

Florida Senate - 1998 CS for CS for SB 1996 & CS for SB 1182

By the Committees on Ways and Means, Education and Senators Grant, Latvala and Scott

301-1888B-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; revising
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 for the
27 recovery of funds; providing duties of the
28 Commissioner of Education; authorizing the use
29 of funds for certain capital outlay purposes of
30 charter schools; requiring a legislative budget
31 request for appropriations from the Charter

1 Schools Capital Outlay Trust Fund; providing
2 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 limited to no more than 28 in each
31 school district that has 100,000 or more students, no more

1 than 20 in each school district that has 50,000 to 99,999
2 students, and no more than 12 in each school district with
3 fewer than 50,000 students.~~limited to no more than seven in~~
4 ~~each school district that has 100,000 or more students, no~~
5 ~~more than five charter schools in each school district that~~
6 ~~has 50,000 to 99,999 students, and no more than three charter~~
7 ~~schools in each school district that has fewer than 50,000~~
8 ~~students. The number of newly created charter schools shall~~
9 ~~be limited to no more than seven charter schools in each~~
10 ~~school district that has 100,000 or more students, no more~~
11 ~~than five charter schools in each school district that has~~
12 ~~50,000 to 99,999 students, and no more than three charter~~
13 ~~schools in each school district that has fewer than 50,000~~
14 ~~students. Notwithstanding any limitation in this section on~~
15 ~~the number of charter schools authorized for a district, any~~
16 ~~school board shall have the right to request an increase in~~
17 ~~the number of charter schools located within its district from~~
18 ~~the State Board of Education.~~

19 (6) ELIGIBLE STUDENTS.--

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

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

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1 1. Students within specific age groups or grade
2 levels.

3 2. Students considered at risk of dropping out of
4 school or academic failure. Such students shall include
5 exceptional education students.

6 3. Students enrolling in a charter
7 school-in-the-workplace established pursuant to subsection
8 (22).

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

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

30 (8) REQUIREMENTS.--
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1 ~~(h) No organization shall hold more than one~~
2 ~~elementary, one middle, and one high school charter contract~~
3 ~~in a school district and no more than 15 charters statewide.~~

4 (9) CHARTER.--The major issues involving the operation
5 of a charter school shall be considered in advance and written
6 into the charter. The charter shall be signed by the governing
7 body of the charter school and the sponsor, following a public
8 hearing to ensure community input.

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

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

13 2. The focus of the curriculum, the instructional
14 methods to be used, and any distinctive instructional
15 techniques to be employed.

16 3. The current baseline standard of achievement and
17 the outcomes to be achieved and the method of measurement that
18 will be used.

19 4. The methods used to identify the educational
20 strengths and needs of students and how well educational goals
21 and performance standards are met by students attending the
22 charter school. Students in charter schools shall, at a
23 minimum, participate in the statewide assessment program.

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

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

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

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1 8. The ways by which the school will achieve a
2 racial/ethnic balance reflective of the community it serves or
3 within the racial/ethnic range of other public schools in the
4 same school district.

5 9. The financial and administrative management of the
6 school.

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

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

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

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

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

23 15. A timetable for implementing the charter which
24 addresses the implementation of each element thereof and the
25 date by which the charter shall be awarded in order to meet
26 this timetable.

27 16. In the case of an existing public school being
28 converted to charter status, alternative arrangements for
29 current students who choose not to attend the charter school
30 and for current teachers who choose not to teach in the
31 charter school after conversion in accordance with the

1 existing collective bargaining agreement or school board
2 policy in the absence of a collective bargaining agreement.

3 (b) A charter may be renewed every 5 ~~in increments of~~
4 ~~1, 2, or 3~~ school years, provided that a program review
5 demonstrates that the criteria in paragraph (a) have been
6 successfully accomplished ~~by a mutual agreement of the~~
7 ~~parties.~~

8 (12) EMPLOYEES OF CHARTER SCHOOLS.--

9 (a) A charter school shall select its own employees. A
10 charter school may contract with its sponsor for the services
11 of personnel employed by the sponsor.

12 (b) Charter school employees shall have the option to
13 bargain collectively. Employees may collectively bargain as a
14 separate unit or as part of the existing district collective
15 bargaining unit as determined by the structure of the charter
16 school.

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

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

26 (e)~~(d)~~ Employees of a school district may take leave
27 to accept employment in a charter school upon the approval of
28 the district school board. While employed by the charter
29 school and on leave that is approved by the school board, the
30 employee may retain seniority accrued in that school district
31 and may continue to be covered by the benefit programs of that

1 school district, if the charter school and the district school
2 board agree to this arrangement and its financing. School
3 districts shall not require resignations of teachers desiring
4 to teach in a charter school.This paragraph shall not
5 prohibit a school board from approving alternative leave
6 arrangements consistent with chapter 231.

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

18 (g)~~(f)~~ A charter school shall employ or contract with
19 employees who have been fingerprinted as provided in s.
20 231.02.

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

27 (c) Transportation of charter school students shall be
28 provided by the charter school consistent with the
29 requirements of chapter 234. The governing body of the charter
30 school may provide transportation through an agreement or
31 contract with the district school board, a private provider,

1 or parents. The charter school and the sponsor shall cooperate
2 in making arrangements that ensure that transportation is not
3 a barrier to equal access for all students residing within a
4 reasonable distance of the charter school as determined in its
5 charter.

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

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

1 receipt of funding by the district school board, the school
2 district shall pay to the charter school, in addition to the
3 amount of the scheduled disbursement, interest at a rate of 1
4 percent per month calculated on a daily basis on the unpaid
5 balance from the expiration of the 30-day period until such
6 time as the warrant is issued.

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

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

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

30 (a) In order to increase business partnerships in
31 education, to reduce school and classroom overcrowding

1 throughout the state, and to offset the high costs for
2 educational facilities construction, the Legislature intends
3 to encourage the formation of business partnership schools or
4 satellite learning centers through charter school status.

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

16 Section 2. Section 228.0561, Florida Statutes, is
17 created to read:

18 228.0561 Charter schools capital outlay funding.--

19 (1) In each year in which funds are appropriated from
20 the Charter Schools Capital Outlay Trust Fund, the
21 Commissioner of Education shall allocate the funds among
22 eligible charter schools. To be eligible for a funding
23 allocation, a charter school must have received final approval
24 from its sponsor pursuant to s. 228.056 for operation during
25 that fiscal year and must serve students in facilities that
26 are not provided by the charter school's sponsor. The
27 contract between a charter school and its sponsor must contain
28 a lien provision to permit the sponsor's recovery, in the
29 event the school terminates operations, of funds received
30 pursuant to this section that were used to renovate, repair,
31 or remodel the school's facilities. A charter school is not

1 eligible for a funding allocation if it was created by the
2 conversion of a public school and operates in facilities
3 provided by the charter school's sponsor for a nominal fee or
4 at no charge. Unless otherwise provided in the General
5 Appropriations Act, the funding allocation for each eligible
6 charter school shall be determined by multiplying the school's
7 projected student enrollment by one-thirtieth of the
8 cost-per-student station specified in s. 235.435(6)(b) for an
9 elementary, middle, or high school, as appropriate. If the
10 funds appropriated are not sufficient, the commissioner shall
11 prorate the available funds among eligible charter schools.
12 In the first quarter of the fiscal year, funds shall be
13 distributed on the basis of projected enrollment as provided
14 in this section. The commissioner shall adjust subsequent
15 distributions as necessary to reflect each charter school's
16 actual student enrollment. The commissioner shall establish
17 the intervals and procedures for determining the projected and
18 actual student enrollment of eligible charter schools.

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

23 (a) Purchase of real property.

24 (b) Construction, renovation, repair, and maintenance
25 of school facilities.

26 (c) Purchase, lease-purchase, or lease of permanent or
27 relocatable school facilities.

28 (d) Purchase of vehicles to transport students to and
29 from the charter school.

30 (3) When a charter school is nonrenewed or terminated,
31 any unencumbered funds and all equipment and property

1 purchased with public funds shall revert to the ownership of
2 the district school board, as provided for in s.
3 228.056(10)(e) and (f). The reversion of such equipment,
4 property, and furnishings shall focus on recoverable assets,
5 but not on intangible or irrecoverable costs such as rental or
6 leasing fees, normal maintenance, and limited renovations. If
7 there are additional local issues such as the shared use of
8 facilities or partial ownership of facilities or property,
9 these issues shall be agreed to in the charter contract prior
10 to the expenditure of funds.

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

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

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB 1996 and SB 1182
4 Amended language relating to the limitation on the number of
5 charter schools to allow twice as many charter schools to be
6 created statewide as is specified in current law.
7 Requires the contract between a charter school and its sponsor
8 to contain a lien provision so that a sponsor can recover
9 funds used to renovate, repair or remodel a charter school's
10 facilities, should the school terminate operations.
11 Provides that if a charter school is non-renewed or
12 terminated, any unencumbered funds and all equipment and
13 property purchased with public funds, revert to the ownership
14 of the district school board. The bill also specifies that
15 procedures for such reversion shall be developed by the
16 Commissioner of Education.
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