

By the Committee on Education and Senator Grant

304-1797-98

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; revising
8 provisions relating to eligible students;
9 providing for operation by a nonprofit
10 organization; deleting certain restrictions on
11 holding charter contracts; revising provisions
12 relating to charter terms; providing for public
13 employee status; providing requirements
14 relating to employees; revising requirements
15 relating to student transportation; revising
16 administrative fee provisions and requiring
17 certain administrative and educational
18 services; revising provisions relating to
19 charter school use of certain facilities or
20 property; providing for certain purchasing;
21 authorizing charter schools-in-the-workplace;
22 providing requirements and tax exemption;
23 creating s. 228.0561, F.S.; providing for the
24 distribution of funds from the Charter Schools
25 Capital Outlay Trust Fund; providing
26 eligibility requirements; providing duties of
27 the Commissioner of Education; authorizing the
28 use of funds for certain capital outlay
29 purposes of charter schools; requiring a
30 legislative budget request for appropriations
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1 from the Charter Schools Capital Outlay Trust
2 Fund; providing effective dates.

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4 Be It Enacted by the Legislature of the State of Florida:

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

14 228.056 Charter schools.--

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

21 (3) PROPOSAL.--A proposal for a new charter school may
22 be made by an individual, teachers, parents, a group of
23 individuals, a municipality, or a legal entity organized under
24 the laws of this state. The district school board or the
25 principal, teachers, and/or the school advisory council at an
26 existing public school, including a public
27 school-within-a-school that is designated as a school by the
28 district school board, shall submit any proposal for
29 converting the school to a charter school. An application
30 submitted proposing to convert an existing public school to a
31 charter school shall demonstrate the support of at least 50

1 percent of the teachers employed at the school and 50 percent
2 of the parents voting whose children are enrolled at the
3 school. A private school, parochial school, or home education
4 program shall not be eligible for charter school status.

5 (4) SPONSOR.--A district school board may sponsor a
6 charter school in the county over which the board has
7 jurisdiction.

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

28 (5) NUMBER OF SCHOOLS.--The number of newly created
29 charter schools or existing public schools which may convert
30 to charter schools is unlimited.~~limited to no more than seven~~
31 ~~in each school district that has 100,000 or more students, no~~

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

15 (6) ELIGIBLE STUDENTS.--

16 (a) A charter school shall be open to any student
17 covered in an interdistrict agreement or residing in the
18 school district in which the charter school is located. When a
19 public school converts to charter status, enrollment
20 preference shall be given to students who would have otherwise
21 attended that public school. A charter school may give
22 enrollment preference to a sibling of a student enrolled in
23 the charter school or to the child of an employee of the
24 charter school.

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

27 1. Students within specific age groups or grade
28 levels.

29 2. Students considered at risk of dropping out of
30 school or academic failure. Such students shall include
31 exceptional education students.

1 3. Students enrolling in a charter
2 school-in-the-workplace established pursuant to subsection
3 (22).

4 4. Students residing within a reasonable distance of
5 the charter school, as described in paragraph (13)(c). Such
6 students shall be subject to a random lottery and to the
7 racial/ethnic balance provisions described in subparagraph
8 (9)(a)8. or any federal provisions which require a school to
9 achieve a racial/ethnic balance reflective of the community it
10 serves or within the racial/ethnic range of other public
11 schools in the same school district.

12 (7) LEGAL ENTITY.--A charter school shall organize as,
13 or be operated by, a nonprofit organization. As such, the
14 charter school may be either a private or a public employer.
15 As a public employer, a charter school may participate in the
16 Florida Retirement System upon application and approval as a
17 "covered group" under s. 121.021(34). If a charter school
18 participates in the Florida Retirement System, the charter
19 school employees shall be compulsory members of the Florida
20 Retirement System. As either a private or a public employer, a
21 charter school may contract for services with an individual or
22 group of individuals who are organized as a partnership or a
23 cooperative. Individuals or groups of individuals who contract
24 their services to the charter school are not public employees.

25 (8) REQUIREMENTS.--

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

29 (9) CHARTER.--The major issues involving the operation
30 of a charter school shall be considered in advance and written
31 into the charter. The charter shall be signed by the governing

1 body of the charter school and the sponsor, following a public
2 hearing to ensure community input.

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

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

7 2. The focus of the curriculum, the instructional
8 methods to be used, and any distinctive instructional
9 techniques to be employed.

10 3. The current baseline standard of achievement and
11 the outcomes to be achieved and the method of measurement that
12 will be used.

13 4. The methods used to identify the educational
14 strengths and needs of students and how well educational goals
15 and performance standards are met by students attending the
16 charter school. Students in charter schools shall, at a
17 minimum, participate in the statewide assessment program.

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

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

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

25 8. The ways by which the school will achieve a
26 racial/ethnic balance reflective of the community it serves or
27 within the racial/ethnic range of other public schools in the
28 same school district.

29 9. The financial and administrative management of the
30 school.

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1 10. The manner in which the school will be insured,
2 including whether or not the school will be required to have
3 liability insurance, and, if so, the terms and conditions
4 thereof and the amounts of coverage.

5 11. The term of the charter, ~~not to exceed 3 years,~~
6 which shall provide for cancellation of the charter if
7 insufficient progress has been made in attaining the student
8 achievement objectives of the charter and if it is not likely
9 that such objectives can be achieved before expiration of the
10 charter. The initial term of a charter shall be for 3, 4, or 5
11 years.

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

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

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

17 15. A timetable for implementing the charter which
18 addresses the implementation of each element thereof and the
19 date by which the charter shall be awarded in order to meet
20 this timetable.

21 16. In the case of an existing public school being
22 converted to charter status, alternative arrangements for
23 current students who choose not to attend the charter school
24 and for current teachers who choose not to teach in the
25 charter school after conversion in accordance with the
26 existing collective bargaining agreement or school board
27 policy in the absence of a collective bargaining agreement.

28 (b) A charter may be renewed every 5 ~~in increments of~~
29 ~~1, 2, or 3~~ school years, provided that a program review
30 demonstrates that the criteria in paragraph (a) have been

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1 successfully accomplished ~~by a mutual agreement of the~~
2 ~~parties.~~

3 (12) EMPLOYEES OF CHARTER SCHOOLS.--

4 (a) A charter school shall select its own employees. A
5 charter school may contract with its sponsor for the services
6 of personnel employed by the sponsor.

7 (b) Charter school employees shall have the option to
8 bargain collectively. Employees may collectively bargain as a
9 separate unit or as part of the existing district collective
10 bargaining unit as determined by the structure of the charter
11 school.

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

15 (d)~~(c)~~ The teachers at a charter school may choose to
16 be part of a professional group that subcontracts with the
17 charter school to operate the instructional program under the
18 auspices of a partnership or cooperative that they
19 collectively own. Under this arrangement, the teachers would
20 not be public employees.

21 (e)~~(d)~~ Employees of a school district may take leave
22 to accept employment in a charter school upon the approval of
23 the district school board. While employed by the charter
24 school and on leave that is approved by the school board, the
25 employee may retain seniority accrued in that school district
26 and may continue to be covered by the benefit programs of that
27 school district, if the charter school and the district school
28 board agree to this arrangement and its financing. School
29 districts shall not require resignations of teachers desiring
30 to teach in a charter school.This paragraph shall not
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1 prohibit a school board from approving alternative leave
2 arrangements consistent with chapter 231.

3 (f)~~(e)~~ Teachers employed by or under contract to a
4 charter school shall be certified as required by chapter 231.
5 A charter school may employ or contract with skilled selected
6 noncertified personnel to provide instructional services or to
7 assist instructional staff members as teacher aides in the
8 same manner as defined in chapter 231. A charter school may
9 not employ an individual to provide instructional services or
10 to serve as a teacher aide if the individual's certification
11 or licensure as an educator is suspended or revoked by this or
12 any other state. The qualifications of teachers shall be
13 disclosed to parents.

14 (g)~~(f)~~ A charter school shall employ or contract with
15 employees who have been fingerprinted as provided in s.
16 231.02.

17 (13) REVENUE.--Students enrolled in a charter school,
18 regardless of the sponsorship, shall be funded as if they are
19 in a basic program or a special program, the same as students
20 enrolled in other public schools in the school district.
21 Funding for a chartered developmental research school shall be
22 as provided in s. 228.053(9).

23 (c) Transportation of charter school students shall be
24 provided by the charter school consistent with the
25 requirements of chapter 234. The governing body of the charter
26 school may provide transportation through an agreement or
27 contract with the district school board, a private provider,
28 or parents. The charter school and the sponsor shall cooperate
29 in making arrangements that ensure that transportation is not
30 a barrier to equal access for all students residing within a
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1 reasonable distance of the charter school as determined in its
2 charter.

3 (e) Any administrative fee charged by the school
4 district relating to a charter school shall be limited to ~~no~~
5 ~~more than the actual cost of administering the contract~~
6 ~~between the charter school and the school district or 5~~
7 percent of the available funds as defined in paragraph (b),
8 whichever is the lesser amount. The sponsor shall provide
9 certain administrative and educational services to charter
10 schools at no additional fee. These services shall include
11 contract management services, FTE and data reporting,
12 exceptional student education administration, test
13 administration, processing of teacher certificate data, and
14 information services.

15 (f) School boards shall make every effort to ensure
16 that charter schools receive timely and efficient
17 reimbursement, including processing paperwork required to
18 access special state and federal funding for which they may be
19 eligible. The district school board may distribute funds to a
20 charter school for up to 3 months based on the projected
21 full-time equivalent student membership of the charter school.
22 Thereafter, the results of full-time equivalent student
23 membership surveys must be used in adjusting the amount of
24 funds distributed monthly to the charter school for the
25 remainder of the fiscal year. The payment shall be issued no
26 later than 10 working days after the district school board
27 receives a distribution of state or federal funds. If a
28 warrant for payment is not issued within 30 working days after
29 receipt of funding by the district school board, the school
30 district shall pay to the charter school, in addition to the
31 amount of the scheduled disbursement, interest at a rate of 1

1 percent per month calculated on a daily basis on the unpaid
2 balance from the expiration of the 30-day period until such
3 time as the warrant is issued.

4 (g) If a district school board facility or property is
5 available because it is surplus, marked for disposal, or
6 otherwise unused, it shall ~~may~~ be provided for a charter
7 school's use on the same basis as it is made available to
8 other public schools in the district. A charter school
9 receiving property from the school district may not sell or
10 dispose of such property without written permission of the
11 school district. Similarly, for an existing public school
12 converting to charter status, no rental or leasing fee for the
13 existing facility or for the property normally inventoried to
14 the conversion school may be charged by the district school
15 board to the parents and teachers organizing the charter
16 school. The charter organizers shall agree to reasonable
17 maintenance provisions in order to maintain the facility in a
18 manner similar to district school board standards.

19 (h) If other goods and services are made available to
20 the charter school through the contract with the school
21 district, they shall be provided to the charter school at a
22 rate no greater than the district's actual cost. To maximize
23 the use of state funds, school districts shall allow charter
24 schools to participate in the sponsor's bulk purchasing
25 program if applicable.

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

27 (a) In order to increase business partnerships in
28 education, to reduce school and classroom overcrowding
29 throughout the state, and to offset the high costs for
30 educational facilities construction, the Legislature intends
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1 to encourage the formation of business partnership schools or
2 satellite learning centers through charter school status.

3 (b) A charter school-in-the-workplace may be
4 established when a business partner provides the school
5 facility to be used; enrolls students based upon a random
6 lottery which involves all of the children of employees of
7 that business or corporation who are seeking enrollment, as
8 provided for in subsection (6); and enrolls students according
9 to the racial/ethnic balance provisions described in
10 subparagraph (9)(a)8. Any portion of a facility used for a
11 public charter school shall be exempt from ad valorem taxes,
12 as provided for in s. 235.198, for the duration of its use as
13 a public school.

14 Section 2. Section 228.0561, Florida Statutes, is
15 created to read:

16 228.0561 Charter schools capital outlay funding.--

17 (1) In each year in which funds are appropriated from
18 the Charter Schools Capital Outlay Trust Fund, the
19 Commissioner of Education shall allocate the funds among
20 eligible charter schools. To be eligible for a funding
21 allocation, a charter school must have received final approval
22 from its sponsor pursuant to s. 228.056 for operation during
23 that fiscal year and must serve students in facilities that
24 are not provided by the charter school's sponsor. A charter
25 school is not eligible for a funding allocation if it was
26 created by the conversion of a public school and operates in
27 facilities provided by the charter school's sponsor for a
28 nominal fee or at no charge. Unless otherwise provided in the
29 General Appropriations Act, the funding allocation for each
30 eligible charter school shall be determined by multiplying the
31 school's projected student enrollment by one-thirtieth of the

1 cost-per-student station specified in s. 235.435(6)(b) for an
2 elementary, middle, or high school, as appropriate. If the
3 funds appropriated are not sufficient, the commissioner shall
4 prorate the available funds among eligible charter schools.
5 In the first quarter of the fiscal year, funds shall be
6 distributed on the basis of projected enrollment as provided
7 in this section. The commissioner shall adjust subsequent
8 distributions as necessary to reflect each charter school's
9 actual student enrollment. The commissioner shall establish
10 the intervals and procedures for determining the projected and
11 actual student enrollment of eligible charter schools.

12 (2) A charter school's governing body may use funds
13 from the Charter Schools Capital Outlay Trust Fund for any
14 capital outlay purpose that is directly related to the
15 functioning of the charter school, including the:

16 (a) Purchase of real property.

17 (b) Construction, renovation, repair, and maintenance
18 of school facilities.

19 (c) Purchase, lease-purchase, or lease of permanent or
20 relocatable school facilities.

21 (d) Purchase of vehicles to transport students to and
22 from the charter school.

23 (3) The Commissioner of Education shall specify
24 procedures for submitting and approving requests for funding
25 under this section and procedures for documenting
26 expenditures.

27 (4) The annual legislative budget request of the
28 Department of Education shall include a request for funding
29 from the Charter Schools Capital Outlay Trust Fund. The
30 request shall be based on the projected number of students to
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1 be served in charter schools who meet the eligibility
2 requirements of this section.

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1996

13 Deleted language that would have allowed district school
14 boards to grant charters to allow municipally appointed boards
15 to operate public schools within a charter municipal
16 subdistrict.

17 Requires charter schools that limit enrollment to students
18 within a reasonable distance of the school to comply with
19 federal provisions governing racial/ethnic balance of schools.

20 Makes renewal of a school's charter contingent upon a program
21 review evidencing the school's success.

22 Clarifies that the proposed ad valorem tax exemption applies
23 only to the portion of a facility used for a charter school.

24 Clarifies eligibility for funding from the proposed Charter
25 Schools Capital Outlay Trust Fund by limiting awards to
26 charter schools with final approval to operate in that fiscal
27 year.

28 Removes provisions that would have reduced awards from the
29 proposed trust fund if a charter school received any portion
30 of a SIT award from its sponsor.

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