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LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
04/09/2014	.	
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Appropriations Subcommittee on Education (Montford) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 22 and 23

insert:

(b) A sponsor shall receive and review all applications for a charter school using an evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be



11 opened at a time agreed to by the applicant and the sponsor. A
12 sponsor may not refuse to receive a charter school application
13 submitted before August 1 and may receive an application
14 submitted later than August 1 if it chooses. In order to
15 facilitate greater collaboration in the application process, an
16 applicant may submit a draft charter school application on or
17 before May 1 with an application fee of \$500. If a draft
18 application is timely submitted, the sponsor shall review and
19 provide feedback as to material deficiencies in the application
20 by July 1. The applicant shall then have until August 1 to
21 resubmit a revised and final application. The sponsor may
22 approve the draft application. A sponsor may not charge an
23 applicant for a charter any fee for the processing or
24 consideration of an application, and a sponsor may not base its
25 consideration or approval of a final application upon the
26 promise of future payment of any kind. Before approving or
27 denying any final application, the sponsor shall allow the
28 applicant, upon receipt of written notification, at least 7
29 calendar days to make technical or nonsubstantive corrections
30 and clarifications, including, but not limited to, corrections
31 of grammatical, typographical, and like errors or missing
32 signatures, if such errors are identified by the sponsor as
33 cause to deny the final application.

34 1. In order to facilitate an accurate budget projection
35 process, a sponsor shall be held harmless for FTE students who
36 are not included in the FTE projection due to approval of
37 charter school applications after the FTE projection deadline.
38 In a further effort to facilitate an accurate budget projection,
39 within 15 calendar days after receipt of a charter school



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40 application, a sponsor shall report to the Department of
41 Education the name of the applicant entity, the proposed charter
42 school location, and its projected FTE.

43 2. In order to ensure fiscal responsibility, an application
44 for a charter school made by an individual, teachers, parents, a
45 group of individuals, a municipality, a legal entity organized
46 under the laws of this state, or any other third party
47 associated with the management or reporting responsibility of
48 the charter school contract shall include a full accounting of
49 expected assets, a projection of expected sources and amounts of
50 income, including income derived from projected student
51 enrollments and from community support, ~~and~~ an expense
52 projection that includes full accounting of the costs of
53 operation, including start-up costs, and fees paid to a third
54 party for services and the purpose of such fees.

55 3.a. A sponsor shall by a majority vote approve or deny an
56 application no later than 60 calendar days after the application
57 is received, unless the sponsor and the applicant mutually agree
58 in writing to temporarily postpone the vote to a specific date,
59 at which time the sponsor shall by a majority vote approve or
60 deny the application. If the sponsor fails to act on the
61 application, an applicant may appeal to the State Board of
62 Education as provided in paragraph (c). If an application is
63 denied, the sponsor shall, within 10 calendar days after such
64 denial, articulate in writing the specific reasons, based upon
65 good cause, supporting its denial of the charter application and
66 shall provide the letter of denial and supporting documentation
67 to the applicant and to the Department of Education.

68 b. An application submitted by a high-performing charter



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69 school identified pursuant to s. 1002.331 may be denied by the
70 sponsor only if the sponsor demonstrates by clear and convincing
71 evidence that:

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

74 (II) The charter school proposed in the application does
75 not materially comply with the requirements in paragraphs
76 (9) (a)-(f);

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

80 (IV) The applicant has made a material misrepresentation or
81 false statement or concealed an essential or material fact
82 during the application process; or

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

86
87 Material noncompliance is a failure to follow requirements or a
88 violation of prohibitions applicable to charter school
89 applications, which failure is quantitatively or qualitatively
90 significant either individually or when aggregated with other
91 noncompliance. An applicant is considered to be replicating a
92 high-performing charter school if the proposed school is
93 substantially similar to at least one of the applicant's high-
94 performing charter schools and the organization or individuals
95 involved in the establishment and operation of the proposed
96 school are significantly involved in the operation of replicated
97 schools.



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98 c. If the sponsor denies an application submitted by a
99 high-performing charter school, the sponsor must, within 10
100 calendar days after such denial, state in writing the specific
101 reasons, based upon the criteria in sub-subparagraph b.,
102 supporting its denial of the application and must provide the
103 letter of denial and supporting documentation to the applicant
104 and to the Department of Education. The applicant may appeal the
105 sponsor's denial of the application directly to the State Board
106 of Education pursuant to sub-subparagraph (c)3.b.

107 4. For budget projection purposes, the sponsor shall report
108 to the Department of Education the approval or denial of a
109 charter application within 10 calendar days after such approval
110 or denial. In the event of approval, the report to the
111 Department of Education shall include the final projected FTE
112 for the approved charter school.

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

117
118 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====
119 And the directory clause is amended as follows:

120 Delete line 17
121 and insert:
122 Section 1. Paragraphs (b) and (h) of subsection (6) and
123 paragraph

124
125 ===== T I T L E A M E N D M E N T =====
126 And the title is amended as follows:



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127 Delete line 3
128 and insert:
129 1002.33, F.S.; revising requirements for charter
130 school applications to include additional fiscal
131 responsibility standards; authorizing contract
132 disputes to be