

By Senator Grant

13-1205-98

See HB

1                                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           228.056, F.S.; providing for recognition as  
4           public schools; revising requirements relating  
5           to proposals; providing for appeal of disputes  
6           and requiring mediation services; removing  
7           limitations on the number of schools;  
8           authorizing charter conversion municipal  
9           subdistricts; providing requirements for  
10          operation and areas of municipal jurisdiction;  
11          revising provisions relating to eligible  
12          students; providing for operation by a  
13          nonprofit organization; deleting certain  
14          restrictions on holding charter contracts;  
15          revising provisions relating to charter terms;  
16          providing for public employee status; providing  
17          requirements relating to employees; revising  
18          requirements relating to student  
19          transportation; revising administrative fee  
20          provisions and requiring certain administrative  
21          and educational services; revising provisions  
22          relating to charter school use of certain  
23          facilities or property; providing for certain  
24          purchasing; authorizing charter  
25          schools-in-the-workplace; providing  
26          requirements and tax exemption; creating s.  
27          228.0561, F.S.; providing for the distribution  
28          of funds from the Charter Schools Capital  
29          Outlay Trust Fund; providing eligibility  
30          requirements; providing duties of the  
31          Commissioner of Education; authorizing the use

1 of funds for certain capital outlay purposes of  
2 charter schools; requiring a legislative budget  
3 request for appropriations from the Charter  
4 Schools Capital Outlay Trust Fund; providing  
5 effective dates.

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

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9 Section 1. Subsections (1), (3), (5), (7), and (12),  
10 paragraph (f) of subsection (4), paragraphs (a) and (c) of  
11 subsection (6), paragraph (h) of subsection (8), paragraphs  
12 (a) and (b) of subsection (9), and paragraphs (c), (e), (f),  
13 (g), and (h) of subsection (13) of section 228.056, Florida  
14 Statutes, as amended by chapter 97-384, Laws of Florida, are  
15 amended, and subsection (22) is added to said section, to  
16 read:

17 228.056 Charter schools.--

18 (1) AUTHORIZATION.--The creation of charter schools is  
19 hereby authorized. Charter schools shall be part of the  
20 state's program of public education. All charter schools in  
21 Florida are fully recognized as public schools.A charter  
22 school may be formed by creating a new school or converting an  
23 existing public school to charter status.

24 (3) PROPOSAL.--A proposal for a new charter school may  
25 be made by an individual, teachers, parents, a group of  
26 individuals, a municipality, or a legal entity organized under  
27 the laws of this state. The district school board or the  
28 principal, teachers, and/or the school advisory council at an  
29 existing public school, including a public  
30 school-within-a-school that is designated as a school by the  
31 district school board, shall submit any proposal for

1 converting the school to a charter school. An application  
2 submitted proposing to convert an existing public school to a  
3 charter school shall demonstrate the support of at least 50  
4 percent of the teachers employed at the school and 50 percent  
5 of the parents voting whose children are enrolled at the  
6 school. A private school, parochial school, or home education  
7 program shall not be eligible for charter school status.

8 (4) SPONSOR.--A district school board may sponsor a  
9 charter school in the county over which the board has  
10 jurisdiction.

11 (f) The terms and conditions for the operation of a  
12 charter school shall be set forth by the sponsor and the  
13 applicant in a written contractual agreement. The sponsor  
14 shall not impose unreasonable rules or regulations that  
15 violate the intent of giving charter schools greater  
16 flexibility to meet educational goals. The applicant and  
17 sponsor shall have 6 months in which to mutually agree to the  
18 provisions of the contract. With the exception of a charter  
19 school application denial, all disputes, subsequent to the  
20 approval of a charter application, involving this section may  
21 be appealed to an administrative law judge appointed by the  
22 Division of Administrative Hearings. The administrative law  
23 judge may rule on issues of equitable treatment of the charter  
24 school as a public school, on whether proposed provisions of  
25 the contract violate the intended flexibility granted charter  
26 schools by statute, or on any other matter regarding this  
27 section. The Department of Education shall provide mediation  
28 services prior to the appeal for a hearing, upon request of  
29 either party.~~if, after 6 months, the contract is still~~  
30 ~~pending, the application is deemed denied.~~

31 (5) ~~NUMBER OF SCHOOLS.--~~

1           (a) The number of newly created charter schools or  
2 existing public schools which may convert to charter schools  
3 is unlimited.~~limited to no more than seven in each school~~  
4 ~~district that has 100,000 or more students, no more than five~~  
5 ~~charter schools in each school district that has 50,000 to~~  
6 ~~99,999 students, and no more than three charter schools in~~  
7 ~~each school district that has fewer than 50,000 students. The~~  
8 ~~number of newly created charter schools shall be limited to no~~  
9 ~~more than seven charter schools in each school district that~~  
10 ~~has 100,000 or more students, no more than five charter~~  
11 ~~schools in each school district that has 50,000 to 99,999~~  
12 ~~students, and no more than three charter schools in each~~  
13 ~~school district that has fewer than 50,000 students.~~  
14 ~~Notwithstanding any limitation in this section on the number~~  
15 ~~of charter schools authorized for a district, any school board~~  
16 ~~shall have the right to request an increase in the number of~~  
17 ~~charter schools located within its district from the State~~  
18 ~~Board of Education.~~

19           (b) Upon majority vote of the eligible voters voting  
20 and compliance with subsection (3), a municipality or  
21 municipalities may present to the district school board a  
22 school or group of schools to be operated by a municipally  
23 appointed charter school board. Unincorporated areas adjacent  
24 to incorporated municipalities may be included in the area of  
25 municipal jurisdiction for the purposes of this paragraph if  
26 the governing bodies of the municipality or municipalities and  
27 the county in which the area is located agree on the  
28 boundaries of such additional areas. Upon receipt of a request  
29 for a charter municipal subdistrict in accordance with this  
30 paragraph, the district school board shall expeditiously  
31 authorize the requested charter.

1 (6) ELIGIBLE STUDENTS.--

2 (a) A charter school shall be open to any student  
3 covered in an interdistrict agreement or residing in the  
4 school district in which the charter school is located. When a  
5 public school converts to charter status, enrollment  
6 preference shall be given to students who would have otherwise  
7 attended that public school. A charter school may give  
8 enrollment preference to a sibling of a student enrolled in  
9 the charter school or to the child of an employee of the  
10 charter school.

11 (c) A charter school may limit the enrollment process  
12 only to target the following student populations:

13 1. Students within specific age groups or grade  
14 levels.

15 2. Students considered at risk of dropping out of  
16 school or academic failure. Such students shall include  
17 exceptional education students.

18 3. Students enrolling in a charter  
19 school-in-the-workplace established pursuant to subsection  
20 (22).

21 4. Students residing within a reasonable distance of  
22 the charter school, as described in paragraph (13)(c). Such  
23 students shall be subject to a random lottery and to the  
24 racial/ethnic balance provisions described in subparagraph  
25 (9)(a)8. which require a school to achieve a racial/ethnic  
26 balance reflective of the community it serves or within the  
27 racial/ethnic range of other public schools in the same  
28 district.

29 (7) LEGAL ENTITY.--A charter school shall organize as,  
30 or be operated by, a nonprofit organization. As such, the  
31 charter school may be either a private or a public employer.

1 As a public employer, a charter school may participate in the  
2 Florida Retirement System upon application and approval as a  
3 "covered group" under s. 121.021(34). If a charter school  
4 participates in the Florida Retirement System, the charter  
5 school employees shall be compulsory members of the Florida  
6 Retirement System. As either a private or a public employer, a  
7 charter school may contract for services with an individual or  
8 group of individuals who are organized as a partnership or a  
9 cooperative. Individuals or groups of individuals who contract  
10 their services to the charter school are not public employees.

11 (8) REQUIREMENTS.--

12 ~~(h) No organization shall hold more than one~~  
13 ~~elementary, one middle, and one high school charter contract~~  
14 ~~in a school district and no more than 15 charters statewide.~~

15 (9) CHARTER.--The major issues involving the operation  
16 of a charter school shall be considered in advance and written  
17 into the charter. The charter shall be signed by the governing  
18 body of the charter school and the sponsor, following a public  
19 hearing to ensure community input.

20 (a) The charter shall address, and criteria for  
21 approval of the charter shall be based on:

22 1. The school's mission, the students to be served,  
23 and the ages and grades to be included.

24 2. The focus of the curriculum, the instructional  
25 methods to be used, and any distinctive instructional  
26 techniques to be employed.

27 3. The current baseline standard of achievement and  
28 the outcomes to be achieved and the method of measurement that  
29 will be used.

30 4. The methods used to identify the educational  
31 strengths and needs of students and how well educational goals

1 and performance standards are met by students attending the  
2 charter school. Students in charter schools shall, at a  
3 minimum, participate in the statewide assessment program.

4 5. In secondary charter schools, a method for  
5 determining that a student has satisfied the requirements for  
6 graduation in s. 232.246.

7 6. A method for resolving conflicts between the  
8 governing body of the charter school and the sponsor.

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

11 8. The ways by which the school will achieve a  
12 racial/ethnic balance reflective of the community it serves or  
13 within the racial/ethnic range of other public schools in the  
14 same school district.

15 9. The financial and administrative management of the  
16 school.

17 10. The manner in which the school will be insured,  
18 including whether or not the school will be required to have  
19 liability insurance, and, if so, the terms and conditions  
20 thereof and the amounts of coverage.

21 11. The term of the charter, ~~not to exceed 3 years,~~  
22 which shall provide for cancellation of the charter if  
23 insufficient progress has been made in attaining the student  
24 achievement objectives of the charter and if it is not likely  
25 that such objectives can be achieved before expiration of the  
26 charter. The initial term of a charter shall be for 3, 4, or 5  
27 years.

28 12. The facilities to be used and their location.

29 13. The qualifications to be required of the teachers.

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1           14. The governance structure of the school, including  
2 the status of the charter school as a public or private  
3 employer as required in subsection (7).

4           15. A timetable for implementing the charter which  
5 addresses the implementation of each element thereof and the  
6 date by which the charter shall be awarded in order to meet  
7 this timetable.

8           16. In the case of an existing public school being  
9 converted to charter status, alternative arrangements for  
10 current students who choose not to attend the charter school  
11 and for current teachers who choose not to teach in the  
12 charter school after conversion in accordance with the  
13 existing collective bargaining agreement or school board  
14 policy in the absence of a collective bargaining agreement.

15           (b) A charter may be renewed every 5 ~~in increments of~~  
16 ~~1, 2, or 3~~ school years ~~by a mutual agreement of the parties.~~

17           (12) EMPLOYEES OF CHARTER SCHOOLS.--

18           (a) A charter school shall select its own employees. A  
19 charter school may contract with its sponsor for the services  
20 of personnel employed by the sponsor.

21           (b) Charter school employees shall have the option to  
22 bargain collectively. Employees may collectively bargain as a  
23 separate unit or as part of the existing district collective  
24 bargaining unit as determined by the structure of the charter  
25 school.

26           (c) The employees of a conversion charter school shall  
27 remain public employees for all purposes, unless such  
28 employees choose not to do so.

29           ~~(d)(c)~~ The teachers at a charter school may choose to  
30 be part of a professional group that subcontracts with the  
31 charter school to operate the instructional program under the



1 auspices of a partnership or cooperative that they  
2 collectively own. Under this arrangement, the teachers would  
3 not be public employees.

4 (e)~~(d)~~ Employees of a school district may take leave  
5 to accept employment in a charter school upon the approval of  
6 the district school board. While employed by the charter  
7 school and on leave that is approved by the school board, the  
8 employee may retain seniority accrued in that school district  
9 and may continue to be covered by the benefit programs of that  
10 school district, if the charter school and the district school  
11 board agree to this arrangement and its financing. School  
12 districts shall not require resignations of teachers desiring  
13 to teach in a charter school.This paragraph shall not  
14 prohibit a school board from approving alternative leave  
15 arrangements consistent with chapter 231.

16 (f)~~(e)~~ Teachers employed by or under contract to a  
17 charter school shall be certified as required by chapter 231.  
18 A charter school may employ or contract with skilled selected  
19 noncertified personnel to provide instructional services or to  
20 assist instructional staff members as teacher aides in the  
21 same manner as defined in chapter 231. A charter school may  
22 not employ an individual to provide instructional services or  
23 to serve as a teacher aide if the individual's certification  
24 or licensure as an educator is suspended or revoked by this or  
25 any other state. The qualifications of teachers shall be  
26 disclosed to parents.

27 (g)~~(f)~~ A charter school shall employ or contract with  
28 employees who have been fingerprinted as provided in s.  
29 231.02.

30 (13) REVENUE.--Students enrolled in a charter school,  
31 regardless of the sponsorship, shall be funded as if they are

1 in a basic program or a special program, the same as students  
2 enrolled in other public schools in the school district.  
3 Funding for a chartered developmental research school shall be  
4 as provided in s. 228.053(9).

5 (c) Transportation of charter school students shall be  
6 provided by the charter school consistent with the  
7 requirements of chapter 234. The governing body of the charter  
8 school may provide transportation through an agreement or  
9 contract with the district school board, a private provider,  
10 or parents. The charter school and the sponsor shall cooperate  
11 in making arrangements that ensure that transportation is not  
12 a barrier to equal access for all students residing within a  
13 reasonable distance of the charter school as determined in its  
14 charter.

15 (e) Any administrative fee charged by the school  
16 district relating to a charter school shall be limited to ~~no~~  
17 ~~more than the actual cost of administering the contract~~  
18 ~~between the charter school and the school district or 5~~  
19 ~~percent of the available funds as defined in paragraph (b)7~~  
20 ~~whichever is the lesser amount.~~ The sponsor shall provide  
21 certain administrative and educational services to charter  
22 schools at no additional fee. These services shall include  
23 contract management services, FTE and data reporting,  
24 exceptional student education administration, test  
25 administration, processing of teacher certificate data, and  
26 information services.

27 (f) School boards shall make every effort to ensure  
28 that charter schools receive timely and efficient  
29 reimbursement, including processing paperwork required to  
30 access special state and federal funding for which they may be  
31 eligible. The district school board may distribute funds to a

1 charter school for up to 3 months based on the projected  
2 full-time equivalent student membership of the charter school.  
3 Thereafter, the results of full-time equivalent student  
4 membership surveys must be used in adjusting the amount of  
5 funds distributed monthly to the charter school for the  
6 remainder of the fiscal year. The payment shall be issued no  
7 later than 10 working days after the district school board  
8 receives a distribution of state or federal funds. If a  
9 warrant for payment is not issued within 30 working days after  
10 receipt of funding by the district school board, the school  
11 district shall pay to the charter school, in addition to the  
12 amount of the scheduled disbursement, interest at a rate of 1  
13 percent per month calculated on a daily basis on the unpaid  
14 balance from the expiration of the 30-day period until such  
15 time as the warrant is issued.

16 (g) If a district school board facility or property is  
17 available because it is surplus, marked for disposal, or  
18 otherwise unused, it shall ~~may~~ be provided for a charter  
19 school's use on the same basis as it is made available to  
20 other public schools in the district. A charter school  
21 receiving property from the school district may not sell or  
22 dispose of such property without written permission of the  
23 school district. Similarly, for an existing public school  
24 converting to charter status, no rental or leasing fee for the  
25 existing facility or for the property normally inventoried to  
26 the conversion school may be charged by the district school  
27 board to the parents and teachers organizing the charter  
28 school. The charter organizers shall agree to reasonable  
29 maintenance provisions in order to maintain the facility in a  
30 manner similar to district school board standards.

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1           (h) If other goods and services are made available to  
2 the charter school through the contract with the school  
3 district, they shall be provided to the charter school at a  
4 rate no greater than the district's actual cost. To maximize  
5 the use of state funds, school districts shall allow charter  
6 schools to participate in the sponsor's bulk purchasing  
7 program if applicable.

8           (22) CHARTER SCHOOLS-IN-THE-WORKPLACE.--

9           (a) In order to increase business partnerships in  
10 education, to reduce school and classroom overcrowding  
11 throughout the state, and to offset the high costs for  
12 educational facilities construction, the Legislature intends  
13 to encourage the formation of business partnership schools or  
14 satellite learning centers through charter school status.

15           (b) A charter school-in-the-workplace may be  
16 established when a business partner provides the school  
17 facility to be used; enrolls students based upon a random  
18 lottery which involves all of the children of employees of  
19 that business or corporation who are seeking enrollment, as  
20 provided for in subsection (6); and enrolls students according  
21 to the racial/ethnic balance provisions described in  
22 subparagraph (9)(a)8. Any facility or portion of a facility  
23 used for a public charter school shall be exempt from ad  
24 valorem taxes, as provided for in s. 235.198, for the duration  
25 of its use as a public school.

26           Section 2. Section 228.0561, Florida Statutes, is  
27 created to read:

28           228.0561 Charter schools capital outlay funding.--

29           (1) In each year in which funds are appropriated from  
30 the Charter Schools Capital Outlay Trust Fund, the  
31 Commissioner of Education shall allocate the funds among

1 eligible charter schools. To be eligible for a funding  
2 allocation, a charter school must be approved pursuant to s.  
3 228.056 for operation during that fiscal year and must serve  
4 students in facilities that are not provided by the charter  
5 school's sponsor. A charter school is not eligible for a  
6 funding allocation if it was created by the conversion of a  
7 public school and operates in facilities provided by the  
8 charter school's sponsor for a nominal fee or at no charge.  
9 Unless otherwise provided in the General Appropriations Act,  
10 the funding allocation for each eligible charter school shall  
11 be determined by multiplying the school's projected student  
12 enrollment by one-thirtieth of the cost-per-student station  
13 specified in s. 235.435(6)(b) for an elementary, middle, or  
14 high school, as appropriate. If the funds appropriated are  
15 not sufficient, the commissioner shall prorate the available  
16 funds among eligible charter schools. In the first quarter of  
17 the fiscal year, funds shall be distributed on the basis of  
18 projected enrollment as provided in this section. The  
19 commissioner shall adjust subsequent distributions as  
20 necessary to reflect each charter school's actual student  
21 enrollment. The commissioner shall establish the intervals  
22 and procedures for determining the projected and actual  
23 student enrollment of eligible charter schools. If a school  
24 district receives a School Infrastructure Thrift (SIT) Program  
25 award pursuant to ss. 235.2155(3)(a)2. and 235.216(2)(b) and  
26 chooses to share any portion of its award with the applicable  
27 charter school or charter schools, any allocation from the  
28 Charter Schools Capital Outlay Trust Fund to the charter  
29 school or charter schools shall be reduced by the amount  
30 shared.  
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1           (2) A charter school's governing body may use funds  
2 from the Charter Schools Capital Outlay Trust Fund for any  
3 capital outlay purpose that is directly related to the  
4 functioning of the charter school, including the:

5           (a) Purchase of real property.

6           (b) Construction, renovation, repair, and maintenance  
7 of school facilities.

8           (c) Purchase, lease-purchase, or lease of permanent or  
9 relocatable school facilities.

10           (d) Purchase of vehicles to transport students to and  
11 from the charter school.

12           (3) The Commissioner of Education shall specify  
13 procedures for submitting and approving requests for funding  
14 under this section and procedures for documenting  
15 expenditures.

16           (4) The annual legislative budget request of the  
17 Department of Education shall include a request for funding  
18 from the Charter Schools Capital Outlay Trust Fund. The  
19 request shall be based on the projected number of students to  
20 be served in charter schools who meet the eligibility  
21 requirements of this section.

22           Section 3. This act shall take effect upon becoming a  
23 law, except that section 228.0561, Florida Statutes, as  
24 created by this act, shall take effect July 1, 1998, only if  
25 Senate Bill 1184 or similar legislation creating a Charter  
26 Schools Capital Outlay Trust Fund is adopted in the same  
27 legislative session or an extension thereof.

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HOUSE SUMMARY

Revises provisions relating to charter schools as follows: provides for recognition as public schools; revises requirements relating to proposals; provides for appeal of disputes and requires mediation services; removes limitations on the number of schools; authorizes charter conversion municipal subdistricts; revises provisions relating to eligible students; provides for operation by a nonprofit organization; deletes certain restrictions on holding charter contracts; revises charter terms; provides that employees of conversion charter schools shall remain public employees; provides requirements relating to employees; revises requirements relating to student transportation; revises administrative fee provisions and requires certain administrative and educational services; revises provisions relating to charter school use of certain facilities or property; provides for certain purchasing; and authorizes charter schools-in-the-workplace and provides requirements and tax exemption.

Provides for the distribution of moneys from the Charter Schools Capital Outlay Trust Fund to qualifying charter schools, contingent upon the creation of that fund. Prescribes duties of the Commissioner of Education with respect to determining eligibility for and distribution of the moneys. Prescribes uses to which the moneys may be put.