MONTHLY REPORT TO VILLAGE COUNCIL
SECTION 4

Legislative Updates
November 2015

Bill HB 7029 has been introduced in the House, to require local governments to follow the same requirements for charter schools as they do when processing site development applications for public schools. The new bill language also allows any aggrieved school to bring immediate action in court to enforce its rights and provides for attorney fees and court costs for an aggrieved party that receives injunctive relief. A copy is attached (please refer to lines 841 through 852.)

833 not required to comply, but may choose to comply, with the State
834 Requirements for Educational Facilities of the Florida Building
835 Code adopted pursuant to s. 1013.37. The local governing
836 authority shall not adopt or impose any local building
837 requirements or site-development restrictions, such as parking
838 and site-size criteria, that are addressed by and more stringent
839 than those found in the State Requirements for Educational
840 Facilities of the Florida Building Code. ~~Beginning July 1, 2011,~~
841 A local governing authority must treat charter schools equitably
842 in comparison to similar requirements, restrictions, and site
843 planning processes imposed upon public schools that are not
844 charter schools. The agency having jurisdiction for inspection
845 of a facility and issuance of a certificate of occupancy or use
846 shall be the local municipality or, if in an unincorporated
847 area, the county governing authority. If an official or employee
848 of the local governing authority refuses to comply with this
849 paragraph, the aggrieved school or entity has an immediate right
850 to bring an action in circuit court to enforce its rights by
851 injunction. An aggrieved party that receives injunctive relief
852 may be awarded attorney fees and court costs.
853 (20) SERVICES.—
854 (a)1. A sponsor shall provide certain administrative and
855 educational services to charter schools. These services shall
856 include contract management services; full-time equivalent and
857 data reporting services; exceptional student education
858 administration services; services related to eligibility and

859 reporting duties required to ensure that school lunch services
860 under the federal lunch program, consistent with the needs of
861 the charter school, are provided by the school district at the
862 request of the charter school, that any funds due to the charter
863 school under the federal lunch program be paid to the charter
864 school as soon as the charter school begins serving food under
865 the federal lunch program, and that the charter school is paid
866 at the same time and in the same manner under the federal lunch
867 program as other public schools serviced by the sponsor or the
868 school district; test administration services, including payment
869 of the costs of state-required or district-required student
870 assessments; processing of teacher certificate data services;
871 and information services, including equal access to student
872 information systems that are used by public schools in the
873 district in which the charter school is located. Student
874 performance data for each student in a charter school,
875 including, but not limited to, FCAT scores, standardized test
876 scores, previous public school student report cards, and student
877 performance measures, shall be provided by the sponsor to a
878 charter school in the same manner provided to other public
879 schools in the district.
880 2. A total administrative fee for the provision of such
881 services shall be calculated based upon up to 5 percent of the
882 available funds defined in paragraph (17)(b) for all students,
883 except that when 75 percent or more of the students enrolled in
884 the charter school are exceptional students as defined in s.

885 1003.01(3), the 5 percent of those available funds shall be
886 calculated based on unweighted full-time equivalent students.
887 However, a sponsor may only withhold up to a 5-percent
888 administrative fee for enrollment for up to and including 250
889 students. For charter schools with a population of 251 or more
890 students, the difference between the total administrative fee
891 calculation and the amount of the administrative fee withheld
892 may only be used for capital outlay purposes specified in s.
893 1013.62(2).
894 3. For high-performing charter schools, as defined in s.
895 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
896 administrative fee of up to 2 percent for enrollment up to and
897 including 250 students per school.
898 4. In addition, a sponsor may withhold only up to a 5-
899 percent administrative fee for enrollment for up to and
900 including 500 students within a system of charter schools which
901 meets all of the following:
902 a. Includes both conversion charter schools and
903 nonconversion charter schools;
904 b. Has all schools located in the same county;
905 c. Has a total enrollment exceeding the total enrollment
906 of at least one school district in the state;
907 d. Has the same governing board; and
908 e. Does not contract with a for-profit service provider
909 for management of school operations.
910 5. The difference between the total administrative fee

911 calculation and the amount of the administrative fee withheld
912 pursuant to subparagraph 4. may be used for instructional and
913 administrative purposes as well as for capital outlay purposes
914 specified in s. 1013.62(2).
915 6. For a high-performing charter school system that also
916 meets the requirements in subparagraph 4., a sponsor may
917 withhold a 2-percent administrative fee for enrollments up to
918 and including 500 students per system.
919 7. Sponsors shall not charge charter schools any
920 additional fees or surcharges for administrative and educational
921 services in addition to the maximum 5-percent administrative fee
922 withheld pursuant to this paragraph.
923 8. The sponsor of a virtual charter school may withhold a
924 fee of up to 5 percent. The funds shall be used to cover the
925 cost of services provided under subparagraph 1. and
926 implementation of the school district's digital classrooms plan
927 pursuant to s. 1011.62.
928 9. A charter school whose initial application is submitted
929 under s. 1002.331 and denied by the district school board is
930 exempt from the administrative fee requirements of this
931 paragraph.
932 Section 2. Paragraph (e) of subsection (2) and subsections
933 (3), (4), and (5) of section 1002.331, Florida Statutes, are
934 amended to read:
935 1002.331 High-performing charter schools.—
936 (2) A high-performing charter school is authorized to:

937 (e) Receive a modification of its charter to an additional
938 ~~a~~ term of 15 years or a 15-year charter renewal. The charter may
939 be modified or renewed for a shorter term at the option of the
940 high-performing charter school. The sponsor has 30 days after
941 the charter school receives its high-performing designation to
942 provide a charter renewal to the charter school. The charter
943 school and sponsor have 20 days to negotiate and provide notice
944 of the charter contract for final approval by the sponsor. The
945 proposed charter contract must be provided to the charter school
946 at least 7 days before the date of the meeting at which the
947 charter is scheduled for final approval by the sponsor. A
948 dispute may be appealed to an administrative law judge appointed
949 by the Division of Administrative Hearings pursuant to s.
950 1002.33(6)(h). The charter must be consistent with s.
951 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
952 review by the sponsor, and may be terminated during its term
953 pursuant to s. 1002.33(8).
954
955 A high-performing charter school shall notify its sponsor in
956 writing by March 1 if it intends to increase enrollment or
957 expand grade levels the following school year. The written
958 notice shall specify the amount of the enrollment increase and
959 the grade levels that will be added, as applicable. If a charter
960 school notifies the sponsor of its intent to expand, the sponsor
961 shall modify the charter within 90 days to include the new
962 enrollment maximum and may not make any other changes. The

963 sponsor may deny a request to increase the enrollment of a high-
964 performing charter school if the commissioner has declassified
965 the charter school as high-performing. If a high-performing
966 charter school requests to consolidate multiple charters, the
967 sponsor has ~~shall have~~ 40 days after receipt of that request to
968 provide an initial draft charter to the charter school. The
969 sponsor and charter school has ~~shall have~~ 50 days thereafter to
970 negotiate and notice the charter contract for final approval by
971 the sponsor.
972 (3)(a) A high-performing charter school may submit an
973 application to the Florida Institute for Charter School
974 Innovation for ~~pursuant to s. 1002.33(6) in~~ any school district
975 in the state to establish and operate a new charter school that
976 will substantially replicate its educational program. An
977 application submitted by a high-performing charter school must
978 state that the application is being submitted pursuant to this
979 paragraph and must include the verification letter provided by
980 the Commissioner of Education pursuant to subsection (4)~~(5)~~. The
981 institute has ~~If the sponsor fails to act on the application~~
982 ~~within~~ 60 days after receipt of~~,~~ the application to deny or
983 approve the application. If the application is ~~deemed~~ approved,
984 ~~and~~ the procedure in s. 1002.33(6)(h) applies. If the ~~sponsor~~
985 ~~denies the~~ application is denied, the high-performing charter
986 school may appeal pursuant to s. 1002.33(6).
987 (b) A high-performing charter school may not establish
988 more than one charter school within the state under paragraph

989 (a) in any year. A subsequent application to establish a charter
990 school under paragraph (a) may not be submitted unless each
991 charter school established in this manner achieves high-
992 performing charter school status. This paragraph does not apply
993 to charter schools established by a high-performing charter
994 school in the attendance zone of a public school that earns a
995 grade of "F" or three consecutive grades of "D" pursuant to s.
996 1008.34 or to meet capacity needs or needs for innovative school
997 choice options identified by the district school board.
998 ~~(4) A high-performing charter school may not increase~~
999 ~~enrollment or expand grade levels following any school year in~~
1000 ~~which it receives a school grade of "C" or below. If the charter~~
1001 ~~school receives a school grade of "C" or below in any 2 years~~
1002 ~~during the term of the charter awarded under subsection (2), the~~
1003 ~~term of the charter may be modified by the sponsor and the~~
1004 ~~charter school loses its high-performing charter school status~~
1005 ~~until it regains that status under subsection (1).~~
1006 (4)~~(5)~~ The Commissioner of Education, upon request by a
1007 charter school, shall verify that the charter school meets the
1008 criteria in subsection (1) and provide a letter to the charter
1009 school and the sponsor stating that the charter school is a
1010 high-performing charter school pursuant to this section. The
1011 commissioner shall annually determine whether a high-performing
1012 charter school under subsection (1) continues to meet the
1013 criteria in that subsection. Such high-performing charter school
1014 shall maintain its high-performing status unless the

1015 commissioner determines that the charter school no longer meets
1016 the criteria in subsection (1), at which time the commissioner
1017 shall send a letter to the charter school and its sponsor
1018 providing notification that the charter school has been
1019 declassified ~~of its declassification~~ as a high-performing
1020 charter school.
1021 Section 3. Section 1002.333, Florida Statutes, is created
1022 to read:
1023 1002.333 High Impact Charter Network.—
1024 (1) As used in this section, the term:
1025 (a) "Critical need area" means an area that is served by
1026 one or more nonalternative, traditional public schools that
1027 received a school grade of "D" or "F" pursuant to s. 1008.34 in
1028 4 of the most recent 5 years.
1029 (b) "Entity" means a nonprofit organization with tax
1030 exempt status under s. 501(c)(3) of the Internal Revenue Code
1031 that is authorized by law to operate a public charter school.
1032 (2) An entity that successfully operates a system of
1033 charter schools that primarily serves educationally
1034 disadvantaged students, as defined in the Elementary and
1035 Secondary Education Act, 20 U.S.C. s. 1115(b)(2), may apply to
1036 the state board for status as a High Impact Charter Network. The
1037 state board shall adopt rules prescribing a process for
1038 determining whether the entity meets the requirements of this
1039 subsection by reviewing student demographic, academic, and
1040 financial performance data. The process shall include a review

1041 of all schools currently or previously operated by the entity,
1042 including schoolwide and subgroup performance on all statewide,
1043 standardized assessments for the most recent 3 years as compared
1044 to all students at the same grade level, and as compared with
1045 other schools serving similar demographics of students, and
1046 school-level financial performance. The review may also include
1047 performance on nationally norm-referenced assessments, student
1048 attendance and retention rates, graduation rates, college
1049 attendance rates, college persistence rates, and other outcome
1050 measures as determined by the state board.
1051 (3) An entity that is designated as a High Impact Charter
1052 Network pursuant to this subsection may submit an application
1053 pursuant to s. 1002.33 to establish and operate charter schools
1054 in critical need areas. Notwithstanding s. 1013.62(1)(a), a
1055 charter school operated by a High Impact Charter Network in a
1056 critical need area is eligible to receive charter school capital
1057 outlay.
1058 (4) The administrative fee provided for in s.
1059 1002.33(20)(a)2. shall be waived for a charter school
1060 established by a High Impact Charter Network in a critical need
1061 area as long as the network maintains its status as a High
1062 Impact Charter Network.
1063 (5) The department shall give priority to charter schools
1064 operated by a High Impact Charter Network in the department's
1065 Public Charter School Grant Program competitions. Priority shall
1066 only be provided for new charter schools that will operate in a

1067 critical need area.
1068 (6) The initial High Impact Charter Network status is
1069 valid for up to 4 years. If an entity seeks renewal of its
1070 status, the state board shall review the academic and financial
1071 performance of the charter schools established in areas of
1072 critical need pursuant to subsection (2).
1073 (7) For purposes of determining areas of critical need,
1074 school grades issued for the 2014-2015 school year may not be
1075 considered.
1076 (8) The State Board of Education shall adopt rules to
1077 administer this section.
1078 Section 4. Paragraph (a) of subsection (3) and paragraph
1079 (a) of subsection (8) of section 1002.37, Florida Statutes, are
1080 amended to read:
1081 1002.37 The Florida Virtual School.—
1082 (3) Funding for the Florida Virtual School shall be
1083 provided as follows:
1084 (a)1. The calculation of "full-time equivalent student"
1085 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
1086 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~
1087 ~~time equivalent student" is one student who has successfully~~
1088 ~~completed six full-credit courses that count toward the minimum~~
1089 ~~number of credits required for high school graduation. A student~~
1090 ~~who completes fewer than six full-credit courses is a fraction~~
1091 ~~of a full-time equivalent student. Half-credit course~~
1092 ~~completions shall be included in determining a full-time~~

1093 ~~equivalent student.~~
1094 ~~2. For a student in kindergarten through grade 8, a "full-~~
1095 ~~time equivalent student" is one student who has successfully~~
1096 ~~completed six courses or the prescribed level of content that~~
1097 ~~counts toward promotion to the next grade. A student who~~
1098 ~~completes fewer than six courses or the prescribed level of~~
1099 ~~content shall be a fraction of a full-time equivalent student.~~
1100 2.~~3.~~ For a student in a home education program, funding
1101 shall be provided in accordance with this subsection upon course
1102 completion if the parent verifies, upon enrollment for each
1103 course, that the student is registered with the school district
1104 as a home education student pursuant to s. 1002.41(1)(a).
1105 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1106 ~~equivalent students and associated funding of students enrolled~~
1107 ~~in courses requiring passage of an end-of-course assessment~~
1108 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1109 ~~be adjusted if the student does not pass the end-of-course~~
1110 ~~assessment. However, no adjustment shall be made for home~~
1111 ~~education program students who choose not to take an end-of-~~
1112 ~~course assessment or for a student who enrolls in a segmented~~
1113 ~~remedial course delivered online.~~
1114
1115 ~~For purposes of this paragraph, the calculation of "full-time~~
1116 ~~equivalent student" shall be as prescribed in s.~~
1117 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1118 ~~1011.61(4).~~

1119 (8)(a) The Florida Virtual School may provide full-time
1120 and part-time instruction for students in kindergarten through
1121 grade 12. ~~To receive part-time instruction in kindergarten~~
1122 ~~through grade 5, a student must meet at least one of the~~
1123 ~~eligibility criteria in s. 1002.455(2).~~
1124 Section 5. Subsection (5) and paragraphs (c) and (d) of
1125 subsection (8) of section 1002.45, Florida Statutes, are amended
1126 to read:
1127 1002.45 Virtual instruction programs.—
1128 (5) STUDENT ELIGIBILITY.~~—~~Students in kindergarten through
1129 grade 12 ~~A student~~ may enroll in a virtual instruction program
1130 provided by the school district or by a virtual charter school
1131 operated in the district in which he or she resides ~~if the~~
1132 ~~student meets eligibility requirements for virtual instruction~~
1133 ~~pursuant to s. 1002.455~~.
1134 (8) ASSESSMENT AND ACCOUNTABILITY.—
1135 (c) An approved provider that receives a school grade of
1136 "D" or "F" under s. 1008.34 or a school improvement rating of
1137 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
1138 school improvement plan with the department for consultation to
1139 determine the causes for low performance and to develop a plan
1140 for correction and improvement.
1141 (d) An approved provider's contract is automatically ~~must~~
1142 ~~be~~ terminated if the provider earns two consecutive school
1143 grades of ~~receives a school grade of "D" or~~ "F" under s. 1008.34
1144 after all school grade appeals are final, receives two

1145 consecutive ~~or a~~ school improvement ratings ~~rating~~ of
1146 "unsatisfactory" ~~"Declining"~~ under s. 1008.341, ~~for 2 years~~
1147 ~~during any consecutive 4-year period~~ or has violated any
1148 qualification requirement pursuant to subsection (2). A provider
1149 that has a contract terminated under this paragraph may not be
1150 an approved provider for a period of at least 1 year after the
1151 date upon which the contract was terminated and until the
1152 department determines that the provider is in compliance with
1153 subsection (2) and has corrected each cause of the provider's
1154 low performance.
1155 Section 6. Section 1002.455, Florida Statutes, is
1156 repealed.
1157 Section 7. Subsection (3) of section 1003.4295, Florida
1158 Statutes, is amended to read:
1159 1003.4295 Acceleration options.—
1160 (3) The Credit Acceleration Program (CAP) is created for
1161 the purpose of allowing a student to earn high school credit in
1162 courses required for high school graduation through passage of
1163 an end-of-course assessment ~~Algebra I, Algebra II, geometry,~~
1164 ~~United States history, or biology if the student passes the~~
1165 ~~statewide, standardized assessment~~ administered under s. 1008.22
1166 or an Advanced Placement Examination. Notwithstanding s.
1167 1003.436, a school district shall award course credit to a
1168 student who is not enrolled in the course, or who has not
1169 completed the course, if the student attains a passing score on
1170 the corresponding end-of-course assessment or Advanced Placement

1171 Examination ~~statewide, standardized assessment~~. The school
1172 district shall permit a public school or home education student
1173 who is not enrolled in the course, or who has not completed the
1174 course, to take the assessment during the regular administration
1175 of the assessment.
1176 Section 8. Subsections (1) and (2) of section 1003.498,
1177 Florida Statutes, are amended to read:
1178 1003.498 School district virtual course offerings.—
1179 (1) School districts may deliver courses in the
1180 traditional school setting by personnel certified pursuant to s.
1181 1012.55 who provide direct instruction through virtual
1182 instruction or through blended learning courses consisting of
1183 both traditional classroom and online instructional techniques.
1184 Students in a blended learning course must be full-time students
1185 of the school pursuant to s. 1011.61(1)(a)1. ~~and receive the~~
1186 ~~online instruction in a classroom setting at the school.~~ The
1187 funding, performance, and accountability requirements for
1188 blended learning courses are the same as those for traditional
1189 courses. To facilitate the delivery and coding of blended
1190 learning courses, the department shall provide identifiers for
1191 existing courses to designate that they are being used for
1192 blended learning courses for the purpose of ensuring the
1193 efficient reporting of such courses. A district may report full-
1194 time equivalent student membership for credit earned by a
1195 student who is enrolled in a virtual education course provided
1196 by the district which is completed after the end of the regular

1197 school year if the FTE is reported no later than the deadline
1198 for amending the final student membership report for that year.
1199 (2) School districts may offer virtual courses for
1200 students enrolled in the school district. These courses must be
1201 identified in the course code directory. ~~Students who meet the~~
1202 ~~eligibility requirements of s. 1002.455 may participate in these~~
1203 ~~virtual course offerings.~~
1204 (a) Any eligible student who is enrolled in a school
1205 district may register and enroll in an online course offered by
1206 his or her school district.
1207 (b)1. Any eligible student who is enrolled in a school
1208 district may register and enroll in an online course offered by
1209 any other school district in the state. The school district in
1210 which the student completes the course shall report the
1211 student's completion of that course for funding pursuant to s.
1212 1011.61(1)(c)1.b.(VI), and the home school district shall not
1213 report the student for funding for that course.
1214 2. The full-time equivalent student membership calculated
1215 under this subsection is subject to the requirements in s.
1216 1011.61(4). The Department of Education shall establish
1217 procedures to enable interdistrict coordination for the delivery
1218 and funding of this online option.
1219 Section 9. Section 1004.650, Florida Statutes, is created
1220 to read:
1221 1004.650 Florida Institute for Charter School Innovation.—
1222 (1) There is established the Florida Institute for Charter

1223 School Innovation. The primary mission of the institute is to
1224 advance charter school accountability, quality, and innovation
1225 by providing support for and technical assistance to charter
1226 school applicants and sponsors. Additionally, the institute
1227 shall conduct research for the development and promotion of best
1228 practices for the sponsorship, accountability, finance,
1229 management, operation, and instructional practices of charter
1230 schools and may provide opportunities for aspiring teachers to
1231 experience teaching in schools of choice.
1232 (2) The institute:
1233 (a) Shall provide technical assistance and support to
1234 charter school applicants and sponsors.
1235 (b) Shall collect data and conduct research on all
1236 voluntary closures under s. 1002.33(7)(d) and all charter
1237 schools that close within the first 3 years of operation;
1238 analyze the circumstances that led to the closures, including
1239 actions of the charter school and the sponsor; and, based on
1240 those results, provide guidance and technical assistance to
1241 future applicants and sponsors. Charter schools and sponsors
1242 must provide all requested information to the institute.
1243 (c) Shall research and analyze best practices among
1244 sponsors and, based upon the results of the research, create and
1245 conduct professional development for sponsors.
1246 (d) Shall conduct research to inform policy and practices
1247 related to charter school sponsorship, accountability,
1248 instructional practices, finance, management, and operations.

1249 (e) May partner with state-approved teacher preparation
1250 programs around the state to provide opportunities for aspiring
1251 teachers to experience teaching in schools of choice.
1252 (3) The commissioner shall appoint a director of the
1253 institute. The director is responsible for the overall
1254 management of the institute and for developing and executing the
1255 work of the institute consistent with this section.
1256 (4) By October 1 of each year, the institute shall publish
1257 on its website a report of its activities for the preceding
1258 year, which shall include, but need not be limited to, the
1259 number of applicants and sponsors served, the number of teachers
1260 provided opportunities to experience teaching in schools of
1261 choice, significant research findings, detailed expenditures of
1262 state funds, and specific recommendations for improving the
1263 state's charter school policies and the institute's ability to
1264 fulfill its mission.
1265 (5) Within 180 days after completion of the institute's
1266 fiscal year, the institute must provide to the Auditor General
1267 and the State Board of Education a report on the results of an
1268 annual financial audit conducted by an independent certified
1269 public accountant in accordance with s. 11.45.
1270 Section 10. Subsection (1) of section 1011.61, Florida
1271 Statutes, is amended to read:
1272 1011.61 Definitions.—Notwithstanding the provisions of s.
1273 1000.21, the following terms are defined as follows for the
1274 purposes of the Florida Education Finance Program:

1275 (1) A "full-time equivalent student" in each program of
1276 the district is defined in terms of full-time students and part-
1277 time students as follows:
1278 (a) A "full-time student" is one student on the membership
1279 roll of one school program or a combination of school programs
1280 listed in s. 1011.62(1)(c) for the school year or the equivalent
1281 for:
1282 1. Instruction in a standard school, comprising not less
1283 than 900 net hours for a student in or at the grade level of 4
1284 through 12, or not less than 720 net hours for a student in or
1285 at the grade level of kindergarten through grade 3 or in an
1286 authorized prekindergarten exceptional program; or
1287 ~~2. Instruction in a double-session school or a school~~
1288 ~~utilizing an experimental school calendar approved by the~~
1289 ~~Department of Education, comprising not less than the equivalent~~
1290 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
1291 ~~hours in kindergarten through grade 3; or~~
1292 2. ~~3.~~ Instruction comprising the appropriate number of net
1293 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
1294 students who, within the past year, have moved with their
1295 parents for the purpose of engaging in the farm labor or fish
1296 industries, if a plan furnishing such an extended school day or
1297 week, or a combination thereof, has been approved by the
1298 commissioner. Such plan may be approved to accommodate the needs
1299 of migrant students only or may serve all students in schools
1300 having a high percentage of migrant students. The plan described

1301 in this subparagraph is optional for any school district and is
1302 not mandated by the state.
1303 (b) A "part-time student" is a student on the active
1304 membership roll of a school program or combination of school
1305 programs listed in s. 1011.62(1)(c) who is less than a full-time
1306 student. A student who receives instruction in a school that
1307 operates for less than the minimum term shall generate full-time
1308 equivalent student membership proportional to the amount of
1309 instructional hours provided by the school divided by the
1310 minimum term requirement as provided in s. 1011.60(2).
1311 (c)1. A "full-time equivalent student" is:
1312 a. A full-time student in any one of the programs listed
1313 in s. 1011.62(1)(c); or
1314 b. A combination of full-time or part-time students in any
1315 one of the programs listed in s. 1011.62(1)(c) which is the
1316 equivalent of one full-time student based on the following
1317 calculations:
1318 (I) A full-time student in a combination of programs
1319 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
1320 equivalent membership in each special program equal to the
1321 number of net hours per school year for which he or she is a
1322 member, divided by the appropriate number of hours set forth in
1323 subparagraph (a)1. ~~or subparagraph (a)2~~. The difference between
1324 that fraction or sum of fractions and the maximum value as set
1325 forth in subsection (4) for each full-time student is presumed
1326 to be the balance of the student's time not spent in a special

1327 program and shall be recorded as time in the appropriate basic
1328 program.
1329 (II) A prekindergarten student with a disability shall
1330 meet the requirements specified for kindergarten students.
1331 (III) A full-time equivalent student for students in
1332 kindergarten through grade 12 in a full-time virtual instruction
1333 program under s. 1002.45 or a virtual charter school under s.
1334 1002.33 shall consist of six full-credit completions or the
1335 prescribed level of content that counts toward promotion to the
1336 next grade in programs listed in s. 1011.62(1)(c). Credit
1337 completions may be a combination of full-credit courses or half-
1338 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
1339 ~~reported full-time equivalent students and associated funding of~~
1340 ~~students enrolled in courses requiring passage of an end-of-~~
1341 ~~course assessment under s. 1003.4282 to earn a standard high~~
1342 ~~school diploma shall be adjusted if the student does not pass~~
1343 ~~the end-of-course assessment. However, no adjustment shall be~~
1344 ~~made for a student who enrolls in a segmented remedial course~~
1345 ~~delivered online.~~
1346 (IV) A full-time equivalent student for students in
1347 kindergarten through grade 12 in a part-time virtual instruction
1348 program under s. 1002.45 shall consist of six full-credit
1349 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1350 Credit completions may be a combination of full-credit courses
1351 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
1352 ~~the reported full-time equivalent students and associated~~

1353 ~~funding of students enrolled in courses requiring passage of an~~
1354 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
1355 ~~high school diploma shall be adjusted if the student does not~~
1356 ~~pass the end-of-course assessment. However, no adjustment shall~~
1357 ~~be made for a student who enrolls in a segmented remedial course~~
1358 ~~delivered online.~~
1359 (V) A Florida Virtual School full-time equivalent student
1360 shall consist of six full-credit completions or the prescribed
1361 level of content that counts toward promotion to the next grade
1362 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1363 participating in kindergarten through grade 12 part-time virtual
1364 instruction and the programs listed in s. 1011.62(1)(c) for
1365 students participating in kindergarten through grade 12 full-
1366 time virtual instruction. Credit completions may be a
1367 combination of full-credit courses or half-credit courses.
1368 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1369 ~~equivalent students and associated funding of students enrolled~~
1370 ~~in courses requiring passage of an end-of-course assessment~~
1371 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1372 ~~be adjusted if the student does not pass the end-of-course~~
1373 ~~assessment. However, no adjustment shall be made for a student~~
1374 ~~who enrolls in a segmented remedial course delivered online.~~
1375 (VI) Each successfully completed full-credit course earned
1376 through an online course delivered by a district other than the
1377 one in which the student resides shall be calculated as 1/6
1378 FTE.

1379 (VII) A full-time equivalent student for courses requiring
1380 passage of a statewide, standardized end-of-course assessment
1381 under s. 1003.4282 to earn a standard high school diploma shall
1382 be defined and reported based on the number of instructional
1383 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
1384 ~~year~~. ~~Beginning in the 2016-2017 fiscal year, the FTE for the~~
1385 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
1386 ~~The reported FTE shall be adjusted if the student does not pass~~
1387 ~~the end-of-course assessment. However, no adjustment shall be~~
1388 ~~made for a student who enrolls in a segmented remedial course~~
1389 ~~delivered online.~~
1390 (VIII) For students enrolled in a school district as a
1391 full-time student, the district may report 1/6 FTE for each
1392 student who passes a statewide, standardized end-of-course
1393 assessment without being enrolled in the corresponding course.
1394 2. A student in membership in a program scheduled for more
1395 or less than 180 school days or the equivalent on an hourly
1396 basis as specified by rules of the State Board of Education is a
1397 fraction of a full-time equivalent membership equal to the
1398 number of instructional hours in membership divided by the
1399 appropriate number of hours set forth in subparagraph (a)1.;
1400 however, for the purposes of this subparagraph, membership in
1401 programs scheduled for more than 180 days is limited to students
1402 enrolled in:
1403 a. Juvenile justice education programs.
1404 b. The Florida Virtual School.

1405 c. Virtual instruction programs and virtual charter
1406 schools for the purpose of course completion and credit recovery
1407 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1408 only to a student who is reported during the second or third
1409 membership surveys and who does not complete a virtual education
1410 course by the end of the regular school year. The course must be
1411 completed no later than the deadline for amending the final
1412 student enrollment survey for that year. Credit recovery applies
1413 only to a student who has unsuccessfully completed a traditional
1414 or virtual education course during the regular school year and
1415 must re-take the course in order to be eligible to graduate with
1416 the student's class.
1417
1418 The full-time equivalent student enrollment calculated under
1419 this subsection is subject to the requirements in subsection
1420 (4).
1421
1422 The department shall determine and implement an equitable method
1423 of equivalent funding for ~~experimental schools and for~~ schools
1424 operating under emergency conditions, which schools have been
1425 approved by the department to operate for less than the minimum
1426 term as provided in s. 1011.60(2) ~~school day~~.
1427 Section 11. Subsection (11) of section 1011.62, Florida
1428 Statutes, is amended to read:
1429 1011.62 Funds for operation of schools.—If the annual
1430 allocation from the Florida Education Finance Program to each

1431 district for operation of schools is not determined in the
1432 annual appropriations act or the substantive bill implementing
1433 the annual appropriations act, it shall be determined as
1434 follows:
1435 (11) VIRTUAL EDUCATION CONTRIBUTION.—~~T~~he Legislature may
1436 annually provide in the Florida Education Finance Program a
1437 virtual education contribution. The amount of the virtual
1438 education contribution shall be the difference between the
1439 amount per FTE established in the General Appropriations Act for
1440 virtual education and the amount per FTE for each district and
1441 the Florida Virtual School, which may be calculated by taking
1442 the sum of the base FEFP allocation, the discretionary local
1443 effort, the state-funded discretionary contribution, the
1444 discretionary millage compression supplement, the research-based
1445 reading instruction allocation, and the instructional materials
1446 allocation, and then dividing by the total unweighted FTE. This
1447 difference shall be multiplied by the virtual education
1448 unweighted FTE for programs and options identified in ss.
1449 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the
1450 Florida Virtual School and its franchises to equal the virtual
1451 education contribution and shall be included as a separate
1452 allocation in the funding formula.
1453 Section 12. Paragraph (b) of subsection (8) of section
1454 1012.56, Florida Statutes, is amended to read:
1455 1012.56 Educator certification requirements.—
1456 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION

1457 COMPETENCY PROGRAM.—
1458 (b)1. Each school district must and a private school or
1459 state-supported ~~state supported~~ public school, including a
1460 charter school, ~~or a private school~~ may develop and maintain a
1461 system by which members of the instructional staff may
1462 demonstrate mastery of professional preparation and education
1463 competence as required by law. Each program must be based on
1464 classroom application of the Florida Educator Accomplished
1465 Practices and instructional performance and, for public schools,
1466 must be aligned with the district's or state-supported public
1467 school's evaluation system established ~~approved~~ under s.
1468 1012.34, as applicable.
1469 2. The Commissioner of Education shall determine the
1470 continued approval of programs implemented under this paragraph,
1471 based upon the department's review of performance data. The
1472 department shall review the performance data as a part of the
1473 periodic review of each school district's professional
1474 development system required under s. 1012.98.
1475 Section 13. Paragraph (a) of subsection (1) of section
1476 1013.62, Florida Statutes, is amended to read:
1477 1013.62 Charter schools capital outlay funding.—
1478 (1) In each year in which funds are appropriated for
1479 charter school capital outlay purposes, the Commissioner of
1480 Education shall allocate the funds among eligible charter
1481 schools.
1482 (a) To be eligible for a funding allocation, a charter

1483 school must:
1484 1.a. Have been in operation for 3 or more years;
1485 b. Be governed by a governing board established in the
1486 state for 3 or more years which operates both charter schools
1487 and conversion charter schools within the state;
1488 c. Be an expanded feeder chain of a charter school within
1489 the same school district that is currently receiving charter
1490 school capital outlay funds;
1491 d. Have been accredited by the Commission on Schools of
1492 the Southern Association of Colleges and Schools; or
1493 e. Serve students in facilities that are provided by a
1494 business partner for a charter school-in-the-workplace pursuant
1495 to s. 1002.33(15)(b).
1496 2. Have an annual audit that does not reveal any of the
1497 financial emergency conditions provided in s. 218.503(1) for the
1498 most recent fiscal year for which such audit results are
1499 available ~~stability for future operation as a charter school~~.
1500 3. Have satisfactory student achievement based on state
1501 accountability standards applicable to the charter school.
1502 4. Have received final approval from its sponsor pursuant
1503 to s. 1002.33 for operation during that fiscal year.
1504 5. Serve students in facilities that are not provided by
1505 the charter school's sponsor.
1506 Section 14. This act shall take effect July 1, 2016.

1 A bill to be entitled
2 An act relating to school choice; amending s. 1002.33,
3 F.S.; making technical changes relating to
4 requirements for the creation of a virtual charter
5 school; conforming cross-references; specifying that a
6 sponsor may not require a charter school to adopt the
7 sponsor's reading plan and that charter schools are
8 eligible for the research-based reading allocation if
9 certain criteria are met; revising required contents
10 of charter school applications; conforming provisions
11 regarding the appeal process for denial of a high-
12 performing charter school application; requiring an
13 applicant to provide the sponsor with a copy of an
14 appeal to an application denial; authorizing a charter
15 school to defer the opening of its operations for up
16 to a specified time; requiring the charter school to
17 provide written notice to certain entities by a
18 specified date; revising provisions relating to long-
19 term charters and charter terminations; specifying
20 notice requirements for voluntary closure of a charter
21 school; deleting a requirement that students in a
22 blended learning course receive certain instruction in
23 a classroom setting; providing that a student may not
24 be dismissed from a charter school based on his or her
25 academic performance; requiring a charter school
26 applicant to provide monthly financial statements

27 before opening; requiring a sponsor to review each
28 financial statement of a charter school to identify
29 the existence of certain conditions; providing for the
30 automatic termination of a charter contract if certain
31 conditions are met; requiring a sponsor to notify
32 certain parties when a charter contract is terminated
33 for specific reasons; authorizing governing board
34 members to hold a certain number of public meetings
35 and participate in such meetings in person or through
36 communications media technology; revising charter
37 school student eligibility requirements; revising
38 requirements for payments to charter schools; allowing
39 for the use of certain surpluses and assets by
40 specific entities for certain educational purposes;
41 providing for an injunction under certain
42 circumstances; providing an exemption from certain
43 administrative fees; amending s. 1002.331, F.S.;
44 providing an exemption from the replication
45 limitations for a high-performing charter school;
46 conforming a cross-reference; deleting obsolete
47 provisions; authorizing a high-performing charter
48 school to submit an application for a new charter
49 school to the Florida Institute for Charter School
50 Innovation; requiring the institute to deny or approve
51 an application within specified timeframes; providing
52 deadlines for a high-performing charter contract

53 renewal; providing for an appeal to an administrative
54 law judge under certain circumstances; creating s.
55 1002.333, F.S.; providing definitions; establishing a
56 High Impact Charter Network status for charter school
57 operators serving educationally disadvantaged
58 students; defining eligibility criteria; authorizing
59 charter operators holding the High Impact Charter
60 Network status to submit applications for charter
61 schools in certain areas; exempting certain charter
62 schools from specified fees; requiring the department
63 to give priority to certain charter schools applying
64 for specified grants; prohibiting the use of certain
65 school grades when determining areas of critical need;
66 providing for rulemaking; amending s. 1002.37, F.S.;
67 revising the calculation of "full-time equivalent
68 student"; conforming a cross-reference; amending s.
69 1002.45, F.S.; conforming a cross-reference; revising
70 conditions for termination of a virtual instruction
71 provider's contract; repealing s. 1002.455, F.S.,
72 relating to student eligibility for K-12 virtual
73 instruction; amending s. 1003.4295, F.S.; revising the
74 purpose of the Credit Acceleration Program; requiring
75 students to earn passing scores on specified
76 assessments and examinations to earn course credit;
77 amending s. 1003.498, F.S.; deleting a requirement
78 that students in a blended learning course must

79 receive certain instruction in a classroom setting;
80 conforming a cross-reference; creating s. 1004.650,
81 F.S.; establishing the Florida Institute for Charter
82 School Innovation; providing the purpose and duties of
83 the institute; providing for the appointment of a
84 director of the institute; establishing duties of the
85 director; requiring a report be posted annually on the
86 institute's website and an annual financial report to
87 certain entities; amending s. 1011.61, F.S.; revising
88 the definition of "full-time equivalent student";
89 amending s. 1011.62, F.S.; conforming a cross-
90 reference; amending s. 1012.56, F.S.; authorizing a
91 charter school to develop and operate a professional
92 development certification and education competency
93 program; amending s. 1013.62, F.S.; revising
94 eligibility requirements for charter school capital
95 outlay funding; revising charter school funding
96 allocations; providing an effective date.
97
98 Be It Enacted by the Legislature of the State of Florida:
99
100 Section 1. Subsection (1), paragraph (a) of subsection
101 (2), paragraphs (a) and (b) of subsection (6), paragraphs (a)
102 and (d) of subsection (7), paragraphs (g), (n), and (p) of
103 subsection (9), paragraphs (a) and (d) of subsection (10),
104 subsection (13), paragraphs (b) and (e) of subsection (17),

105 paragraph (a) of subsection (18), and paragraph (a) of
106 subsection (20) of section 1002.33, Florida Statutes, are
107 amended to read:
108 1002.33 Charter schools.—
109 (1) AUTHORIZATION.—~~C~~harter schools shall be part of the
110 state's program of public education. All charter schools in
111 Florida are public schools. A charter school may be formed by
112 creating a new school or converting an existing public school to
113 charter status. A charter school may operate a virtual charter
114 school pursuant to s. 1002.45(1)(d) to provide full-time online
115 instruction to eligible students~~, pursuant to s. 1002.455,~~ in
116 kindergarten through grade 12. An existing ~~A~~ charter school that
117 is seeking to become a virtual charter school must amend its
118 charter or submit a new application pursuant to subsection (6)
119 to become a virtual charter school. A virtual charter school is
120 subject to the requirements of this section; however, a virtual
121 charter school is exempt from subsections (18) and (19),
122 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
123 s. 1003.03. A public school may not use the term charter in its
124 name unless it has been approved under this section.
125 (2) GUIDING PRINCIPLES; PURPOSE.—
126 (a) Charter schools in Florida shall be guided by the
127 following principles:
128 1. Meet high standards of student achievement while
129 providing parents flexibility to choose among diverse
130 educational opportunities within the state's public school

131 system.
132 2. Promote enhanced academic success and financial
133 efficiency by aligning responsibility with accountability.
134 3. Provide parents with sufficient information on whether
135 their child is reading at grade level and whether the child
136 gains at least a year's worth of learning for every year spent
137 in the charter school. For a student who exhibits a substantial
138 deficiency in reading, as determined by the charter school, the
139 school shall notify the parent of the deficiency, the intensive
140 interventions and supports used, and the student's progress in
141 accordance with s. 1008.25(5).
142 (6) APPLICATION PROCESS AND REVIEW.—Charter school
143 applications are subject to the following requirements:
144 (a) A person or entity seeking wishing to open a charter
145 school shall prepare and submit an application on a model
146 application form prepared by the Department of Education which:
147 1. Demonstrates how the school will use the guiding
148 principles and meet the statutorily defined purpose of a charter
149 school.
150 2. Provides a detailed curriculum plan that illustrates
151 how students will be provided services to attain the Sunshine
152 State Standards.
153 3. Contains goals and objectives for improving student
154 learning and measuring that improvement. These goals and
155 objectives must indicate how much academic improvement students
156 are expected to show each year, how success will be evaluated,

157 and the specific results to be attained through instruction.
158 4. Describes the reading curriculum and differentiated
159 strategies that will be used for students reading at grade level
160 or higher and a separate curriculum and strategies for students
161 who are reading below grade level. A sponsor shall deny an
162 application ~~a charter~~ if the school does not propose a reading
163 curriculum that is evidence-based and includes explicit,
164 systematic, and multisensory reading instructional strategies;
165 however, a sponsor may not require the charter school to
166 implement the reading plan adopted by the school district
167 pursuant to s. 1011.62(9) ~~consistent with effective teaching~~
168 ~~strategies that are grounded in scientifically based reading~~
169 ~~research~~.
170 5. Contains an annual financial plan for each year
171 requested by the charter for operation of the school for up to 5
172 years. This plan must contain anticipated fund balances based on
173 revenue projections, a spending plan based on projected revenues
174 and expenses, and a description of controls that will safeguard
175 finances and projected enrollment trends.
176 6. Discloses the name of each applicant, governing board
177 member, and all proposed education services providers; the name
178 and sponsor of any charter school operated by each applicant,
179 each governing board member, and each proposed education
180 services provider that has closed and the reasons for the
181 closure; and the academic and financial history of such charter
182 schools, which the sponsor shall consider in deciding whether to

183 approve or deny the application.
184 7.~~6.~~ Contains additional information a sponsor may
185 require, which shall be attached as an addendum to the charter
186 school application described in this paragraph.
187 8.~~7.~~ For the establishment of a virtual charter school,
188 documents that the applicant has contracted with a provider of
189 virtual instruction services pursuant to s. 1002.45(1)(d).
190 (b) A sponsor shall receive and review all applications
191 for a charter school using the ~~an~~ evaluation instrument
192 developed by the Department of Education. A sponsor shall
193 receive and consider charter school applications received on or
194 before August 1 of each calendar year for charter schools to be
195 opened at the beginning of the school district's next school
196 year, or to be opened at a time agreed to by the applicant and
197 the sponsor. A sponsor may not refuse to receive a charter
198 school application submitted before August 1 and may receive an
199 application submitted later than August 1 if it chooses. In
200 order to facilitate greater collaboration in the application
201 process, an applicant may submit a draft charter school
202 application on or before May 1 with an application fee of $500.
203 If a draft application is timely submitted, the sponsor shall
204 review and provide feedback as to material deficiencies in the
205 application by July 1. The applicant shall then have until
206 August 1 to resubmit a revised and final application. The
207 sponsor may approve the draft application. Except as provided
208 for a draft application, a sponsor may not charge an applicant

209 for a charter any fee for the processing or consideration of an
210 application, and a sponsor may not base its consideration or
211 approval of a final application upon the promise of future
212 payment of any kind. Before approving or denying any final
213 application, the sponsor shall allow the applicant, upon receipt
214 of written notification, at least 7 calendar days to make
215 technical or nonsubstantive corrections and clarifications,
216 including, but not limited to, corrections of grammatical,
217 typographical, and like errors or missing signatures, if such
218 errors are identified by the sponsor as cause to deny the final
219 application.
220 1. In order to facilitate an accurate budget projection
221 process, a sponsor shall be held harmless for FTE students who
222 are not included in the FTE projection due to approval of
223 charter school applications after the FTE projection deadline.
224 In a further effort to facilitate an accurate budget projection,
225 within 15 calendar days after receipt of a charter school
226 application, a sponsor shall report to the Department of
227 Education the name of the applicant entity, the proposed charter
228 school location, and its projected FTE.
229 2. In order to ensure fiscal responsibility, an
230 application for a charter school shall include a full accounting
231 of expected assets, a projection of expected sources and amounts
232 of income, including income derived from projected student
233 enrollments and from community support, and an expense
234 projection that includes full accounting of the costs of

235 operation, including start-up costs.
236 3.a. A sponsor shall by a majority vote approve or deny an
237 application no later than 60 calendar days after the application
238 is received, unless the sponsor and the applicant mutually agree
239 in writing to temporarily postpone the vote to a specific date,
240 at which time the sponsor shall by a majority vote approve or
241 deny the application. If the sponsor fails to act on the
242 application, an applicant may appeal to the State Board of
243 Education as provided in paragraph (c). If an application is
244 denied, the sponsor shall, within 10 calendar days after such
245 denial, articulate in writing the specific reasons, based upon
246 good cause, supporting its denial of the ~~charter~~ application and
247 shall provide the letter of denial and supporting documentation
248 to the applicant and to the Department of Education.
249 b. An application submitted by a high-performing charter
250 school identified pursuant to s. 1002.331 may be denied by the
251 sponsor only if the sponsor demonstrates by clear and convincing
252 evidence that:
253 (I) The application does not materially comply with the
254 requirements in paragraph (a);
255 (II) The charter school proposed in the application does
256 not materially comply with the requirements in paragraphs
257 (9)(a)-(f);
258 (III) The proposed charter school's educational program
259 does not substantially replicate that of the applicant or one of
260 the applicant's high-performing charter schools;

261 (IV) The applicant has made a material misrepresentation
262 or false statement or concealed an essential or material fact
263 during the application process; or
264 (V) The proposed charter school's educational program and
265 financial management practices do not materially comply with the
266 requirements of this section.
267
268 Material noncompliance is a failure to follow requirements or a
269 violation of prohibitions applicable to charter school
270 applications, which failure is quantitatively or qualitatively
271 significant either individually or when aggregated with other
272 noncompliance. An applicant is considered to be replicating a
273 high-performing charter school if the proposed school is
274 substantially similar to at least one of the applicant's high-
275 performing charter schools and the organization or individuals
276 involved in the establishment and operation of the proposed
277 school are significantly involved in the operation of replicated
278 schools.
279 c. If the sponsor denies an application submitted by a
280 high-performing charter school, the sponsor must, within 10
281 calendar days after such denial, state in writing the specific
282 reasons, based upon the criteria in sub-subparagraph b.,
283 supporting its denial of the application and must provide the
284 letter of denial and supporting documentation to the applicant
285 and to the Department of Education. The applicant may appeal the
286 sponsor's denial of the application directly to the State Board

287 of Education and, if an appeal is filed, must provide a copy of
288 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
289 ~~subparagraph (c)3.b~~.
290 4. For budget projection purposes, the sponsor shall
291 report to the Department of Education the approval or denial of
292 an ~~a charter~~ application within 10 calendar days after such
293 approval or denial. In the event of approval, the report to the
294 Department of Education shall include the final projected FTE
295 for the approved charter school.
296 5. Upon approval of an ~~a charter~~ application, the initial
297 startup shall commence with the beginning of the public school
298 calendar for the district in which the charter is granted. A
299 charter school may defer the opening of the school's operations
300 for up to 2 years to provide time for adequate facility
301 planning. The charter school must provide written notice of such
302 intent to the sponsor and the parents of enrolled students at
303 least 30 calendar days before the first day of school ~~unless the~~
304 ~~sponsor allows a waiver of this subparagraph for good cause~~.
305 (7) CHARTER. ~~-~~The major issues involving the operation of a
306 charter school shall be considered in advance and written into
307 the charter. The charter shall be signed by the governing board
308 of the charter school and the sponsor, following a public
309 hearing to ensure community input.
310 (a) The charter shall address and criteria for approval of
311 the charter shall be based on:
312 1. The school's mission, the students to be served, and

313 the ages and grades to be included.
314 2. The focus of the curriculum, the instructional methods
315 to be used, any distinctive instructional techniques to be
316 employed, and identification and acquisition of appropriate
317 technologies needed to improve educational and administrative
318 performance which include a means for promoting safe, ethical,
319 and appropriate uses of technology which comply with legal and
320 professional standards.
321 a. The charter shall ensure that reading is a primary
322 focus of the curriculum and that resources are provided to
323 identify and provide specialized instruction for students who
324 are reading below grade level. The curriculum and instructional
325 strategies for reading must be consistent with the Next
326 Generation Sunshine State Standards and evidence-based ~~grounded~~
327 ~~in scientifically based reading research~~.
328 b. In order to provide students with access to diverse
329 instructional delivery models, to facilitate the integration of
330 technology within traditional classroom instruction, and to
331 provide students with the skills they need to compete in the
332 21st century economy, the Legislature encourages instructional
333 methods for blended learning courses consisting of both
334 traditional classroom and online instructional techniques.
335 Charter schools may implement blended learning courses which
336 combine traditional classroom instruction and virtual
337 instruction. Students in a blended learning course must be full-
338 time students of the charter school pursuant to s.

339 1011.61(1)(a)1. ~~and receive the online instruction in a~~
340 ~~classroom setting at the charter school.~~ Instructional personnel
341 certified pursuant to s. 1012.55 who provide virtual instruction
342 for blended learning courses may be employees of the charter
343 school or may be under contract to provide instructional
344 services to charter school students. At a minimum, such
345 instructional personnel must hold an active state or school
346 district adjunct certification under s. 1012.57 for the subject
347 area of the blended learning course. The funding and performance
348 accountability requirements for blended learning courses are the
349 same as those for traditional courses.
350 3. The current incoming baseline standard of student
351 academic achievement, the outcomes to be achieved, and the
352 method of measurement that will be used. The criteria listed in
353 this subparagraph shall include a detailed description of:
354 a. How the baseline student academic achievement levels
355 and prior rates of academic progress will be established.
356 b. How these baseline rates will be compared to rates of
357 academic progress achieved by these same students while
358 attending the charter school.
359 c. To the extent possible, how these rates of progress
360 will be evaluated and compared with rates of progress of other
361 closely comparable student populations.
362
363 The district school board is required to provide academic
364 student performance data to charter schools for each of their

365 students coming from the district school system, as well as
366 rates of academic progress of comparable student populations in
367 the district school system.
368 4. The methods used to identify the educational strengths
369 and needs of students and how well educational goals and
370 performance standards are met by students attending the charter
371 school. The methods shall provide a means for the charter school
372 to ensure accountability to its constituents by analyzing
373 student performance data and by evaluating the effectiveness and
374 efficiency of its major educational programs. Students in
375 charter schools shall, at a minimum, participate in the
376 statewide assessment program created under s. 1008.22.
377 5. In secondary charter schools, a method for determining
378 that a student has satisfied the requirements for graduation in
379 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.
380 6. A method for resolving conflicts between the governing
381 board of the charter school and the sponsor.
382 7. The admissions procedures and dismissal procedures,
383 including the school's code of student conduct. Admission or
384 dismissal must not be based on a student's academic performance.
385 8. The ways by which the school will achieve a
386 racial/ethnic balance reflective of the community it serves or
387 within the racial/ethnic range of other public schools in the
388 same school district.
389 9. The financial and administrative management of the
390 school, including a reasonable demonstration of the professional

391 experience or competence of those individuals or organizations
392 applying to operate the charter school or those hired or
393 retained to perform such professional services and the
394 description of clearly delineated responsibilities and the
395 policies and practices needed to effectively manage the charter
396 school. A description of internal audit procedures and
397 establishment of controls to ensure that financial resources are
398 properly managed must be included. Both public sector and
399 private sector professional experience shall be equally valid in
400 such a consideration.
401 10. The asset and liability projections required in the
402 application which are incorporated into the charter and shall be
403 compared with information provided in the annual report of the
404 charter school.
405 11. A description of procedures that identify various
406 risks and provide for a comprehensive approach to reduce the
407 impact of losses; plans to ensure the safety and security of
408 students and staff; plans to identify, minimize, and protect
409 others from violent or disruptive student behavior; and the
410 manner in which the school will be insured, including whether or
411 not the school will be required to have liability insurance,
412 and, if so, the terms and conditions thereof and the amounts of
413 coverage.
414 12. The term of the charter which shall provide for
415 cancellation of the charter if insufficient progress has been
416 made in attaining the student achievement objectives of the

417 charter and if it is not likely that such objectives can be
418 achieved before expiration of the charter. The initial term of a
419 charter shall be for 4 or 5 years. In order to facilitate access
420 to long-term financial resources for charter school
421 construction, charter schools that are operated by a
422 municipality or other public entity as provided by law are
423 eligible for up to a 15-year charter, subject to approval by the
424 district school board. A charter lab school is eligible for a
425 charter for a term of up to 15 years. In addition, to facilitate
426 access to long-term financial resources for charter school
427 construction, charter schools that are operated by a private,
428 not-for-profit, s. 501(c)(3) status corporation are eligible for
429 up to a 15-year charter, subject to approval by the district
430 school board. Such long-term charters remain subject to annual
431 review and may be terminated during the term of the charter, but
432 only according to the provisions set forth in subsection (8).
433 13. The facilities to be used and their location. The
434 sponsor may not require a charter school to have a certificate
435 of occupancy or a temporary certificate of occupancy for such a
436 facility earlier than 15 calendar days before the first day of
437 school.
438 14. The qualifications to be required of the teachers and
439 the potential strategies used to recruit, hire, train, and
440 retain qualified staff to achieve best value.
441 15. The governance structure of the school, including the
442 status of the charter school as a public or private employer as

443 required in paragraph (12)(i).
444 16. A timetable for implementing the charter which
445 addresses the implementation of each element thereof and the
446 date by which the charter shall be awarded in order to meet this
447 timetable.
448 17. In the case of an existing public school that is being
449 converted to charter status, alternative arrangements for
450 current students who choose not to attend the charter school and
451 for current teachers who choose not to teach in the charter
452 school after conversion in accordance with the existing
453 collective bargaining agreement or district school board rule in
454 the absence of a collective bargaining agreement. However,
455 alternative arrangements shall not be required for current
456 teachers who choose not to teach in a charter lab school, except
457 as authorized by the employment policies of the state university
458 which grants the charter to the lab school.
459 18. Full disclosure of the identity of all relatives
460 employed by the charter school who are related to the charter
461 school owner, president, chairperson of the governing board of
462 directors, superintendent, governing board member, principal,
463 assistant principal, or any other person employed by the charter
464 school who has equivalent decisionmaking authority. For the
465 purpose of this subparagraph, the term "relative" means father,
466 mother, son, daughter, brother, sister, uncle, aunt, first
467 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
468 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,

469 stepfather, stepmother, stepson, stepdaughter, stepbrother,
470 stepsister, half brother, or half sister.
471 19. Implementation of the activities authorized under s.
472 1002.331 by the charter school when it satisfies the eligibility
473 requirements for a high-performing charter school. A high-
474 performing charter school shall notify its sponsor in writing by
475 March 1 if it intends to increase enrollment or expand grade
476 levels the following school year. The written notice shall
477 specify the amount of the enrollment increase and the grade
478 levels that will be added, as applicable.
479 (d)~~1.~~ A charter may be terminated by a charter school's
480 governing board through voluntary closure. The decision to cease
481 operations must be determined at a public meeting. The governing
482 board shall notify the parents and sponsor of the public meeting
483 in writing before the public meeting. The governing board must
484 notify the sponsor, parents of enrolled students, and the
485 department in writing within 24 hours after the public meeting
486 of its determination. The notice shall state the charter
487 school's intent to continue operations or the reason for the
488 closure and acknowledge that the governing board agrees to
489 follow the procedures for dissolution and reversion of public
490 funds pursuant to paragraphs (8)(e)-(g) and (9)(o) ~~Each charter~~
491 ~~school's governing board must appoint a representative to~~
492 ~~facilitate parental involvement, provide access to information,~~
493 ~~assist parents and others with questions and concerns, and~~
494 ~~resolve disputes. The representative must reside in the school~~

495 ~~district in which the charter school is located and may be a~~
496 ~~governing board member, charter school employee, or individual~~
497 ~~contracted to represent the governing board. If the governing~~
498 ~~board oversees multiple charter schools in the same school~~
499 ~~district, the governing board must appoint a separate individual~~
500 ~~representative for each charter school in the district. The~~
501 ~~representative's contact information must be provided annually~~
502 ~~in writing to parents and posted prominently on the charter~~
503 ~~school's website if a website is maintained by the school. The~~
504 ~~sponsor may not require that governing board members reside in~~
505 ~~the school district in which the charter school is located if~~
506 ~~the charter school complies with this paragraph.~~
507 ~~2. Each charter school's governing board must hold at~~
508 ~~least two public meetings per school year in the school~~
509 ~~district. The meetings must be noticed, open, and accessible to~~
510 ~~the public, and attendees must be provided an opportunity to~~
511 ~~receive information and provide input regarding the charter~~
512 ~~school's operations. The appointed representative and charter~~
513 ~~school principal or director, or his or her equivalent, must be~~
514 ~~physically present at each meeting.~~
515 (9) CHARTER SCHOOL REQUIREMENTS.—
516 (g)1. In order to provide financial information that is
517 comparable to that reported for other public schools, charter
518 schools are to maintain all financial records that constitute
519 their accounting system:
520 a. In accordance with the accounts and codes prescribed in

521 the most recent issuance of the publication titled "Financial
522 and Program Cost Accounting and Reporting for Florida Schools";
523 or
524 b. At the discretion of the charter school's governing
525 board, a charter school may elect to follow generally accepted
526 accounting standards for not-for-profit organizations, but must
527 reformat this information for reporting according to this
528 paragraph.
529 2. Charter schools shall provide annual financial report
530 and program cost report information in the state-required
531 formats for inclusion in district reporting in compliance with
532 s. 1011.60(1). Charter schools that are operated by a
533 municipality or are a component unit of a parent nonprofit
534 organization may use the accounting system of the municipality
535 or the parent but must reformat this information for reporting
536 according to this paragraph.
537 3. A charter school shall, upon approval of the charter
538 contract, provide the sponsor with a concise, uniform, monthly
539 financial statement summary sheet that contains a balance sheet
540 and a statement of revenue, expenditures, and changes in fund
541 balance. The balance sheet and the statement of revenue,
542 expenditures, and changes in fund balance shall be in the
543 governmental funds format prescribed by the Governmental
544 Accounting Standards Board. A high-performing charter school
545 pursuant to s. 1002.331 may provide a quarterly financial
546 statement in the same format and requirements as the uniform

547 monthly financial statement summary sheet. The sponsor shall
548 review each monthly or quarterly financial statement to identify
549 the existence of any conditions identified in s. 1002.345(1)(a).
550 4. A charter school shall maintain and provide financial
551 information as required in this paragraph. The financial
552 statement required in subparagraph 3. must be in a form
553 prescribed by the Department of Education.
554 (n)1. The director and a representative of the governing
555 board of a charter school that has earned a grade of "D" or "F"
556 pursuant to s. 1008.34 shall appear before the sponsor to
557 present information concerning each contract component having
558 noted deficiencies. The director and a representative of the
559 governing board shall submit to the sponsor for approval a
560 school improvement plan to raise student performance. Upon
561 approval by the sponsor, the charter school shall begin
562 implementation of the school improvement plan. The department
563 shall offer technical assistance and training to the charter
564 school and its governing board and establish guidelines for
565 developing, submitting, and approving such plans.
566 2.a. If a charter school earns three consecutive grades of
567 "D," two consecutive grades of "D" followed by a grade of "F,"
568 or two nonconsecutive grades of "F" within a 3-year period, the
569 charter school governing board shall choose one of the following
570 corrective actions:
571 (I) Contract for educational services to be provided
572 directly to students, instructional personnel, and school

573 administrators, as prescribed in state board rule;
574 (II) Contract with an outside entity that has a
575 demonstrated record of effectiveness to operate the school;
576 (III) Reorganize the school under a new director or
577 principal who is authorized to hire new staff; or
578 (IV) Voluntarily close the charter school.
579 b. The charter school must implement the corrective action
580 in the school year following receipt of a third consecutive
581 grade of "D," a grade of "F" following two consecutive grades of
582 "D," or a second nonconsecutive grade of "F" within a 3-year
583 period.
584 c. The sponsor may annually waive a corrective action if
585 it determines that the charter school is likely to improve a
586 letter grade if additional time is provided to implement the
587 intervention and support strategies prescribed by the school
588 improvement plan. Notwithstanding this sub-subparagraph, a
589 charter school that earns a second consecutive grade of "F" is
590 subject to subparagraph 4.
591 d. A charter school is no longer required to implement a
592 corrective action if it improves by at least one letter grade.
593 However, the charter school must continue to implement
594 strategies identified in the school improvement plan. The
595 sponsor must annually review implementation of the school
596 improvement plan to monitor the school's continued improvement
597 pursuant to subparagraph 5.
598 e. A charter school implementing a corrective action that

599 does not improve by at least one letter grade after 2 full
600 school years of implementing the corrective action must select a
601 different corrective action. Implementation of the new
602 corrective action must begin in the school year following the
603 implementation period of the existing corrective action, unless
604 the sponsor determines that the charter school is likely to
605 improve a letter grade if additional time is provided to
606 implement the existing corrective action. Notwithstanding this
607 sub-subparagraph, a charter school that earns a second
608 consecutive grade of "F" while implementing a corrective action
609 is subject to subparagraph 4.
610 3. A charter school with a grade of "D" or "F" that
611 improves by at least one letter grade must continue to implement
612 the strategies identified in the school improvement plan. The
613 sponsor must annually review implementation of the school
614 improvement plan to monitor the school's continued improvement
615 pursuant to subparagraph 5.
616 4. A charter school's charter contract is automatically
617 terminated if the school earns two consecutive grades of "F"
618 after all school grade appeals are final ~~The sponsor shall~~
619 ~~terminate a charter if the charter school earns two consecutive~~
620 ~~grades of "F"~~ unless:
621 a. The charter school is established to turn around the
622 performance of a district public school pursuant to s.
623 1008.33(4)(b)3. Such charter schools shall be governed by s.
624 1008.33;

625 b. The charter school serves a student population the
626 majority of which resides in a school zone served by a district
627 public school that earned a grade of "F" in the year before the
628 charter school opened and the charter school earns at least a
629 grade of "D" in its third year of operation. The exception
630 provided under this sub-subparagraph does not apply to a charter
631 school in its fourth year of operation and thereafter; or
632 c. The state board grants the charter school a waiver of
633 termination. The charter school must request the waiver within
634 15 days after the department's official release of school
635 grades. The state board may waive termination if the charter
636 school demonstrates that the Learning Gains of its students on
637 statewide assessments are comparable to or better than the
638 Learning Gains of similarly situated students enrolled in nearby
639 district public schools. The waiver is valid for 1 year and may
640 only be granted once. Charter schools that have been in
641 operation for more than 5 years are not eligible for a waiver
642 under this sub-subparagraph.
643
644 The sponsor shall notify the charter school's governing board,
645 the charter school principal, and the department in writing when
646 a charter contract is terminated under this subparagraph. The
647 letter of termination must meet the requirements of paragraph
648 (8)(c). A charter terminated under this subparagraph must follow
649 the procedures for dissolution and reversion of public funds
650 pursuant to paragraphs (8)(e)-(g) and (9)(o).

651 5. The director and a representative of the governing
652 board of a graded charter school that has implemented a school
653 improvement plan under this paragraph shall appear before the
654 sponsor at least once a year to present information regarding
655 the progress of intervention and support strategies implemented
656 by the school pursuant to the school improvement plan and
657 corrective actions, if applicable. The sponsor shall communicate
658 at the meeting, and in writing to the director, the services
659 provided to the school to help the school address its
660 deficiencies.
661 6. Notwithstanding any provision of this paragraph except
662 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
663 at any time pursuant to subsection (8).
664 (p)1. Each charter school shall maintain a website that
665 enables the public to obtain information regarding the school;
666 the school's academic performance; the names of the governing
667 board members; the programs at the school; any management
668 companies, service providers, or education management
669 corporations associated with the school; the school's annual
670 budget and its annual independent fiscal audit; the school's
671 grade pursuant to s. 1008.34; and, on a quarterly basis, the
672 minutes of governing board meetings.
673 2. Each charter school's governing board must appoint a
674 representative to facilitate parental involvement, provide
675 access to information, assist parents and others with questions
676 and concerns, and resolve disputes. The representative must

677 reside in the school district in which the charter school is
678 located and may be a governing board member, a charter school
679 employee, or an individual contracted to represent the governing
680 board. If the governing board oversees multiple charter schools
681 in the same school district, the governing board must appoint a
682 separate representative for each charter school in the district.
683 The representative's contact information must be provided
684 annually in writing to parents and posted prominently on the
685 charter school's website. The sponsor may not require governing
686 board members to reside in the school district in which the
687 charter school is located if the charter school complies with
688 this subparagraph.
689 3. Each charter school's governing board must hold at
690 least two public meetings per school year in the school district
691 where the charter school is located. The meetings must be
692 noticed, open, and accessible to the public, and attendees must
693 be provided an opportunity to receive information and provide
694 input regarding the charter school's operations. The appointed
695 representative and charter school principal or director, or his
696 or her designee, must be physically present at each meeting.
697 Members of the governing board may attend in person or by means
698 of communications media technology used in accordance with rules
699 adopted by the Administration Commission under s. 120.54(5).
700 (10) ELIGIBLE STUDENTS.—
701 (a) A charter school shall be open to any student covered
702 in an interdistrict agreement or residing in the school district

703 in which the charter school is located; however, in the case of
704 a charter lab school, the charter lab school shall be open to
705 any student eligible to attend the lab school as provided in s.
706 1002.32 or who resides in the school district in which the
707 charter lab school is located. Any eligible student shall be
708 allowed interdistrict transfer to attend a charter school when
709 based on good cause. Good cause shall include, but is not
710 limited to, geographic proximity to a charter school in a
711 neighboring school district. A charter school that has not
712 reached capacity, as determined by the charter school's
713 governing board, may be open for enrollment to any student in
714 the state.
715 (d) A charter school may give enrollment preference to the
716 following student populations:
717 1. Students who are siblings of a student enrolled in the
718 charter school.
719 2. Students who are the children of a member of the
720 governing board of the charter school.
721 3. Students who are the children of an employee of the
722 charter school.
723 4. Students who are the children of:
724 a. An employee of the business partner of a charter
725 school-in-the-workplace established under paragraph (15)(b) or a
726 resident of the municipality in which such charter school is
727 located; or
728 b. A resident of a municipality that operates a charter

729 school-in-a-municipality pursuant to paragraph (15)(c).
730 5. Students who have successfully completed a voluntary
731 prekindergarten education program under ss. 1002.51-1002.79
732 provided by the charter school or the charter school's governing
733 board during the previous year.
734 6. Students who are the children of an active duty member
735 of any branch of the United States Armed Forces.
736 7. Students who attended or are assigned to failing
737 schools pursuant to s. 1002.38(2).
738 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may
739 enter into cooperative agreements to form charter school
740 cooperative organizations that may provide the following
741 services to further educational, operational, and administrative
742 initiatives in which the participating charter schools share
743 common interests: charter school planning and development,
744 direct instructional services, and contracts with charter school
745 governing boards to provide personnel administrative services,
746 payroll services, human resource management, evaluation and
747 assessment services, teacher preparation, and professional
748 development.
749 (17) FUNDING.—Students enrolled in a charter school,
750 regardless of the sponsorship, shall be funded as if they are in
751 a basic program or a special program, the same as students
752 enrolled in other public schools in the school district. Funding
753 for a charter lab school shall be as provided in s. 1002.32.
754 (b) The basis for the agreement for funding students

755 enrolled in a charter school shall be the sum of the school
756 district's operating funds from the Florida Education Finance
757 Program as provided in s. 1011.62 and the General Appropriations
758 Act, including gross state and local funds, discretionary
759 lottery funds, and funds from the school district's current
760 operating discretionary millage levy; divided by total funded
761 weighted full-time equivalent students in the school district;
762 multiplied by the weighted full-time equivalent students for the
763 charter school. Charter schools whose students or programs meet
764 the eligibility criteria in law are entitled to their
765 proportionate share of categorical program funds included in the
766 total funds available in the Florida Education Finance Program
767 by the Legislature, including transportation, the research-based
768 reading allocation, and the Florida digital classrooms
769 allocation. Total funding for each charter school shall be
770 recalculated during the year to reflect the revised calculations
771 under the Florida Education Finance Program by the state and the
772 actual weighted full-time equivalent students reported by the
773 charter school during the full-time equivalent student survey
774 periods designated by the Commissioner of Education. Any
775 unrestricted surplus or unrestricted net assets identified in
776 the charter school's annual audit may be used for K-12
777 educational purposes for charter schools within the district
778 operated by the not-for-profit or municipal entity operating the
779 charter school with the surplus. Surplus operating funds shall
780 be used in accordance with s. 1011.62, and surplus capital

781 outlay funds shall be used in accordance with s. 1013.62(2).
782 (e) District school boards shall make timely and efficient
783 payment and reimbursement to charter schools, including
784 processing paperwork required to access special state and
785 federal funding for which they may be eligible. Payments of
786 funds under paragraph (b) shall be made monthly or twice a
787 month, beginning with the start of the district school board's
788 fiscal year. Each payment shall be one-twelfth, or one twenty-
789 fourth, as applicable, of the total state and local funds
790 described in paragraph (b) and adjusted as set forth therein.
791 For the first 2 years of a charter school's operation, if a
792 minimum of 75 percent of the projected enrollment is entered
793 into the sponsor's student information system by the first day
794 of the current month, the district school board shall ~~may~~
795 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months
796 of July through October based on the projected full-time
797 equivalent student membership of the charter school as submitted
798 in the approved application. If less than 75 percent of the
799 projected enrollment is entered into the sponsor's student
800 information system by the first day of the current month, the
801 sponsor shall base payments on the actual number of student
802 enrollment entered into the sponsor's student information
803 system. Thereafter, the results of full-time equivalent student
804 membership surveys shall be used in adjusting the amount of
805 funds distributed monthly to the charter school for the
806 remainder of the fiscal year. The payments ~~payment~~ shall be

807 issued no later than 10 working days after the district school
808 board receives a distribution of state or federal funds or the
809 date the payment is due pursuant to this subsection. If a
810 warrant for payment is not issued within 10 working days after
811 receipt of funding by the district school board, the school
812 district shall pay to the charter school, in addition to the
813 amount of the scheduled disbursement, interest at a rate of 1
814 percent per month calculated on a daily basis on the unpaid
815 balance from the expiration of the 10 working days until such
816 time as the warrant is issued. The district school board may not
817 delay payment to a charter school of any portion of the funds
818 provided in paragraph (b) based on the timing of receipt of
819 local funds by the district school board.
820 (18) FACILITIES.—
821 (a) A startup charter school shall utilize facilities
822 which comply with the Florida Building Code pursuant to chapter
823 553 except for the State Requirements for Educational
824 Facilities. Conversion charter schools shall utilize facilities
825 that comply with the State Requirements for Educational
826 Facilities provided that the school district and the charter
827 school have entered into a mutual management plan for the
828 reasonable maintenance of such facilities. The mutual management
829 plan shall contain a provision by which the district school
830 board agrees to maintain charter school facilities in the same
831 manner as its other public schools within the district. Charter
832 schools, with the exception of conversion charter schools, are