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# **Education Committee**

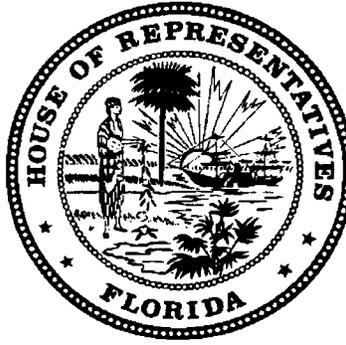
**Thursday, January 21, 2016  
11:30 a.m. – 1:30 p.m.**

**102 HOB**

**Meeting Packet**

**Steve Crisafulli  
Speaker**

**H. Marlene O'Toole  
Chair**



## AGENDA

Education Committee  
Thursday, January 21, 2016  
11:30 a.m. – 1:30 p.m.

102 HOB

- I. Call to Order and Roll Call – Chair O’Toole
- II. Welcome - Chair O’Toole
- III. Consideration of the following bill(s):
  - CS/HB 229 Bullying and Harassment Policies in Schools by K-12 Subcommittee, Geller
  - HB 241 Children and Youth Cabinet by Harrell
  - CS/HB 443 Advanced International Certificate of Education Funding by K- 12 Subcommittee, Plasencia
  - CS/HB 4013 Blended Learning Courses by Choice & Innovation Subcommittee, Diaz, M.
  - CS/HB 7029 School Choice by Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Cortes, B.
- IV. Closing Remarks and Adjournment



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 229 Bullying and Harassment Policies in Schools

**SPONSOR(S):** K-12 Subcommittee, Geller

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 268

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	9 Y, 0 N, As CS	Cherry	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	Dobson	Heflin
3) Education Committee		Cherry <i>TC</i>	Mizereck <i>KRM</i>

### SUMMARY ANALYSIS

In 2008, the Florida Legislature enacted the Jeffrey Johnston Stand Up for All Students Act, which prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a public K-12 computer, computer system, or computer network. The law also requires each school district to adopt a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution.

The bill revises current law by requiring each district school board to review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators and other community stakeholders. Each district school board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy, prevention programs, and reporting procedures.

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

The bill provides an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### School Climate

##### Present Situation

Florida law requires school boards to adopt rules, policies, and procedures for addressing disciplinary issues and providing for a safe and orderly school environment.<sup>1</sup> Each school board must adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools.<sup>2</sup> At the beginning of each school year, the code of student conduct must be:

- Distributed to all teachers, school personnel, students, and parents;
- Made available in the school district's student handbook or similar publication; and
- Discussed in student classes, school advisory council meetings, and parent and teacher association or organization meetings at the beginning of the school year.<sup>3</sup>

The code of student conduct must include policy and procedures relating to bullying and harassment prevention.<sup>4</sup> Current law prohibits bullying or harassment:

- Of any public K-12 student or employee during a public K-12 education program or activity;
- During a school-related or school-sponsored program or activity;
- On a public K-12 school bus;
- Using a computer, computer system, or computer network that is within the scope of a public K-12 educational institution;<sup>5</sup> or
- Using technology or electronic devices that are not owned or otherwise controlled by a school district or school, but only if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. The law does not require a school to staff or monitor any non-school related activity, function, or program in its efforts to prevent bullying and harassment.<sup>6</sup>

The terms "bullying" and "harassment" constitute the following behaviors:

- **Bullying:** Systematically and chronically inflicting physical hurt or psychological distress on one or more students, which may involve:
  - Teasing;
  - Social exclusion;
  - Threat;
  - Intimidation;
  - Stalking;
  - Physical violence;
  - Theft;

<sup>1</sup> Sections 1006.07 and 1006.07(1)(a), F.S.

<sup>2</sup> Section 1006.07(2), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 1006.147(4)(n), F.S.

<sup>5</sup> "Within the scope of a public K-12 educational institution" means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. Section 1006.147(3)(d), F.S.

<sup>6</sup> Section 1006.147(2), F.S.

- Sexual, religious, or racial harassment;
  - Public or private humiliation; or
  - Destruction of property.<sup>7</sup>
- **Cyberbullying:** Bullying through the use of technology or electronic communication, e.g., email, postings on internet websites or social media, instant messages, text messages, or cell phone.<sup>8</sup>
  - **Harassment:** Threatening, insulting, or dehumanizing gestures, use of computers, or written, verbal, or physical conduct directed against a student or school employee that causes reasonable fear of harm to person or property; substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of a school.<sup>9</sup>

The law further specifies that bullying and harassment include:

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment, which is not made in good faith;
- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by incitement or coercion; use of (or providing access to) a school district's computer, computer system, or computer network; or conduct with an effect substantially similar to bullying or harassment.<sup>10</sup>

Each school district's bullying and harassment policy must:

- Prohibit, define, and describe the behaviors that constitute bullying and harassment;
- Establish procedures for reporting and investigating acts of bullying and harassment;
- Establish procedures for making referrals to law enforcement;
- Provide instruction to students, parents, teachers, and others on recognizing behavior that leads to bullying and harassment and taking preventative action;
- Establish procedures for including "incidents of bullying or harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6);"<sup>11</sup> and
- Procedures for referring victims and perpetrators to counseling.<sup>12</sup>

Current law does not expressly require school principals to review or implement the district school board policy.

Annually, the Commissioner of Education must submit a report on the statewide implementation of bullying and harassment policies to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must also include data regarding incidents of bullying and harassment. Distribution of safe schools funds to a school district is contingent upon the school district's compliance with required procedures for reporting bullying and harassment and reporting regarding policy implementation and incidents.<sup>13</sup>

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<sup>7</sup> Section 1006.147(3)(a), F.S.

<sup>8</sup> Section 1006.147(3)(b), F.S.

<sup>9</sup> Section 1006.147(3)(c), F.S.

<sup>10</sup> Section 1006.147(3)(f), F.S.

<sup>11</sup> Section 1006.147(4)(f), (h), (k), and (l), F.S. The School Environmental Safety Incident Reporting (SESIR) System is used by DOE to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited November, 20, 2015).

<sup>12</sup> Section 1006.147(4)(j), F.S.

<sup>13</sup> Section 1006.147(7) and (9), F.S.

## Effect of Proposed Changes

The bill revises current law related to district school board anti-bullying, anti-harassment policies by requiring each district school board to review its policy every three years with the involvement of students, parents, teachers, administrators and other community stakeholders.

Each district school board must also authorize a list of bullying and harassment prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. These programs must also include instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.

The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy and integrating the policy with the school's curriculum, prevention program, discipline policies, and other violence prevention efforts.

### B. SECTION DIRECTORY:

**Section 1.** Amends s. 1006.147, F.S., requiring school districts to revise their bullying and harassment policy at specified intervals; requiring schools to implement the bullying and harassment policy in a certain manner and integrate it with the school's bullying prevention and intervention program; requiring the policy to include procedure for receiving reports of alleged acts of bullying and a list of authorized programs that provide bullying and harassment identification, prevention, and response instruction.

**Section 2.** Provides an effective date of July 1, 2016.

## 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:

Any workload increase required by the bill would be absorbed within existing school district resources.

### 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:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 2, 2015, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute revises current law by requiring each district school board to:

- Review its anti-bullying and harassment policy every three years with the involvement of students, parents, teachers, administrators and other community stakeholders;
- Authorize a list of bullying and harassment prevention programs; and
- Establish a procedure for receiving reports of alleged acts of bullying or harassment.

The committee substitute makes each school principal responsible for reviewing and implementing the district school board's bullying and harassment policy. The analysis is drafted to reflect the committee substitute.



27 the law. The school district may establish separate  
 28 discrimination policies that include categories of students. The  
 29 school district shall involve students, parents, teachers,  
 30 administrators, school staff, school volunteers, community  
 31 representatives, and local law enforcement agencies in the  
 32 process of adopting and reviewing the policy. The school  
 33 district policy must be implemented by each school principal in  
 34 a manner that is ongoing throughout the school year and  
 35 integrated with the a school's curriculum, bullying prevention  
 36 and intervention program, ~~a school's~~ discipline policies, and  
 37 other violence prevention efforts. The school district policy  
 38 must contain, at a minimum, the following components:

- 39 (a) A statement prohibiting bullying and harassment.
- 40 (b) A definition of bullying and a definition of  
 41 harassment that include the definitions listed in this section.
- 42 (c) A description of the type of behavior expected from  
 43 each student and employee of a public K-12 educational  
 44 institution.
- 45 (d) The consequences for a student or employee of a public  
 46 K-12 educational institution who commits an act of bullying or  
 47 harassment.
- 48 (e) The consequences for a student or employee of a public  
 49 K-12 educational institution who is found to have wrongfully and  
 50 intentionally accused another of an act of bullying or  
 51 harassment.
- 52 (f) A procedure for receiving reports of ~~reporting~~ an

53 | alleged act of bullying or harassment, including provisions that  
 54 | permit a person to anonymously report such an act. However, this  
 55 | paragraph does not permit formal disciplinary action to be based  
 56 | solely on an anonymous report.

57 | (g) A procedure for the prompt investigation of a report  
 58 | of bullying or harassment and the persons responsible for the  
 59 | investigation. The investigation of a reported act of bullying  
 60 | or harassment is deemed to be a school-related activity and  
 61 | begins with a report of such an act. Incidents that require a  
 62 | reasonable investigation when reported to appropriate school  
 63 | authorities shall include alleged incidents of bullying or  
 64 | harassment allegedly committed against a child while the child  
 65 | is en route to school aboard a school bus or at a school bus  
 66 | stop.

67 | (h) A process to investigate whether a reported act of  
 68 | bullying or harassment is within the scope of the district  
 69 | school system and, if not, a process for referral of such an act  
 70 | to the appropriate jurisdiction. Computers without web-filtering  
 71 | software or computers with web-filtering software that is  
 72 | disabled shall be used when complaints of cyberbullying are  
 73 | investigated.

74 | (i) A procedure for providing immediate notification to  
 75 | the parents of a victim of bullying or harassment and the  
 76 | parents of the perpetrator of an act of bullying or harassment,  
 77 | as well as notification to all local agencies where criminal  
 78 | charges may be pursued against the perpetrator.

79 (j) A procedure to refer victims and perpetrators of  
80 bullying or harassment for counseling.

81 (k) A procedure for including incidents of bullying or  
82 harassment in the school's report of data concerning school  
83 safety and discipline required under s. 1006.09(6). The report  
84 must include each incident of bullying or harassment and the  
85 resulting consequences, including discipline and referrals. The  
86 report must include in a separate section each alleged ~~reported~~  
87 incident of bullying or harassment that does not meet the  
88 criteria of a prohibited act under this section with  
89 recommendations regarding such incidents. The Department of  
90 Education shall aggregate information contained in the reports.

91 (l) A list of programs authorized by the school district  
92 that provide ~~procedure for providing~~ instruction to students,  
93 parents, teachers, school administrators, counseling staff, and  
94 school volunteers on identifying, preventing, and responding to  
95 bullying or harassment, including instruction on recognizing  
96 behaviors that lead to bullying and harassment and taking  
97 appropriate preventive action based on those observations.

98 (m) A procedure for regularly reporting to a victim's  
99 parents the actions taken to protect the victim.

100 (n) A procedure for publicizing the policy, which must  
101 include its publication in the code of student conduct required  
102 under s. 1006.07(2) and in all employee handbooks.

103 Section 2. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 241 Children and Youth Cabinet

**SPONSOR(S):** Harrell

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 500

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	12 Y, 0 N	Dehmer	Healy
2) Health & Human Services Committee	11 Y, 0 N	Ives	Calamas
3) Education Committee		Dehmer DP	Mizereck 

### SUMMARY ANALYSIS

The Florida Children and Youth Cabinet (Cabinet) consists of the Governor and 14 other members. These other members include the Secretary of the Department of Children and Families, 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 expands the total membership of the cabinet to 16 by adding a superintendent of schools who is appointed by the Governor. The bill changes the title of the ninth member of the cabinet from "the director of the Office of Child Abuse Prevention" to "the director of the Office of Adoption and Child Protection."

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

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Florida Children and Youth Cabinet (Cabinet) was created in 2007.<sup>1</sup> The Florida Legislature found a need to collaborate with the Governor to improve child and family outcomes in the state.<sup>2</sup> 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.<sup>3</sup>

The Cabinet is comprised of the Governor and 14 other members. These other 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.<sup>4</sup>

During the 2007 Legislative Session the Office of Child Abuse Prevention was renamed the Office of Adoption and Child Protection. The name was changed to reflect the establishment of a comprehensive statewide approach for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect.<sup>5</sup>

##### 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 changes the total membership figure to 16 members, thereby accounting for the member added by the bill and the Governor.

The bill changes the title of the ninth cabinet member from the "the director of the Office of Child Abuse Prevention" to "director of the Office of Adoption and Child Protection" to conform to current law.<sup>6</sup>

#### 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, 2016.

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<sup>1</sup> Section 1, Ch. 2007-151, L.O.F.

<sup>2</sup> Section 402.56(2)(b), F.S.

<sup>3</sup> Section 402.56(3)(a), F.S.

<sup>4</sup> Section 402.56(4), F.S.

<sup>5</sup> Section 1, Ch. 2007-124, L.O.F.

<sup>6</sup> Section 39.001(9), F.S.

## 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:

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:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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

5  
 6 Be It Enacted by the Legislature of the State of Florida:

7  
 8 Section 1. Paragraph (a) of subsection (4) of section  
 9 402.56, Florida Statutes, is amended to read:

10 402.56 Children's cabinet; organization; responsibilities;  
 11 annual report.—

12 (4) MEMBERS.—The cabinet shall consist of 16 ~~14~~ members  
 13 including the Governor and the following persons:

- 14 (a)1. The Secretary of Children and Families;  
 15 2. The Secretary of Juvenile Justice;  
 16 3. The director of the Agency for Persons with  
 17 Disabilities;  
 18 4. The director of the Office of Early Learning;  
 19 5. The State Surgeon General;  
 20 6. The Secretary of Health Care Administration;  
 21 7. The Commissioner of Education;  
 22 8. The director of the Statewide Guardian Ad Litem Office;  
 23 9. The director of the Office of Adoption and Child  
 24 Protection ~~Child Abuse Prevention~~; and  
 25 10. A superintendent of schools, appointed by the  
 26 Governor; and

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

30        Section 2. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 443 Advanced International Certificate of Education Funding  
**SPONSOR(S):** K-12 Subcommittee, Plasencia  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 982

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	10 Y, 0 N, As CS	Brink	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	Seifert	Heflin
3) Education Committee		Brink 	Mizereck 

### SUMMARY ANALYSIS

Florida law provides additional funding for schools with students who earn qualifying scores on Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) examinations. In addition, teachers who teach AP, IB, or AICE courses must receive bonuses based on the number of their students who earn qualifying scores on these examinations. However, the provisions related to weighted funding and teacher bonuses for AICE programs, which are capped at \$2,000 per teacher, are not consistent with certain AP and IB programs, which are capped at \$3,000 per teacher. Under the bill, school districts may be required to allocate a greater percentage of funds generated by AICE programs for teacher bonuses. This may reduce the funds available to the school district for other authorized expenditures for day to day operations.

The bill:

- Requires school districts to allocate 80 percent of the additional AICE funds to the school program whose students generate the funds, which is currently required for the IB and AP bonus funds;
- Establishes restrictions on how the funds may be spent;
- Requires the remaining 20 percent of the AICE funds to be used for programs that assist academically disadvantaged students to prepare for more rigorous courses; and
- Increases the maximum AICE teacher bonus to \$3,000, which is consistent with the AP and IB teacher bonus.

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

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Funding for Public Schools**

The Legislature allocates public education funding to Florida's 67 school districts through the Florida Education Finance Program (FEFP). The FEFP is a funding formula that uses such factors as student population, local property tax bases, varying costs of living, and varying costs of equivalent education programs due to scarcity and dispersion of the student population to determine a school district's share of public education funding. The FEFP is the primary mechanism for funding the operating costs of Florida school districts, which among other things, includes the payment of teacher salaries.<sup>1</sup>

In addition to funding school district operating costs, the FEFP also provides, among other things, weighted full-time equivalent (FTE) funding based on student passage of International Baccalaureate (IB), Advanced Placement (AP), and Advanced International Certificate of Education (AICE) assessments. The FEFP also provides bonuses to teachers of IB, AP, and AICE courses whose students pass the respective examinations.<sup>2</sup>

##### **Weighted Funding for Advanced Courses**

The law requires that an additional 0.16 FTE student membership value be calculated for each student in an AP, IB, or AICE course who earns a qualifying score on the respective examination.<sup>3</sup> For AP examinations, the qualifying score is a 3 or higher;<sup>4</sup> for IB examinations, the qualifying score is a 4 or higher;<sup>5</sup> and for AICE examinations, the qualifying score is E or higher.<sup>6</sup> Students enrolled in a half-credit AICE course who receive a score of E or higher on the subject examination generate an additional value of 0.08 FTE student membership.<sup>7</sup> An additional value of 0.3 FTE student membership must be calculated for each student who earns an IB or AICE diploma.<sup>8</sup>

With respect to AP and IB programs, the law restricts how the additional funds must be spent. In each case, school districts must allocate at least 80 percent of the funds back to the school program whose students generated the weighted FTE value.<sup>9</sup> For IB programs, the remaining amount must be used for programs that assist academically disadvantaged students to prepare for more rigorous courses. In addition, IB funds must be expended solely for the payment of allowable costs associated with the program. Allowable costs include:

- IB annual school fees;
- IB examination fees; salary, benefits, and bonuses for teachers and program coordinators for the IB program and teachers and coordinators who prepare prospective students for the International Baccalaureate program;

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<sup>1</sup> See s. 1011.62, F.S.

<sup>2</sup> Section 1011.62(1)(l)-(n), F.S.; *International Baccalaureate*, <http://www.ibo.org> (last visited Nov. 19, 2015); University of Cambridge, International Examinations, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Nov. 19, 2015); College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited Nov. 19, 2015).

<sup>3</sup> Section 1011.62(1)(l)-(n), F.S.

<sup>4</sup> Section 1011.62(1)(n), F.S.

<sup>5</sup> Section 1011.62(1)(l), F.S.

<sup>6</sup> Section 1011.62(1)(m), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 1011.62(1)(l) and (m), F.S.

<sup>9</sup> Section 1011.62(1)(l) and (n), F.S.

- Supplemental books;
- Instructional supplies;
- Instructional equipment or instructional materials for IB courses;
- Other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and
- Training or professional development for International Baccalaureate teachers.<sup>10</sup>

With respect to AICE, there is no direction or restriction in law on how the additional funds must be used. This means that funds generated by a school's AICE students may be allocated for purposes other than funding the AICE program.

### **Bonuses for Teachers of Advanced Courses**

School districts must pay the teacher of an AP, IB, or AICE course a \$50 bonus for each of his or her students who earn a qualifying score on the respective examination.<sup>11</sup> Further, an AP, IB, or AICE teacher in a "D" or "F" school, who has at least one student that earns a qualifying score, receives an additional \$500 bonus.<sup>12</sup> The bonus for an AICE teacher is limited to \$250 if the student is enrolled in a half-credit AICE course.<sup>13</sup>

Generally, the maximum bonus for these teachers is \$2,000 in any given school year.<sup>14</sup> However, for AP and IB teachers only, the maximum bonus may be \$3,000 if, in a school designated with a grade of "A," "B," or "C," at least 50 percent of the students enrolled in the teacher's course earn a qualifying score on the examination or if, in a school designated with a grade of "D" or "F," at least 25 percent of the students enrolled in the teacher's course earn a qualifying score.<sup>15</sup> The bonus for AICE teachers may not exceed \$2,000.<sup>16</sup>

### Effect of Proposed Changes

To make the AICE funding and teacher bonus provisions more consistent with the AP and IB requirements, the bill:

- Requires school districts to allocate 80 percent of the additional funds to the school program whose students generate the funds;
- Establishes restrictions on how the funds may be spent for the program;
- Requires the remaining 20 percent of the funds to be used for programs that assist academically disadvantaged students to prepare for more rigorous courses; and
- Increases the maximum AICE teacher bonus to \$3,000.

As with AP and IB bonuses, if at least 50 percent of the students enrolled in a teacher's AICE course at an "A," "B," or "C" school earn a score of E or higher on the subject examination, the teacher must receive an additional bonus of \$50 for each student who has a qualifying score up to a maximum amount of \$3,000 in any given school year. The percentage threshold at a "D" or "F" school is 25 percent.

<sup>10</sup> Section 1011.62(1)(i), F.S.

<sup>11</sup> Section 1011.62(1)(l)-(n), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 1011.62(1)(m), F.S.

<sup>14</sup> Section 1011.62(1)(l)-(n), F.S.

<sup>15</sup> Section 101.62(1)(l) and (n), F.S.

<sup>16</sup> *See s. 1011.62(1)(m), F.S.*

**B. SECTION DIRECTORY:**

Section 1. Amends s. 1011.62, F.S., providing requirements related to the use of certain funds; providing bonuses for Advanced International Certificate of Education teachers; authorizing a maximum bonus of \$3,000 for such teachers under certain circumstances.

Section 2. Provides an effective date.

**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:**

Under the bill, school districts may be required to allocate a greater percentage of funds generated by AICE programs for teacher bonuses. This may reduce the funds available to the school district for other authorized expenditures for day to day operations.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On December 2, 2015, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute makes AICE funding and teacher bonus provisions more consistent with AP and IB requirements by:

- Requiring school districts to allocate 80 percent of the additional funds to the school program whose students generate the funds;
- Establishing restrictions on how the funds may be spent;
- Requiring the remaining 20 percent of the funds to be used for programs that assist academically disadvantaged students to prepare for more rigorous courses; and
- Increasing the maximum AICE teacher bonus to \$3,000.

The analysis is drafted to reflect the committee substitute.

1                   A bill to be entitled  
 2           An act relating to Advanced International Certificate  
 3           of Education funding; amending s. 1011.62, F.S.;  
 4           providing requirements related to the allocation and  
 5           use of certain funds; authorizing a maximum bonus of  
 6           \$3,000 for Advanced International Certificate of  
 7           Education teachers under certain circumstances;  
 8           providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Paragraph (m) of subsection (1) of section  
 13 1011.62, Florida Statutes, is amended to read:

14           1011.62 Funds for operation of schools.—If the annual  
 15 allocation from the Florida Education Finance Program to each  
 16 district for operation of schools is not determined in the  
 17 annual appropriations act or the substantive bill implementing  
 18 the annual appropriations act, it shall be determined as  
 19 follows:

20           (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 21 OPERATION.—The following procedure shall be followed in  
 22 determining the annual allocation to each district for  
 23 operation:

24           (m) Calculation of additional full-time equivalent  
 25 membership based on Advanced International Certificate of  
 26 Education examination scores of students.—A value of 0.16 full-

27 | time equivalent student membership shall be calculated for each  
 28 | student enrolled in a full-credit Advanced International  
 29 | Certificate of Education course who receives a score of E or  
 30 | higher on a subject examination. A value of 0.08 full-time  
 31 | equivalent student membership shall be calculated for each  
 32 | student enrolled in a half-credit Advanced International  
 33 | Certificate of Education course who receives a score of E or  
 34 | higher on a subject examination. A value of 0.3 full-time  
 35 | equivalent student membership shall be calculated for each  
 36 | student who receives an Advanced International Certificate of  
 37 | Education diploma. Such value shall be added to the total full-  
 38 | time equivalent student membership in basic programs for grades  
 39 | 9 through 12 in the subsequent fiscal year. Each school district  
 40 | shall allocate 80 percent of the funds received from Advanced  
 41 | International Certificate of Education bonus FTE funding to the  
 42 | school program whose students generate the funds. These funds  
 43 | shall be expended solely for the payment of costs associated  
 44 | with the application and registration process; program fees and  
 45 | site licenses; training, professional development, salaries,  
 46 | benefits, and bonuses for instructional personnel and program  
 47 | coordinators; examination and diploma fees; membership fees;  
 48 | supplemental books; instructional supplies, materials, and  
 49 | equipment; and other activities that identify prospective  
 50 | Advanced International Certificate of Education students or  
 51 | prepare prospective students to enroll in Advanced International  
 52 | Certificate of Education courses. The school district shall

53 allocate the remaining 20 percent of the funds received from  
 54 Advanced International Certificate of Education bonus FTE  
 55 funding for programs that assist academically disadvantaged  
 56 students to prepare for more rigorous courses. The school  
 57 district shall distribute to each classroom teacher who provided  
 58 Advanced International Certificate of Education instruction:

59 1. A bonus in the amount of \$50 for each student taught by  
 60 the Advanced International Certificate of Education teacher in  
 61 each full-credit Advanced International Certificate of Education  
 62 course who receives a score of E or higher on the Advanced  
 63 International Certificate of Education examination.

64 2. A bonus in the amount of \$25 for each student taught by  
 65 the Advanced International Certificate of Education teacher in  
 66 each half-credit Advanced International Certificate of Education  
 67 course who receives a score of E or higher on the Advanced  
 68 International Certificate of Education examination.

69 ~~3.2.~~ An additional bonus of \$500 to each Advanced  
 70 International Certificate of Education teacher in a school  
 71 designated with a grade of "D" or "F" who has at least one  
 72 student scoring E or higher on the full-credit Advanced  
 73 International Certificate of Education examination, regardless  
 74 of the number of classes taught or of the number of students  
 75 scoring an E or higher on the full-credit Advanced International  
 76 Certificate of Education examination.

77 ~~4.3.~~ Additional bonuses of \$250 each to teachers of half-  
 78 credit Advanced International Certificate of Education classes

79 | in a school designated with a grade of "D" or "F" who have ~~which~~  
 80 | ~~has~~ at least one student scoring an E or higher on the half-  
 81 | credit Advanced International Certificate of Education  
 82 | examination in that class. The maximum additional bonus for a  
 83 | teacher awarded in accordance with this subparagraph shall not  
 84 | exceed \$500 in any given school year. Teachers receiving an  
 85 | award under subparagraph 3. ~~2-~~ are not eligible for a bonus  
 86 | under this subparagraph.

87 |

88 | Bonuses awarded to a teacher according to this paragraph shall  
 89 | not exceed \$2,000 in any given school year and shall be in  
 90 | addition to any regular wage or other bonus the teacher received  
 91 | or is scheduled to receive. However, the maximum bonus shall be  
 92 | \$3,000 if at least 50 percent of the students enrolled in a  
 93 | teacher's Advanced International Certificate of Education course  
 94 | at a school that received a school grade of "A," "B," or "C"  
 95 | earn a score of E or higher on a subject examination or if at  
 96 | least 25 percent of the students enrolled in a teacher's  
 97 | Advanced International Certificate of Education course at a  
 98 | school that received a school grade of "D" or "F" earn a score  
 99 | of E or higher on a subject examination. For such courses, the  
 100 | teacher shall earn an additional bonus of \$50 for each student  
 101 | who has a qualifying score up to the maximum of \$3,000 in any  
 102 | given school year.

103 |

Section 2. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 4013 Blended Learning Courses  
**SPONSOR(S):** Choice & Innovation Subcommittee, Diaz, Jr.  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	11 Y, 1 N	Dehmer	Healy
2) Education Appropriations Subcommittee	13 Y, 0 N	Seifert	Heflin
3) Education Committee		Dehmer DD	Mizereck <i>KCM</i>

### SUMMARY ANALYSIS

Schools districts are authorized to provide blended learning courses that include both traditional classroom instruction and online instruction techniques. However, the law requires that students in a blended learning course must receive the online instruction in a classroom setting at the school. This prohibits a number of blended learning models from being implemented. The bill removes the requirement that online instruction must occur in a classroom setting at a school, expanding the blended learning models available to districts.

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

This bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

In 2011, the legislature authorized districts to provide direct instruction through a virtual environment or through a blended virtual and physical environment. Blended learning courses consist of both traditional classroom and online instructional techniques. Students in a blended learning course must be full-time students of the school and receive the online instruction in a classroom setting at the school. The funding, performance, and accountability requirements for blended learning courses are the same as traditional courses.<sup>1</sup>

Blended learning is defined as a formal education program in which a student learns:

- at least in part through online learning, with some element of student control over time, place, path, and/or pace;
- at least in part in a supervised brick-and-mortar location away from home and;
- the modalities within a course or subject that are connected to provide an integrated learning experience.<sup>2</sup>

The requirement that students must receive the online instruction in the classroom at the school eliminates several blended learning models that could benefit students and school districts, such as:

- **Flipped Classroom** - a course or subject in which students participate in online learning off-site in place of traditional homework and then attend the brick-and-mortar school for face-to-face, teacher-guided practice or projects.
- **Flex model** - a course or subject in which online learning is the backbone of student learning, even if it directs students to offline activities at times. Students move on an individually customized, fluid schedule among learning modalities. The teacher of record is on-site, and students learn mostly on the brick-and-mortar campus, except for any homework assignments. The teacher of record or other adults provide face-to-face support on a flexible and adaptive as-needed basis through activities such as small-group instruction, group projects, and individual tutoring.
- **A La Carte model** - a course that a student takes entirely online to accompany other experiences that the student is having at a brick-and-mortar school or learning center.<sup>3</sup>

##### Effect of Proposed Changes

The bill removes the requirement that online instruction in a blended learning course take place in a classroom setting at a school while still requiring the student to be a full-time student of the school.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 1003.498, F.S. related to school district virtual course offerings.

**Section 2.** Provides an effective date of July 1, 2016.

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<sup>1</sup> Section 1003.498 (1), F.S.

<sup>2</sup> Blended Learning Definitions, Clayton Christensen Institute, at <http://www.christenseninstitute.org/blended-learning-definitions-and-models/> (last visited December 3, 2015).

<sup>3</sup> *Id.*

## 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:

There is no anticipated fiscal impact associated with this bill.

## 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:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

1                   A bill to be entitled  
2           An act relating to blended learning courses; amending  
3           s. 1003.498, F.S.; deleting a requirement that  
4           students in a blended learning course receive online  
5           instruction in a classroom setting at the school;  
6           providing an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Subsection (1) of section 1003.498, Florida  
11   Statutes, is amended to read:

12           1003.498 School district virtual course offerings.-  
13           (1) School districts may deliver courses in the  
14   traditional school setting by personnel certified pursuant to s.  
15   1012.55 who provide direct instruction through virtual  
16   instruction or through blended learning courses consisting of  
17   both traditional classroom and online instructional techniques.  
18   Students in a blended learning course must be full-time students  
19   of the school ~~and receive the online instruction in a classroom~~  
20   ~~setting at the school.~~ The funding, performance, and  
21   accountability requirements for blended learning courses are the  
22   same as those for traditional courses. To facilitate the  
23   delivery and coding of blended learning courses, the department  
24   shall provide identifiers for existing courses to designate that  
25   they are being used for blended learning courses for the purpose  
26   of ensuring the efficient reporting of such courses. A district

27 | may report full-time equivalent student membership for credit  
28 | earned by a student who is enrolled in a virtual education  
29 | course provided by the district which is completed after the end  
30 | of the regular school year if the FTE is reported no later than  
31 | the deadline for amending the final student membership report  
32 | for that year.

33 |       Section 2. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 7029      PCB CIS 16-01      School Choice  
**SPONSOR(S):** Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Cortes  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee	10 Y, 3 N	Dehmer	Healy
1) Education Appropriations Subcommittee	11 Y, 2 N, As CS	Seifert	Heflin
2) Education Committee		Dehmer DD	Mizereck <i>KPM</i>

### SUMMARY ANALYSIS

The bill creates the Florida Institute for Charter School Innovation to provide technical assistance and support to charter school applicants and sponsors; conduct research on policy and practice related to charter school authorizing, accountability, instructional practices, finance, management, and operations; approve replication of high-performing charter schools to contract with district school boards and provide opportunities for aspiring teachers to experience teaching in schools of choice.

The bill strengthens charter school accountability and student access to quality charter schools by:

- Clarifying that a sponsor shall consider a charter school applicant's, governing board member's, and any education services provider's past performance operating charter schools when deciding to approve or deny an application.
- Authorizing a charter school that has been granted a charter to defer opening for up to two years to conduct facilities planning.
- Requiring charter schools to begin submitting monthly financial statements upon approval of the charter contract to enable the sponsor to begin monitoring the school's financial health earlier in time.
- Clarifying that charter schools that earn two consecutive grades of "F" are automatically terminated.
- Removing the limit on replication of high-performing charter schools if the charter school is created to serve high-need areas or school district needs.
- Prohibiting a charter school with financial emergency conditions noted in its most recent annual audit from receiving capital outlay funding.
- Creating a High-Impact Charter Network status for charter operators serving educationally disadvantaged students, defining eligibility criteria, and providing incentives for qualifying operators.
- Authorizing a high-performing charter school to submit an application to replicate its school to the Florida Institute for Charter School Innovation.

The bill revises charter school funding provisions to:

- Clarify that charter schools do not have to adopt the school district's research-based reading plan in order to receive the research-based reading allocation.
- Specify the amount and distribution of Florida Education Finance Program (FEFP) funds based on projected and actual enrollment in a charter school.
- Authorize a nonprofit organization or municipality that operates a charter school to use unrestricted surplus or unrestricted net assets for K-12 educational purposes for other schools they operate in the district.
- Prohibit the sponsor from delaying payments to charter schools based upon the timing of receipt of local funds.

In addition, the bill removes the statutory eligibility requirements for enrollment in public K-12 virtual education, which currently limit virtual education options available to certain students who did not attend public school in the previous school year. The bill also revises criteria triggering automatic termination of a state-approved virtual instruction provider's contract and removal from the list of state approved providers.

See fiscal impact on state government. The estimated fiscal impact on the FEFP to fund the expansion of student eligibility for public virtual education is \$2,374,420. The estimated fiscal impact to fund the Florida Institute for Charter School Innovation is \$750,000 in addition to the funding received in Fiscal Year 2015-2016. This fiscal impact of these two items will be addressed as part of the House fiscal plan for fiscal year 2016-2017.

The bill takes effect July 1, 2016.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h7029b.EDC.DOCX

**DATE:** 1/15/2016

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Charter School Authorizing and Oversight

###### Present Situation

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

Florida law tasks sponsors with authorizing new charter schools and providing continuing oversight of each charter school in the school district. The law establishes several processes designed to enable the sponsor to perform these roles, including:

- Authority to review and approve or deny charter school applications.<sup>4</sup>
- Authority to enforce the terms and conditions of the charter agreement.<sup>5</sup>
- Annual reporting of student achievement and financial information by each charter school to the sponsor.<sup>6</sup>
- Sponsor monitoring of annual financial audits<sup>7</sup> and monthly financial statements submitted by charter schools in the school district.<sup>8</sup>
- Interventions for remedying unsatisfactory academic performance and financial instability.<sup>9</sup>
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.<sup>10</sup>

“*The Florida Principles and Standards for Quality Charter School Authorizing*” are a set of guidelines for sponsor authorizing and oversight of charter schools. The “*Principles and Standards*” are a collaborative effort by the Florida Department of Education (DOE), the National Association of Charter School Authorizers (NACSA), sponsors, and charter school stakeholders. Sponsor adherence to the “*Principles and Standards*” is voluntary. The “*Principles and Standards*” emphasize the critical role that sponsors play in evaluating the viability of charter school proposals and holding approved charter schools to high standards of quality.<sup>11</sup>

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<sup>1</sup> Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S. 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.

<sup>2</sup> Section 1002.33(2)(b)3. and (16), F.S.

<sup>3</sup> Section 1002.33(6)(h) and (7), F.S.

<sup>4</sup> Section 1002.33(6), F.S.

<sup>5</sup> Section 1002.33(6)(h) and (7), F.S.

<sup>6</sup> Section 1002.33(9)(k), F.S.

<sup>7</sup> Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.

<sup>8</sup> Section 1002.33(9)(g), F.S.

<sup>9</sup> Sections 1002.33(9)(n) and 1002.345, F.S.

<sup>10</sup> Section 1002.33(8), F.S.

<sup>11</sup> Florida Department of Education, *Florida Principles & Standards for Quality Charter School Authorizing*, at 2-5 (2014), <http://www.fldoe.org/core/fileparse.php/5423/urlt/Florida-Principles-and-Standards-Final-Proof.pdf>. [Hereinafter *Principles and Standards*].

The law establishes an application process for establishing a new charter school. An applicant<sup>12</sup> must submit a charter school application to the sponsor.<sup>13</sup> The sponsor must review and approve or deny the application.<sup>14</sup> The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument. The standard application is designed to enable the sponsor to evaluate the applicant's educational plan, organizational plan, financial viability, and business plan.<sup>15</sup>

The law does not expressly require a sponsor to evaluate an applicant's, governing board member's, or management company's past performance operating charter schools.<sup>16</sup> However, the standard application requires the applicant to:

- List each proposed member of the charter school's governing board and his or her background and qualifications.
- Indicate if the governing board will contract with a management company, summarize the company's history operating charter schools, and list other charter schools managed by the company and student achievement and financial performance data of such schools.<sup>17</sup>

Additionally, the "*Principles and Standards*" encourage sponsors to evaluate the past history of existing operators and management companies operating charter schools and conduct applicant interviews and other due diligence to examine the applicant's experience and ability to operate charter schools.<sup>18</sup>

After approval of the charter by the sponsor, the charter school must begin operation at the beginning of the upcoming school year. The sponsor may waive this requirement for good cause.<sup>19</sup> Additionally, the law prohibits a sponsor from requiring a charter school's governing board to have a certificate of occupancy for its facility earlier than 15 days before the first day of school.<sup>20</sup>

Among other oversight processes, charter schools must submit monthly financial statements for review by the sponsor. If a financial statement reveals a deteriorating financial condition,<sup>21</sup> the sponsor and charter school governing board must develop a corrective action plan.<sup>22</sup> The sponsor may choose to terminate or not renew the charter school's charter if financial deficiencies noted in the corrective action plan are not corrected within one year or if the school exhibits one or more financial emergency

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<sup>12</sup> 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.

<sup>13</sup> Section 1002.33(6)(a), F.S.; rule 6A-6.0786, F.A.C. (model charter school application and application evaluation instrument).

<sup>14</sup> Section 1002.33(6), F.S. If the application is approved, the applicant and sponsor then negotiate the terms of the charter. 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. Section 1002.33(6)(c) and (h), 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.*

<sup>15</sup> *See* Florida Department of Education, *Model Florida Charter School Application* (May 2012), [http://www.fldoe.org/core/fileparse.php/7700/urlt/IEPC\\_M1.pdf](http://www.fldoe.org/core/fileparse.php/7700/urlt/IEPC_M1.pdf) [hereinafter *Model Application*].

<sup>16</sup> *See* s. 1002.33(6)(a), F.S.

<sup>17</sup> *Compare* s. 1002.33(6)(a), (7), (8), (9), F.S. with *Model Application*, *supra* note 15, at 11 and 14.

<sup>18</sup> *Principles and Standards*, *supra* note 11, at 2-5 and 9-10.

<sup>19</sup> Section 1002.33(6)(b)5., F.S.

<sup>20</sup> Section 1002.33(7)(a)13., F.S.

<sup>21</sup> A deteriorating financial condition is a circumstance that significantly impairs the ability of a charter school to generate enough revenue to meet its expenditures without causing the occurrence of a financial emergency condition. Deteriorating financial conditions include, without limitation, circumstances in which actual enrollment is 70 percent less than the enrollment projection for which its annual budget is based, enrollment is insufficient to generate enough revenue to meet expenditures, actual expenses exceed budgeted expenses for a period of three months or more and there are insufficient reserves to compensate, or an unbudgeted financial event occurs and there are insufficient reserves to compensate. Section 1002.345(1)(a)3., F.S.; rule 6A-1.0081(2)(a), F.A.C.

<sup>22</sup> Sections 1002.33(9)(g)3. and 1002.345(1)(b)-(f), F.S.; rule 6A-1.0081, F.A.C. A high-performing charter school may submit quarterly rather than monthly financial statements. Section 1002.331(2)(c), F.S.

conditions<sup>23</sup> for two consecutive years.<sup>24</sup> The date by which a newly established charter school must begin submitting financial statements typically follows the first payment of state education funds to the charter school, which occurs in July before the start of the school year.<sup>25</sup>

Beginning in 2013, sponsors were required to submit an annual report to the DOE with the following information:

- The number of draft applications received on or before May 1 and each applicant's contact information.
- The number of final applications received on or before August 1 and each applicant's contact information.
- The date each application was approved, denied, or withdrawn.
- The date each final contract was executed.

The DOE must post a compiled annual report on its website by November 1 of each year.<sup>26</sup> In the report, the DOE concluded that “. . . district practices regarding charter schools vary widely,” and there were two notable findings:

- Three districts accounted for nearly half of the state's total number of applicants.
- Approval rates among districts differed markedly.<sup>27</sup>

### Effect of Proposed Changes

The bill establishes the Florida Institute for Charter School Innovation to advance charter school accountability, quality, and innovation by:

- Providing support and technical assistance to charter school applicants and sponsors;
- Researching and analyzing the circumstances that lead to specific charter school closings in order to provide guidance and technical assistance on best practices to future applicants and sponsors.
- Researching and analyzing best practices among sponsors and, based upon those results, create and conduct professional development for sponsors.
- Connecting aspiring teachers to opportunities to experience teaching in schools of choice; and
- Conducting research and developing and promoting best practices for charter school accountability, authorizing, financing, management and operations, and instructional practices.

The primary mission of the institute is to provide technical assistance and support to charter school applicants and sponsors. Technical assistance to applicants should include developing innovative charter school proposals. An applicant would be able to engage the institute for assistance not only in developing its written application, but also in acquiring the financial and operational knowledge and skills necessary to operate a charter school. In this regard, the institute could benefit both applicants and sponsors by increasing the quality of charter school proposals, while also helping to discourage applicants with poorly developed proposals or qualifications from submitting applications for sponsor

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<sup>23</sup> A financial emergency exists when any one of the following conditions occurs due to lack of funds: (1) Failure to pay short-term loans or make bond debt service or other long-term debt payments when due; (2) Failure to pay uncontested claims from creditors within 90 days after the claim is presented; (3) Failure to timely transfer taxes withheld from employees or employer or employee contributions for federal social security, pension, or retirement plans; and (4) Failure for one pay period to pay wages, salaries, or retirement benefits. Section 218.503(1)(a)-(d), F.S.

<sup>24</sup> Section 1002.345(5), F.S.

<sup>25</sup> Rule 6A-1.0081, F.A.C. The sponsor and charter school governing board must mutually agree to the date by which the financial statements are to be submitted. *Id.*

<sup>26</sup> Section 1002.33(5)(b)1.k, F.S.

<sup>27</sup> Florida Department of Education, *Annual Authorizer Report – 2013* at 1, <http://www.fldoe.org/schools/school-choice/charter-schools/authorizers/annual-authorizer-reports.stml>.

review. Technical assistance to sponsors should include gathering and researching best practices among sponsors; developing professional development trainings for sponsors, and assisting sponsors in implementing *Florida Principals & Standards for Quality Charter School Authorizing*.

The bill requires the Commissioner of Education to appoint a director of the institute to oversee implementation of the institute's mission. The institute must annually submit a report of its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Among other things, the report must provide specific recommendations for improving the institute's ability to fulfill its mission and changes to statewide charter school policy. The bill also requires the institute to provide for an annual financial audit by a certified public account and submit the audit to the Auditor General and the State Board of Education.

Each charter school applicant must disclose in its application the name of each applicant, governing board member, and proposed education services provider; the name and sponsor of any charter school operated by such parties that closed and the reason for closure; and the academic and financial history of such charter schools. The sponsor must consider the past history of these entities in deciding to approve or deny the application. This change makes clear that sponsors have authority to evaluate the applicant's history operating charter schools and aligns the law with the standard application currently in use and guidelines provided by the "*Principles and Standards*."

Additionally, the bill requires a charter school's governing board to begin submitting financial statements to the sponsor upon approval of the charter contract. This will enable the sponsor to monitor a newly created charter school's finances earlier, thereby strengthening the sponsor's ability to assess the school's financial readiness to begin serving students. Accordingly, the sponsor would have greater ability to identify deteriorating financial conditions and take corrective action to remedy financial deficiencies.

Currently, after approval of the charter by the sponsor, the charter school must begin operation at the beginning of the upcoming school year. The sponsor may waive this requirement for good cause.<sup>28</sup> The bill allows a charter school that has been granted a charter to defer opening for up to two years to conduct facilities planning. The charter school must provide written notice of such deferral to the sponsor and parents of enrolled students at least 30 calendar days before the first day of school. Among other things, this change will enable a charter school more time to acquire adequate facilities if difficulties securing facilities arise.

## **High-Performing Charter Schools**

### **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.<sup>29</sup> 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 opinion<sup>30</sup> on each annual financial audit; and
- Has not received an annual financial audit that reveals a financial emergency condition.<sup>31</sup>

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)

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<sup>28</sup> Section 1002.33(6)(b)5., F.S.

<sup>29</sup> Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

<sup>30</sup> 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).

<sup>31</sup> Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

status corporation; or a private for-profit corporation.<sup>32</sup> 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.<sup>33</sup>

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.<sup>34</sup>

High-performing charter schools may take advantage of various benefits. Among other benefits, the operator of a high-performing charter school may submit an application in any Florida school district to establish and operate a new charter school that substantially replicates one of its high-performing charter schools. The application process for such applications is streamlined to expedite approval.<sup>35</sup> 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.<sup>36</sup> Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools.<sup>37</sup> Additionally, a high-performing charter school may have the term of its charter extended to up to 15 years.<sup>38</sup>

As of November 2015, 167 charter schools in 32 school districts and 1 state university were designated as “high-performing” and three systems were designated as high-performing systems – Doral, Inc., McKeel Academy, and Plato. Doral, Inc. is comprised of six charter schools, five of which are high-performing charter schools. McKeel Academy is comprised of three charter schools, each of which is a high-performing charter school. Plato is comprised of seven charter schools, five of which are high-performing charter schools.<sup>39</sup>

### **Effect of Proposed Changes**

Currently, a high-performing charter school may only replicate once in a given year, and may not replicate again until the newly created charter school achieves “high-performing” status, which takes at least three years. The bill provides that this limit does not apply to high-performing charter schools replicated to serve the attendance area of a traditional public school identified as in need of intervention and support under Florida’s system of school improvement and accountability or to meet needs identified by school districts. In all other cases, existing limits apply. This change expands the ability of high-performing charter schools to provide parental school choice in underserved areas or partner with school districts to meet specific district needs.

The bill provides that a charter school, whose initial application, as a high-performing school, is denied by the sponsor, shall be exempt from the administrative fee requirement. Additionally, the bill provides that a high-performing charter school may submit an application to replicate its school and program in any school district to the Florida Institute for Charter School Innovation. The institute must deny or approve the application within 60 days after receipt of the application. An applicant that is approved

<sup>32</sup> Section 1002.332(1), F.S.

<sup>33</sup> 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.

<sup>34</sup> Sections 1002.331(5) and 1002.332(2)(a), F.S.

<sup>35</sup> Section 1002.331(2), F.S.

<sup>36</sup> Section 1002.331(3)(b), F.S.

<sup>37</sup> Section 1002.332(2), F.S.

<sup>38</sup> Section 1002.331(4), F.S.

<sup>39</sup> Email, Office of Independent Education and Parental Choice (Nov. 16, 2015).

must work with the district to develop and execute a contract. If an application is denied, the applicant may appeal to the State Board of Education. This process is similar to *Sch. Bd. of Volusia Cty. v. Acad. of Excellence, Inc.*, where the court held that the state board approval of a previously denied charter application was constitutional because the school board retained authority over the operation, control and supervision of the charter school.<sup>40</sup> The approval of an application is just the beginning of the process to open a charter school.<sup>41</sup> Once the charter application has been granted, the school board still has control over the process because the applicant and the school board must agree on the provisions of the charter.<sup>42</sup> The Florida Institute of Charter School Innovation only approves or denies applications for replication of high-performing charter schools, while the contracting school board retains authority over the operation, control and supervision of the charter school.

Legislation enacted in 2013 required the commissioner to annually determine a charter school's or charter school system's continued eligibility for "high-performing" status. A high-performing charter school or charter school system may maintain its "high-performing" status, unless the commissioner determines that the charter school or system no longer meets the eligibility criteria enumerated in law, one of which requires that the school not receive a grade below a "B". Current language also provides for removal of a charter school's "high-performing" status if it receives a school grade of "C" in any two years during the term of the 15-year charter. Because a high-performing school loses its status once its grade falls below a "B," the provisions regarding consequences for receiving a "C" are obsolete. Accordingly, the bill repeals provisions regarding consequences for "C" grades.

The bill outlines specific timelines for modifications to a high-performing charter school's charter and clarifies that it can be for an additional 15 years or a 15-year renewal. The sponsor has 30 days after a charter school receives its high-performing designation to provide a charter renewal to the charter school. A charter school and sponsor have 20 days to negotiate and notice the charter contract for final approval by the sponsor. The proposed contract must be provided to the charter school at least 7 calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. Any dispute goes directly to the Division of Administrative Hearings.

The bill creates a High Impact Charter Network status for the charter operators serving educationally disadvantaged students. A qualifying entity must be a non-profit organization under s. 501(c)(3) that successfully operates a system of charter schools that serve primarily educationally disadvantaged students as defined in the Elementary and Secondary Education Act. The entity must apply to the state board for status as a High-Impact Charter Network. The bill requires the state board to adopt rules prescribing the process for determining eligibility as a High-Impact Charter Network which must include a review of all schools currently and previously operated by the entity in the areas of student achievement and financial performance.

Schools operated by a High-Impact Charter Network will receive the following incentives, provided the network maintains its status:

- Automatic eligibility for capital outlay funds;
- Waiver of the administrative fee for the provision of services by the sponsor; and
- Priority in the DOE's Public Charter School Grant Program competitions.

The bill provides that the initial High-Impact Charter Network status shall be valid for up to 4 years. For an entity seeking renewal, the state board shall review the academic and financial performance of the charter schools in accordance with the rules established to define eligibility.

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<sup>40</sup> 974 So. 2d 1186 (Fla. Dist. Ct. App. 2008), *But see Duval Cty Sch Bd. v. State, Bd. of Educ.*, 998 So. 2d 641 (Fla. Dist. Ct. App. 2008) (holding that the Excellence Commission's authority over charter schools was unconstitutional because it usurped the district's power to operate, control and supervise charter schools).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

## **Charter Termination or Nonrenewal**

### **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.<sup>43</sup>

The sponsor may immediately terminate a charter school's charter if conditions at the school threaten the health, safety, or welfare of students.<sup>44</sup> 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.<sup>45</sup>

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. In general, 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 Florida's system of school improvement and education accountability.

When a charter is not renewed or is terminated, unencumbered public funds from the charter school revert to the district school board, except that capital outlay and federal charter school grant funds revert to the DOE for redistribution among eligible charter schools. Additionally, all district school board property and improvements, furnishings, and equipment purchased with public funds automatically revert to the district school board subject to satisfaction of any liens or encumbrances. The charter school's governing board is responsible for all debts incurred by the charter school. Students enrolled in the charter school may apply to, and must be enrolled in, another public school in the school district. The law does not specifically apply these provisions to charter schools that close voluntarily.<sup>46</sup>

### **Effect of Proposed Changes**

The bill clarifies that "double "F"" termination occurs automatically when a charter school earns a second consecutive grade of "F," after school grade appeals are final, unless an exception applies. The sponsor must notify, in writing, the charter school's governing board, the charter school principal, and the DOE. Hearings and appeals applicable to discretionary and immediate charter terminations are not applicable to "double "F"" terminations. The bill specifies that procedures regarding reversion of public funds and property purchased with public funds apply to "double "F"" terminations, as well as, voluntary closures.

Additionally, the bill requires the governing board of a charter school that decides to cease operations voluntarily to make such determination at a public meeting and to notify the parents and sponsor of the public meeting prior to its official notice. Following the meeting, the governing board must notify the sponsor, parents of enrolled students, and the DOE in writing within 24 hours of its decision. The notice must state the charter school's intent to continue operations or the reasons for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds specified in law.

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<sup>43</sup> Section 1002.33(8)(a), F.S.

<sup>44</sup> Section 1002.33(8)(d), F.S.

<sup>45</sup> Sections 1002.33(6)(c) and (8)(b)-(d), F.S.

<sup>46</sup> Section 1002.33(8)(e), F.S.

The bill also specifically applies existing law regarding dissolution of the charter school, reversion of funds, debt, and reassignment of students to voluntary closures. This change will increase the likelihood that charter schools that close voluntarily follow the law regarding reversion of public funds. It will also provide more information to sponsors and the DOE regarding the reasons leading to voluntary closure.

### **Eligible Students**

The bill provides that a charter school that has not reached capacity may be open to any student in the state and authorizes a charter school to give enrollment preference to students who attended or are assigned to a failing school.

The bill also prohibits a charter school from denying enrollment or withdrawing a student based on the student's academic performance.

### **Charter School Cooperatives**

#### **Present Situation**

The law authorizes charter schools to enter into cooperative agreements with other charter schools to provide planning and development, instructional, personnel administration, payroll, human resources, and evaluation and assessment services and teacher preparation and professional development.<sup>47</sup>

#### **Effect of Proposed Changes**

The bill deletes the list of specific services that cooperative agreements may serve and instead states that charter schools may enter into such agreements to further any educational, operational, or administrative purposes in which participating charter schools share common interests. This change expands the ability of charter schools to collaborate and pool resources for shared objectives.

### **Distribution of Student Funding**

#### **Present Situation**

Charter school students are funded through the Florida Education Finance Program (FEFP), including categorical funding such as the research-based reading instruction allocation (reading allocation).<sup>48</sup> In general, the reading allocation must be used for such purposes as providing intensive reading instruction to struggling students or to support reading teachers through professional development or utilization of reading coaches. Each school district must annually submit a plan to the DOE specifying how it will use the reading allocation.<sup>49</sup> Each charter school applicant must include in its application a reading curriculum that provides for differentiated reading instruction for students reading at or above grade level and for those reading below grade level. The curriculum must be aligned to state reading standards and grounded in scientific research. If the application is approved, the reading curriculum is incorporated into the charter school's charter.<sup>50</sup> Despite the requirement that charter schools adopt a reading curriculum as a condition of approval, some sponsors have required charter schools to use the school district's reading plan as a condition to receiving the reading allocation, and that plan is often

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<sup>47</sup> Section 1002.33(13), F.S.

<sup>48</sup> Sections 1002.33(17)(a)-(b) and 1011.62, F.S. To reflect any changes in enrollment, the charter school's funding is recalculated during the school year, based upon the October and February full-time equivalent (FTE) enrollment surveys. *See* s. 1002.33(17)(b), F.S.

<sup>49</sup> Section 1011.62(9), F.S.

<sup>50</sup> Section 1002.33(6)(a)4. and (7)(a)2.a., F.S.

dramatically different than the reading curriculum that the sponsor has already approved in the application and charter.<sup>51</sup>

Currently, a district school board (school board) must make timely and efficient payments and reimbursements to charter schools. A school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of the full-time equivalent student membership surveys are used to adjust the amount of funds distributed to the charter school. Sponsors must distribute funds to a charter school no later than 10 working days after the district school board receives a distribution of state or federal funds. If payment is not made to the charter school within 10 working days, the sponsor must also pay interest at a rate of 1 percent per month calculated daily on the unpaid balance for each day the payment is late.<sup>52</sup> One sponsor has previously indicated that it would delay disbursement of locally generated funds to charter schools until the funds were received by the school district.<sup>53</sup>

### **Effect of Proposed Changes**

The bill requires a sponsor to deny a charter application if the proposed charter school reading curriculum is not evidence-based and does not include explicit, systematic, and multisensory reading instructional strategies. It also prohibits sponsors from requiring charter schools to adopt the school district's reading curriculum as a condition to receiving the research-based reading allocation.

The bill clarifies that school board payments must be made monthly or bi-monthly, beginning with the start of a school board's fiscal year. Each payment must be one-twelfth (1/12) or one-twenty-fourth (1/24), as applicable. In the first two years of a charter school's operation, a school board must distribute funds for the months of July – October based on the projected full-time equivalent student membership if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month. If less than 75 percent of the projected enrollment is entered into the sponsor's system, the sponsor shall base payments on the actual number entered into the sponsor's student information system.<sup>54</sup> This will generate a more accurate distribution of funds prior to the October student count and prevent over-funding and under-enrollment. The bill also prohibits a sponsor from delaying payment of any portion of a charter school's funding based upon the timing of receipt of local funds by the school board.

Additionally, the bill authorizes a nonprofit organization or municipality that operates a charter school that has use any unrestricted surplus or unrestricted net assets identified in its annual audit to use those funds for K-12 educational purposes for charter schools within the district operated by that nonprofit entity or municipality, while meeting expenditure requirements specific to operating funds and capital outlay funds.

### **Facilities**

#### **Present Situation**

Currently, startup and conversion charter schools are not required to comply with the State Requirement for Educational Facilities pursuant to s. 1013.37, F.S. The local governing authority cannot adopt or impose any local building requirements or site-development restrictions that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. The local governing authority must treat charter schools equitably in

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<sup>51</sup> Florida Department of Education, *Legislative Bill Analysis on School Choice Priorities*, (Nov. 6, 2014).

<sup>52</sup> Section 1002.33(17)(e), F.S.

<sup>53</sup> Florida Department of Education, *Legislative Bill Analysis on School Choice Priorities*, (Nov. 6, 2014).

<sup>54</sup> Note: this language is currently found in the model charter school contract at <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference> page 20 -21 (last visited November 24, 2015).

comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools.<sup>55</sup>

### **Effect of Proposed Changes**

The bill permits an aggrieved school the immediate right to bring an action in circuit court to enforce its rights against any authority who fails to comply with this section. An aggrieved school that receives injunctive relief may collect attorney fees and court cost.

### **Charter School Capital Outlay**

#### **Present Situation**

To be eligible for charter school capital outlay funding, a charter school must:

- Have been in operation for at least three years, be governed by a governing board established in Florida for three or more years which operates both charter schools and conversion charter schools within the state, be part of an expanded feeder chain<sup>56</sup> with an existing charter school in the district that is currently receiving charter school capital outlay funds, be accredited by the Commission on Schools of the Southern Association of Colleges and Schools, or serve students in facilities that are provided by a business partner for a charter school-in-the-workplace;
- Demonstrate financial stability for future operation as a charter school;
- Have satisfactory student achievement based upon the state accountability standards applicable to charter schools;
- Have received final approval from its sponsor for operation during that fiscal year; and
- Serve students in facilities that are not provided by the charter school sponsor.<sup>57</sup>

Charter school capital outlay funding is allocated based upon the following priorities:

- First priority is given to charter schools that received capital outlay funding in FY 2005-06. Such a school receives the same per-student amount that it received in FY 2005-06 up to the lesser of:
  - The actual number of students enrolled in the current year; or
  - The number of students enrolled in FY 2005-06.
- After calculating the first priority, remaining funds are allocated with the same per-student amount to:
  - Those schools not included in the first priority allocation; and
  - Those schools in the first priority allocation with growth in excess of FY 2005-06 student enrollments.

Any excess funds remaining after the first and second priority calculations are allocated among all eligible charter schools.<sup>58</sup>

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<sup>55</sup> Section 1002.33(18)(a), F.S.

<sup>56</sup> A charter school may be considered a part of an expanded feeder chain under s. 1013.62, F.S., if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to Section 1013.62, F.S. Rule 6A-2.0020 (1), F.A.C.

<sup>57</sup> Section 1013.62(1)(a), F.S. A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. Section 1013.62(1)(d), F.S.

<sup>58</sup> Section 1013.62(1)(b), F.S.

## **Effect of Proposed Changes**

The bill clarifies “financial stability” by specifying that a charter school may not have financial emergency conditions noted in its most recent annual audit in order to received capital outlay funding.

## **Other Charter School Changes**

### **Governing Board Meetings**

Florida law requires each charter school’s governing board to hold at least two open public meetings per school year in the school district where the charter school is located. The charter school principal and a parent liaison appointed by the board must be physically present at these meetings. Governing board members are not required to attend these meetings in person.<sup>59</sup> The bill relocates the aforementioned governing board meeting provisions to a more appropriate section of the charter school statute. Additionally, the bill specifically authorizes a governing board member to attend biannual public meetings by communications media technology used in compliance with Administration Commission rules.<sup>60</sup>

### **Alternative Teacher Certification**

A professional education competence demonstration program (PEC Program) is an alternative teacher certification pathway that enables a classroom teacher who holds a temporary certificate to obtain full professional certification. The law requires each school district to establish a PEC Program. Establishing a PEC Program is optional for other “state-supported public schools” and private schools. PEC Programs must be approved by the DOE prior to implementation and approval is reevaluated annually.<sup>61</sup> The bill clarifies that a charter school, as a “supported public school,” may offer a PEC Program to enable its teachers on temporary certificates to obtain a professional teaching certificate.

## **Student Eligibility for Virtual Instruction**

### **Present Situation**

Florida law establishes a variety of options to make virtual instruction accessible to students in kindergarten through grade 12. These options include:

- Full-time or part-time enrollment in a school district virtual instruction program (VIP).<sup>62</sup>
- Full-time enrollment in a virtual charter school.<sup>63</sup>
- Enrollment in individual virtual courses offered by school districts and approved by the DOE.<sup>64</sup>
- Full-time or part-time enrollment in the Florida Virtual School (FLVS) or school district FLVS franchises.<sup>65</sup>

Student enrollment in a full-time or part-time school district virtual instruction program (VIP), a full-time virtual charter school, or a school district virtual course offering is open to any student residing in the district who:<sup>66</sup>

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<sup>59</sup> Section 1002.33(7)(d), F.S. The parent liaison must reside in the school district where the charter school is located and may be a governing board member, charter school employee, or contracted individual. The governing board must appoint a separate liaison for each charter school it operates in the district. The law prohibits a sponsor from requiring governing board members to reside in the school district if the governing board complies with these requirements. *Id.*

<sup>60</sup> Florida law requires the Administration Commission to adopt uniform rules for conducting public meetings by means of communications media technology. Sections 120.54(5)(b)2. and 1002.33(7)(d), F.S.; ch. 28-109, F.A.C.

<sup>61</sup> Section 1012.56(8)(b), F.S.; rule 6A-5.066(1)(d) and (2), F.A.C.

<sup>62</sup> Section 1002.45, F.S.

<sup>63</sup> Sections 1002.33(1) and 1002.45(1)(d), F.S.

<sup>64</sup> Section 1003.498, F.S.

<sup>65</sup> Sections 1002.37 and 1002.45(1)(a)1. and (c)1., F.S.

- Attended a Florida public school during the prior year and was enrolled and reported for funding during the October and February FEFP surveys;
- Is the dependent child of a member of the United States military who, within 12 months of the parent's permanent change of station order, transferred to Florida from another state or from a foreign country;
- Was enrolled in a school district virtual instruction program or a full-time FLVS program during the prior school year;
- Has a sibling who is currently enrolled in a school district virtual instruction program and the sibling was enrolled in such program at the end of the prior school year.
- Is eligible to enter kindergarten or first grade; or
- Is eligible to enter grades 2 through 5 and is enrolled full-time in a school district virtual instruction program, virtual charter school or FLVS.<sup>67</sup>

FLVS or a district FLVS franchise may provide full-time and part-time instruction for students in kindergarten through grade 12. However, students in kindergarten through grade 5 must meet at least one of the eligibility criteria listed above to access part-time instruction in such programs.<sup>68</sup>

Eligibility for Virtual Instruction							
Students Not Enrolled in Public School During the Previous School Year							
Grade Level	Full-Time			Part-Time			
	FLVS	District VIP	District FLVS Franchise	FLVS	District VIP	District FLVS Franchise	District Virtual Course
K							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
<b>KEY</b>							
	Student is Eligible						
	Student must meet prior public school requirement						
	No part-time virtual options for students who were not enrolled in public school during the prior year						

Consequently, students in 2nd through 5th grades are not eligible for enrollment in part-time virtual instruction unless they were enrolled in public school in the prior year or are dependent children of military personnel, or siblings.<sup>69</sup>

<sup>66</sup> Sections 1002.45(5) and 1002.455(2), F.S.

<sup>67</sup> Section 1002.455(2), F.S.

<sup>68</sup> Section 1002.37(8)(a), F.S.

<sup>69</sup> Section 1002.455(2), F.S.

## **Effect of Proposed Changes**

The bill repeals s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction. This change will open various virtual education options that are not currently available to students who did not attend public school in the prior year, as follows:

- Students in 6th through 12th grades may enroll in full-time school district VIP programs.
- Students in 2nd through 5th grades may enroll in part-time FLVS or district FLVS franchises.
- Students in 2nd through 12th grades may enroll in part-time school district VIP.
- Students in 2nd through 12th grades may enroll in school district virtual course offerings.

Most notably, this change gives students in 2nd through 5th grades who did not attend public school in the prior year the ability to enroll in part-time virtual instruction, whereas under current law, these students have no such options.

## **Virtual Instruction Providers**

### **Present Situation**

The law designates the FLVS, school district FLVS franchises, and Florida College System institutions as “approved providers.” The law also prescribes a process in which other virtual instruction providers may obtain DOE-approval to offer services to public school districts. The DOE must annually publish a list of approved providers.<sup>70</sup> Currently, a DOE-approved virtual instruction provider’s contract must be terminated if the provider earns a school grade of “D” or “F” or a school improvement rating of “Unsatisfactory” in any two years of a consecutive four year period. In such cases, the provider must be removed from the DOE-approved provider list for a period of at least one year. Among other things, the provider may not regain “approved provider” status until it demonstrates to the DOE that academic performance deficiencies have been remedied.<sup>71</sup>

### **Effect of Proposed Changes**

The bill provides that a virtual instruction provider’s contract must be terminated, and the provider loses “approved provider” status, if the provider earns two consecutive school grades of “F” after grade appeals are final or 2 consecutive school improvement ratings of “Unsatisfactory.”

### **Acceleration Options**

The bill clarifies language for the acceleration options and allows passage of an Advanced Placement (AP) Examination to qualify for high school course credits. The bill also clarifies that a district shall allow any public or home education student not enrolled in the corresponding course to take an end-of-course assessment or AP exam during the regular administration of the assessment.

Finally, the bill clarifies language regarding the minimum term requirement for purposes of the FEFP and removes the requirement that students in a blended learning course receive the online instruction in a classroom setting at the school so more blended learning models can be utilized by public schools and students.

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<sup>70</sup> Section 1002.45(2)(a), F.S.

<sup>71</sup> Section 1002.45(8)(d), F.S.

**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.** Creates s. 1002.333, F.S., relating to High Impact Charter Networks.

**Section 4.** Amends s. 1002.37, F.S., relating to the Florida Virtual School.

**Section 5.** Repeals s. 1002.45, F.S., relating to virtual instruction programs.

**Section 6.** Repeals s. 1003.445, F.S., relating to student eligibility for K-12 virtual instruction.

**Section 7.** Amends s. 1003.4295, F.S., relating to the Credit Acceleration program.

**Section 8.** Amends s. 1003.498, F.S., relating to school district virtual course offerings.

**Section 9.** Creates s. 1004.650, F.S., relating to the Florida Institute for Charter School Innovation.

**Section 10.** Amends s. 1011.61, F.S., relating to definitions.

**Section 11.** Amends s. 1011.62, F.S., relating to funds for operation of schools.

**Section 12.** Amends s. 1012.56, F.S., relating to educator certification.

**Section 13.** Amends s. 1013.62, F.S., relating to charter school capital outlay funding.

**Section 14.** Provides an effective date of July 1, 2016.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

None.

**2. Expenditures:**

The bill repeals s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction. This change will open various virtual education options that are not currently available to students who did not attend public school in the prior year. The estimated fiscal impact on the FEFP to fund the expansion of student eligibility for public virtual education is \$2,374,420. This fiscal impact will be addressed as part of the House fiscal plan.

The bill establishes the Florida Institute for Charter School Innovation. Among other things, the institute will assist applicants in developing charter school application proposals. Performance of these activities will require the institute to hire or subcontract with individuals with expertise in such areas as school finance, governance, operations, academics and curriculum, and exceptional student education services. It is estimated that approximately 5-6 full-time staff are needed to operate the institute. Funds will also be required to hire subcontractors to review applications. Recurring funding in the amount of \$250,000 was provided in the 2015-2016 fiscal year to the Florida State University to begin the implementation of Institute. The total estimated fiscal impact for the full implementation of the Institute is \$1,000,000. An additional \$750,000 would be necessary for 2016-2017 to meet the requirements of the bill. This fiscal impact will be addressed as part of the House fiscal plan.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Provisions expanding the purposes of cooperative agreements may provide charter schools with new opportunities to pool resources and achieve cost savings.

**D. FISCAL COMMENTS:**

The bill clarifies that a sponsor may not require a charter school to adopt the school district's reading curriculum as a condition to receiving a share of the research-based reading allocation. This may increase the number of charter schools that receive a share of the allocation.

The bill authorizes a nonprofit organization or municipality that operates a charter school to use unrestricted surplus or unrestricted net assets of the charter school identified in an annual financial audit for K-12 educational purposes for charter schools within the district operated by the not-for-profit or municipal entity organizing or operating the charter school with the surplus. Surplus operating funds shall be used in accordance with s. 1011.62, and surplus capital outlay funds shall be used in accordance with s. 1013.62(2).

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

**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:**

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 11, 2016, the Education Appropriations Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment, while not a requirement, would allow a charter school the flexibility to give enrollment preference to residents of that municipality when a municipality allows a charter school to use a school facility or portion of land owned by the municipality.

This bill analysis is drafted to the committee substitute as passed by the Education Appropriations Subcommittee.



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.—Charter 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) or allows  
 730 a charter school to use a school facility or portion of land  
 731 owned by the municipality for the operation of the charter  
 732 school.

733 5. Students who have successfully completed a voluntary  
 734 prekindergarten education program under ss. 1002.51-1002.79  
 735 provided by the charter school or the charter school's governing  
 736 board during the previous year.

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

739 7. Students who attended or are assigned to failing  
 740 schools pursuant to s. 1002.38(2).

741 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may  
 742 enter into cooperative agreements to form charter school  
 743 cooperative organizations that may provide ~~the following~~  
 744 services to further educational, operational, and administrative  
 745 initiatives in which the participating charter schools share  
 746 common interests: charter school planning and development,  
 747 ~~direct instructional services, and contracts with charter school~~  
 748 ~~governing boards to provide personnel administrative services,~~  
 749 ~~payroll services, human resource management, evaluation and~~  
 750 ~~assessment services, teacher preparation, and professional~~  
 751 ~~development.~~

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

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

757 (b) The basis for the agreement for funding students  
 758 enrolled in a charter school shall be the sum of the school  
 759 district's operating funds from the Florida Education Finance  
 760 Program as provided in s. 1011.62 and the General Appropriations  
 761 Act, including gross state and local funds, discretionary  
 762 lottery funds, and funds from the school district's current  
 763 operating discretionary millage levy; divided by total funded  
 764 weighted full-time equivalent students in the school district;  
 765 multiplied by the weighted full-time equivalent students for the  
 766 charter school. Charter schools whose students or programs meet  
 767 the eligibility criteria in law are entitled to their  
 768 proportionate share of categorical program funds included in the  
 769 total funds available in the Florida Education Finance Program  
 770 by the Legislature, including transportation, the research-based  
 771 reading allocation, and the Florida digital classrooms  
 772 allocation. Total funding for each charter school shall be  
 773 recalculated during the year to reflect the revised calculations  
 774 under the Florida Education Finance Program by the state and the  
 775 actual weighted full-time equivalent students reported by the  
 776 charter school during the full-time equivalent student survey  
 777 periods designated by the Commissioner of Education. Any  
 778 unrestricted surplus or unrestricted net assets identified in  
 779 the charter school's annual audit may be used for K-12  
 780 educational purposes for charter schools within the district

781 | operated by the not-for-profit or municipal entity operating the  
 782 | charter school with the surplus. Surplus operating funds shall  
 783 | be used in accordance with s. 1011.62, and surplus capital  
 784 | outlay funds shall be used in accordance with s. 1013.62(2).

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

807 membership surveys shall be used in adjusting the amount of  
 808 funds distributed monthly to the charter school for the  
 809 remainder of the fiscal year. The payments ~~payment~~ shall be  
 810 issued no later than 10 working days after the district school  
 811 board receives a distribution of state or federal funds or the  
 812 date the payment is due pursuant to this subsection. If a  
 813 warrant for payment is not issued within 10 working days after  
 814 receipt of funding by the district school board, the school  
 815 district shall pay to the charter school, in addition to the  
 816 amount of the scheduled disbursement, interest at a rate of 1  
 817 percent per month calculated on a daily basis on the unpaid  
 818 balance from the expiration of the 10 working days until such  
 819 time as the warrant is issued. The district school board may not  
 820 delay payment to a charter school of any portion of the funds  
 821 provided in paragraph (b) based on the timing of receipt of  
 822 local funds by the district school board.

823 (18) FACILITIES.—

824 (a) A startup charter school shall utilize facilities  
 825 which comply with the Florida Building Code pursuant to chapter  
 826 553 except for the State Requirements for Educational  
 827 Facilities. Conversion charter schools shall utilize facilities  
 828 that comply with the State Requirements for Educational  
 829 Facilities provided that the school district and the charter  
 830 school have entered into a mutual management plan for the  
 831 reasonable maintenance of such facilities. The mutual management  
 832 plan shall contain a provision by which the district school

833 board agrees to maintain charter school facilities in the same  
 834 manner as its other public schools within the district. Charter  
 835 schools, with the exception of conversion charter schools, are  
 836 not required to comply, but may choose to comply, with the State  
 837 Requirements for Educational Facilities of the Florida Building  
 838 Code adopted pursuant to s. 1013.37. The local governing  
 839 authority shall not adopt or impose any local building  
 840 requirements or site-development restrictions, such as parking  
 841 and site-size criteria, that are addressed by and more stringent  
 842 than those found in the State Requirements for Educational  
 843 Facilities of the Florida Building Code. ~~Beginning July 1, 2011,~~  
 844 A local governing authority must treat charter schools equitably  
 845 in comparison to similar requirements, restrictions, and site  
 846 planning processes imposed upon public schools that are not  
 847 charter schools. The agency having jurisdiction for inspection  
 848 of a facility and issuance of a certificate of occupancy or use  
 849 shall be the local municipality or, if in an unincorporated  
 850 area, the county governing authority. If an official or employee  
 851 of the local governing authority refuses to comply with this  
 852 paragraph, the aggrieved school or entity has an immediate right  
 853 to bring an action in circuit court to enforce its rights by  
 854 injunction. An aggrieved party that receives injunctive relief  
 855 may be awarded attorney fees and court costs.

856 (20) SERVICES.—

857 (a)1. A sponsor shall provide certain administrative and  
 858 educational services to charter schools. These services shall

859 include contract management services; full-time equivalent and  
860 data reporting services; exceptional student education  
861 administration services; services related to eligibility and  
862 reporting duties required to ensure that school lunch services  
863 under the federal lunch program, consistent with the needs of  
864 the charter school, are provided by the school district at the  
865 request of the charter school, that any funds due to the charter  
866 school under the federal lunch program be paid to the charter  
867 school as soon as the charter school begins serving food under  
868 the federal lunch program, and that the charter school is paid  
869 at the same time and in the same manner under the federal lunch  
870 program as other public schools serviced by the sponsor or the  
871 school district; test administration services, including payment  
872 of the costs of state-required or district-required student  
873 assessments; processing of teacher certificate data services;  
874 and information services, including equal access to student  
875 information systems that are used by public schools in the  
876 district in which the charter school is located. Student  
877 performance data for each student in a charter school,  
878 including, but not limited to, FCAT scores, standardized test  
879 scores, previous public school student report cards, and student  
880 performance measures, shall be provided by the sponsor to a  
881 charter school in the same manner provided to other public  
882 schools in the district.

883 2. A total administrative fee for the provision of such  
884 services shall be calculated based upon up to 5 percent of the

885 available funds defined in paragraph (17)(b) for all students,  
 886 except that when 75 percent or more of the students enrolled in  
 887 the charter school are exceptional students as defined in s.  
 888 1003.01(3), the 5 percent of those available funds shall be  
 889 calculated based on unweighted full-time equivalent students.  
 890 However, a sponsor may only withhold up to a 5-percent  
 891 administrative fee for enrollment for up to and including 250  
 892 students. For charter schools with a population of 251 or more  
 893 students, the difference between the total administrative fee  
 894 calculation and the amount of the administrative fee withheld  
 895 may only be used for capital outlay purposes specified in s.  
 896 1013.62(2).

897 3. For high-performing charter schools, as defined in s.  
 898 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total  
 899 administrative fee of up to 2 percent for enrollment up to and  
 900 including 250 students per school.

901 4. In addition, a sponsor may withhold only up to a 5-  
 902 percent administrative fee for enrollment for up to and  
 903 including 500 students within a system of charter schools which  
 904 meets all of the following:

- 905 a. Includes both conversion charter schools and
- 906 nonconversion charter schools;
- 907 b. Has all schools located in the same county;
- 908 c. Has a total enrollment exceeding the total enrollment
- 909 of at least one school district in the state;
- 910 d. Has the same governing board; and

911 e. Does not contract with a for-profit service provider  
 912 for management of school operations.

913 5. The difference between the total administrative fee  
 914 calculation and the amount of the administrative fee withheld  
 915 pursuant to subparagraph 4. may be used for instructional and  
 916 administrative purposes as well as for capital outlay purposes  
 917 specified in s. 1013.62(2).

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

922 7. Sponsors shall not charge charter schools any  
 923 additional fees or surcharges for administrative and educational  
 924 services in addition to the maximum 5-percent administrative fee  
 925 withheld pursuant to this paragraph.

926 8. The sponsor of a virtual charter school may withhold a  
 927 fee of up to 5 percent. The funds shall be used to cover the  
 928 cost of services provided under subparagraph 1. and  
 929 implementation of the school district's digital classrooms plan  
 930 pursuant to s. 1011.62.

931 9. A charter school whose initial application is submitted  
 932 under s. 1002.331 and denied by the district school board is  
 933 exempt from the administrative fee requirements of this  
 934 paragraph.

935 Section 2. Paragraph (e) of subsection (2) and subsections  
 936 (3), (4), and (5) of section 1002.331, Florida Statutes, are

937 amended to read:

938 1002.331 High-performing charter schools.—

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

940 (e) Receive a modification of its charter to an additional  
 941 ~~a~~ term of 15 years or a 15-year charter renewal. The charter may  
 942 be modified or renewed for a shorter term at the option of the  
 943 high-performing charter school. The sponsor has 30 days after  
 944 the charter school receives its high-performing designation to  
 945 provide a charter renewal to the charter school. The charter  
 946 school and sponsor have 20 days to negotiate and provide notice  
 947 of the charter contract for final approval by the sponsor. The  
 948 proposed charter contract must be provided to the charter school  
 949 at least 7 days before the date of the meeting at which the  
 950 charter is scheduled for final approval by the sponsor. A  
 951 dispute may be appealed to an administrative law judge appointed  
 952 by the Division of Administrative Hearings pursuant to s.  
 953 1002.33(6)(h). The charter must be consistent with s.  
 954 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual  
 955 review by the sponsor, and may be terminated during its term  
 956 pursuant to s. 1002.33(8).

957  
 958 A high-performing charter school shall notify its sponsor in  
 959 writing by March 1 if it intends to increase enrollment or  
 960 expand grade levels the following school year. The written  
 961 notice shall specify the amount of the enrollment increase and  
 962 the grade levels that will be added, as applicable. If a charter

963 school notifies the sponsor of its intent to expand, the sponsor  
 964 shall modify the charter within 90 days to include the new  
 965 enrollment maximum and may not make any other changes. The  
 966 sponsor may deny a request to increase the enrollment of a high-  
 967 performing charter school if the commissioner has declassified  
 968 the charter school as high-performing. If a high-performing  
 969 charter school requests to consolidate multiple charters, the  
 970 sponsor has ~~shall have~~ 40 days after receipt of that request to  
 971 provide an initial draft charter to the charter school. The  
 972 sponsor and charter school has ~~shall have~~ 50 days thereafter to  
 973 negotiate and notice the charter contract for final approval by  
 974 the sponsor.

975 (3) (a) A high-performing charter school may submit an  
 976 application to the Florida Institute for Charter School  
 977 Innovation for ~~pursuant to s. 1002.33(6) in~~ any school district  
 978 in the state to establish and operate a new charter school that  
 979 will substantially replicate its educational program. An  
 980 application submitted by a high-performing charter school must  
 981 state that the application is being submitted pursuant to this  
 982 paragraph and must include the verification letter provided by  
 983 the Commissioner of Education pursuant to subsection (4)-(5). The  
 984 institute has ~~If the sponsor fails to act on the application~~  
 985 ~~within~~ 60 days after receipt of, the application to deny or  
 986 approve the application. If the application is ~~deemed~~ approved,  
 987 and the procedure in s. 1002.33(6) (h) applies. If the ~~sponsor~~  
 988 ~~denies the application~~ is denied, the high-performing charter

989 school may appeal pursuant to s. 1002.33(6).

990 (b) A high-performing charter school may not establish  
 991 more than one charter school within the state under paragraph  
 992 (a) in any year. A subsequent application to establish a charter  
 993 school under paragraph (a) may not be submitted unless each  
 994 charter school established in this manner achieves high-  
 995 performing charter school status. This paragraph does not apply  
 996 to charter schools established by a high-performing charter  
 997 school in the attendance zone of a public school that earns a  
 998 grade of "F" or three consecutive grades of "D" pursuant to s.  
 999 1008.34 or to meet capacity needs or needs for innovative school  
 1000 choice options identified by the district school board.

1001 ~~(4) A high-performing charter school may not increase~~  
 1002 ~~enrollment or expand grade levels following any school year in~~  
 1003 ~~which it receives a school grade of "C" or below. If the charter~~  
 1004 ~~school receives a school grade of "C" or below in any 2 years~~  
 1005 ~~during the term of the charter awarded under subsection (2), the~~  
 1006 ~~term of the charter may be modified by the sponsor and the~~  
 1007 ~~charter school loses its high-performing charter school status~~  
 1008 ~~until it regains that status under subsection (1).~~

1009 (4)(5) The Commissioner of Education, upon request by a  
 1010 charter school, shall verify that the charter school meets the  
 1011 criteria in subsection (1) and provide a letter to the charter  
 1012 school and the sponsor stating that the charter school is a  
 1013 high-performing charter school pursuant to this section. The  
 1014 commissioner shall annually determine whether a high-performing

1015 charter school under subsection (1) continues to meet the  
 1016 criteria in that subsection. Such high-performing charter school  
 1017 shall maintain its high-performing status unless the  
 1018 commissioner determines that the charter school no longer meets  
 1019 the criteria in subsection (1), at which time the commissioner  
 1020 shall send a letter to the charter school and its sponsor  
 1021 providing notification that the charter school has been  
 1022 declassified ~~of its declassification~~ as a high-performing  
 1023 charter school.

1024 Section 3. Section 1002.333, Florida Statutes, is created  
 1025 to read:

1026 1002.333 High Impact Charter Network.—

1027 (1) As used in this section, the term:

1028 (a) "Critical need area" means an area that is served by  
 1029 one or more nonalternative, traditional public schools that  
 1030 received a school grade of "D" or "F" pursuant to s. 1008.34 in  
 1031 4 of the most recent 5 years.

1032 (b) "Entity" means a nonprofit organization with tax  
 1033 exempt status under s. 501(c)(3) of the Internal Revenue Code  
 1034 that is authorized by law to operate a public charter school.

1035 (2) An entity that successfully operates a system of  
 1036 charter schools that primarily serves educationally  
 1037 disadvantaged students, as defined in the Elementary and  
 1038 Secondary Education Act, 20 U.S.C. s. 1115(b)(2), may apply to  
 1039 the state board for status as a High Impact Charter Network. The  
 1040 state board shall adopt rules prescribing a process for

1041 determining whether the entity meets the requirements of this  
 1042 subsection by reviewing student demographic, academic, and  
 1043 financial performance data. The process shall include a review  
 1044 of all schools currently or previously operated by the entity,  
 1045 including schoolwide and subgroup performance on all statewide,  
 1046 standardized assessments for the most recent 3 years as compared  
 1047 to all students at the same grade level, and as compared with  
 1048 other schools serving similar demographics of students, and  
 1049 school-level financial performance. The review may also include  
 1050 performance on nationally norm-referenced assessments, student  
 1051 attendance and retention rates, graduation rates, college  
 1052 attendance rates, college persistence rates, and other outcome  
 1053 measures as determined by the state board.

1054 (3) An entity that is designated as a High Impact Charter  
 1055 Network pursuant to this subsection may submit an application  
 1056 pursuant to s. 1002.33 to establish and operate charter schools  
 1057 in critical need areas. Notwithstanding s. 1013.62(1)(a), a  
 1058 charter school operated by a High Impact Charter Network in a  
 1059 critical need area is eligible to receive charter school capital  
 1060 outlay.

1061 (4) The administrative fee provided for in s.  
 1062 1002.33(20)(a)2. shall be waived for a charter school  
 1063 established by a High Impact Charter Network in a critical need  
 1064 area as long as the network maintains its status as a High  
 1065 Impact Charter Network.

1066 (5) The department shall give priority to charter schools

1067 | operated by a High Impact Charter Network in the department's  
 1068 | Public Charter School Grant Program competitions. Priority shall  
 1069 | only be provided for new charter schools that will operate in a  
 1070 | critical need area.

1071 | (6) The initial High Impact Charter Network status is  
 1072 | valid for up to 4 years. If an entity seeks renewal of its  
 1073 | status, the state board shall review the academic and financial  
 1074 | performance of the charter schools established in areas of  
 1075 | critical need pursuant to subsection (2).

1076 | (7) For purposes of determining areas of critical need,  
 1077 | school grades issued for the 2014-2015 school year may not be  
 1078 | considered.

1079 | (8) The State Board of Education shall adopt rules to  
 1080 | administer this section.

1081 | Section 4. Paragraph (a) of subsection (3) and paragraph  
 1082 | (a) of subsection (8) of section 1002.37, Florida Statutes, are  
 1083 | amended to read:

1084 | 1002.37 The Florida Virtual School.—

1085 | (3) Funding for the Florida Virtual School shall be  
 1086 | provided as follows:

1087 | (a)1. The calculation of "full-time equivalent student"  
 1088 | shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject  
 1089 | to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~  
 1090 | ~~time equivalent student" is one student who has successfully~~  
 1091 | ~~completed six full-credit courses that count toward the minimum~~  
 1092 | ~~number of credits required for high school graduation. A student~~

1093 ~~who completes fewer than six full-credit courses is a fraction~~  
 1094 ~~of a full-time equivalent student. Half-credit course~~  
 1095 ~~completions shall be included in determining a full-time~~  
 1096 ~~equivalent student.~~

1097 ~~2. For a student in kindergarten through grade 8, a "full-~~  
 1098 ~~time equivalent student" is one student who has successfully~~  
 1099 ~~completed six courses or the prescribed level of content that~~  
 1100 ~~counts toward promotion to the next grade. A student who~~  
 1101 ~~completes fewer than six courses or the prescribed level of~~  
 1102 ~~content shall be a fraction of a full-time equivalent student.~~

1103 2.3. For a student in a home education program, funding  
 1104 shall be provided in accordance with this subsection upon course  
 1105 completion if the parent verifies, upon enrollment for each  
 1106 course, that the student is registered with the school district  
 1107 as a home education student pursuant to s. 1002.41(1)(a).  
 1108 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~  
 1109 ~~equivalent students and associated funding of students enrolled~~  
 1110 ~~in courses requiring passage of an end-of-course assessment~~  
 1111 ~~under s. 1003.4282 to earn a standard high school diploma shall~~  
 1112 ~~be adjusted if the student does not pass the end-of-course~~  
 1113 ~~assessment. However, no adjustment shall be made for home~~  
 1114 ~~education program students who choose not to take an end-of-~~  
 1115 ~~course assessment or for a student who enrolls in a segmented~~  
 1116 ~~remedial course delivered online.~~

1117  
 1118 ~~For purposes of this paragraph, the calculation of "full-time~~

1119 ~~equivalent student" shall be as prescribed in s.~~  
 1120 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~  
 1121 ~~1011.61(4).~~

1122 (8) (a) The Florida Virtual School may provide full-time  
 1123 and part-time instruction for students in kindergarten through  
 1124 grade 12. ~~To receive part-time instruction in kindergarten~~  
 1125 ~~through grade 5, a student must meet at least one of the~~  
 1126 ~~eligibility criteria in s. 1002.455(2).~~

1127 Section 5. Subsection (5) and paragraphs (c) and (d) of  
 1128 subsection (8) of section 1002.45, Florida Statutes, are amended  
 1129 to read:

1130 1002.45 Virtual instruction programs.-

1131 (5) STUDENT ELIGIBILITY.-Students in kindergarten through  
 1132 grade 12 ~~A student~~ may enroll in a virtual instruction program  
 1133 provided by the school district or by a virtual charter school  
 1134 operated in the district in which he or she resides ~~if the~~  
 1135 ~~student meets eligibility requirements for virtual instruction~~  
 1136 ~~pursuant to s. 1002.455.~~

1137 (8) ASSESSMENT AND ACCOUNTABILITY.-

1138 (c) An approved provider that receives a school grade of  
 1139 "D" or "F" under s. 1008.34 or a school improvement rating of  
 1140 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a  
 1141 school improvement plan with the department for consultation to  
 1142 determine the causes for low performance and to develop a plan  
 1143 for correction and improvement.

1144 (d) An approved provider's contract is automatically ~~must~~

1145 ~~be~~ terminated if the provider earns two consecutive school  
 1146 grades of ~~receives a school grade of "D" or "F"~~ under s. 1008.34  
 1147 after all school grade appeals are final, receives two  
 1148 consecutive ~~or a~~ school improvement ratings rating of  
 1149 "unsatisfactory" "Declining" under s. 1008.341, ~~for 2 years~~  
 1150 ~~during any consecutive 4-year period~~ or has violated any  
 1151 qualification requirement pursuant to subsection (2). A provider  
 1152 that has a contract terminated under this paragraph may not be  
 1153 an approved provider for a period of at least 1 year after the  
 1154 date upon which the contract was terminated and until the  
 1155 department determines that the provider is in compliance with  
 1156 subsection (2) and has corrected each cause of the provider's  
 1157 low performance.

1158 Section 6. Section 1002.455, Florida Statutes, is  
 1159 repealed.

1160 Section 7. Subsection (3) of section 1003.4295, Florida  
 1161 Statutes, is amended to read:

1162 1003.4295 Acceleration options.—

1163 (3) The Credit Acceleration Program (CAP) is created for  
 1164 the purpose of allowing a student to earn high school credit in  
 1165 courses required for high school graduation through passage of  
 1166 an end-of-course assessment Algebra I, Algebra II, geometry,  
 1167 ~~United States history, or biology if the student passes the~~  
 1168 ~~statewide, standardized assessment~~ administered under s. 1008.22  
 1169 or an Advanced Placement Examination. Notwithstanding s.  
 1170 1003.436, a school district shall award course credit to a

1171 student who is not enrolled in the course, or who has not  
 1172 completed the course, if the student attains a passing score on  
 1173 the corresponding end-of-course assessment or Advanced Placement  
 1174 Examination ~~statewide, standardized assessment~~. The school  
 1175 district shall permit a public school or home education student  
 1176 who is not enrolled in the course, or who has not completed the  
 1177 course, to take the assessment during the regular administration  
 1178 of the assessment.

1179 Section 8. Subsections (1) and (2) of section 1003.498,  
 1180 Florida Statutes, are amended to read:

1181 1003.498 School district virtual course offerings.-

1182 (1) School districts may deliver courses in the  
 1183 traditional school setting by personnel certified pursuant to s.  
 1184 1012.55 who provide direct instruction through virtual  
 1185 instruction or through blended learning courses consisting of  
 1186 both traditional classroom and online instructional techniques.  
 1187 Students in a blended learning course must be full-time students  
 1188 of the school pursuant to s. 1011.61(1)(a)1. ~~and receive the~~  
 1189 ~~online instruction in a classroom setting at the school.~~ The  
 1190 funding, performance, and accountability requirements for  
 1191 blended learning courses are the same as those for traditional  
 1192 courses. To facilitate the delivery and coding of blended  
 1193 learning courses, the department shall provide identifiers for  
 1194 existing courses to designate that they are being used for  
 1195 blended learning courses for the purpose of ensuring the  
 1196 efficient reporting of such courses. A district may report full-

1197 | time equivalent student membership for credit earned by a  
 1198 | student who is enrolled in a virtual education course provided  
 1199 | by the district which is completed after the end of the regular  
 1200 | school year if the FTE is reported no later than the deadline  
 1201 | for amending the final student membership report for that year.

1202 |         (2) School districts may offer virtual courses for  
 1203 | students enrolled in the school district. These courses must be  
 1204 | identified in the course code directory. ~~Students who meet the~~  
 1205 | ~~eligibility requirements of s. 1002.455 may participate in these~~  
 1206 | ~~virtual course offerings.~~

1207 |         (a) Any eligible student who is enrolled in a school  
 1208 | district may register and enroll in an online course offered by  
 1209 | his or her school district.

1210 |         (b)1. Any eligible student who is enrolled in a school  
 1211 | district may register and enroll in an online course offered by  
 1212 | any other school district in the state. The school district in  
 1213 | which the student completes the course shall report the  
 1214 | student's completion of that course for funding pursuant to s.  
 1215 | 1011.61(1)(c)1.b.(VI), and the home school district shall not  
 1216 | report the student for funding for that course.

1217 |         2. The full-time equivalent student membership calculated  
 1218 | under this subsection is subject to the requirements in s.  
 1219 | 1011.61(4). The Department of Education shall establish  
 1220 | procedures to enable interdistrict coordination for the delivery  
 1221 | and funding of this online option.

1222 |         Section 9. Section 1004.650, Florida Statutes, is created

1223 to read:

1224 1004.650 Florida Institute for Charter School Innovation.—

1225 (1) There is established the Florida Institute for Charter  
 1226 School Innovation. The primary mission of the institute is to  
 1227 advance charter school accountability, quality, and innovation  
 1228 by providing support for and technical assistance to charter  
 1229 school applicants and sponsors. Additionally, the institute  
 1230 shall conduct research for the development and promotion of best  
 1231 practices for the sponsorship, accountability, finance,  
 1232 management, operation, and instructional practices of charter  
 1233 schools and may provide opportunities for aspiring teachers to  
 1234 experience teaching in schools of choice.

1235 (2) The institute:

1236 (a) Shall provide technical assistance and support to  
 1237 charter school applicants and sponsors.

1238 (b) Shall collect data and conduct research on all  
 1239 voluntary closures under s. 1002.33(7)(d) and all charter  
 1240 schools that close within the first 3 years of operation;  
 1241 analyze the circumstances that led to the closures, including  
 1242 actions of the charter school and the sponsor; and, based on  
 1243 those results, provide guidance and technical assistance to  
 1244 future applicants and sponsors. Charter schools and sponsors  
 1245 must provide all requested information to the institute.

1246 (c) Shall research and analyze best practices among  
 1247 sponsors and, based upon the results of the research, create and  
 1248 conduct professional development for sponsors.

1249        (d) Shall conduct research to inform policy and practices  
 1250 related to charter school sponsorship, accountability,  
 1251 instructional practices, finance, management, and operations.

1252        (e) May partner with state-approved teacher preparation  
 1253 programs around the state to provide opportunities for aspiring  
 1254 teachers to experience teaching in schools of choice.

1255        (3) The commissioner shall appoint a director of the  
 1256 institute. The director is responsible for the overall  
 1257 management of the institute and for developing and executing the  
 1258 work of the institute consistent with this section.

1259        (4) By October 1 of each year, the institute shall publish  
 1260 on its website a report of its activities for the preceding  
 1261 year, which shall include, but need not be limited to, the  
 1262 number of applicants and sponsors served, the number of teachers  
 1263 provided opportunities to experience teaching in schools of  
 1264 choice, significant research findings, detailed expenditures of  
 1265 state funds, and specific recommendations for improving the  
 1266 state's charter school policies and the institute's ability to  
 1267 fulfill its mission.

1268        (5) Within 180 days after completion of the institute's  
 1269 fiscal year, the institute must provide to the Auditor General  
 1270 and the State Board of Education a report on the results of an  
 1271 annual financial audit conducted by an independent certified  
 1272 public accountant in accordance with s. 11.45.

1273        Section 10. Subsection (1) of section 1011.61, Florida  
 1274 Statutes, is amended to read:

1275 1011.61 Definitions.—Notwithstanding the provisions of s.  
 1276 1000.21, the following terms are defined as follows for the  
 1277 purposes of the Florida Education Finance Program:

1278 (1) A "full-time equivalent student" in each program of  
 1279 the district is defined in terms of full-time students and part-  
 1280 time students as follows:

1281 (a) A "full-time student" is one student on the membership  
 1282 roll of one school program or a combination of school programs  
 1283 listed in s. 1011.62(1)(c) for the school year or the equivalent  
 1284 for:

1285 1. Instruction in a standard school, comprising not less  
 1286 than 900 net hours for a student in or at the grade level of 4  
 1287 through 12, or not less than 720 net hours for a student in or  
 1288 at the grade level of kindergarten through grade 3 or in an  
 1289 authorized prekindergarten exceptional program; or

1290 ~~2. Instruction in a double-session school or a school~~  
 1291 ~~utilizing an experimental school calendar approved by the~~  
 1292 ~~Department of Education, comprising not less than the equivalent~~  
 1293 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~  
 1294 ~~hours in kindergarten through grade 3; or~~

1295 2. 3. Instruction comprising the appropriate number of net  
 1296 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for  
 1297 students who, within the past year, have moved with their  
 1298 parents for the purpose of engaging in the farm labor or fish  
 1299 industries, if a plan furnishing such an extended school day or  
 1300 week, or a combination thereof, has been approved by the

1301 commissioner. Such plan may be approved to accommodate the needs  
 1302 of migrant students only or may serve all students in schools  
 1303 having a high percentage of migrant students. The plan described  
 1304 in this subparagraph is optional for any school district and is  
 1305 not mandated by the state.

1306 (b) A "part-time student" is a student on the active  
 1307 membership roll of a school program or combination of school  
 1308 programs listed in s. 1011.62(1)(c) who is less than a full-time  
 1309 student. A student who receives instruction in a school that  
 1310 operates for less than the minimum term shall generate full-time  
 1311 equivalent student membership proportional to the amount of  
 1312 instructional hours provided by the school divided by the  
 1313 minimum term requirement as provided in s. 1011.60(2).

1314 (c)1. A "full-time equivalent student" is:

1315 a. A full-time student in any one of the programs listed  
 1316 in s. 1011.62(1)(c); or

1317 b. A combination of full-time or part-time students in any  
 1318 one of the programs listed in s. 1011.62(1)(c) which is the  
 1319 equivalent of one full-time student based on the following  
 1320 calculations:

1321 (I) A full-time student in a combination of programs  
 1322 listed in s. 1011.62(1)(c) shall be a fraction of a full-time  
 1323 equivalent membership in each special program equal to the  
 1324 number of net hours per school year for which he or she is a  
 1325 member, divided by the appropriate number of hours set forth in  
 1326 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between

1327 that fraction or sum of fractions and the maximum value as set  
 1328 forth in subsection (4) for each full-time student is presumed  
 1329 to be the balance of the student's time not spent in a special  
 1330 program and shall be recorded as time in the appropriate basic  
 1331 program.

1332 (II) A prekindergarten student with a disability shall  
 1333 meet the requirements specified for kindergarten students.

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

1349 (IV) A full-time equivalent student for students in  
 1350 kindergarten through grade 12 in a part-time virtual instruction  
 1351 program under s. 1002.45 shall consist of six full-credit  
 1352 completions in programs listed in s. 1011.62(1)(c)1. and 3.

1353 Credit completions may be a combination of full-credit courses  
 1354 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~  
 1355 ~~the reported full-time equivalent students and associated~~  
 1356 ~~funding of students enrolled in courses requiring passage of an~~  
 1357 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~  
 1358 ~~high school diploma shall be adjusted if the student does not~~  
 1359 ~~pass the end-of-course assessment. However, no adjustment shall~~  
 1360 ~~be made for a student who enrolls in a segmented remedial course~~  
 1361 ~~delivered online.~~

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

1378 (VI) Each successfully completed full-credit course earned

1379 through an online course delivered by a district other than the  
 1380 one in which the student resides shall be calculated as 1/6  
 1381 FTE.

1382 (VII) A full-time equivalent student for courses requiring  
 1383 passage of a statewide, standardized end-of-course assessment  
 1384 under s. 1003.4282 to earn a standard high school diploma shall  
 1385 be defined and reported based on the number of instructional  
 1386 hours as provided in this subsection ~~until the 2016-2017 fiscal~~  
 1387 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~  
 1388 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~  
 1389 ~~The reported FTE shall be adjusted if the student does not pass~~  
 1390 ~~the end-of-course assessment. However, no adjustment shall be~~  
 1391 ~~made for a student who enrolls in a segmented remedial course~~  
 1392 ~~delivered online.~~

1393 (VIII) For students enrolled in a school district as a  
 1394 full-time student, the district may report 1/6 FTE for each  
 1395 student who passes a statewide, standardized end-of-course  
 1396 assessment without being enrolled in the corresponding course.

1397 2. A student in membership in a program scheduled for more  
 1398 or less than 180 school days or the equivalent on an hourly  
 1399 basis as specified by rules of the State Board of Education is a  
 1400 fraction of a full-time equivalent membership equal to the  
 1401 number of instructional hours in membership divided by the  
 1402 appropriate number of hours set forth in subparagraph (a)1.;  
 1403 however, for the purposes of this subparagraph, membership in  
 1404 programs scheduled for more than 180 days is limited to students

1405 enrolled in:

1406       a. Juvenile justice education programs.

1407       b. The Florida Virtual School.

1408       c. Virtual instruction programs and virtual charter

1409 schools for the purpose of course completion and credit recovery

1410 pursuant to ss. 1002.45 and 1003.498. Course completion applies

1411 only to a student who is reported during the second or third

1412 membership surveys and who does not complete a virtual education

1413 course by the end of the regular school year. The course must be

1414 completed no later than the deadline for amending the final

1415 student enrollment survey for that year. Credit recovery applies

1416 only to a student who has unsuccessfully completed a traditional

1417 or virtual education course during the regular school year and

1418 must re-take the course in order to be eligible to graduate with

1419 the student's class.

1420

1421 The full-time equivalent student enrollment calculated under

1422 this subsection is subject to the requirements in subsection

1423 (4).

1424

1425 The department shall determine and implement an equitable method

1426 of equivalent funding for ~~experimental schools and for~~ schools

1427 operating under emergency conditions, which schools have been

1428 approved by the department to operate for less than the minimum

1429 term as provided in s. 1011.60(2) ~~school day~~.

1430       Section 11. Subsection (11) of section 1011.62, Florida

1431 Statutes, is amended to read:

1432       1011.62 Funds for operation of schools.—If the annual  
 1433 allocation from the Florida Education Finance Program to each  
 1434 district for operation of schools is not determined in the  
 1435 annual appropriations act or the substantive bill implementing  
 1436 the annual appropriations act, it shall be determined as  
 1437 follows:

1438       (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
 1439 annually provide in the Florida Education Finance Program a  
 1440 virtual education contribution. The amount of the virtual  
 1441 education contribution shall be the difference between the  
 1442 amount per FTE established in the General Appropriations Act for  
 1443 virtual education and the amount per FTE for each district and  
 1444 the Florida Virtual School, which may be calculated by taking  
 1445 the sum of the base FEFP allocation, the discretionary local  
 1446 effort, the state-funded discretionary contribution, the  
 1447 discretionary millage compression supplement, the research-based  
 1448 reading instruction allocation, and the instructional materials  
 1449 allocation, and then dividing by the total unweighted FTE. This  
 1450 difference shall be multiplied by the virtual education  
 1451 unweighted FTE for programs and options identified in ss.  
 1452 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the  
 1453 Florida Virtual School and its franchises to equal the virtual  
 1454 education contribution and shall be included as a separate  
 1455 allocation in the funding formula.

1456       Section 12. Paragraph (b) of subsection (8) of section

1457 1012.56, Florida Statutes, is amended to read:

1458 1012.56 Educator certification requirements.—

1459 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
1460 COMPETENCY PROGRAM.—

1461 (b)1. Each school district must and a private school or  
1462 state-supported ~~state supported~~ public school, including a  
1463 charter school, ~~or a private school~~ may develop and maintain a  
1464 system by which members of the instructional staff may  
1465 demonstrate mastery of professional preparation and education  
1466 competence as required by law. Each program must be based on  
1467 classroom application of the Florida Educator Accomplished  
1468 Practices and instructional performance and, for public schools,  
1469 must be aligned with the district's or state-supported public  
1470 school's evaluation system established ~~approved~~ under s.  
1471 1012.34, as applicable.

1472 2. The Commissioner of Education shall determine the  
1473 continued approval of programs implemented under this paragraph,  
1474 based upon the department's review of performance data. The  
1475 department shall review the performance data as a part of the  
1476 periodic review of each school district's professional  
1477 development system required under s. 1012.98.

1478 Section 13. Paragraph (a) of subsection (1) of section  
1479 1013.62, Florida Statutes, is amended to read:

1480 1013.62 Charter schools capital outlay funding.—

1481 (1) In each year in which funds are appropriated for  
1482 charter school capital outlay purposes, the Commissioner of

1483 Education shall allocate the funds among eligible charter  
 1484 schools.

1485 (a) To be eligible for a funding allocation, a charter  
 1486 school must:

1487 1.a. Have been in operation for 3 or more years;

1488 b. Be governed by a governing board established in the  
 1489 state for 3 or more years which operates both charter schools  
 1490 and conversion charter schools within the state;

1491 c. Be an expanded feeder chain of a charter school within  
 1492 the same school district that is currently receiving charter  
 1493 school capital outlay funds;

1494 d. Have been accredited by the Commission on Schools of  
 1495 the Southern Association of Colleges and Schools; or

1496 e. Serve students in facilities that are provided by a  
 1497 business partner for a charter school-in-the-workplace pursuant  
 1498 to s. 1002.33(15)(b).

1499 2. Have an annual audit that does not reveal any of the  
 1500 financial emergency conditions provided in s. 218.503(1) for the  
 1501 most recent fiscal year for which such audit results are  
 1502 available ~~stability for future operation as a charter school.~~

1503 3. Have satisfactory student achievement based on state  
 1504 accountability standards applicable to the charter school.

1505 4. Have received final approval from its sponsor pursuant  
 1506 to s. 1002.33 for operation during that fiscal year.

1507 5. Serve students in facilities that are not provided by  
 1508 the charter school's sponsor.

1509

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