



# FACSA Legislative Update 2022 Session

---

PRESENTED BY:

WENDY M. DODGE, SR. DIRECTOR OF LEGISLATIVE AFFAIRS & POLICY

STUDENTS FIRST



# Budget - Charter Schools

## \$15 MINIMUM WAGE - DOES NOT APPLY

From the funds in Specific Appropriations 5, 6, 86, and 87, each school district must pay each employee at least \$15.00 per hour by October 1, 2022.

By October 1, 2022, each superintendent must submit an attestation to the Department of Education subject to the penalty of perjury under section 837.012, Florida Statutes, which includes a statement that every school district employee's hourly rate is at least \$15.00 per hour.

## CHARTER CAPITAL OUTLAY FUNDING

### Line Item 15 FIXED CAPITAL OUTLAY

<b>Charter Schools</b> .....	
.....	<b>\$195,768,743</b>

# HB 225 - Charter School Charters

House Sponsor: Rep. Fred Hawkins

Senate Sponsor: Sen. Danny  
Burgess

Modifies paragraphs (7) and (8) of the Charter School statute (1002.33) as follows:

## Paragraph (7) Charters:

1. Clarifies charter may be modified during any term by removing reference to “initial term or any renewal”.
2. Requires request for modification of multiple charters to be approved or denied within 60 days of the request.
3. Requires sponsor to notify governing board of denial within 10 days and provide specific reasons for the denial.

# HB 225 - Charter School Charters

House Sponsor: Rep. Fred Hawkins

Senate Sponsor: Sen. Danny  
Burgess

## Modifies paragraphs (7) and (8) of the Charter School statute (1002.33) as follows:

### Paragraph (8) Causes for Nonrenewal or Termination of Charter

1. Requires notification to the governing board in writing *and* at least 90 before the end of the school year prior to any proposed Board vote on renewal, termination or non-renewal.
2. Requires automatic renewal of charter if no notification at least 90 days before end of school year.

Effective date: July 1, 2022.

Not yet presented to Governor.

# HB 758 - Education (Charters)

House Sponsor: Rizo

Senate Sponsor: Diaz

**As it relates to charter schools, SB 758 creates two new Florida statutes:**

1002.3301 - Charter School Review Commission

1004.88 - Florida Institute for Charter School  
Innovation

**along with making additional changes to 1002.33 - Charter Schools**

## **Creates 1002.3301 - Charter School Review Commission**

- Creates commission within FDOE to review and approve applications for charter schools overseen by district school board, subject to legislative appropriation.
- Requires commission to:
  - Consist of 7 members with charter school experience
  - Members to be appointed by State Board and confirmed by Senate
  - Commissioner of Ed to appoint chair
  - Appointed to 4-year staggered terms (first year three 2-year and four 4-year term appointments).

# HB 758 - Education (Charters)

House Sponsor: Rizo

Senate Sponsor: Diaz

- Assigns commission powers of a charter school sponsor for purposes of *reviewing and approving* charter school applications.
- Requires FDOE to *contract with a college or university* to provide administrative and technical assistance with application review.
- Requires school district in which charter applicant will be located to sponsor and supervise school and provide initial contract to approved applicant within 30 days of application being granted by commission.
- Requires applicant to provide a copy of application to school district in which they proposed to be located within 3 days of applying to commission.
- Allows school district 30 days in which to provide input on the application using form developed by FDOE. Input is *required to be considered* by commission.
- Commission's decisions can be appealed to State Board in accordance with current charter statute.
- SBE required to adopt rules to implement new section of law.

# HB 758 - Education (Charters)

House Sponsor: Rizo

Senate Sponsor: Diaz

## Creates 1004.88 - Florida Institute for Charter School Innovation

- Establishing institute at Miami Dade College for purpose of improving charter school authorizing practices, *subject to appropriation*.
- Requires institute to:
  - Analyze and identify best practices and state resources for developing and reviewing charter school applications;
  - Provide sponsors with training, technical assistance and support for reviewing charter school applications and renewals;
  - Conduct “applied” research on charter school policy and practices;
  - Conduct and compile “basic” research on educational choice, charter authorizing and charter school performance in Florida.
  - Collaborate with FDOE in development of statutorily required sponsor evaluation framework; and
  - Host workshops and conferences for charter school stakeholders.
- Allows to apply for federal, state and local grants.
- Allows Miami Dade College Board to establish policies governing institute.

# HB 758 - Education (Charters)

House Sponsor: Rizo

Senate Sponsor: Diaz

## Changes to 1002.33 - Charter Schools

- Adds legislative intent language stating charter students are as important as all other students and *comparable funding levels from current and future sources “should be” maintained.*
- Authorizes Charter Review Commission to solicit and review charter school application and reiterates school district responsibility to sponsor, if approved.
- Clarifies school districts are prohibited from requiring additional reporting from a charter school *if not in state of financial emergency or deteriorating financial condition.*
- Voids as unenforceable any ordinance that adds regulatory burden or limits charter school more than a traditional public school unless allowed elsewhere in the law.
- Allows interlocal agreements entered by school districts for development of schools to be used by charter schools.
- Automatically grants 5-year renewal term to “C” graded charter schools *if qualify for renewal*, unless third year receiving a “C”.
- Automatically grants 15-year charter to schools whose ***most recent grade*** was an “A” or “B” if not in state of financial emergency or deteriorating financial condition.



# HB 758 - Education (Charters)

House Sponsor: Rizo

Senate Sponsor: Diaz

- Modifies qualification for termination and nonrenewal to grounds “expressly” found regarding academic performance and fiscal management *contributing to a state of financial emergency or deteriorating financial condition.*
- Removes “other good cause shown” from criteria for nonrenewal or termination.
- Allows charter school committee members to participate in meetings electronically.
- Prohibits a charter school from being subject to land use regulations changes by a local government to which a traditional public school would not be subjected.
- Allows charter schools to additionally use any facility or land owned by a college, university or similar public institution, or any facility previously housing a school or licensed childcare facility.
- Requires a proportional share of impact fees to be designated to charter facility construction for charters built in developments specifically to mitigate impact of increased residential dwellings.
- *Prohibits teacher salary funding from being calculated in charter school administrative fees.*

# HB 758 - Education (Charters)

House Sponsor: Rizo

Senate Sponsor: Diaz

## Additional Charter School Provisions:

- Requires OPPAGA to conduct an analysis of:
  - Current methodologies for distribution of capital outlay and federal funding *and make recommendations for equitable distribution*
  - Capital outlay analysis required to include:
    - state funding methodology under current statute, as well as determination of revenue school districts must contribute.
    - Three-year comparison of state funding revenue to charter schools vs. what would have received from school districts.
  - How other states fund and distribute capital outlay for charter schools
  - Due to Speaker, Senate President, and Governor by January 1, 2023.
- Requires school districts to distribute teacher salary allocation funds to charter schools that have submitted their plan regardless of whether district has submitted plan and received funding from state.

Effective date: July 1, 2022

Not yet presented to Governor.

# SB 2524 - Education (Charter)

Senate Sponsor: Broxson

House Sponsor: Fine

SB 2524 contains a multitude of funding and policy changes impacting school districts. Those pertaining to charter schools are as follows:

## Virtual Charter School Changes

- New language limits virtual students residing outside district to not more than 50% of total virtual FTE of resident students for school district. Applies to any contract or agreement entered into after 6/30/21. District prohibited from enrolling more virtual FTE from outside than inside.
- Calculation of funding for all virtual now aligned with funding for Florida Virtual School. Limits out-of-district virtual students to state funds only.
- Allows virtual completers to be reported after end of school year, but no later than deadline for final FTE report for that year.
- Effective date: July 1, 2022
- Not yet presented to the Governor



# Any Questions?

## Contact Info:

Wendy Dodge, Director of Legislative Affairs and Policy

[Wendy.dodge@polk-fl.net](mailto:Wendy.dodge@polk-fl.net)

(863) 534-0658 ofc

(863) 838-3632 cell

@polkschoolsgov on The Twitter



STUDENTS FIRST