

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 10, 1998 Revised: \_\_\_\_\_

Subject: Charter Technical Career Centers

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>White</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This committee substitute authorizes a school district or community college to sponsor a charter technical career center. The provisions in the bill are similar to those in s. 228.056, F.S., that govern the authority to operate a charter school.

This bill creates a new section of the Florida Statutes and amends sections 121.021, 121.051, and 236.081, of the Florida Statutes.

**II. Present Situation:**

The 1996 Legislature created s. 228.056, F.S., to authorize elementary and secondary charter schools, but it did not authorize postsecondary education institutions to be operated as charter schools. The following paragraphs summarize components of charter schools.

**Sponsor**

District school boards may sponsor charter schools, and the school must be located in the county over which the board has jurisdiction. The only other entity that may sponsor a charter school is a state university, and only if it consults with the school district and converts its own developmental research school to a charter school.

**Charter**

Section 228.056, F.S., requires district school boards to review charter school applications and to approve or deny them by majority vote. If the school board denies a charter, the applicant may appeal the decision to the State Board of Education. The State Board of Education must accept or reject the decision. An existing school may convert to charter school status, but an existing independent school is not eligible for a charter.

A charter may be approved for an initial term of up to 3 years, and may be renewed in increments of 1, 2, or 3 years. A sponsor may choose not to renew a charter with 90 days notice.

**Legal Entity**

Charter schools must be nonprofit organizations.

**Facilities**

Facilities used by a charter school must comply with the State Uniform Building Code for Public Educational Facilities Construction or with applicable state minimum building codes and fire protection codes. District school board facilities or properties that are available because they are surplus, marked for disposal, or are otherwise unused may be provided for a charter school's use just as they are made available to other public schools in the district.

If the school board does not provide a facility, charter schools either divert much of their operating funds for capital outlay needs or they depend on contributions from the private sector.

**Exemption from Statutes**

Charter schools are subject to the anti-discrimination provisions of s. 228.2001, F.S.; to laws that guarantee civil rights and the health, safety, and welfare of students; to laws relating to public records, public meetings, and public inspections; and they are subject to an annual financial audit similar to those of school districts. Otherwise, charter schools are exempt from all statutes of the Florida School Code.

**Funding**

Charter schools are funded like other public schools except that they do not receive capital outlay funds. Their students earn state funds for the school through the Florida Education Finance Program, including their proportional share of categorical funds, and the school district must provide them their share of any federal funds for which they meet the eligibility requirements.

**Employees**

A charter school may be either a public or private employer, and, if public, their employees are eligible to participate in the Florida Retirement System. Employees may collectively bargain. District employees may take leave to become charter school employees, with approval of the school board, or the school district may provide other leave arrangements consistent with ch. 231, F.S. During leave of absence, seniority and benefit programs may continue if the school and district agree to the terms. Teachers must be certified and fingerprinted. A charter school may also employ or contract with non-certified personnel to provide instructional services.

**III. Effect of Proposed Changes:**

The legislation under consideration authorizes a school district or community college, or a consortium of one or more of each, to sponsor a charter technical career center. The center could be for secondary or postsecondary vocational education or both. The provisions in the bill are

similar to those in s. 228.056, F.S., that govern the authority to operate a charter school. They include:

**Sponsor**

A sponsor of a technical career center's charter may be a district school board, a school board and a community college, or a consortium of several. It must include either the school district or the community college in whose geographic region the facility is located. A sponsor must have a board of directors.

**Charter**

An existing public technical center or community college site is eligible for a charter, but not an existing independent school. The charter would have to be approved by both the school district and community college in whose district the center was located.

The sponsor may designate a charter technical career center for an initial term of up to 5 years, and after that may renew it for up to an additional 5 years. A sponsor may place a center on probation, refuse to renew a charter, or revoke a charter if a career center either violates or does not fulfill a condition imposed under the charter.

The sponsor must give 12 months notification of an intent not to renew a charter, rather than the 60 days required of charter schools at the K-12 level. However, a sponsor may revoke the charter with 60 days notification if necessary to protect the health, safety, and welfare of students. Otherwise a revocation takes place at the end of a school year. As with charter schools, a center may appeal a denial of a charter to the State Board of Education.

The charter must provide for enrollment of all students if space is available. Any evaluation of prospective students must be outlined in the charter.

**Legal Entity**

A charter technical career center must organize as a nonprofit organization. It must have a Board of Directors with authority to decide matters relating to its operation, including budgeting, curriculum, and operating procedures, subject to terms of the center's charter.

**Employees**

Like a charter school at the K-12 level, a charter technical career center may be either a public or private employer. If public, its employees may participate in the Florida Retirement System or in the state community college system optional retirement plan, if the charter is sponsored by a community college that participates in that plan. Employees may collectively bargain.

A teacher or administrator could take a 2-year leave of absence to work in a charter technical center, with the approval of the employing school district or community college. The charter may allow teachers on leave to retain seniority and benefits, but both the sponsor and the applicant must agree to those terms.

Teachers are exempt from state certification requirements if the center considers them qualified. This provision responds to the fact that teachers of postsecondary vocational education students do not have to be state-certified. Presumably, if the charter technical career center enrolled students in grades K-12, the charter would require their teachers to be certified as are teachers in charter schools at the K-12 grade level.

**Facilities**

A charter technical center must meet the State Uniform Building Code for Public Educational Facilities Construction or must comply with state minimum building codes and minimum fire protection codes that apply to the county in which the facility is located.

If district school board funds are used for construction, the technical center must remain on the school board's Florida Inventory of School Houses and revert to the school board if the program is discontinued. If community college funds are used, the building remains on the community college's facilities inventory and reverts to the community college if the program is discontinued. If both school district funds and community college funds were used for construction, all entities included within a sponsor must agree on ownership and terms of transfer of the facilities if the program ended.

The bill also provides that if the center adds student capacity to a school district's inventory of school houses (FISH), that extra capacity will not affect the determination of need or eligibility for state capital outlay funds so long as the facility is used as a charter technical career center. This provision is not included in laws governing charter schools.

**Funding**

The school district or community college in which the charter technical career center is located will pay directly to the center an amount specified in the charter. The center is eligible for all other state and federal revenue available to public schools. Depending on the programs offered at the center, funding could be provided from the Florida Education Finance Program, the Community College Program Fund, and the Workforce Development Education Fund. The center may not levy taxes or issue bonds, but it may charge postsecondary students the same fees allowed in its charter and permitted by law.

**Accountability**

A charter technical career center must report to the sponsoring school district or community college annually, under terms similar to those required of charter schools. The Commissioner of Education will provide an annual evaluation of charter technical career centers compared to public technical centers.

**Exemption from Statutes**

Much like a charter school, a charter technical career center will be exempt from the Florida School Code, except those statutes pertaining to anti-discrimination, civil rights and student health, safety, and welfare.

**Declining Enrollment Provision**

The bill amends s. 236.081, F.S., the Florida Education Finance Program, to include charter technical career centers in the provision that holds harmless a school district that suffers a decline in student enrollment because of a transfer of a program. If a school district had students in grades K-12 who transferred to a charter technical career center, the district would be held harmless for 15 percent of the value of the full-time-equivalent funding for those students.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

The bill does not explicitly state whether public records and open meeting requirements apply. Given that only school districts and community colleges can create charter technical career centers and that they perform a public function on behalf of these entities, it would appear that public records and open meeting requirements would apply. Clarification of the issue in the bill would be appropriate.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Citizens could benefit from additional choices in vocational education.

**C. Government Sector Impact:**

School boards and community college boards of trustees will review applications for charters, the State Board of Education might need to hear appeals if charter applications were denied, the Department of Education could be asked to provide technical assistance, and the Commissioner of Education would prepare an annual evaluation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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