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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.; authorizing  
24 distribution of funds to charter schools from  
25 the Public Education Capital Outlay and Debt  
26 Service Trust Fund and establishing eligibility  
27 of charter schools for such funds; establishing  
28 an amount and manner for allocation or  
29 proration of such funds; providing an  
30 appropriation; providing for future repeal of  
31 statute; amending s. 235.42, F.S.; clarifying

1 eligibility of educational boards and entities  
2 for receipt of funds from the Public Education  
3 Capital Outlay and Debt Service Trust Fund;  
4 providing an appropriation to the Columbia  
5 County School District; providing for the  
6 release of funds for the Commission on  
7 Education Reform and Accountability; providing  
8 for the dissolution of the Governor's  
9 Commission on Education; providing an effective  
10 date.

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

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

22 228.056 Charter schools.--

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

29 (3) PROPOSAL.--A proposal for a new charter school may  
30 be made by an individual, teachers, parents, a group of  
31 individuals, a municipality, or a legal entity organized under

1 the laws of this state. The district school board or the  
2 principal, teachers, and/or the school advisory council at an  
3 existing public school, including a public  
4 school-within-a-school that is designated as a school by the  
5 district school board, shall submit any proposal for  
6 converting the school to a charter school. An application  
7 submitted proposing to convert an existing public school to a  
8 charter school shall demonstrate the support of at least 50  
9 percent of the teachers employed at the school and 50 percent  
10 of the parents voting whose children are enrolled at the  
11 school, provided that a majority of the parents eligible to  
12 vote participate in the ballot process, according to  
13 procedures established by rules of the state board. A private  
14 school, parochial school, or home education program shall not  
15 be eligible for charter school status.

16 (4) SPONSOR.--A district school board may sponsor a  
17 charter school in the county over which the board has  
18 jurisdiction.

19 (f) The terms and conditions for the operation of a  
20 charter school shall be set forth by the sponsor and the  
21 applicant in a written contractual agreement. The sponsor  
22 shall not impose unreasonable rules or regulations that  
23 violate the intent of giving charter schools greater  
24 flexibility to meet educational goals. The applicant and  
25 sponsor shall have 6 months in which to mutually agree to the  
26 provisions of the contract. The Department of Education shall  
27 provide mediation services for any dispute regarding this  
28 section subsequent to the approval of a charter application,  
29 except disputes regarding charter school application denials.  
30 If the Commissioner of Education determines that the dispute  
31 cannot be settled through mediation, the dispute may be

1 appealed to an administrative law judge appointed by the  
2 Division of Administrative Hearings. The administrative law  
3 judge may rule on issues of equitable treatment of the charter  
4 school as a public school, whether proposed provisions of the  
5 contract violate the intended flexibility granted charter  
6 schools by statute, or on any other matter regarding this  
7 section except a charter school application denial. The costs  
8 of the administrative hearing shall be paid by the party whom  
9 the administrative law judge rules against. ~~If, after 6~~  
10 ~~months, the contract is still pending, the application is~~  
11 ~~deemed denied.~~

12 (5) NUMBER OF SCHOOLS.--The number of newly created  
13 charter schools or existing public schools which may convert  
14 to charter schools is limited to no more than 28 in each  
15 school district that has 100,000 or more students, no more  
16 than 20 in each school district that has 50,000 to 99,999  
17 students, and no more than 12 in each school district with  
18 fewer than 50,000 students.~~limited to no more than seven in~~  
19 ~~each school district that has 100,000 or more students, no~~  
20 ~~more than five charter schools in each school district that~~  
21 ~~has 50,000 to 99,999 students, and no more than three charter~~  
22 ~~schools in each school district that has fewer than 50,000~~  
23 ~~students. The number of newly created charter schools shall~~  
24 ~~be limited to no more than seven charter schools in each~~  
25 ~~school district that has 100,000 or more students, no more~~  
26 ~~than five charter schools in each school district that has~~  
27 ~~50,000 to 99,999 students, and no more than three charter~~  
28 ~~schools in each school district that has fewer than 50,000~~  
29 ~~students. Notwithstanding any limitation in this section on~~  
30 ~~the number of charter schools authorized for a district, any~~  
31 ~~school board shall have the right to request an increase in~~

1 ~~the number of charter schools located within its district from~~  
2 ~~the State Board of Education.~~

3 (6) ELIGIBLE STUDENTS.--

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

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

15 1. Students within specific age groups or grade  
16 levels.

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

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

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

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

14           (8) REQUIREMENTS.--

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

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

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

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

27           2. The focus of the curriculum, the instructional  
28 methods to be used, and any distinctive instructional  
29 techniques to be employed.  
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1           3. The current baseline standard of achievement and  
2 the outcomes to be achieved and the method of measurement that  
3 will be used.

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

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

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

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

16           8. The ways by which the school will achieve a  
17 racial/ethnic balance reflective of the community it serves or  
18 within the racial/ethnic range of other public schools in the  
19 same school district.

20           9. The financial and administrative management of the  
21 school.

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

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

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

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

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

8 15. A timetable for implementing the charter which  
9 addresses the implementation of each element thereof and the  
10 date by which the charter shall be awarded in order to meet  
11 this timetable.

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

19 (b) A charter may be renewed every 5 ~~in increments of~~  
20 ~~1, 2, or 3~~ school years, provided that a program review  
21 demonstrates that the criteria in paragraph (a) have been  
22 successfully accomplished ~~by a mutual agreement of the~~  
23 ~~parties.~~

24 (12) EMPLOYEES OF CHARTER SCHOOLS.--

25 (a) A charter school shall select its own employees. A  
26 charter school may contract with its sponsor for the services  
27 of personnel employed by the sponsor.

28 (b) Charter school employees shall have the option to  
29 bargain collectively. Employees may collectively bargain as a  
30 separate unit or as part of the existing district collective  
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1 bargaining unit as determined by the structure of the charter  
2 school.

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

6 (d)(e) The teachers at a charter school may choose to  
7 be part of a professional group that subcontracts with the  
8 charter school to operate the instructional program under the  
9 auspices of a partnership or cooperative that they  
10 collectively own. Under this arrangement, the teachers would  
11 not be public employees.

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

24 (f)(e) Teachers employed by or under contract to a  
25 charter school shall be certified as required by chapter 231.  
26 A charter school may employ or contract with skilled selected  
27 noncertified personnel to provide instructional services or to  
28 assist instructional staff members as teacher aides in the  
29 same manner as defined in chapter 231. A charter school may  
30 not employ an individual to provide instructional services or  
31 to serve as a teacher aide if the individual's certification

1 or licensure as an educator is suspended or revoked by this or  
2 any other state. The qualifications of teachers shall be  
3 disclosed to parents.

4 ~~(g)(f)~~ A charter school shall employ or contract with  
5 employees who have been fingerprinted as provided in s.  
6 231.02.

7 (13) REVENUE.--Students enrolled in a charter school,  
8 regardless of the sponsorship, shall be funded as if they are  
9 in a basic program or a special program, the same as students  
10 enrolled in other public schools in the school district.  
11 Funding for a chartered developmental research school shall be  
12 as provided in s. 228.053(9).

13 (c) Transportation of charter school students shall be  
14 provided by the charter school consistent with the  
15 requirements of chapter 234. The governing body of the charter  
16 school may provide transportation through an agreement or  
17 contract with the district school board, a private provider,  
18 or parents. The charter school and the sponsor shall cooperate  
19 in making arrangements that ensure that transportation is not  
20 a barrier to equal access for all students residing within a  
21 reasonable distance of the charter school as determined in its  
22 charter.

23 (e) Any administrative fee charged by the school  
24 district relating to a charter school shall be limited to no  
25 ~~more than the actual cost of administering the contract~~  
26 ~~between the charter school and the school district or 5~~  
27 ~~percent of the available funds as defined in paragraph (b)7~~  
28 ~~whichever is the lesser amount.~~ The sponsor shall provide  
29 certain administrative and educational services to charter  
30 schools at no additional fee. These services shall include  
31 contract management services, FTE and data reporting,

1 exceptional student education administration, test  
2 administration, processing of teacher certificate data, and  
3 information services.

4 (f) School boards shall make every effort to ensure  
5 that charter schools receive timely and efficient  
6 reimbursement, including processing paperwork required to  
7 access special state and federal funding for which they may be  
8 eligible. The district school board may distribute funds to a  
9 charter school for up to 3 months based on the projected  
10 full-time equivalent student membership of the charter school.  
11 Thereafter, the results of full-time equivalent student  
12 membership surveys must be used in adjusting the amount of  
13 funds distributed monthly to the charter school for the  
14 remainder of the fiscal year. The payment shall be issued no  
15 later than 10 working days after the district school board  
16 receives a distribution of state or federal funds. If a  
17 warrant for payment is not issued within 30 working days after  
18 receipt of funding by the district school board, the school  
19 district shall pay to the charter school, in addition to the  
20 amount of the scheduled disbursement, interest at a rate of 1  
21 percent per month calculated on a daily basis on the unpaid  
22 balance from the expiration of the 30-day period until such  
23 time as the warrant is issued.

24 (g) If a district school board facility or property is  
25 available because it is surplus, marked for disposal, or  
26 otherwise unused, it shall ~~may~~ be provided for a charter  
27 school's use on the same basis as it is made available to  
28 other public schools in the district. A charter school  
29 receiving property from the school district may not sell or  
30 dispose of such property without written permission of the  
31 school district. Similarly, for an existing public school

1 converting to charter status, no rental or leasing fee for the  
2 existing facility or for the property normally inventoried to  
3 the conversion school may be charged by the district school  
4 board to the parents and teachers organizing the charter  
5 school. The charter organizers shall agree to reasonable  
6 maintenance provisions in order to maintain the facility in a  
7 manner similar to district school board standards.

8 (h) If other goods and services are made available to  
9 the charter school through the contract with the school  
10 district, they shall be provided to the charter school at a  
11 rate no greater than the district's actual cost. To maximize  
12 the use of state funds, school districts shall allow charter  
13 schools to participate in the sponsor's bulk purchasing  
14 program if applicable.

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

16 (a) In order to increase business partnerships in  
17 education, to reduce school and classroom overcrowding  
18 throughout the state, and to offset the high costs for  
19 educational facilities construction, the Legislature intends  
20 to encourage the formation of business partnership schools or  
21 satellite learning centers through charter school status.

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

3 Section 2. Section 228.0561, Florida Statutes, is  
4 created to read:

5 228.0561 Charter schools capital outlay funding.--

6 (1) In each year in which funds are appropriated from  
7 the Public Education Capital Outlay and Debt Service Trust  
8 Fund for charter schools, the Commissioner of Education shall  
9 allocate the funds among eligible charter schools. To be  
10 eligible for a funding allocation, a charter school must meet  
11 the provisions of subsection (6), must have received final  
12 approval from its sponsor pursuant to s. 228.056 for operation  
13 during that fiscal year, and must serve students in facilities  
14 that are not provided by the charter school's sponsor. Prior  
15 to the release of capital outlay funds to the charter school,  
16 the Department of Education shall enter into a written  
17 agreement that includes provisions for attaching a lien to  
18 property that has been improved through the use of these  
19 funds, in the event that the school terminates operations.  
20 Any funds recovered by the state shall be deposited in the  
21 Public Education Capital Outlay and Debt Service Trust Fund.  
22 A charter school is not eligible for a funding allocation if  
23 it was created by the conversion of a public school and  
24 operates in facilities provided by the charter school's  
25 sponsor for a nominal fee or at no charge. Unless otherwise  
26 provided in the General Appropriations Act, the funding  
27 allocation for each eligible charter school shall be  
28 determined by multiplying the school's projected student  
29 enrollment by one-thirtieth of the cost-per-student station  
30 specified in s. 235.435(6)(b) for an elementary, middle, or  
31 high school, as appropriate. If the funds appropriated are

1 not sufficient, the commissioner shall prorate the available  
2 funds among eligible charter schools. In the first quarter of  
3 the fiscal year, funds shall be distributed on the basis of  
4 projected enrollment as provided in this section. The  
5 commissioner shall adjust subsequent distributions as  
6 necessary to reflect each charter school's actual student  
7 enrollment. The commissioner shall establish the intervals  
8 and procedures for determining the projected and actual  
9 student enrollment of eligible charter schools. If a school  
10 district chooses to share funding for the capital outlay  
11 purposes described in subsection (2) with the applicable  
12 charter school or charter schools, any allocation from the  
13 Public Education Capital Outlay and Debt Service Trust Fund  
14 allocation to the charter school or charter schools shall be  
15 reduced by the amount shared.

16 (2) A charter school's governing body with the school  
17 board's permission may use funds from the Public Education  
18 Capital Outlay and Debt Service Trust Fund for any capital  
19 outlay purpose that is directly related to the functioning of  
20 the charter school, including the:

21 (a) Purchase of real property.

22 (b) Construction, renovation, repair, and maintenance  
23 of school facilities.

24 (c) Purchase, lease-purchase, or lease of permanent or  
25 relocatable school facilities.

26 (d) Purchase of vehicles to transport students to and  
27 from the charter school.

28 (3) When a charter school is nonrenewed or terminated,  
29 any unencumbered funds and all equipment and property  
30 purchased with public funds shall revert to the ownership of  
31 the district school board, as provided for in s.

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

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

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

19 (6)(a) Effective July 1, 1998, any charter school  
20 which has been in continuous operation in the district in  
21 which its charter was approved for at least two school years  
22 immediately preceding the school year in which the school  
23 seeks an appropriation from the Public Education Capital  
24 Outlay and Debt Service Trust Fund shall be eligible to  
25 receive funds from that trust fund. No other charter schools  
26 are eligible to receive funds from the Public Education  
27 Capital Outlay and Debt Service Trust Fund.

28 (b) Unless authorized other wise by the Legislature,  
29 allocation and proration of funds from the Public Education  
30 Capital Outlay and Debt Service Trust Fund shall be made to  
31 eligible charter schools by the Commissioner of Education in

1 an amount and in a manner authorized by subsection (1), and  
2 only schools eligible for such funds in this subsection shall  
3 be considered "eligible charter schools" for such an  
4 allocation or proration.

5 (c) There is appropriated from the Public Education  
6 Capital Outlay and Debt Service Trust Fund in fiscal year  
7 1998-1999 the amount of \$5,000,000 to be used for capital  
8 outlay purposes of charter schools eligible under this  
9 subsection and allocated or prorated in an amount and in a  
10 manner authorized by this subsection. This paragraph shall be  
11 repealed July 1, 1999.

12 Section 3. Subsection (7) of section 235.42, Florida  
13 Statutes, is amended to read:

14 235.42 Educational and ancillary plant construction  
15 funds; Public Education Capital Outlay and Debt Service Trust  
16 Fund; allocation of funds.--

17 (7) Boards and entities authorized to participate in  
18 the trust fund are district school boards, the community  
19 college district boards of trustees, the Trustees of the  
20 Florida School for the Deaf and the Blind, the Board of  
21 Regents, charter schools only if eligible pursuant to s.  
22 228.0561(6), and other units of the state system of public  
23 education, and other educational entities defined in s.  
24 228.041 for which funds are ~~purposes~~ authorized by the  
25 Legislature.

26 Section 4. The sum of \$13,244,151 is appropriated for  
27 fiscal year 1998-1999 from the Public Education and Capital  
28 Outlay Debt Service Trust Fund to the Columbia County School  
29 District or the Ft. White High School. No funds shall be  
30 released for this project before the Special Facility  
31 Construction Committee has approved said project.



1           Section 5. Notwithstanding proviso immediately  
2 preceding Specific Appropriation 26 of the 1998-1999 General  
3 Appropriations Act, funds designated for the Commission on  
4 Education Reform and Accountability shall be released  
5 beginning July 1, 1998, and shall be released throughout  
6 fiscal year 1998-1999 based on a regular release schedule.

7           Section 6. The Governor's Commission on Education,  
8 established by Executive Order on September 10, 1996, shall be  
9 dissolved on October 31, 1998.

10           Section 7. This act shall take effect upon becoming a  
11 law.

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