



Choice & Innovation Subcommittee

Tuesday, February 18, 2014

1:00 PM – 3:00 PM

306 HOB

Meeting Packet

**Will Weatherford
Speaker**

**Michael Bileca
Chair**



AGENDA

Choice & Innovation Subcommittee
Tuesday, February 18, 2014
1:00 p.m. – 3:00 p.m.
306 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - HB 589 Children and Youth Cabinet by Harrell
 - HB 85 Literacy Jump Start Pilot Project by Lee
- IV. Consideration of the following proposed committee bill(s):
 - PCB CIS 14-01 – Charter Schools
- V. Closing Remarks and Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Choice & Innovation Subcommittee

Start Date and Time: Tuesday, February 18, 2014 01:00 pm
End Date and Time: Tuesday, February 18, 2014 03:00 pm
Location: 306 HOB
Duration: 2.00 hrs

Consideration of the following proposed committee bill(s):

PCB CIS 14-01 -- Charter Schools

Consideration of the following bill(s):

HB 85 Literacy Jump Start Pilot Project by Lee
HB 589 Children and Youth Cabinet by Harrell

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Monday, February 17, 2014.

By request of the Chair, all subcommittee members are asked to have amendments to bills on the agenda submitted by 6:00 pm, Monday, February 17, 2014.

NOTICE FINALIZED on 02/11/2014 15:54 by Flynn.Kaley



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Choice & Innovation
 2 Subcommittee
 3 Representative Harrell offered the following:

Amendment

Remove line 12 and insert:

(4) MEMBERS.-The cabinet shall consist of 16 ~~14~~ members

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 589 Children and Youth Cabinet
SPONSOR(S): Harrell
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Rininger <i>rh</i>	Fudge <i>df</i>
2) Health & Human Services Committee			
3) Education Committee			

SUMMARY ANALYSIS

The Florida Children and Youth Cabinet (Cabinet) consists of the Governor and 14 members. These members include the Secretary of Children and Family Services, the Secretary of Juvenile Justice, the director of the Agency for Persons with Disabilities, the director of the Office of Early Learning, the State Surgeon General, the Secretary of Health Care Administration, the Commissioner of Education, the director of the Statewide Guardian Ad Litem Office, the director of the Office of Child Abuse Prevention, and five members appointed by the Governor who represent children and youth advocacy organizations.

The bill creates an additional Cabinet position to be held by a superintendent of schools who is appointed by the Governor.

The bill does not have a fiscal impact on state or local governments.

Current law states that the "Cabinet shall consist of 14 members including the Governor and the following persons . . ." However, the law lists 14 specific members of the Cabinet in addition to the Governor, bringing the total membership of the Cabinet to 15 members. The bill adds a Cabinet position and changes the total membership figure to 15 members, which also does not account for the the Governor. Consideration might be given to correcting the total number of Cabinet members to 16 members so that the Governor is included in the total. See Drafting Issues or Other Comments.

The bill takes effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Children and Youth Cabinet (Cabinet) was created in 2007.¹ The Florida Legislature recognized the need to collaborate with the Governor to improve child and family outcomes in the state.² Among other things, the Cabinet was created to enable state agencies and programs that serve children to coordinate policy development and program implementation so services provided to children and youth are planned, managed, and delivered in a holistic and integrated manner.³

The Cabinet is comprised of the Governor and 14 members. These members include the Secretary of Children and Family Services, the Secretary of Juvenile Justice, the director of the Agency for Persons with Disabilities, the director of the Office of Early Learning, the State Surgeon General, the Secretary of Health Care Administration, the Commissioner of Education, the director of the Statewide Guardian Ad Litem Office, the director of the Office of Child Abuse Prevention, and five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.⁴

Effect of Proposed Changes

The bill expands the membership of the Cabinet to include the Governor and 15 other members. The additional Cabinet position created by the bill will be a superintendent of schools who is appointed to the Cabinet by the Governor.

Current law states that the "Cabinet shall consist of 14 members including the Governor and the following persons . . ." However, the law lists 14 specific members of the Cabinet in addition to the Governor, bringing the total membership of the Cabinet to 15 members. The bill adds a Cabinet position and changes the total membership figure to 15 members, which also does not account for the the Governor. Consideration might be given to correcting the total number of Cabinet members to 16 members so that the Governor is included in the total. See Drafting Issues or Other Comments.

B. SECTION DIRECTORY:

Section 1. Amends s. 402.56, F.S., relating to the Children and Youth Cabinet.

Section 2. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹ The Florida Children and Youth Cabinet, *The Florida Children and Youth Cabinet 2013 Annual Report*, (Jan. 31, 2014), available at http://www.flgov.com/wp-content/uploads/childadvocacy/florida_children_and_youth_cabinet_2013_annual_report.pdf.

² Section 402.56(2)(b), F.S.

³ Section 402.56(3)(a), F.S.

⁴ Section 402.56(4), F.S.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Current law states that the "Cabinet shall consist of 14 members including the Governor and the following persons . . ." However, the law lists 14 specific members of the Cabinet in addition to the Governor, bringing the total membership of the Cabinet to 15 members. The bill adds a Cabinet position and changes the total membership figure to 15 members, which also does not account for the the Governor. Consideration might be given to correcting the total number of Cabinet members to 16 members so that the Governor is included in the total.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

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A bill to be entitled
An act relating to the Children and Youth Cabinet;
amending s. 402.56, F.S.; revising the membership of
the cabinet; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) of section
402.56, Florida Statutes, is amended to read:

402.56 Children's cabinet; organization; responsibilities;
annual report.—

(4) MEMBERS.—The cabinet shall consist of 15 ~~14~~ members
including the Governor and the following persons:

- (a)1. The Secretary of Children and Family Services;
- 2. The Secretary of Juvenile Justice;
- 3. The director of the Agency for Persons with
Disabilities;
- 4. The director of the Office of Early Learning;
- 5. The State Surgeon General;
- 6. The Secretary of Health Care Administration;
- 7. The Commissioner of Education;
- 8. The director of the Statewide Guardian Ad Litem Office;
- 9. The director of the Office of Child Abuse Prevention;

and

- 10. A superintendent of schools, appointed by the
Governor; and

HB 589

2014

27 | 11.10. Five members representing children and youth
28 | advocacy organizations, who are not service providers and who
29 | are appointed by the Governor.

30 | Section 2. This act shall take effect July 1, 2014.



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Choice & Innovation
 2 Subcommittee
 3 Representative Lee offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. (1) The Office of Early Learning shall
 8 establish the 5-year Literacy Jump Start Pilot Project in St.
 9 Lucie County to assist low-income, at-risk children in
 10 developing emergent literacy skills.

11 (a) The Office of Early Learning shall consult with local
 12 organizations within St. Lucie County and identify an
 13 organization to implement the pilot project. The office shall
 14 also consult with the Early Learning Coalition of St. Lucie
 15 County to select municipalities within St. Lucie County eligible
 16 for participation in the pilot project. The office shall oversee
 17 the implementation of the pilot project.



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18 (b) A municipality is eligible for participation in the
19 pilot project if locally or federally subsidized housing is
20 located within the municipality.

21 (c) The Office of Early Learning shall select to implement
22 the pilot project a local organization that is a not-for-profit
23 corporation, qualified as charitable under s. 501(c)(3) of the
24 Internal Revenue Code, that provides training to parents to
25 assist their children with success in school, such as the Parent
26 Academy of St. Lucie County or another similarly qualified local
27 organization. The office may select a faith-based organization;
28 however, funds provided for the purpose of implementing the
29 pilot project may be used for only those purposes expressly
30 provided in this section and may not be used for the purpose of
31 religious indoctrination.

32 (2) The organization selected by the Office of Early
33 Learning must use funds provided for the pilot project only to
34 provide emergent literacy instruction to children. In order to
35 provide easy access for participating children and families, the
36 instruction must be provided in a subsidized housing unit
37 located within an eligible municipality selected by the office.

38 (3) As used in this section, the term "emergent literacy"
39 means a variety of early behaviors and skills associated with
40 successful reading and writing development.

41 (4) A child is eligible to receive emergent literacy
42 instruction provided through the pilot project only if the child
43 is:



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- 44 (a) Two or 3 years of age;
45 (b) Eligible for a federally subsidized child care
46 program; and
47 (c) A member of a family that is economically
48 disadvantaged and resides in locally or federally subsidized
49 housing. For purposes of this paragraph, "economically
50 disadvantaged" means having a family income that does not exceed
51 150 percent of the federal poverty level.
- 52 (5) The organization selected by the Office of Early
53 Learning may not receive any funds from the state for purposes
54 of implementing the pilot project until the office receives
55 written certification from the organization and confirms that
56 all of the organization's volunteers, instructors, and
57 noninstructional personnel who make direct contact with children
58 have cleared level 2 background screening pursuant to s. 435.04,
59 Florida Statutes, within 5 years before implementation of the
60 pilot project. The organization shall require volunteers and
61 applicants for employment as instructors or noninstructional
62 personnel who make direct contact with children participating in
63 the pilot project to undergo level 2 background screening
64 pursuant to s. 435.04, Florida Statutes, prior to hiring the
65 applicant or allowing the volunteer to participate in the pilot
66 project. The organization may not use state funds provided to
67 implement the pilot project to pay for background screening.
- 68 (6) An instructor in the pilot project must successfully
69 complete an emergent literacy training course, approved by the

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70 Office of Early Learning, prior to providing emergent literacy
71 instruction under this section.

72 (7) The organization is encouraged to coordinate with the
73 St. Lucie County Health Department for the provision of basic
74 health screening and immunization services for children
75 participating in the pilot project in conjunction with emergent
76 literacy instruction. The organization is further encouraged to
77 engage in community outreach efforts to local community service
78 organizations for the purpose of improving the availability and
79 effective delivery of emergent literacy instruction.

80 (8) By December 31 of each year that the organization
81 provides emergent literacy instruction, the organization shall
82 submit an accountability report to the Office of Early Learning,
83 the Early Learning Coalition of St. Lucie County, the Governor,
84 the President of the Senate, and the Speaker of the House of
85 Representatives. The accountability report must include, at
86 minimum, the following information:

87 (a) The manner in which all state funds received by the
88 organization are used to implement the pilot project, separated
89 by type of expenditure and measured in exact dollar amounts.

90 (b) Other sources of funding received by the organization
91 for purposes of providing emergent literacy instruction.

92 (c) The municipalities selected by the Office of Early
93 Learning for participation in the pilot project.

94 (d) The identities of the organization's officers.



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95 | (e) The number of children receiving emergent literacy
96 | instruction in each municipality.

97 | (f) Information and data relating to coordinated health
98 | screening and immunization services provided in conjunction with
99 | the emergent literacy instruction, if any.

100 | (9) The Office of Early Learning shall allocate funds for
101 | implementation of the pilot project pursuant to this section.
102 | Expenditures of state funds pursuant to this section must be
103 | verified by affidavit submitted to the office in a procedure and
104 | format determined by the office.

105 | Section 2. This act shall take effect July 1, 2014.

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108 | -----
109 | **T I T L E A M E N D M E N T**

110 | Remove everything before the enacting clause and insert:
111 | An act relating to the Literacy Jump Start Pilot Project;
112 | requiring the Office of Early Learning to establish the
113 | pilot project in St. Lucie County to assist low-income, at-
114 | risk children in developing emergent literacy skills;
115 | requiring the office to select an organization to implement
116 | the pilot project; requiring the office to oversee
117 | implementation of the pilot project; providing eligibility
118 | requirements for participation; requiring background
119 | screening for instructors, volunteers, and noninstructional
120 | personnel who make direct contact with children; requiring



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121 emergent literacy training for instructors; encouraging the
122 coordination of basic health screening and immunization
123 services in conjunction with emergent literacy instruction;
124 requiring annual submission of an accountability report;
125 requiring the office to allocate funds for the pilot
126 project; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 85 Literacy Jump Start Pilot Project
SPONSOR(S): Lee, Jr.
TIED BILLS: IDEN./SIM. BILLS: SB 880

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Rininger <i>GR</i>	Fudge <i>FF</i>
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill requires the Department of Education (DOE) to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills. The DOE, in consultation with the Early Learning Coalition of St. Lucie County must select one or more municipalities to participate in the project. The DOE must seek partnerships with local nonprofit organizations and the business community to implement the project. The bill:

- Provides a definition for "emergent literacy".
- Defines child eligibility.
- Requires background screening for employees and volunteers participating in the pilot project.
- Requires instructors in the project to complete an emergent literacy training course approved by DOE.
- Requires DOE to select a local organization to implement the pilot project and provides criteria the organization must meet in order to be selected.
- Requires the instruction to be conducted in a subsidized housing unit to provide easy access for participating children and families.
- Encourages the organization selected to implement the pilot project to coordinate with the St. Lucie County Health Department for the provision of basic health screening and immunization.
- Requires the organization to submit an annual accountability report to the Office of Early Learning, the St. Lucie County Early Learning Coalition, the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- Requires the selected organization to verify expenditures to the DOE by affidavit.

The bill has a fiscal impact on state government of approximately \$110,000. See Fiscal Analysis & Economic Impact Statement.

The bill requires DOE to establish the pilot project and specifies various duties DOE must perform; however, OEL is charged with actual administration of the program. Thus, it appears that the duties charged to DOE will actually be performed by OEL. Although OEL is housed within DOE and accountable to the Commissioner of Education, it independently exercises all powers, duties, and functions prescribed by law regarding early learning programs, i.e., the School Readiness Program and the Voluntary Prekindergarten Education Program. Consideration might be given to removing references to DOE, and placing the pilot program solely under OEL. See Drafting Issues and Other Comments.

The bill takes effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's Office of Early Learning (OEL) is the lead agency for administration of the federal Child Care and Development Block Grant Trust Fund, 45 C.F.R. parts 98 and 99 in Florida and must comply with the lead agency responsibilities under those sections.¹ The OEL is responsible for administering school readiness programs at the state level and providing guidance to early learning coalitions in the implementation of the program at the local level.²

The OEL provides funding and oversight to the School Readiness Program through the Early Learning Coalition of St. Lucie County. School Readiness services are offered by private schools, public schools, faith-based, profit and non-profit providers.³ The coalition determines a family's eligibility for School Readiness services, by considering several factors including verification of child age, residency, family income, purpose of care (work/education activities), whether children are at risk of abuse or neglect, and at risk of future school failure. OEL must follow specified criteria for prioritizing participants for the School Readiness Program.⁴ The coalition currently partners with local non-profits and private businesses to administer early learning programs. Some individuals representing these entities may serve on the early learning coalition board. The coalition also verifies required instructor credentials and training, and monitors early learning provider sites.⁵

In 2012, the Legislature established the Office of Early Learning (OEL) within the Office of Independent Education and Parental Choice of the Department of Education (DOE). OEL is administered by an executive director and is fully accountable to the Commissioner of Education but independently exercises all powers, duties, and functions prescribed by law regarding the school readiness program and the Voluntary Prekindergarten Education Program.⁶

Effect of Proposed Changes

The bill requires the DOE to:

- Establish the 5-year Literacy Jump Start Pilot Project in St. Lucie County.
- Select a local organization located in St. Lucie County to implement the pilot project.
- Consult with the Early Learning Coalition of St. Lucie County to select municipalities in St. Lucie County eligible for participation in the pilot project.
- Allocate funds for implementation of the pilot project.

A municipality within which locally or federally subsidized housing is located is eligible for participation in the pilot project.

The bill provides specific criteria that an organization must meet in order to be selected by DOE to implement the pilot project. The organization must:

- Be located in St. Lucie County;

¹ Section 1002.82(1), F.S.

² Section 1001.213(3), F.S.

³ Florida Department of Education 2013 Bill Analysis for HB 803

⁴ Section 1002.87(1), F.S.

⁵ Florida Department of Education 2013 Bill Analysis for HB 803

⁶ Section 1001.213, F.S.

- Be a not-for-profit corporation qualified as charitable under section 501(c)(3) of the Internal Revenue Code; and
- Provide training to parents to assist their children with success in school.

The bill identifies the Parents Academy of St. Lucie County as an example of a qualifying organization. The bill requires OEL to oversee implementation of the project.

Instructors in the pilot project must have successfully completed an emergent literacy training course approved by OEL. Further, the organization may not receive funds until it certifies in writing to OEL, subject to confirmation by the Office, that all of its volunteers, instructors, and noninstructional personnel who make direct contact with participating children have undergone level 2 background screening, which includes fingerprinting. The emergent literacy instruction must be conducted in a subsidized housing unit in order to provide easy access for participating children and families.

To participate in the pilot project a child must be:

- Two or 3 years of age
- Eligible for a federally subsidized child care program
- A member of a family that is economically disadvantaged and reside in locally or federally subsidized housing.

The bill provides the following definitions:

- “Economically disadvantaged” means having a family income that does not exceed 150 percent of the federal poverty level.
- “Emergent literacy” means a variety of early behaviors and skills associated with successful reading and writing development during the first 5 years of life that contribute to a child’s foundations for literacy and learning and future success in school and life.

The bill encourages the organization implementing the pilot project to coordinate with the St. Lucie County Health Department for the provision of basic health screening and immunization services for children participating in the pilot project in conjunction with emergent literacy instruction. It also encourages the organization to engage in community outreach efforts to local community service organizations for the purpose of improving the availability and effective delivery of emergent literacy instruction.

The bill requires the organization selected to implement the pilot project to annually submit an accountability report to OEL, the Early Learning Coalition of St. Lucie County, the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include, at minimum, the following information:

- The manner in which all state funds received by the organization are used to implement the pilot project, separated by type of expenditure and measured in exact dollar amounts;
- Other sources of funding received by the organization for purposes of providing emergent literacy instruction;
- The municipalities selected by the organization for participation in the pilot project;
- The identities of the organization’s corporate officers;
- The number of children receiving emergent literacy instruction in each municipality; and
- Information and data relating to coordinated health screening and immunization services provided in conjunction with the emergent literacy instruction, if any.

The bill requires the organization to verify its expenditures of state funds for implementation of the pilot project to DOE by affidavit. The format of the affidavit and the procedure of submission are to be determined by the DOE.

The bill requires DOE to establish the pilot project and specifies various duties DOE must perform; however, OEL is charged with actual administration of the program. Thus, it appears that the duties charged to DOE will actually be performed by OEL. Although OEL is housed within DOE and accountable to the Commissioner of Education, it independently exercises all powers, duties, and functions prescribed by law regarding early literacy programs, i.e., the School Readiness Program and the Voluntary Prekindergarten Education Program.⁷ Consideration might be given to removing references to DOE, and placing the pilot program solely under OEL. See Drafting Issues and Other Comments.

B. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law; requiring DOE to establish the pilot project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills; providing eligibility requirements for participation; requiring background screening for instructors, volunteers, and noninstructional personnel who make direct contact with children; requiring emergent literacy training for instructors; encouraging the coordination of basic health screening and immunization services in conjunction with emergent literacy instruction; requiring annual submission of an accountability report; requiring the department to allocate funds for the pilot project; requiring for the verification of expenditures by affidavit.

Section 2. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

Expenditures:

The bill requires DOE to allocate funds to implement the Literacy Jump Start Pilot Project, but does not specify a funding source for the pilot. In 2013, the Legislature appropriated \$110,000 to fund the pilot project. However, funding for the program was vetoed by the Governor.⁸ Funding for the project was not included in either DOE's or OEL's 2014-15 Legislative Budget Requests.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

⁷ Section 1001.213, F.S.

⁸ Specific Appropriation 103, s. 2, ch. 2013-40, L.O.F.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires DOE to establish the pilot project and specifies various duties DOE must perform; however, OEL is charged with actual administration of the program. Thus, it appears that the duties charged to DOE will actually be performed by OEL. Although OEL is housed within DOE and accountable to the Commissioner of Education, it independently exercises all powers, duties, and functions prescribed by law regarding early literacy programs, i.e., the School Readiness Program and the Voluntary Prekindergarten Education Program. Consideration might be given to removing references to DOE, and placing the pilot program solely under OEL.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

1 A bill to be entitled
 2 An act relating to the Literacy Jump Start Pilot
 3 Project; requiring the Department of Education to
 4 establish the pilot project in St. Lucie County to
 5 assist low-income, at-risk children in developing
 6 emergent literacy skills; requiring the department to
 7 select an organization to implement the pilot project;
 8 requiring the Office of Early Learning to oversee
 9 implementation of the pilot project; providing
 10 eligibility requirements for participation; requiring
 11 background screening for instructors, volunteers, and
 12 noninstructional personnel who make direct contact
 13 with children; requiring emergent literacy training
 14 for instructors; encouraging the coordination of basic
 15 health screening and immunization services in
 16 conjunction with emergent literacy instruction;
 17 requiring annual submission of an accountability
 18 report; requiring the department to allocate funds for
 19 the pilot project; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. (1) The Department of Education shall
 24 establish the 5-year Literacy Jump Start Pilot Project in St.
 25 Lucie County to assist low-income, at-risk children in
 26 developing emergent literacy skills.

27 (a) The department shall consult with local organizations
 28 within St. Lucie County and identify an organization to

29 implement the pilot project. The department shall also consult
 30 with the Early Learning Coalition of St. Lucie County to select
 31 municipalities within St. Lucie County eligible for
 32 participation in the pilot project. The Office of Early Learning
 33 shall oversee the implementation of the pilot project.

34 (b) A municipality is eligible for participation in the
 35 pilot project if locally or federally subsidized housing is
 36 located within the municipality.

37 (c) The department shall select to implement the pilot
 38 project a local organization that is a not-for-profit
 39 corporation, qualified as charitable under s. 501(c)(3) of the
 40 Internal Revenue Code, that provides training to parents to
 41 assist their children with success in school, such as the Parent
 42 Academy of St. Lucie County or another similarly qualified local
 43 organization. The department may select a faith-based
 44 organization; however, funds provided for the purpose of
 45 implementing the pilot project may be used for only those
 46 purposes expressly provided in this section and may not be used
 47 for the purpose of religious indoctrination.

48 (2) The organization selected by the department must use
 49 funds provided for the pilot project only to provide emergent
 50 literacy instruction to children. In order to provide easy
 51 access for participating children and families, the instruction
 52 must be provided in a subsidized housing unit located within an
 53 eligible municipality selected by the department.

54 (3) As used in this section, the term "emergent literacy"
 55 means a variety of early behaviors and skills associated with
 56 successful reading and writing development.

57 (4) A child is eligible to receive emergent literacy
 58 instruction provided through the pilot project only if the child
 59 is:

60 (a) Two or 3 years of age;

61 (b) Eligible for a federally subsidized child care
 62 program; and

63 (c) A member of a family that is economically
 64 disadvantaged and resides in locally or federally subsidized
 65 housing. For purposes of this paragraph, "economically
 66 disadvantaged" means having a family income that does not exceed
 67 150 percent of the federal poverty level.

68 (5) The organization selected by the department may not
 69 receive any funds from the state for purposes of implementing
 70 the pilot project until the Office of Early Learning receives
 71 written certification from the organization and confirms that
 72 all of the organization's volunteers, instructors, and
 73 noninstructional personnel who make direct contact with children
 74 have cleared level 2 background screening pursuant to s. 435.04,
 75 Florida Statutes, within 5 years before implementation of the
 76 pilot project. The organization shall require volunteers and
 77 applicants for employment as instructors or noninstructional
 78 personnel who make direct contact with children participating in
 79 the pilot project to undergo level 2 background screening
 80 pursuant to s. 435.04, Florida Statutes, prior to hiring the
 81 applicant or allowing the volunteer to participate in the pilot
 82 project. The organization may not use state funds provided to
 83 implement the pilot project to pay for background screening.

84 (6) An instructor in the pilot project must successfully
 85 complete an emergent literacy training course, approved by the
 86 department, prior to providing emergent literacy instruction
 87 under this section.

88 (7) The organization is encouraged to coordinate with the
 89 St. Lucie County Health Department for the provision of basic
 90 health screening and immunization services for children
 91 participating in the pilot project in conjunction with emergent
 92 literacy instruction. The organization is further encouraged to
 93 engage in community outreach efforts to local community service
 94 organizations for the purpose of improving the availability and
 95 effective delivery of emergent literacy instruction.

96 (8) By December 31 of each year that the organization
 97 provides emergent literacy instruction, the organization shall
 98 submit an accountability report to the Office of Early Learning,
 99 the Early Learning Coalition of St. Lucie County, the Governor,
 100 the President of the Senate, and the Speaker of the House of
 101 Representatives. The accountability report must include, at
 102 minimum, the following information:

103 (a) The manner in which all state funds received by the
 104 organization are used to implement the pilot project, separated
 105 by type of expenditure and measured in exact dollar amounts.

106 (b) Other sources of funding received by the organization
 107 for purposes of providing emergent literacy instruction.

108 (c) The municipalities selected by the department for
 109 participation in the pilot project.

110 (d) The identities of the organization's officers.

111 (e) The number of children receiving emergent literacy
 112 instruction in each municipality.

113 (f) Information and data relating to coordinated health
 114 screening and immunization services provided in conjunction with
 115 the emergent literacy instruction, if any.

116 (9) The department shall allocate funds for implementation
 117 of the pilot project pursuant to this section. Expenditures of
 118 state funds pursuant to this section must be verified by
 119 affidavit submitted to the department in a procedure and format
 120 determined by the department.

121 Section 2. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing PCB: Choice & Innovation
 2 Subcommittee

3 Representative Diaz, M. offered the following:
 4

Amendment (with title amendment)

6 Between lines 915 and 916, insert:

7 Section 4. Paragraph (d) of subsection (8) of section 1002.45,
 8 Florida Statutes, is amended to read:

9 (8) ASSESSMENT AND ACCOUNTABILITY.—

10 (d) An approved provider's contract is automatically ~~must~~
 11 ~~be~~ terminated if the provider earns two consecutive school
 12 grades of ~~receives a school grade of "D" or "F" under s. 1008.34~~
 13 or two consecutive ~~a school improvement ratings rating~~ of
 14 "Declining" under s. 1008.341 ~~for 2 years during any consecutive~~
 15 ~~4-year period~~ or has violated any qualification requirement
 16 pursuant to subsection (2). A provider that has a contract
 17 terminated under this paragraph may not be an approved provider

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Amendment No. 1

18 for a period of at least 1 year after the date upon which the
 19 contract was terminated and until the department determines that
 20 the provider is in compliance with subsection (2) and has
 21 corrected each cause of the provider's low performance.

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T I T L E A M E N D M E N T

Remove lines 2-60 and insert:

An act relating to school choice; amending s. 1002.33, F.S.;

revising required contents of charter school applications and charter contracts; authorizing a sponsor to require an applicant to provide additional information as an addendum to a charter school application; requiring a sponsor to allow an applicant an opportunity to correct both material and technical deficiencies in the application; conforming provisions regarding the appeal process for denial of high-performing charter school applications; requiring sponsors and applicants to use a standard charter document; specifying that the standard charter consists of the approved application and any addenda and other specified contents; conforming provisions; specifying that charter terms that are inconsistent with or prohibited by law are void and unenforceable; authorizing the sponsor and applicant to negotiate additional terms after approving the charter; providing that the charter school may open and operate



Amendment No. 1

44 during such negotiations; providing that matters included in the
45 approved application and any addenda are deemed settled for
46 purposes of negotiating the charter; clarifying provisions
47 regarding long-term charters and charter terminations;
48 specifying that a charter is terminated automatically when a
49 charter school earns a second consecutive grade of "F," after
50 appeals, unless an exception applies; specifying requirements
51 regarding such terminations; prohibiting sponsors from requiring
52 a high-performing charter school to limit enrollment or capacity
53 to students enrolled before the start of the school year;
54 clarifying that sponsors must make unused school facilities
55 available to charter schools; specifying requirements for such
56 use of facilities; requiring the Department of Education to
57 adopt a model application form, standard charter contract,
58 standard application evaluation instrument, and standard charter
59 renewal contract in rule; specifying that the department adopt
60 such documents for virtual charter schools and replication of
61 high-performing charter schools; amending s. 1002.331, F.S.;
62 specifying that charter schools established by certain high-
63 performing charter school systems qualify for high-performing
64 charter school status for the first three years of operation;
65 revising limits on high-performing charter school replication;
66 specifying that high-performing charter schools may only
67 replicate in order to serve an attendance zone served by a
68 school identified as in need of intervention and support or to
69 meet specified needs identified by district school boards;

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
Amendment No. 1

70 amending s. 1002.332, F.S.; authorizing certain out-of-state
71 entities to apply for high-performing charter school system
72 status; requiring the State Board of Education to adopt
73 eligibility criteria for such designation; specifying
74 requirements regarding eligibility criteria; amending s.
75 1002.45, F.S., specifying that an approved virtual instruction
76 provider's contract is automatically terminated if the provider
77 earns two consecutive school grades of "F" or two consecutive
78 school improvement ratings of "Declining"; amending s. 1013.62,
79 F.S.; specifying that a charter school must have no financial
80 emergency conditions on annual audits to qualify for capital
81 outlay funding; providing an effective date.

82

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CIS 14-01 Charter Schools
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Beagle GB	Fudge 

SUMMARY ANALYSIS

This bill streamlines the charter school application and charter approval processes by:

- Requiring the State Board of Education to adopt the DOE-developed standard charter and charter renewal contracts in rule, which sponsors and applicants must use thereafter.
- Revising the contents of the application and charter so that issues currently reserved for charter negotiations are decided upon by the sponsor during the application process.

The sponsor must review the application and base its decision to approve or deny the application upon the expanded application criteria. If the sponsor approves the application, the standard charter will consist of the approved application, with certain limited issues reserved for charter negotiations. The applicant and sponsor may negotiate additional terms after the standard charter is approved. The charter school may open and operate during the pendency of such negotiations.

This bill creates new opportunities for high-performing charter school operators to establish quality charter schools in Florida, including charter schools in hard-to serve areas. The bill authorizes an out-of-state entity that successfully operates a system of charter schools to apply and qualify for high-performing charter school system status. The state board must adopt rules specifying a process and criteria for evaluating out-of-state entities for "high-performing" status. Eligibility criteria must be aligned with the priorities specified in the federal Charter Schools Program Grants for Replication and Expansion of High-Quality Charter Schools, which emphasizes ability to serve educationally disadvantaged students. Additionally, the bill shifts the focus of the state's program for replicating quality charter schools towards meeting school district needs for innovative school choice options and serving areas served by struggling traditional public schools.

The bill also clarifies that:

- Sponsors need not provide hearings and appeals to charter schools that are terminated for earning two consecutive school grades of "F."
- For purposes of determining eligibility for capital outlay funding, a charter school must have no financial emergency conditions on its most recent annual financial audit.
- Sponsors must make facilities available to charter schools if the facility or property has previously been used for K-12 education purposes and is no longer used to support public education.

The bill does not have a fiscal impact on state or local governments. See Fiscal Comments.

The bill takes effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Charter School Applications and Charter Contracts

Background

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.¹ Florida law exempts charter schools from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.² The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”³

The law establishes a two-step process for establishing a new charter school – an application process and charter negotiations.⁴ The Legislature has revised the charter school application and charter negotiation processes numerous times since Florida’s first charter school law was enacted in 1996.⁵ These revisions include establishing predictable timelines for both processes, standardizing application criteria and review standards, and facilitating resolution of charter negotiation disputes. These revisions have sought to devise predictable processes that enable sponsors to rigorously evaluate charter school applications while minimizing barriers that prevent approved charter schools from opening on time. These revisions include:

- Six revisions to application submission deadlines;⁶
- Allowing the sponsor and applicant to mutually agree to extend the application approval deadline;⁷
- Three revisions to charter negotiation deadlines;⁸
- Requiring the Department of Education (DOE) to mediate charter negotiation disputes;⁹ and
- Requiring sponsors and applicants to use a DOE-developed standard charter school application and application evaluation instrument.¹⁰

Most recently, the Legislature addressed the charter school application and charter negotiation processes in 2013, with legislation that:

¹ Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.; *see, e.g.*, Florida Department of Education, *Florida Charter School List by District*, http://www.floridaschoolchoice.org/Information/Charter_Schools/Directory/default.aspx (last visited Jan 17, 2014). The law authorizes school districts to sponsor charter schools; state universities to sponsor charter lab schools; and school districts, Florida College System (FCS) institutions, or a consortium of school districts or FCS institutions to sponsor a charter technical career center. Sections 1002.32(2), 1002.33(5)(a)1. and 2., and 1002.34(3)(b), F.S.

² Section 1002.33(2)(b)3. and (16), F.S.

³ Section 1002.33(6)(h) and (7), F.S.

⁴ Section 1002.33(6) and (7), F.S.

⁵ Chapter 96-186, L.O.F.

⁶ Section 1, ch. 97-207, L.O.F. (“through at least February 1st”); s. 1, ch. 99-374, L.O.F. (November 15th); s. 3, ch. 2000-306, L.O.F. (October 1st); s. 1, ch. 2003-393, L.O.F. (September 1st); s. 1, ch. 2006-190, L.O.F. (August 1st); s. 1, 2013-250, L.O.F. (Required sponsors to accept applications submitted before August 1st, authorized applicants to submit a draft application by May 1st, and required sponsors to provide feedback to applicant regarding the draft application by July 1st.)

⁷ Section 3, ch. 2000-306, L.O.F.

⁸ Section 1, ch. 97-207, L.O.F.; s. 1, ch. 2006-190, L.O.F.; s. 1, ch. 2013-250, L.O.F.

⁹ Section 1, ch. 98-206, L.O.F.; s. 1, ch. 2001-86, L.O.F., s. 1, ch. 2004-354, L.O.F.

¹⁰ Section 1., 2009-214, L.O.F.

- Prohibited sponsors from rejecting applications submitted before the August 1st submission deadline.
- Authorized applicants to submit a draft application to the sponsor on or before May 1st, which the sponsor must review and provide feedback to the applicant regarding material deficiencies in the application by July 1st.
- Shortened the timeframe for beginning charter negotiations from 60 to 30 days after approval of the application.
- Shortened the timeframe for final approval of the charter from 75 to 40 days after beginning negotiations.

The legislation also directed DOE, in consultation with sponsors and charter school representatives, to develop and adopt in rule standard charter and charter renewal contracts. Sponsors and charter school operators would be required to use these charter documents once adopted in rule.¹¹

DOE presented its proposed standard charter and charter renewal contract to the Choice & Innovation Subcommittee on November 6, 2013. The Subcommittee also heard testimony from a panel of sponsor and charter school representatives regarding the standard charter and charter renewal contract. The standard charter and charter renewal documents have not yet been adopted in rule. Thus, sponsors and charter school operators are not required to use these charter documents.¹²

Present Situation

An applicant¹³ must submit a charter school application on a model application form developed by the DOE to the sponsor by August 1st.¹⁴ The sponsor must review and approve or deny the application within 60 days; however, the sponsor and applicant may mutually agree to extend the deadline.¹⁵ If the application is approved, the applicant and sponsor then negotiate the terms of the charter.¹⁶ If the application is denied, or the sponsor fails to act, the applicant may file an appeal with the State Board of Education, which may uphold or overturn the sponsor's denial.¹⁷

The law specifies the contents of both the charter school application and the charter. Charter school applications must:

- Demonstrate how the school will utilize the guiding principles of charter schools.¹⁸
- Provide a detailed curriculum plan aligned with the Next Generation Sunshine State Standards.
- Contain goals and objectives for improving student learning and measuring such improvement.
- Describe the reading curricula and differentiated strategies for serving students at various levels of reading ability.

¹¹ Section 1, ch. 2013-250, L.O.F.

¹² Presentation and Panel Discussion, *Standard Charter and Charter Renewal Contract: hearing before the House Choice & Innovation Subcommittee* (Nov. 6, 2013).

¹³ An application may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under Florida law. Section 1002.33(3)(a), F.S. The school must be operated by a Florida College System institution, municipality, or nonprofit organization. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization. Section 1002.33(12)(i), F.S.

¹⁴ Section 1002.33(6)(a), F.S.; rule 6A-6.0786, F.A.C. (model charter school applications and application evaluation instruments).

¹⁵ Section 1002.33(6), F.S.

¹⁶ Section 1002.33(6)(h), F.S.

¹⁷ Section 1002.33(6)(c), F.S.; *see also* s. 120.68, F.S. The state board's decision is a final action subject to judicial review in the district court of appeal. *Id.*

¹⁸ The legislative guiding principles for charter schools provide that they are to meet high standards of student achievement while increasing parental choice; increase learning opportunities for all students, with special emphasis on low-performing students and reading; and utilize innovative learning methods. Charter schools may also serve to provide rigorous competition to stimulate improvement in traditional public schools, expand the capacity of the public school system, mitigate the educational impact created by the development of new residential dwelling units, and create new professional opportunities for teachers, including ownership of the learning program at the school site. Section 1002.33(2), F.S.

- Contain an annual financial plan.¹⁹

The charter must include:

- The students to be served, including ages and grade levels.
- The curriculum's focus and instructional methods to be used.
- Baseline standards of student academic achievement, outcomes to be achieved, and methods of measurement to be used.
- The method for determining the strengths and needs of students and whether they are meeting educational goals.
- In secondary charter schools, a method for determining whether students have met high school graduation requirements.
- The method for resolving conflicts between the governing body and the sponsor.
- Admission and dismissal procedures and the school's student conduct code.
- Methods for achieving a racial/ethnic balance reflective of the community served.
- The financial and administrative management of the school, including experience required for management positions and a description of internal audit controls.
- Asset and liability projections.
- A description of plans to identify various risks, reduce losses, and ensure student and faculty safety.
- The term of the charter and an agreement that the charter may be cancelled if the school has made insufficient progress with student achievement.
- The facilities to be used.
- Teacher qualifications, governance structure, and timetables for implementing each element of the charter.
- Full disclosure of all charter school employees who are relatives of charter school officials and employees who have decision making authority over charter school operations.
- Provisions for implementing high-performing charter school benefits if the charter school is designated as "high-performing."²⁰

Uniform statewide use of the model charter school application and application evaluation instrument began in August 2010 for applications proposing new charter schools to be opened in the 2011-12 school year.²¹ The model application and application evaluation instrument are intended to provide a uniform set of charter school application review and approval standards. The model application is comprised of 19 total criteria divided among three main topic headings: educational plan, organizational plan, and business plan. The model application specifies the types of information that the applicant must include in its application to satisfy each criterion.²²

¹⁹ Section 1002.33(6)(a), F.S. The law also requires the applicant to document in the application its participation in pre-application training. However, this training was changed from pre- to post-application training in 2011. *Id.*; s. 3, ch. 2011-232, L.O.F.

²⁰ Section 1002.33(7), F.S.

²¹ Telephone interview with Florida Department of Education, Charter School Director (Aug. 4, 2011). The model application and application evaluation instrument were adopted in rule in October 2010. Anticipating adoption of this rule, DOE advised sponsors to use these tools for charter school applications to be submitted in August 2010. *Id.*; see rule 6A-6.0786, F.A.C.

²² Florida Department of Education, *Model Florida Charter School Application* (Oct. 2010), available at http://www.floridaschoolchoice.org/information/Charter_schools/files/Model_Charter_Application.pdf [hereinafter *Model Application*]; Florida Department of Education, *Florida Charter School Application Evaluation Instrument*, at 1 (Oct. 2010) [hereinafter *Evaluation Instrument*]. The state board has also adopted model charter school applications and evaluation instruments for virtual charter schools and high-performing charter school replications. See rule 6A-6.0786, F.A.C.

Model Charter School Application Criteria

Educational Plan

- Mission, Guiding Principles, & Purpose
- Student Population
- Educational Program
- Curriculum
- Evaluation of Student Performance
- Exceptional Students
- English Language Learners
- Student Discipline

Organizational Plan

- Governance
- Management
- Education Service Providers
- Human Resources
- Student Recruitment & Enrollment

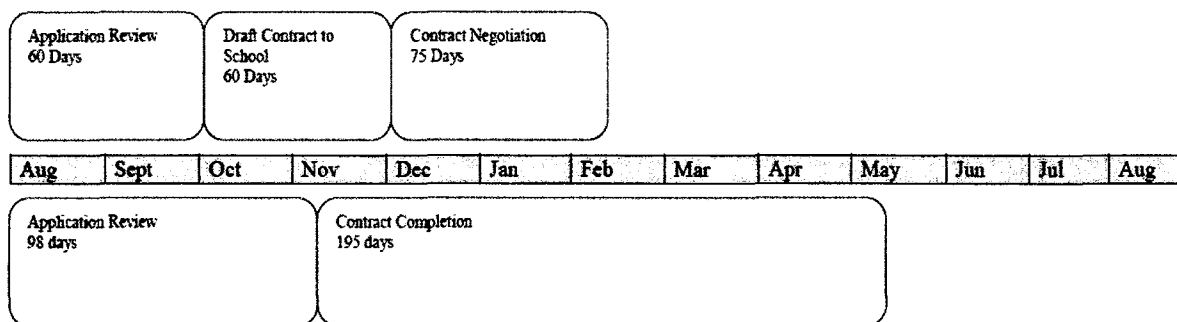
Business Plan

- Facilities
- Transportation
- Food Service
- Budget
- Financial Management
- Start-Up Plan

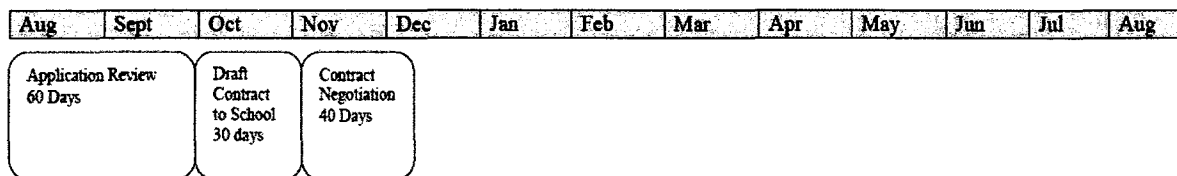
Generally speaking, the statutorily prescribed contents for both applications and the charter are incorporated into the model charter school application. Thus, many of the major issues concerning the operation of the charter school are considered by the sponsor before approving or denying the application. Certain issues are not typically finalized until after the application is approved, e.g., securing a school facility and recruiting students and school staff. Thus, the model application merely requires that a plan for finalizing such issues be presented in the application.²³

DOE data from the 2012 charter school application cycle indicates that only 19.6 percent of charter school applications submitted by applicants were decided upon by school districts within the 60 day timeline required by law.²⁴ On November 6, 2013, DOE presented the following information on charter school application and charter approval timelines to the Choice & Innovation Subcommittee.²⁵

2012 Statutory Timeline vs. Actual



New Timelines



²³ Compare s. 1002.33(6) and (7), F.S. with Model Application supra note 22, at 17-18 and 22.

²⁴ Email, Florida Department of Education, Director, Office of Independent Education and Parental Choice (Jan. 9, 2014).

²⁵ Presentation and Panel Discussion, *Standard Charter and Charter Renewal Contract: hearing before the House Choice & Innovation Subcommittee* (Nov. 6, 2013).

Effect of Proposed Changes

The bill revises the required elements of the application and charter by transferring several issues currently required to be addressed in charter negotiations to the application process. Charter elements transferred to the application include:

- The students to be served, including ages and grade levels.
- The curriculum's focus and instructional methods to be used.
- The method for determining the strengths and needs of students and whether they are meeting educational goals.
- In secondary charter schools, a method for determining whether students have met high school graduation requirements.
- Admission and dismissal procedures and the school's student conduct code.
- Methods for achieving a racial/ethnic balance reflective of the community served.
- The financial and administrative management of the school, including experience required for management positions and a description of internal audit controls.
- A description of plans to identify various risks, reduce losses, and ensure student and faculty safety.
- Teacher qualifications, governance structure, and timetables for implementing each element of the charter.

The bill authorizes a sponsor to request additional information from the applicant, which must be incorporated into the application as an addendum. The bill also revises current law requiring a sponsor to allow the applicant an opportunity to correct technical deficiencies, e.g., typographical errors and missing signatures, and resubmit the application. Instead, this opportunity to correct and resubmit the application must be allowed for any issue the sponsor indicates as cause to deny the application.

The bill requires the state board to adopt the standard charter and charter renewal contracts in rule. Thereafter, charter school applicants and sponsors will be required to use these documents. The standard charter will consist of the approved application, any addenda, and the remaining required elements of the charter. Terms that are inconsistent with or prohibited by law are void and unenforceable. Issues decided upon by the sponsor during the application phase are deemed to be settled prior to charter negotiations; however, the applicant and sponsor may negotiate additional terms after finalizing the standard charter. The charter school may open and operate during the pendency of such negotiations. Under the bill, the following items remain as required elements of the charter:

- Baseline standards of student academic achievement, outcomes to be achieved, and methods of measurement to be used.
- The method for resolving conflicts between the governing body and the sponsor.
- The term of the charter and grounds for terminating or not renewing the charter.
- The facilities to be used.
- Full disclosure of all charter school employees who are relatives of charter school officials and employees who have decision making authority over charter school operations.
- Provisions for implementing high-performing charter school benefits if the charter school is designated as "high-performing."

The bill requires that the standard charter and charter renewal contract and model applications and application evaluation instruments specify the laws and rules from which charter schools are exempt. The bill specifically directs DOE to develop standard charters, charter renewal contracts, model applications, and application evaluation instruments for virtual charter schools and high-performing charter school replication. Such model applications and evaluation instruments already exist and are currently used by sponsors and applicants.

Each of the issues transferred from the charter negotiation process to the application process is already addressed in DOE's model charter school application, which has been in use since 2010. Thus, the bill's changes to the application process better reflect existing practices. The bill minimizes the issues that must be addressed in charter negotiations by requiring use of a standard charter and incorporating issues already decided upon by the sponsor during the application phase into the charter. These changes to the application and charter negotiation processes aim to increase the likelihood that approved charter schools open on time.

Mandatory Charter Terminations

Present Situation

A sponsor may choose to terminate or not renew a charter for any of the following reasons:

- Failure to participate in the state's education accountability system or meet the requirements for student performance stated in the charter;
- Failure to meet generally accepted standards of financial management;
- A violation of law; or
- Other good cause shown.²⁶

The sponsor may immediately terminate a charter school's charter if conditions at the school threaten the health, safety, or welfare of students.²⁷ Due process in the form of notice and, if requested, a formal hearing and opportunity to appeal must be provided to the charter school prior to a charter termination or nonrenewal. For immediate termination of a charter school, a hearing, if requested, may occur after termination.²⁸

In addition, the law requires a sponsor to terminate the charter of a charter school that earns two consecutive school grades of "F," unless the charter school qualifies for one of three exceptions. The law is unclear whether the same due process procedures afforded to charter schools for discretionary or immediate terminations apply to mandatory terminations.²⁹

Effect of Proposed Changes

The bill clarifies that mandatory termination occurs automatically upon a charter school's receipt of a second consecutive grade of "F" becoming final, unless an exception applies. The sponsor must notify in writing the charter school's governing board, the charter school principal, and DOE. Hearings and appeals applicable to discretionary and immediate charter terminations are not applicable to mandatory terminations. The law specifies procedures for winding-down the operations of a terminated charter school, such as reverting unencumbered public funds to the sponsor and reassigning students to other district schools.³⁰ The bill specifies that these procedures apply to mandatory terminations.

Charter School Facilities

Present Situation

Currently, if a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it must be provided for a charter school's use on the same basis it is

²⁶ Section 1002.33(8)(a), F.S.

²⁷ Section 1002.33(8)(d), F.S.

²⁸ Sections 1002.33(6)(c) and (8)(b)-(d), F.S.

²⁹ Generally speaking, the exceptions apply to charter schools that specifically target hard-to-serve students and to traditional public schools that are reconstituted as charter schools pursuant to the differentiated accountability process. Section 1002.33(9)(n)4., F.S.; s. 1008.33(4)(b)3. and (e), F.S.

³⁰ Section 1002.33(8)(e), (f), and (g), F.S.

made available to other public schools in the district.³¹ According to DOE, 13 charter schools in 10 school districts presently reside in a facility provided by the district. In eight cases, the facility is provided by the district rent-free or for a nominal charge.³² There have been instances in which vacant facilities are used for storage (some partially) or some other purpose, or not marked for disposal and such facilities still remain unavailable to charter schools.

Effect of Proposed Changes

The bill clarifies that if a district school board facility or property that has previously been used for K-12 education purposes, is no longer used in support of public education, it must be made available for a charter school's use. The charter school is responsible for costs required to bring the facility into compliance with the Florida Building Code and for costs required to maintain such compliance. The charter school may not earn capital outlay funds. The school district must include the charter school's capital outlay full-time equivalent student count in the district's capital outlay calculations. The charter school may choose to maintain the facility to the same standard as any other district-operated school of similar age and condition.

High-Performing Charter Schools and Charter School Systems

Present Situation

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status. A high-performing charter school is a charter school that during each of the three previous years:

- Received at least two school grades of "A" and no school grade below "B;"
- Has received an unqualified opinion³³ on each annual financial audit; and
- Has not received an annual financial audit that reveals a financial emergency condition.³⁴

A high-performing charter school system (system) may be operated by a municipality or other public entity that is authorized by Florida law to operate a charter school; a private, not-for-profit, s. 501(c)(3) status corporation; or a private for-profit corporation.³⁵ In order to earn "high-performing" status, a system must, in the previous three-year period:

- Operate at least three high-performing charter schools in Florida;
- Have at least 50 percent of its charter schools designated as "high-performing" and no charter school receiving a school grade of "D" or "F;" and
- Not receive an annual financial audit that revealed a financial emergency condition for any charter school operated by the entity in Florida.³⁶

Initial eligibility for "high-performing" status is verified by the Commissioner of Education, upon request by a charter school or system. Thereafter, the commissioner must annually verify continued eligibility.³⁷

High-performing charter schools and systems may take advantage of various benefits. A high-performing charter school may:

³¹ Section 1002.33(18)(e), F.S.

³² Email, Florida Department of Education, Director, Office of Independent Education and Parental Choice (Jan. 14, 2014).

³³ An unqualified audit opinion means that the charter school's financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).

³⁴ Section 1002.331(1), F.S.; *see* s. 218.503(1), F.S. (financial emergency conditions).

³⁵ Section 1002.332(1), F.S.

³⁶ Section 1002.332(1), F.S. Exceptions to the eligibility criteria apply if the system operates a charter school established to turn around a chronically low-performing traditional public school and for charter schools opened to serve areas served by a low-performing traditional public school. Section 1002.33(1)(b)2., F.S.

³⁷ Sections 1002.331(5) and 1002.332(2)(a), F.S.

- Increase the school's enrollment once per year over the maximum enrollment specified in the charter, as long as total enrollment does not exceed the capacity of its facility;
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served, as long as total enrollment does not exceed the capacity of its facility;
- Submit quarterly, rather than monthly, financial statements to its sponsor;
- Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the school's governing board, regardless of the charter renewal cycle;
- Receive a modification of its charter to a term of 15 years or a 15-year charter renewal; and
- Submit an application in any Florida school district to establish and operate a new charter school that substantially replicates its educational program.³⁸

High-performing charter schools may receive a reduction in the administrative fee for sponsor-provided services from five percent to two percent for enrollment up to and including 250 students per school.³⁹ High-performing charter school systems may also receive a reduction in the administrative fees in very limited circumstances.⁴⁰

The capacity of a high-performing charter school is determined annually by its governing board. A sponsor may not require a charter school to identify the names of students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.⁴¹

A high-performing charter school may not be replicated more than once in any given year and may not replicate again until the new charter school achieves "high-performing" status.⁴² Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools.⁴³

According to DOE:

- As of January 2014, 147 charter schools in 32 school districts are designated as "high-performing."
- As of January 2014, two systems are designated as high-performing systems:
 - Doral, Inc., is comprised of five charter schools, four of which are high-performing charter schools; and
 - McKeel Academy is comprised of three charter schools, each of which is a high-performing charter school.
- As of August 2013, 19 new charter schools replicating high-performing charter schools have been established in six school districts.⁴⁴

Effect of Proposed Changes

The bill replaces current limitations on the number and frequency of high-performing charter school replication. The current limit of one replication per year, with subsequent replications prohibited until the newly created charter school achieves "high-performing" status, is eliminated. Instead, a high-

³⁸ Section 1002.331(2), F.S.

³⁹ Section 1002.33(20)(a)3., F.S.

⁴⁰ Section 1002.33(20)(a)4. and 6., F.S. The fee is reduced from 5 percent to 2 percent for enrollments up to and including 500 students per system if the system includes both conversion charter schools and nonconversion charter schools; has all schools located in the same county; has a total enrollment exceeding the total enrollment of at least one school district in the state; has the same governing board; and does not contract with a for-profit service provider for management of school operations. *Id.*

⁴¹ Section 1002.33(10)(i), F.S.

⁴² Section 1002.331(3)(b), F.S.

⁴³ Section 1002.332(2), F.S.

⁴⁴ Email, Florida Department of Education, Director, Office of Independent Education and Parental Choice (Jan. 27, 2014).

performing charter school may replicate an unlimited number of times in a given year, provided that replicated schools are established for the purpose of serving an attendance area served by a traditional public school identified as in need of intervention and support or to meet capacity needs or needs for innovative choice options identified by school districts. The bill also clarifies that a sponsor may not require a high-performing charter school to limit enrollment or capacity to students enrolled before the start of the school year as a condition of approval or renewal of a charter.

Currently, out-of-state entities that do not operate charter schools in Florida are ineligible for high-performing charter school system status. The bill authorizes an out-of-state entity that successfully operates a system of high-quality charter schools elsewhere in the United States to apply to the state board for high-performing charter school system status. If awarded the status, the entity would then be authorized to replicate its charter schools in Florida in the same manner as other high-performing charter school systems. The bill provides that charter schools established by such an entity are automatically deemed “high-performing” for the first three years of operation, thereby conferring upon such charter schools all of the benefits available to high-performing charter schools. After three years, such a school must meet the eligibility requirements for “high-performing” status to maintain the designation.

The state board must adopt rules specifying a process and criteria for evaluating out-of-state entities for “high-performing status.” Eligibility criteria established by the state board must be aligned to the priorities of the federal Charter Schools Program Grants for Replication and Expansion of High-Quality Charter Schools.⁴⁵ The U.S. Department of Education awards these grants to charter school operators that demonstrate:

- Ability to increase student achievement of all students, including, educationally disadvantaged students.
- Success in closing historic achievement gaps for student subgroups, such as minority and low-income students and students with disabilities.
- Ability to produce student achievement results for low-income and other educationally disadvantaged students that are above the average for similarly situated students in the state, based upon such measures as performance on statewide tests and student attendance, retention, high school graduation, and college attendance rates.
- Consistent compliance with student safety and financial management requirements.⁴⁶

Charter School Capital Outlay Funding

Present Situation

Among other things, a charter school must demonstrate that it is financially stable in order to be eligible for charter school capital outlay funding.⁴⁷ However, the law does not specify how financial stability is to be determined. DOE currently reviews a charter school’s annual financial audit to make this determination. This practice is consistent with other areas of charter school law, such as determining high-performing charter school eligibility and interventions for financially troubled schools.⁴⁸

Effect of Proposed Changes

The bill requires, for purposes of determining eligibility for capital outlay funding, that a charter school have no financial emergency conditions on its annual financial audit for the most recent fiscal for which an audit is available. Under current law, a financial emergency is determined to exist when any one of the following conditions occurs due to lack of funds:

⁴⁵ See 76 Fed. Reg. 40,898 (July 12, 2011).

⁴⁶ *Id.*

⁴⁷ Section 1013.62(1)(a), F.S.

⁴⁸ See, e.g., ss. 1002.331 and 1002.345, F.S.

- Failure to pay short-term loans or make bond debt service or other long-term debt payments when due;
- Failure to pay uncontested claims from creditors within 90 days after the claim is presented;
- Failure to timely transfer taxes withheld from employees or employer or employee contributions for federal social security, pension, or retirement plans; and
- Failure for one pay period to pay wages, salaries, or retirement benefits.⁴⁹

This change provides clearer guidance to DOE in determining whether a charter school is financially stable enough to merit an award of capital outlay funding.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.33, F.S., relating to charter schools.

Section 2. Amends s. 1002.331, F.S., relating to high-performing charter schools.

Section 3. Amends s. 1002.332, F.S., relating to high-performing charter school systems.

Section 4. Amends s. 1013.62, F.S., relating to charter schools capital outlay funding.

Section 5. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill clarifies the conditions in which sponsors must provide unused school facilities to charter schools. This may increase the ability of charter schools to use district facilities; however, the impact of this provision on a charter school's facilities costs will likely depend on the rents charged and maintenance costs associated with such use. In addition, the bill provides clearer guidance to DOE in

⁴⁹ Section 218.503(1)(a)-(d), F.S.
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determining whether a charter school is financially stable enough to merit an award of capital outlay funding.

The bill authorizes an out-of-state entity that successfully operates a system of high-quality charter schools elsewhere in the United States to apply to the state board for high-performing charter school system status. If awarded the status, the entity would then be authorized to replicate its charter schools in Florida. The bill provides that charter schools established by such an entity are automatically deemed "high-performing" for the first three years of operation, which, among other benefits, entitles them to a reduction in administrative fees for sponsor-provided services.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the state board to adopt in rule the standard charter contract and standard charter renewal contract. The state board must also adopt rules specifying a process and criteria for determining the eligibility of an out-of-state charter school system for "high-performing" status.

The existing model application forms, standard charter contracts, standard application evaluation instruments, and standard charter renewal contracts will need to be amended to identify the specific statutes and rules in which charter schools are statutorily exempted from compliance.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; revising required contents of charter
4 school applications and charter contracts; authorizing
5 a sponsor to require an applicant to provide
6 additional information as an addendum to a charter
7 school application; requiring a sponsor to allow an
8 applicant an opportunity to correct both material and
9 technical deficiencies in the application; conforming
10 provisions regarding the appeal process for denial of
11 high-performing charter school applications; requiring
12 sponsors and applicants to use a standard charter
13 document; specifying that the standard charter
14 consists of the approved application and any addenda
15 and other specified contents; conforming provisions;
16 specifying that charter terms that are inconsistent
17 with or prohibited by law are void and unenforceable;
18 authorizing the sponsor and applicant to negotiate
19 additional terms after approving the charter;
20 providing that the charter school may open and operate
21 during such negotiations; providing that matters
22 included in the approved application and any addenda
23 are deemed settled for purposes of negotiating the
24 charter; clarifying provisions regarding long-term
25 charters and charter terminations; specifying that a
26 charter is terminated automatically when a charter

27 school earns a second consecutive grade of "F," after
 28 appeals, unless an exception applies; specifying
 29 requirements regarding such terminations; prohibiting
 30 sponsors from requiring a high-performing charter
 31 school to limit enrollment or capacity to students
 32 enrolled before the start of the school year;
 33 clarifying that sponsors must make unused school
 34 facilities available to charter schools; specifying
 35 requirements for such use of facilities; requiring the
 36 Department of Education to adopt a model application
 37 form, standard charter contract, standard application
 38 evaluation instrument, and standard charter renewal
 39 contract in rule; specifying that the department adopt
 40 such documents for virtual charter schools and
 41 replication of high-performing charter schools;
 42 amending s. 1002.331, F.S.; specifying that charter
 43 schools established by certain high-performing charter
 44 school systems qualify for high-performing charter
 45 school status for the first three years of operation;
 46 revising limits on high-performing charter school
 47 replication; specifying that high-performing charter
 48 schools may only replicate in order to serve an
 49 attendance zone served by a school identified as in
 50 need of intervention and support or to meet specified
 51 needs identified by district school boards; amending
 52 s. 1002.332. F.S.; authorizing certain out-of-state

53 entities to apply for high-performing charter school
 54 system status; requiring the State Board of Education
 55 to adopt eligibility criteria for such designation;
 56 specifying requirements regarding eligibility
 57 criteria; amending s. 1013.62, F.S.; specifying that a
 58 charter school must have no financial emergency
 59 conditions on annual audits to qualify for capital
 60 outlay funding; providing an effective date.

61
 62

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

64

65 Section 1. Paragraphs (a), (b), (c), and (h) of subsection
 66 (6), paragraph (a) of subsection (7), paragraphs (n) and (o) of
 67 subsection (9), paragraph (i) of subsection (10), paragraph (e)
 68 of subsection (18), and paragraph (a) of subsection (21) of
 69 section 1002.33, Florida Statutes, are amended to read:

70 1002.33 Charter schools.—

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

73 (a) A person or entity that wants ~~wishing~~ to open a
 74 charter school shall prepare and submit an application on the a
 75 model application form prepared by the Department of Education
 76 which:

77 1. Demonstrates how the school will use the guiding
 78 principles and meet the statutorily defined purpose of a charter

79 school and describes the school's mission, the students to be
 80 served, and the ages and grades to be included.

81 2. Describes the focus of the curriculum, the
 82 instructional methods to be used, any distinctive instructional
 83 techniques to be employed, and identification and acquisition of
 84 appropriate technologies needed to improve educational and
 85 administrative performance which include a means for promoting
 86 safe, ethical, and appropriate uses of technology which comply
 87 with legal and professional standards. The Provides a detailed
 88 curriculum plan that must illustrates how students will be
 89 provided instruction on services to attain the Next Generation
 90 Sunshine State Standards.

91 a. Reading shall be a primary focus of the curriculum. The
 92 curriculum plan must describe the differentiated strategies that
 93 will be used for students reading at grade level or higher and a
 94 separate curriculum and strategies for students who are reading
 95 below grade level. Resources must be provided to identify and
 96 provide specialized instruction for students who are reading
 97 below grade level. The curriculum and instructional strategies
 98 for reading must be consistent with the Next Generation Sunshine
 99 State Standards and grounded in scientifically based reading
 100 research. A sponsor shall deny a charter if the school does not
 101 propose a reading curriculum that is consistent with effective
 102 teaching strategies that are grounded in scientifically based
 103 reading research.

104 b. In order to provide students with access to diverse

105 instructional delivery models, to facilitate the integration of
 106 technology within traditional classroom instruction, and to
 107 provide students with the skills they need to compete in the
 108 21st century economy, the Legislature encourages instructional
 109 methods for blended learning courses consisting of both
 110 traditional classroom and online instructional techniques.
 111 Charter schools may implement blended learning courses which
 112 combine traditional classroom instruction and virtual
 113 instruction. Students in a blended learning course must be full-
 114 time students of the charter school and receive the online
 115 instruction in a classroom setting at the charter school.
 116 Instructional personnel certified pursuant to s. 1012.55 who
 117 provide virtual instruction for blended learning courses may be
 118 employees of the charter school or may be under contract to
 119 provide instructional services to charter school students. At a
 120 minimum, such instructional personnel must hold an active state
 121 or school district adjunct certification under s. 1012.57 for
 122 the subject area of the blended learning course. The funding and
 123 performance accountability requirements for blended learning
 124 courses are the same as those for traditional courses.

125 3. Contains goals and objectives for improving student
 126 learning and measuring that improvement. These goals and
 127 objectives must indicate how much academic improvement students
 128 are expected to show each year, how success will be evaluated,
 129 and the specific results to be attained through instruction.

130 4. The methods used to identify the educational strengths

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

139 5. In secondary charter schools, a method for determining
 140 that a student has satisfied the requirements for graduation in
 141 s. 1003.428 or s. 1003.4282.

142 ~~4. Describes the reading curriculum and differentiated~~
 143 ~~strategies that will be used for students reading at grade level~~
 144 ~~or higher and a separate curriculum and strategies for students~~
 145 ~~who are reading below grade level. A sponsor shall deny a~~
 146 ~~charter if the school does not propose a reading curriculum that~~
 147 ~~is consistent with effective teaching strategies that are~~
 148 ~~grounded in scientifically based reading research.~~

149 ~~5. Contains an annual financial plan for each year~~
 150 ~~requested by the charter for operation of the school for up to 5~~
 151 ~~years. This plan must contain anticipated fund balances based on~~
 152 ~~revenue projections, a spending plan based on projected revenues~~
 153 ~~and expenses, and a description of controls that will safeguard~~
 154 ~~finances and projected enrollment trends.~~

155 ~~6. Documents that the applicant has participated in the~~
 156 ~~training required in subparagraph (f)2. A sponsor may require an~~

157 ~~applicant to provide additional information as an addendum to~~
 158 ~~the charter school application described in this paragraph.~~

159 6.7. For the establishment of a virtual charter school,
 160 documents that the applicant has contracted with a provider of
 161 virtual instruction services pursuant to s. 1002.45(1)(d).

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

164 8. The ways by which the school will achieve a
 165 racial/ethnic balance reflective of the community it serves or
 166 within the racial/ethnic range of other public schools in the
 167 same school district.

168 9. Contains an annual financial plan for each year that
 169 the applicant intends to operate the school for up to 5 years.
 170 This plan must contain anticipated fund balances based on
 171 revenue projections, a spending plan based on projected revenues
 172 and expenses, and a description of controls that will safeguard
 173 finances and projected enrollment trends.

174 10. The financial and administrative management of the
 175 school, including a reasonable demonstration of the professional
 176 experience or competence of those individuals or organizations
 177 applying to operate the charter school or those hired or
 178 retained to perform such professional services and the
 179 description of clearly delineated responsibilities and the
 180 policies and practices needed to effectively manage the charter
 181 school. A description of internal audit procedures and
 182 establishment of controls to ensure that financial resources are

183 properly managed must be included. Both public sector and
 184 private sector professional experience shall be equally valid in
 185 such a consideration.

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

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

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

201 14. A timetable for implementing the charter which
 202 addresses the implementation of each element thereof and the
 203 date by which the charter shall be awarded in order to meet this
 204 timetable.

205 15. In the case of an existing public school that is being
 206 converted to charter status, alternative arrangements for
 207 current students who choose not to attend the charter school and
 208 for current teachers who choose not to teach in the charter

209 school after conversion in accordance with the existing
 210 collective bargaining agreement or district school board rule in
 211 the absence of a collective bargaining agreement. However,
 212 alternative arrangements shall not be required for current
 213 teachers who choose not to teach in a charter lab school, except
 214 as authorized by the employment policies of the state university
 215 which grants the charter to the lab school.

216
 217 A sponsor may require an applicant to provide additional
 218 information as an addendum to the charter school application
 219 described in this paragraph.

220 (b) A sponsor shall receive and review all applications
 221 for a charter school using the an-evaluation instrument
 222 developed by the Department of Education. A sponsor shall
 223 receive and consider charter school applications received on or
 224 before August 1 of each calendar year for charter schools to be
 225 opened at the beginning of the school district's next school
 226 year, or to be opened at a time agreed to by the applicant and
 227 the sponsor. A sponsor may not refuse to receive a charter
 228 school application submitted before August 1 and may receive an
 229 application submitted later than August 1 if it chooses. In
 230 order to facilitate greater collaboration in the application
 231 process, an applicant may submit a draft charter school
 232 application on or before May 1 with an application fee of \$500.
 233 If a draft application is timely submitted, the sponsor shall
 234 review and provide feedback as to material deficiencies in the

235 application by July 1. The applicant shall then have until
 236 August 1 to resubmit a revised and final application. The
 237 sponsor may approve the draft application. A sponsor may not
 238 charge an applicant for a charter any fee for the processing or
 239 consideration of an application, and a sponsor may not base its
 240 consideration or approval of a final application upon the
 241 promise of future payment of any kind. Before approving or
 242 denying any final application, the sponsor shall allow the
 243 applicant, upon receipt of written notification, at least 7
 244 calendar days to make ~~technical or nonsubstantive~~ corrections
 245 and clarifications to address any deficiencies, ~~including, but~~
 246 ~~not limited to, corrections of grammatical, typographical, and~~
 247 ~~like errors or missing signatures, if such errors are identified~~
 248 by the sponsor as cause to deny the final application.

249 1. In order to facilitate an accurate budget projection
 250 process, a sponsor shall be held harmless for FTE students who
 251 are not included in the FTE projection due to approval of
 252 charter school applications after the FTE projection deadline.
 253 In a further effort to facilitate an accurate budget projection,
 254 within 15 calendar days after receipt of a charter school
 255 application, a sponsor shall report to the Department of
 256 Education the name of the applicant entity, the proposed charter
 257 school location, and its projected FTE.

258 2. In order to ensure fiscal responsibility, an
 259 application for a charter school shall include a full accounting
 260 of expected assets, a projection of expected sources and amounts

261 of income, including income derived from projected student
262 enrollments and from community support, and an expense
263 projection that includes full accounting of the costs of
264 operation, including start-up costs.

265 3.a. A sponsor shall by a majority vote approve or deny an
266 application no later than 60 calendar days after the application
267 is received, unless the sponsor and the applicant mutually agree
268 in writing to temporarily postpone the vote to a specific date,
269 at which time the sponsor shall by a majority vote approve or
270 deny the application. If the sponsor fails to act on the
271 application, an applicant may appeal to the State Board of
272 Education as provided in paragraph (c). If an application is
273 denied, the sponsor shall, within 10 calendar days after such
274 denial, articulate in writing the specific reasons, based upon
275 good cause, supporting its denial of the charter application and
276 shall provide the letter of denial and supporting documentation
277 to the applicant and to the Department of Education.

278 b. An application submitted by a high-performing charter
279 school identified pursuant to s. 1002.331 may be denied by the
280 sponsor only if the sponsor demonstrates by clear and convincing
281 evidence that:

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

284 (II) The charter school proposed in the application does
285 not materially comply with the requirements in paragraphs
286 (9) (a) - (f);

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

290 (IV) The applicant has made a material misrepresentation
291 or false statement or concealed an essential or material fact
292 during the application process; or

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

296

297 Material noncompliance is a failure to follow requirements or a
298 violation of prohibitions applicable to charter school
299 applications, which failure is quantitatively or qualitatively
300 significant either individually or when aggregated with other
301 noncompliance. An applicant is considered to be replicating a
302 high-performing charter school if the proposed school is
303 substantially similar to at least one of the applicant's high-
304 performing charter schools and the organization or individuals
305 involved in the establishment and operation of the proposed
306 school are significantly involved in the operation of replicated
307 schools.

308 c. If the sponsor denies an application submitted by a
309 high-performing charter school, the sponsor must, within 10
310 calendar days after such denial, state in writing the specific
311 reasons, based upon the criteria in sub-subparagraph b.,
312 supporting its denial of the application and must provide the

313 letter of denial and supporting documentation to the applicant
 314 and to the Department of Education. The applicant may appeal the
 315 sponsor's denial of the application ~~directly~~ to the State Board
 316 of Education pursuant to paragraph (c) and must provide the
 317 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

318 4. For budget projection purposes, the sponsor shall
 319 report to the Department of Education the approval or denial of
 320 a charter application within 10 calendar days after such
 321 approval or denial. In the event of approval, the report to the
 322 Department of Education shall include the final projected FTE
 323 for the approved charter school.

324 5. Upon approval of a charter application, the initial
 325 startup shall commence with the beginning of the public school
 326 calendar for the district in which the charter is granted unless
 327 the sponsor allows a waiver of this subparagraph for good cause.

328 (c)1. An applicant may appeal any denial of that
 329 applicant's application or failure to act on an application to
 330 the State Board of Education within ~~no later than~~ 30 calendar
 331 days after receipt of the sponsor's decision or failure to act
 332 and shall notify the sponsor of its appeal. Any response of the
 333 sponsor shall be submitted to the State Board of Education
 334 within 30 calendar days after notification of the appeal. Upon
 335 receipt of notification from the State Board of Education that a
 336 charter school applicant is filing an appeal, the Commissioner
 337 of Education shall convene a meeting of the Charter School
 338 Appeal Commission to study and make recommendations to the State

339 Board of Education regarding its pending decision about the
 340 appeal. The commission shall forward its recommendation to the
 341 state board at least 7 calendar days before the date on which
 342 the appeal is to be heard. An appeal regarding the denial of an
 343 application submitted by a high-performing charter school
 344 pursuant to s. 1002.331 shall be conducted by the State Board of
 345 Education in accordance with this paragraph, except that the
 346 commission shall not convene to make recommendations regarding
 347 the appeal. However, the Commissioner of Education shall review
 348 the appeal and make a recommendation to the state board.

349 2. The Charter School Appeal Commission or, in the case of
 350 an appeal regarding an application submitted by a high-
 351 performing charter school, the State Board of Education may
 352 reject an appeal submission for failure to comply with
 353 procedural rules governing the appeals process. The rejection
 354 shall describe the submission errors. The appellant shall have
 355 15 calendar days after notice of rejection in which to resubmit
 356 an appeal that meets the requirements set forth in State Board
 357 of Education rule. An appeal submitted subsequent to such
 358 rejection is considered timely if the original appeal was filed
 359 within 30 calendar days after receipt of notice of the specific
 360 reasons for the sponsor's denial of the charter application.

361 3.a. The State Board of Education shall by majority vote
 362 accept or reject the decision of the sponsor no later than 90
 363 calendar days after an appeal is filed in accordance with State
 364 Board of Education rule. The State Board of Education shall

365 remand the application to the sponsor with its written decision
 366 that the sponsor approve or deny the application. The sponsor
 367 shall implement the decision of the State Board of Education.
 368 The decision of the State Board of Education is not subject to
 369 the provisions of the Administrative Procedure Act, chapter 120.

370 b. If an appeal concerns an application submitted by a
 371 high-performing charter school identified pursuant to s.
 372 1002.331, the State Board of Education shall determine whether
 373 the sponsor's denial of the application complies with the
 374 requirements in sub-subparagraph (b)3.b. sponsor has shown, by
 375 clear and convincing evidence, that:

376 ~~(I) The application does not materially comply with the~~
 377 ~~requirements in paragraph (a);~~

378 ~~(II) The charter school proposed in the application does~~
 379 ~~not materially comply with the requirements in paragraphs~~
 380 ~~(9)(a)-(f);~~

381 ~~(III) The proposed charter school's educational program~~
 382 ~~does not substantially replicate that of the applicant or one of~~
 383 ~~the applicant's high-performing charter schools;~~

384 ~~(IV) The applicant has made a material misrepresentation~~
 385 ~~or false statement or concealed an essential or material fact~~
 386 ~~during the application process; or~~

387 ~~(V) The proposed charter school's educational program and~~
 388 ~~financial management practices do not materially comply with the~~
 389 ~~requirements of this section.~~

390

391 The State Board of Education shall approve or reject the
 392 sponsor's denial of an application no later than 90 calendar
 393 days after an appeal is filed in accordance with State Board of
 394 Education rule. The State Board of Education shall remand the
 395 application to the sponsor with its written decision that the
 396 sponsor approve or deny the application. The sponsor shall
 397 implement the decision of the State Board of Education. The
 398 decision of the State Board of Education is not subject to the
 399 Administrative Procedure Act, chapter 120.

400 (h) The terms and conditions for the operation of a
 401 charter school shall be set forth by the sponsor and the
 402 applicant in a written contractual agreement, called a charter.
 403 The sponsor may not impose unreasonable rules or regulations
 404 that violate the intent of giving charter schools greater
 405 flexibility to meet educational goals. The sponsor has 30 days
 406 after approval of the application to provide a standard an
 407 ~~initial proposed~~ charter contract developed by the department to
 408 the charter school, which shall consist of the approved
 409 application and any addenda and the elements specified in
 410 paragraph (7) (a). The applicant and the sponsor have 40 days
 411 thereafter to negotiate the remaining terms and notice the
 412 charter contract for final approval by the sponsor unless both
 413 parties agree to an extension. The proposed charter contract
 414 shall be provided to the charter school at least 7 calendar days
 415 before ~~prior to~~ the date of the meeting at which the charter is
 416 scheduled to be voted upon by the sponsor. Any provision of a

417 charter contract inconsistent with or prohibited by the
 418 requirements of this section is void and unenforceable. The
 419 department ~~Department of Education~~ shall provide mediation
 420 services for any dispute regarding this section subsequent to
 421 the approval of a charter application and for any dispute
 422 relating to the approved charter, except disputes regarding
 423 charter school application denials. If the Commissioner of
 424 Education determines that the dispute cannot be settled through
 425 mediation, the dispute may be appealed to an administrative law
 426 judge appointed by the Division of Administrative Hearings. The
 427 administrative law judge has final order authority to rule on
 428 issues of equitable treatment of the charter school as a public
 429 school, whether proposed provisions of the charter violate the
 430 intended flexibility granted charter schools by statute, or on
 431 any other matter regarding this section except a charter school
 432 application denial, a charter termination, or a charter
 433 nonrenewal and shall award the prevailing party reasonable
 434 attorney ~~attorney's~~ fees and costs incurred to be paid by the
 435 losing party. The costs of the administrative hearing shall be
 436 paid by the party whom the administrative law judge rules
 437 against. Once the sponsor has voted upon and approved the
 438 standard charter contract, the sponsor and applicant have the
 439 right to negotiate additional terms, as necessary. The charter
 440 school may open and operate during the pendency of any
 441 negotiation, mediation, or administrative proceeding.

442 (7) CHARTER.— The major issues involving the operation of

443 a charter school shall be set forth in ~~considered in advance and~~
 444 ~~written into~~ the charter. The governing board of the charter
 445 school and the sponsor shall use the standard charter contract
 446 developed by the Department of Education, which shall
 447 incorporate the approved application and any addenda. Matters
 448 included in the approved application and any addenda are deemed
 449 settled for purposes of negotiating the charter; however, the
 450 parties may agree to address such matters after approval of the
 451 charter. The charter shall be signed by the governing board of
 452 the charter school and the sponsor, following a public hearing
 453 to ensure community input.

454 (a) The charter shall address ~~and criteria for approval of~~
 455 ~~the charter shall be based on:~~

456 1. ~~The school's mission, the students to be served, and~~
 457 ~~the ages and grades to be included.~~

458 2. ~~The focus of the curriculum, the instructional methods~~
 459 ~~to be used, any distinctive instructional techniques to be~~
 460 ~~employed, and identification and acquisition of appropriate~~
 461 ~~technologies needed to improve educational and administrative~~
 462 ~~performance which include a means for promoting safe, ethical,~~
 463 ~~and appropriate uses of technology which comply with legal and~~
 464 ~~professional standards.~~

465 a. ~~The charter shall ensure that reading is a primary~~
 466 ~~focus of the curriculum and that resources are provided to~~
 467 ~~identify and provide specialized instruction for students who~~
 468 ~~are reading below grade level. The curriculum and instructional~~

469 ~~strategies for reading must be consistent with the Next~~
 470 ~~Generation Sunshine State Standards and grounded in~~
 471 ~~scientifically based reading research.~~

472 ~~b. In order to provide students with access to diverse~~
 473 ~~instructional delivery models, to facilitate the integration of~~
 474 ~~technology within traditional classroom instruction, and to~~
 475 ~~provide students with the skills they need to compete in the~~
 476 ~~21st century economy, the Legislature encourages instructional~~
 477 ~~methods for blended learning courses consisting of both~~
 478 ~~traditional classroom and online instructional techniques.~~
 479 ~~Charter schools may implement blended learning courses which~~
 480 ~~combine traditional classroom instruction and virtual~~
 481 ~~instruction. Students in a blended learning course must be full-~~
 482 ~~time students of the charter school and receive the online~~
 483 ~~instruction in a classroom setting at the charter school.~~
 484 ~~Instructional personnel certified pursuant to s. 1012.55 who~~
 485 ~~provide virtual instruction for blended learning courses may be~~
 486 ~~employees of the charter school or may be under contract to~~
 487 ~~provide instructional services to charter school students. At a~~
 488 ~~minimum, such instructional personnel must hold an active state~~
 489 ~~or school district adjunct certification under s. 1012.57 for~~
 490 ~~the subject area of the blended learning course. The funding and~~
 491 ~~performance accountability requirements for blended learning~~
 492 ~~courses are the same as those for traditional courses.~~

493 1.3. ~~The current incoming baseline standard of student~~
 494 ~~academic achievement, the outcomes to be achieved, and the~~

495 method of measurement that will be used. The criteria listed in
 496 this subparagraph shall include a detailed description of:

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

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

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

505

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

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

520 ~~5. In secondary charter schools, a method for determining~~

521 ~~that a student has satisfied the requirements for graduation in~~
 522 ~~s. 1003.428 or s. 1003.4282.~~

523 2.6. A method for resolving conflicts between the
 524 governing board of the charter school and the sponsor.

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

527 ~~8. The ways by which the school will achieve a~~
 528 ~~racial/ethnic balance reflective of the community it serves or~~
 529 ~~within the racial/ethnic range of other public schools in the~~
 530 ~~same school district.~~

531 ~~9. The financial and administrative management of the~~
 532 ~~school, including a reasonable demonstration of the professional~~
 533 ~~experience or competence of those individuals or organizations~~
 534 ~~applying to operate the charter school or those hired or~~
 535 ~~retained to perform such professional services and the~~
 536 ~~description of clearly delineated responsibilities and the~~
 537 ~~policies and practices needed to effectively manage the charter~~
 538 ~~school. A description of internal audit procedures and~~
 539 ~~establishment of controls to ensure that financial resources are~~
 540 ~~properly managed must be included. Both public sector and~~
 541 ~~private sector professional experience shall be equally valid in~~
 542 ~~such a consideration.~~

543 ~~10. The asset and liability projections required in the~~
 544 ~~application which are incorporated into the charter and shall be~~
 545 ~~compared with information provided in the annual report of the~~
 546 ~~charter school.~~

547 ~~11. A description of procedures that identify various~~
 548 ~~risks and provide for a comprehensive approach to reduce the~~
 549 ~~impact of losses; plans to ensure the safety and security of~~
 550 ~~students and staff; plans to identify, minimize, and protect~~
 551 ~~others from violent or disruptive student behavior; and the~~
 552 ~~manner in which the school will be insured, including whether or~~
 553 ~~not the school will be required to have liability insurance,~~
 554 ~~and, if so, the terms and conditions thereof and the amounts of~~
 555 ~~coverage.~~

556 3.12. The initial term of the charter, which shall be for
 557 4 or 5 years. ~~The term of the charter which shall provide for~~
 558 ~~cancellation of the charter if insufficient progress has been~~
 559 ~~made in attaining the student achievement objectives of the~~
 560 ~~charter and if it is not likely that such objectives can be~~
 561 ~~achieved before expiration of the charter. The initial term of a~~
 562 ~~charter shall be for 4 or 5 years. In order to facilitate access~~
 563 ~~to long term financial resources for charter school~~
 564 ~~construction, Charter charter schools that are operated by a~~
 565 ~~municipality or other public entity, as provided by law, or a~~
 566 ~~private, not-for-profit, s. 501(c)(3) status corporation are~~
 567 ~~eligible for up to a 15-year charter, subject to approval by the~~
 568 ~~district school board. A charter lab school is also eligible for~~
 569 ~~a charter for a term of up to 15 years. In addition, to~~
 570 ~~facilitate access to long term financial resources for charter~~
 571 ~~school construction, charter schools that are operated by a~~
 572 ~~private, not for profit, s. 501(c)(3) status corporation are~~

573 ~~eligible for up to a 15-year charter, subject to approval by the~~
 574 ~~district school board.~~ Such long-term charters remain subject to
 575 annual review and may be terminated during the term of the
 576 charter, but only according to ~~the provisions set forth in~~
 577 subsection (8) or paragraph (9)(n).

578 4. Termination or nonrenewal of the charter pursuant to
 579 subsection (8), including termination for failure to make
 580 sufficient progress towards attaining the student achievement
 581 objectives of the charter or likely failure to meet such
 582 objectives before expiration of the charter, and automatic
 583 termination pursuant to paragraph (9)(n).

584 ~~5.13.~~ The facilities to be used and their location. The
 585 sponsor may not require a charter school to have a certificate
 586 of occupancy or a temporary certificate of occupancy for such a
 587 facility earlier than 15 calendar days before the first day of
 588 school.

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

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

595 ~~16. A timetable for implementing the charter which~~
 596 ~~addresses the implementation of each element thereof and the~~
 597 ~~date by which the charter shall be awarded in order to meet this~~
 598 ~~timetable.~~

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

610 6.18. Full disclosure of the identity of all relatives
611 employed by the charter school who are related to the charter
612 school owner, president, chairperson of the governing board of
613 directors, superintendent, governing board member, principal,
614 assistant principal, or any other person employed by the charter
615 school who has equivalent decisionmaking authority. For the
616 purpose of this subparagraph, the term "relative" means father,
617 mother, son, daughter, brother, sister, uncle, aunt, first
618 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
619 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
620 stepfather, stepmother, stepson, stepdaughter, stepbrother,
621 stepsister, half brother, or half sister.

622 7.19. Implementation of the activities authorized under s.
623 1002.331 by the charter school when it satisfies the eligibility
624 requirements for a high-performing charter school. A high-

625 performing charter school shall notify its sponsor in writing by
 626 March 1 if it intends to increase enrollment or expand grade
 627 levels the following school year. The written notice shall
 628 specify the amount of the enrollment increase and the grade
 629 levels that will be added, as applicable.

630 (9) CHARTER SCHOOL REQUIREMENTS.—

631 (n)1. The director and a representative of the governing
 632 board of a charter school that has earned a grade of "D" or "F"
 633 pursuant to s. 1008.34(2) shall appear before the sponsor to
 634 present information concerning each contract component having
 635 noted deficiencies. The director and a representative of the
 636 governing board shall submit to the sponsor for approval a
 637 school improvement plan to raise student achievement. Upon
 638 approval by the sponsor, the charter school shall begin
 639 implementation of the school improvement plan. The department
 640 shall offer technical assistance and training to the charter
 641 school and its governing board and establish guidelines for
 642 developing, submitting, and approving such plans.

643 2.a. If a charter school earns three consecutive grades of
 644 "D," two consecutive grades of "D" followed by a grade of "F,"
 645 or two nonconsecutive grades of "F" within a 3-year period, the
 646 charter school governing board shall choose one of the following
 647 corrective actions:

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

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

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

655 (IV) Voluntarily close the charter school.

656 b. The charter school must implement the corrective action
 657 in the school year following receipt of a third consecutive
 658 grade of "D," a grade of "F" following two consecutive grades of
 659 "D," or a second nonconsecutive grade of "F" within a 3-year
 660 period.

661 c. The sponsor may annually waive a corrective action if
 662 it determines that the charter school is likely to improve a
 663 letter grade if additional time is provided to implement the
 664 intervention and support strategies prescribed by the school
 665 improvement plan. Notwithstanding this sub-subparagraph, a
 666 charter school that earns a second consecutive grade of "F" is
 667 subject to subparagraph 4.

668 d. A charter school is no longer required to implement a
 669 corrective action if it improves by at least one letter grade.
 670 However, the charter school must continue to implement
 671 strategies identified in the school improvement plan. The
 672 sponsor must annually review implementation of the school
 673 improvement plan to monitor the school's continued improvement
 674 pursuant to subparagraph 5.

675 e. A charter school implementing a corrective action that
 676 does not improve by at least one letter grade after 2 full

677 school years of implementing the corrective action must select a
 678 different corrective action. Implementation of the new
 679 corrective action must begin in the school year following the
 680 implementation period of the existing corrective action, unless
 681 the sponsor determines that the charter school is likely to
 682 improve a letter grade if additional time is provided to
 683 implement the existing corrective action. Notwithstanding this
 684 sub-subparagraph, a charter school that earns a second
 685 consecutive grade of "F" while implementing a corrective action
 686 is subject to subparagraph 4.

687 3. A charter school with a grade of "D" or "F" that
 688 improves by at least one letter grade must continue to implement
 689 the strategies identified in the school improvement plan. The
 690 sponsor must annually review implementation of the school
 691 improvement plan to monitor the school's continued improvement
 692 pursuant to subparagraph 5.

693 4. A charter school's charter is automatically terminated
 694 if it earns a second consecutive grade of "F," after all school
 695 grade appeals are final, ~~The sponsor shall terminate a charter~~
 696 ~~if the charter school earns two consecutive grades of "F"~~
 697 unless:

698 a. The charter school is established to turn around the
 699 performance of a district public school pursuant to s.
 700 1008.33(4)(b)3. Such charter schools shall be governed by s.
 701 1008.33;

702 b. The charter school serves a student population the

703 majority of which resides in a school zone served by a district
 704 public school that earned a grade of "F" in the year before the
 705 charter school opened and the charter school earns at least a
 706 grade of "D" in its third year of operation. The exception
 707 provided under this sub-subparagraph does not apply to a charter
 708 school in its fourth year of operation and thereafter; or

709 c. The state board grants the charter school a waiver of
 710 termination. The charter school must request the waiver within
 711 15 days after the department's official release of school
 712 grades. The state board may waive termination if the charter
 713 school demonstrates that the learning gains of its students on
 714 statewide assessments are comparable to or better than the
 715 learning gains of similarly situated students enrolled in nearby
 716 district public schools. The waiver is valid for 1 year and may
 717 only be granted once. Charter schools that have been in
 718 operation for more than 5 years are not eligible for a waiver
 719 under this sub-subparagraph.

720

721 The sponsor shall notify in writing the charter school's
 722 governing board, the charter school principal, and the
 723 department when charter is terminated under this sub-paragraph.
 724 A charter school terminated under this sub-paragraph is governed
 725 by the requirements of paragraphs (e), (f), and (g) of
 726 subsection (8).

727 5. The director and a representative of the governing
 728 board of a graded charter school that has implemented a school

729 improvement plan under this paragraph shall appear before the
 730 sponsor at least once a year to present information regarding
 731 the progress of intervention and support strategies implemented
 732 by the school pursuant to the school improvement plan and
 733 corrective actions, if applicable. The sponsor shall communicate
 734 at the meeting, and in writing to the director, the services
 735 provided to the school to help the school address its
 736 deficiencies.

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

740 (o)1. Upon initial notification of nonrenewal, closure, or
 741 termination of its charter, a charter school may not expend more
 742 than \$10,000 per expenditure without prior written approval from
 743 the sponsor unless such expenditure was included within the
 744 annual budget submitted to the sponsor pursuant to the charter
 745 contract, is for reasonable attorney fees and costs during the
 746 pendency of any hearing or appeal, or is for reasonable fees and
 747 costs to conduct an independent audit.

748 2. An independent audit shall be completed within 30 days
 749 after notice of nonrenewal, closure, or termination to account
 750 for all public funds and assets.

751 3. A provision in a charter contract that contains an
 752 acceleration clause requiring the expenditure of funds based
 753 upon closure or upon notification of nonrenewal or termination
 754 is void and unenforceable.

755 4. A charter school may not enter into a contract with an
 756 employee that exceeds the term of the school's charter contract
 757 with its sponsor.

758 5. A violation of this paragraph triggers a reversion or
 759 clawback power by the sponsor allowing for collection of an
 760 amount equal to or less than the accelerated amount that exceeds
 761 normal expenditures. The reversion or clawback plus legal fees
 762 and costs shall be levied against the person or entity receiving
 763 the accelerated amount.

764 (10) ELIGIBLE STUDENTS.—

765 (i) The capacity of a high-performing charter school
 766 identified pursuant to s. 1002.331 shall be determined annually
 767 by the governing board of the charter school. The governing
 768 board shall notify the sponsor of any increase in enrollment by
 769 March 1 of the school year preceding the increase. A sponsor may
 770 not require a charter school to identify the names of students
 771 to be enrolled or to limit enrollment or capacity to enroll
 772 those students enrolled before the start of the school year as a
 773 condition of approval or renewal of a charter.

774 (18) FACILITIES.—

775 (e) If a district school board-owned ~~board~~ facility that
 776 has previously been used for K-12 educational purposes ~~or~~
 777 ~~property~~ is no longer used as a school as defined in s.
 778 1003.01(2) available because it is surplus, marked for disposal,
 779 ~~or otherwise unused,~~ it shall be made available ~~provided~~ for a
 780 charter school's use on the same basis as it is made available

781 | to other public schools in the district. The charter school is
 782 | responsible for the costs required to bring the facility into
 783 | compliance with the current Florida Building Code and for costs
 784 | required to maintain such compliance. A charter school using
 785 | such a facility ~~receiving property from the school district~~ may
 786 | not sell, sublease, or dispose of such facility ~~property~~ without
 787 | written permission of the school district. The charter school
 788 | may not earn capital outlay funds; however, the school district
 789 | shall include the charter school's capital outlay full-time
 790 | equivalent (COFTE) student count in the district's capital
 791 | outlay calculations. The charter school may choose to maintain
 792 | and repair the facility at the same standard and level as any
 793 | other district-operated school of similar age and condition.
 794 | Maintenance and repair do not include the construction of any
 795 | new building, structure, or substantial addition, extension, or
 796 | upgrade to an existing facility. Similarly, for an existing
 797 | public school converting to charter status, no rental or leasing
 798 | fee for the existing facility or for the property normally
 799 | inventoried to the conversion school may be charged by the
 800 | district school board to the parents and teachers organizing the
 801 | charter school. The charter school shall agree to reasonable
 802 | maintenance provisions in order to maintain the facility in a
 803 | manner similar to district school board standards. The Public
 804 | Education Capital Outlay maintenance funds or any other
 805 | maintenance funds generated by the facility operated as a
 806 | conversion school shall remain with the conversion school.

807 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

808 (a) The Department of Education shall provide information
 809 to the public, directly and through sponsors, on how to form and
 810 operate a charter school and how to enroll in a charter school
 811 once it is created. This information shall include a model
 812 application form, standard charter contract, standard
 813 application evaluation instrument, and standard charter renewal
 814 contract, which shall include the information specified in
 815 subsections (6) and (7), as applicable, and shall be developed
 816 by consulting and negotiating with both school districts and
 817 charter schools before implementation. The model application
 818 form, standard charter contract, standard application evaluation
 819 instrument, and standard charter renewal contract must clearly
 820 identify the specific statutes and rules from which charter
 821 schools are statutorily exempted from compliance. The department
 822 shall develop a model application form, standard charter
 823 contract, standard application evaluation instrument, and
 824 standard charter renewal contract that is uniquely tailored to
 825 virtual charter schools established under subsection (1) and
 826 replication of high-performing charter schools under s.
 827 1002.331(3). The charter and charter renewal contracts shall be
 828 used by charter school sponsors.

829 Section 2. Subsections (1), (3), and (5) of section
 830 1002.331, Florida Statutes, are amended to read:

831 1002.331 High-performing charter schools.—

832 (1) A charter school is a high-performing charter school

833 if it:

834 (a) Received at least two school grades of "A" and no
835 school grade below "B," pursuant to s. 1008.34, during each of
836 the previous 3 school years.

837 (b) Received an unqualified opinion on each annual
838 financial audit required under s. 218.39 in the most recent 3
839 fiscal years for which such audits are available.

840 (c) Did not receive a financial audit that revealed one or
841 more of the financial emergency conditions set forth in s.
842 218.503(1) in the most recent 3 fiscal years for which such
843 audits are available. However, this requirement is deemed met
844 for a charter school-in-the-workplace if there is a finding in
845 an audit that the school has the monetary resources available to
846 cover any reported deficiency or that the deficiency does not
847 result in a deteriorating financial condition pursuant to s.
848 1002.345(1)(a)3.

849
850 A virtual charter school established under s. 1002.33 is not
851 eligible for designation as a high-performing charter school. A
852 charter school that is established in this state and operated by
853 an entity classified as a high-performing charter school system
854 pursuant to s. 1002.332(2) shall be deemed a high-performing
855 charter school during its first three years of operation.
856 Beginning in the fourth year of operation and thereafter, such a
857 charter school must meet the criteria in paragraphs (a) through
858 (c) to maintain the designation.

859 (3) (a) A high-performing charter school may submit an
 860 application pursuant to s. 1002.33(6) in any school district in
 861 the state to establish and operate a new charter school that
 862 will substantially replicate its educational program in order to
 863 serve the attendance zone of a school identified in need of
 864 intervention and support pursuant to s. 1008.33(3)(b) or to meet
 865 capacity needs or needs for innovative choice options identified
 866 by the district school board. An application submitted by a
 867 high-performing charter school must state that the application
 868 is being submitted pursuant to this paragraph and must include
 869 the verification letter provided by the Commissioner of
 870 Education pursuant to subsection (5). If the sponsor fails to
 871 act on the application within 60 days after receipt, the
 872 application is deemed approved and the procedure in s.
 873 1002.33(6)(h) applies. If the sponsor denies the application,
 874 the high-performing charter school may appeal pursuant to s.
 875 1002.33(6).

876 ~~(b) A high performing charter school may not establish~~
 877 ~~more than one charter school within the state under paragraph~~
 878 ~~(a) in any year. A subsequent application to establish a charter~~
 879 ~~school under paragraph (a) may not be submitted unless each~~
 880 ~~charter school established in this manner achieves high-~~
 881 ~~performing charter school status.~~

882 (5) The Commissioner of Education, upon request by a
 883 charter school, shall verify that the charter school meets the
 884 criteria in subsection (1) and provide a letter to the charter

885 school and the sponsor stating that the charter school is a
 886 high-performing charter school pursuant to this section. The
 887 commissioner shall annually determine whether a high-performing
 888 charter school under subsection (1) continues to meet the
 889 criteria in that subsection. Such high-performing charter school
 890 shall maintain its high-performing status unless the
 891 commissioner determines that the charter school no longer meets
 892 the criteria in subsection (1), at which time the commissioner
 893 shall send a letter to the charter school and its sponsor
 894 providing notification that the charter school has been
 895 declassified ~~of its declassification~~ as a high-performing
 896 charter school.

897
 898 Section 3. Subsection (2) of section 1002.332, Florida
 899 Statutes, is renumbered as subsection (3), and subsection (2) is
 900 added to that section, to read:

901 1002.332 High-performing charter school system.—
 902 (2) An entity that successfully operates a system of
 903 charter schools outside the state may apply to the State Board
 904 of Education for status as a high-performing charter school
 905 system. The State Board of Education shall adopt rules
 906 prescribing a process for determining whether the entity meets
 907 the requirements of this subsection by reviewing student
 908 demographic and performance data and fiscal accountability of
 909 all schools operated by the entity. To the extent practicable,
 910 the State Board of Education shall develop a rubric for the

911 approval of such entities that aligns with the priorities of the
 912 Federal Charter Schools Program Grants for Replication and
 913 Expansion of High-Quality Charter Schools, found in the Federal
 914 Register, Volume 76, Number 133.

915
 916 Section 4. Paragraph (a) of subsection (1) of section
 917 1013.62, Florida Statutes, is amended to read:

918 1013.62 Charter schools capital outlay funding.—

919 (1) In each year in which funds are appropriated for
 920 charter school capital outlay purposes, the Commissioner of
 921 Education shall allocate the funds among eligible charter
 922 schools.

923 (a) To be eligible for a funding allocation, a charter
 924 school must:

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

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

929 c. Be an expanded feeder chain of a charter school within
 930 the same school district that is currently receiving charter
 931 school capital outlay funds;

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

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

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937 2. Have an annual audit that does not reveal one or more
938 of the financial emergency conditions set forth in s. 218.503(1)
939 for the most recent fiscal year for which such audit is
940 available ~~stability for future operation as a charter school.~~

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

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

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

947 Section 5. This act shall take effect July 1, 2014.