may be a combination of full-credit courses
 1266 or half-credit courses. Beginning in the 2016-2017 fiscal year,
 1267 the reported full-time equivalent students and associated
 1268 funding of students enrolled in courses requiring passage of an
 1269 end-of-course assessment under s. 1003.4282 to earn a standard
 1270 high school diploma shall be adjusted if the student does not
 1271 pass the end-of-course assessment. However, no adjustment shall
 1272 be made for a student who enrolls in a segmented remedial course
 1273 delivered online.

1274 (V) A Florida Virtual School full-time equivalent student
 1275 shall consist of six full-credit completions or the prescribed

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1276 level of content that counts toward promotion to the next grade
 1277 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
 1278 participating in kindergarten through grade 12 part-time virtual
 1279 instruction and the programs listed in s. 1011.62(1)(c) for
 1280 students participating in kindergarten through grade 12 full-
 1281 time virtual instruction. Credit completions may be a
 1282 combination of full-credit courses or half-credit courses.
 1283 Beginning in the 2016-2017 fiscal year, the reported full-time
 1284 equivalent students and associated funding of students enrolled
 1285 in courses requiring passage of an end-of-course assessment
 1286 under s. 1003.4282 to earn a standard high school diploma shall
 1287 be adjusted if the student does not pass the end-of-course
 1288 assessment. However, no adjustment shall be made for a student
 1289 who enrolls in a segmented remedial course delivered online.

1290 (VI) Each successfully completed full-credit course earned
 1291 through an online course delivered by a district other than the
 1292 one in which the student resides shall be calculated as 1/6
 1293 FTE.

1294 (VII) A full-time equivalent student for courses requiring
 1295 passage of a statewide, standardized end-of-course assessment
 1296 under s. 1003.4282 to earn a standard high school diploma shall
 1297 be defined and reported based on the number of instructional
 1298 hours as provided in this subsection until the 2016-2017 fiscal
 1299 year. Beginning in the 2016-2017 fiscal year, the FTE for the
 1300 course shall be assessment-based and shall be equal to 1/6 FTE.

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1301 The reported FTE shall be adjusted if the student does not pass
 1302 the end-of-course assessment. However, no adjustment shall be
 1303 made for a student who enrolls in a segmented remedial course
 1304 delivered online.

1305 (VIII) For students enrolled in a school district as a
 1306 full-time student, the district may report 1/6 FTE for each
 1307 student who passes a statewide, standardized end-of-course
 1308 assessment without being enrolled in the corresponding course.

1309 2. A student in membership in a program scheduled for more
 1310 or less than 180 school days or the equivalent on an hourly
 1311 basis as specified by rules of the State Board of Education is a
 1312 fraction of a full-time equivalent membership equal to the
 1313 number of instructional hours in membership divided by the
 1314 appropriate number of hours set forth in subparagraph (a)1.;
 1315 however, for the purposes of this subparagraph, membership in
 1316 programs scheduled for more than 180 days is limited to students
 1317 enrolled in:

1318 a. Juvenile justice education programs.

1319 b. The Florida Virtual School.

1320 c. Virtual instruction programs and virtual charter
 1321 schools for the purpose of course completion and credit recovery
 1322 pursuant to ss. 1002.45 and 1003.498. Course completion applies
 1323 only to a student who is reported during the second or third
 1324 membership surveys and who does not complete a virtual education
 1325 course by the end of the regular school year. The course must be

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1326 completed no later than the deadline for amending the final
 1327 student enrollment survey for that year. Credit recovery applies
 1328 only to a student who has unsuccessfully completed a traditional
 1329 or virtual education course during the regular school year and
 1330 must re-take the course in order to be eligible to graduate with
 1331 the student's class.

1332
 1333 The full-time equivalent student enrollment calculated under
 1334 this subsection is subject to the requirements in subsection
 1335 (4).

1336
 1337 The department shall determine and implement an equitable method
 1338 of equivalent funding for ~~experimental schools and for~~ schools
 1339 operating under emergency conditions, which schools have been
 1340 approved by the department to operate for less than the minimum
 1341 term school day as defined in s. 1011.60(2).

1342 (2) A "full-time equivalent student" is a student in
 1343 grades 4 through 8 who is participating in a student-teacher
 1344 adviser program conducted during homeroom period, who is a
 1345 fraction of a full-time equivalent membership based on net hours
 1346 in the program, with a maximum of 36 net hours in any fiscal
 1347 year. Each district program shall be approved by the Department
 1348 of Education.

1349 (3) For the purpose of calculating the "current operation
 1350 program," a student is in membership until he or she withdraws

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1351 or until the close of the 11th consecutive school day of his or
 1352 her absence, whichever comes first.

1353 (4) The maximum value for funding a student in
 1354 kindergarten through grade 12 or in a prekindergarten program
 1355 for exceptional children as provided in s. 1003.21(1)(e) shall
 1356 be the sum of the calculations in paragraphs (a), (b), and (c)
 1357 as calculated by the department.

1358 (a) The sum of the student's full-time equivalent student
 1359 membership value for the school year or the equivalent derived
 1360 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
 1361 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
 1362 subsection (2). If the sum is greater than 1.0, the full-time
 1363 equivalent student membership value for each program or course
 1364 shall be reduced by an equal proportion so that the student's
 1365 total full-time equivalent student membership value is equal to
 1366 1.0.

1367 (b) If the result in paragraph (a) is less than 1.0 full-
 1368 time equivalent student and the student has full-time equivalent
 1369 student enrollment pursuant to sub-sub-subparagraph
 1370 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
 1371 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
 1372 1.0 less the value in paragraph (a).

1373 (c) The full-time equivalent student enrollment value in
 1374 sub-subparagraph (1)(c)2.a.

1375 (5) The "Florida Education Finance Program" includes all

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1376 programs and costs as provided in s. 1011.62.

1377 (6) "Basic programs" include, but are not limited to,
 1378 language arts, mathematics, art, music, physical education,
 1379 science, and social studies.

1380 Section 10. Subsection (11) of section 1011.62, Florida
 1381 Statutes, is amended to read:

1382 1011.62 Funds for operation of schools.—If the annual
 1383 allocation from the Florida Education Finance Program to each
 1384 district for operation of schools is not determined in the
 1385 annual appropriations act or the substantive bill implementing
 1386 the annual appropriations act, it shall be determined as
 1387 follows:

1388 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
 1389 annually provide in the Florida Education Finance Program a
 1390 virtual education contribution. The amount of the virtual
 1391 education contribution shall be the difference between the
 1392 amount per FTE established in the General Appropriations Act for
 1393 virtual education and the amount per FTE for each district and
 1394 the Florida Virtual School, which may be calculated by taking
 1395 the sum of the base FEFP allocation, the discretionary local
 1396 effort, the state-funded discretionary contribution, the
 1397 discretionary millage compression supplement, the research-based
 1398 reading instruction allocation, and the instructional materials
 1399 allocation, and then dividing by the total unweighted FTE. This
 1400 difference shall be multiplied by the virtual education

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1401 unweighted FTE for programs and options identified in ss.
 1402 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the
 1403 Florida Virtual School and its franchises to equal the virtual
 1404 education contribution and shall be included as a separate
 1405 allocation in the funding formula.

1406 Section 11. Paragraph (b) of subsection (8) of section
 1407 1012.56, Florida Statutes, is amended to read:

1408 1012.56 Educator certification requirements.—

1409 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 1410 COMPETENCY PROGRAM.—

1411 (b)1. Each school district must and a private school or
 1412 state-supported ~~state-supported~~ public school, including a
 1413 charter school, ~~or a private school~~ may develop and maintain a
 1414 system by which members of the instructional staff may
 1415 demonstrate mastery of professional preparation and education
 1416 competence as required by law. Each program must be based on
 1417 classroom application of the Florida Educator Accomplished
 1418 Practices and instructional performance and, for public schools,
 1419 must be aligned with the district's or state-supported public
 1420 school's evaluation system established ~~approved~~ under s.
 1421 1012.34, as applicable.

1422 2. The Commissioner of Education shall determine the
 1423 continued approval of programs implemented under this paragraph,
 1424 based upon the department's review of performance data. The
 1425 department shall review the performance data as a part of the

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1426 periodic review of each school district's professional
 1427 development system required under s. 1012.98.

1428 Section 12. Paragraph (a) of subsection (1) of section
 1429 1013.62, Florida Statutes, is amended to read:

1430 1013.62 Charter schools capital outlay funding.—

1431 (1) In each year in which funds are appropriated for
 1432 charter school capital outlay purposes, the Commissioner of
 1433 Education shall allocate the funds among eligible charter
 1434 schools.

1435 (a) To be eligible for a funding allocation, a charter
 1436 school must:

1437 1.a. Have been in operation for 3 or more years;

1438 b. Be governed by a governing board established in the
 1439 state for 3 or more years which operates both charter schools
 1440 and conversion charter schools within the state;

1441 c. Be an expanded feeder chain of a charter school within
 1442 the same school district that is currently receiving charter
 1443 school capital outlay funds;

1444 d. Have been accredited by the Commission on Schools of
 1445 the Southern Association of Colleges and Schools; or

1446 e. Serve students in facilities that are provided by a
 1447 business partner for a charter school-in-the-workplace pursuant
 1448 to s. 1002.33(15)(b).

1449 2. Have an annual audit that does not reveal any of the
 1450 financial emergency conditions provided in s. 218.503(1) for the

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1451 most recent fiscal year for which such audit results are
 1452 available ~~stability for future operation as a charter school.~~

1453 3. Have satisfactory student achievement based on state
 1454 accountability standards applicable to the charter school.

1455 4. Have received final approval from its sponsor pursuant
 1456 to s. 1002.33 for operation during that fiscal year.

1457 5. Serve students in facilities that are not provided by
 1458 the charter school's sponsor.

1459 Section 13. Subsection (3) of section 1003.4295, Florida
 1460 Statutes, is amended to read:

1461 1003.4295 Acceleration options.—

1462 (3) The Credit Acceleration Program (CAP) is created for
 1463 the purpose of allowing a student to earn high school credit in
 1464 courses required for high school graduation ~~Algebra I, Algebra~~
 1465 ~~II, geometry, United States history, or biology~~ through passage
 1466 of an if the student passes the end-of-course assessment
 1467 ~~statewide, standardized assessment~~ administered under s. 1008.22
 1468 or an Advanced Placement Examination. Notwithstanding s.
 1469 1003.436, a school district shall award course credit to a
 1470 student who is not enrolled in the course, or who has not
 1471 completed the course, if the student attains a passing score on
 1472 the corresponding end-of-course assessment or Advanced Placement
 1473 Examination ~~statewide, standardized assessment~~. The school
 1474 district shall permit a public school or home education student
 1475 who is not enrolled in the course, or who has not completed the

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1476 | course, to take the assessment during the regular administration
1477 | of the assessment.

1478 | Section 14. This act shall take effect July 1, 2016.

1479 |

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