

By the Committee on Education/K-12 and Representative
Andrews

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 mediation services
6 and appeal of disputes; removing limitations on
7 the number of schools; authorizing charter
8 municipal subdistricts; providing requirements
9 for governance and areas of municipal
10 jurisdiction; revising provisions relating to
11 eligible students; providing for operation by a
12 nonprofit organization; deleting certain
13 restrictions on holding charter contracts;
14 revising provisions relating to charter terms;
15 providing for determination of the governance
16 structure; providing for public employee
17 status; prohibiting the use of certain tax
18 revenues for operational expenses of charter
19 schools; revising requirements relating to
20 student transportation; revising administrative
21 fee provisions and requiring certain
22 administrative and educational services;
23 revising provisions relating to charter school
24 use of certain facilities or property;
25 providing for certain purchasing; authorizing
26 charter schools-in-the-workplace; providing
27 requirements and tax exemption; creating s.
28 228.0561, F.S.; providing for the distribution
29 of funds from the Charter Schools Capital
30 Outlay Trust Fund; providing eligibility
31 requirements; providing duties of the

1 Commissioner of Education; authorizing the use
2 of funds for certain capital outlay purposes of
3 charter schools; providing for the reversion of
4 funds, equipment, and property under certain
5 conditions; requiring a legislative budget
6 request for appropriations from the Charter
7 Schools Capital Outlay Trust Fund; providing
8 effective dates.

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

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

20 228.056 Charter schools.--

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

27 (3) PROPOSAL.--A proposal for a new charter school may
28 be made by an individual, teachers, parents, a group of
29 individuals, a municipality, or a legal entity organized under
30 the laws of this state. The district school board or the
31 principal, teachers, and/or the school advisory council at an

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

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

17 (f) The terms and conditions for the operation of a
18 charter school shall be set forth by the sponsor and the
19 applicant in a written contractual agreement. The sponsor
20 shall not impose unreasonable rules or regulations that
21 violate the intent of giving charter schools greater
22 flexibility to meet educational goals. The applicant and
23 sponsor shall have 46 months in which to mutually agree to
24 the provisions of the contract. The Department of Education
25 shall provide mediation services for any dispute subsequent to
26 the approval of a charter application regarding this section,
27 except those regarding charter school application denials. If
28 the Commissioner of Education determines that the dispute
29 cannot be settled through mediation, the dispute may be
30 appealed to an administrative law judge appointed by the
31 Division of Administrative Hearings. The administrative law

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

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

11 (a) The number of newly created charter schools or
12 existing public schools which may convert to charter schools
13 is unlimited.~~limited to no more than seven in each school~~
14 ~~district that has 100,000 or more students, no more than five~~
15 ~~charter schools in each school district that has 50,000 to~~
16 ~~99,999 students, and no more than three charter schools in~~
17 ~~each school district that has fewer than 50,000 students. The~~
18 ~~number of newly created charter schools shall be limited to no~~
19 ~~more than seven charter schools in each school district that~~
20 ~~has 100,000 or more students, no more than five charter~~
21 ~~schools in each school district that has 50,000 to 99,999~~
22 ~~students, and no more than three charter schools in each~~
23 ~~school district that has fewer than 50,000 students.~~

24 ~~Notwithstanding any limitation in this section on the number~~
25 ~~of charter schools authorized for a district, any school board~~
26 ~~shall have the right to request an increase in the number of~~
27 ~~charter schools located within its district from the State~~
28 ~~Board of Education.~~

29 (b) Upon majority vote of the eligible voters voting
30 and compliance with this section, a municipality or
31 municipalities with a total population of more than 25,000

1 residents may present to the district school board a school or
2 group of schools to be considered for charter school status.
3 Such school or group of schools shall be governed by a
4 governing body appointed by the governing body of the
5 municipality or by the governing bodies of the municipalities.
6 Unincorporated areas adjacent to incorporated municipalities
7 may be included in the area of municipal jurisdiction for the
8 purposes of this paragraph if the governing bodies of the
9 municipality or municipalities and the county in which the
10 area is located agree on the boundaries of such additional
11 areas. Upon receipt of a request for a charter municipal
12 subdistrict in accordance with this paragraph, if approved by
13 the district school board pursuant to subsection (4), the
14 district school board shall expeditiously authorize the
15 requested charter.

16 (6) ELIGIBLE STUDENTS.--

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

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

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

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

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

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

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

28 (8) REQUIREMENTS.--

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

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

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

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

10 2. The focus of the curriculum, the instructional
11 methods to be used, and any distinctive instructional
12 techniques to be employed.

13 3. The current baseline standard of achievement and
14 the outcomes to be achieved and the method of measurement that
15 will be used.

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

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

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

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

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

- 1 9. The financial and administrative management of the
2 school.
- 3 10. The manner in which the school will be insured,
4 including whether or not the school will be required to have
5 liability insurance, and, if so, the terms and conditions
6 thereof and the amounts of coverage.
- 7 11. The term of the charter, ~~not to exceed 3 years,~~
8 which shall provide for cancellation of the charter if
9 insufficient progress has been made in attaining the student
10 achievement objectives of the charter and if it is not likely
11 that such objectives can be achieved before expiration of the
12 charter. The initial term of a charter shall be for 3, 4, or 5
13 years.
- 14 12. The facilities to be used and their location.
- 15 13. The qualifications to be required of the teachers.
- 16 14. The governance structure of the school, including
17 the status of the charter school as a public or private
18 employer as required in subsection (7). The governance
19 structure and the initial governing body of a conversion
20 charter school initiated by the school board shall be
21 determined and selected by the school advisory council of the
22 existing public school.
- 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 ~~by a mutual agreement of the parties.~~

5 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

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

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

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

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1 paragraph shall not prohibit a school board from approving
2 alternative leave 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 (b) The basis for the agreement for funding students
24 enrolled in a charter school shall be the sum of the school
25 district's operating funds from the Florida Education Finance
26 Program as provided in s. 236.081 and the General
27 Appropriations Act, including gross state and local funds,
28 discretionary lottery funds, and funds from the school
29 district's current operating discretionary millage levy;
30 divided by total funded weighted full-time equivalent students
31 in the school district; multiplied by the weighted full-time

1 equivalent students for the charter school. Charter schools
2 whose students or programs meet the eligibility criteria in
3 law shall be entitled to their proportionate share of
4 categorical program funds included in the total funds
5 available in the Florida Education Finance Program by the
6 Legislature, including transportation. Total funding for each
7 charter school will be recalculated during the year to reflect
8 the revised calculations under the Florida Education Finance
9 Program by the state and the actual weighted full-time
10 equivalent students reported by the charter school during the
11 full-time equivalent student survey periods designated by the
12 Commissioner of Education. The taxation authority of any
13 county, municipality, or special district shall not be used to
14 provide additional operational revenues to any charter school.

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

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

1 schools at no additional fee. These services shall include
2 contract management services, FTE and data reporting,
3 exceptional student education administration, test
4 administration, processing of teacher certificate data, and
5 information services.

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

26 (g) If a district school board facility or property is
27 available because it is surplus, marked for disposal, or
28 otherwise unused, it shall ~~may~~ be provided for a charter
29 school's use on the same basis as it is made available to
30 other public schools in the district. A charter school
31 receiving property from the school district may not sell or

1 dispose of such property without written permission of the
2 school district. Similarly, for an existing public school
3 converting to charter status, no rental or leasing fee for the
4 existing facility or for the property normally inventoried to
5 the conversion school may be charged by the district school
6 board to the parents and teachers organizing the charter
7 school. The charter organizers shall agree to reasonable
8 maintenance provisions in order to maintain the facility in a
9 manner similar to district school board standards.

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

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

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

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

1 used for a public charter school shall be exempt from ad
2 valorem taxes, as provided for in s. 235.198, for the duration
3 of its use as a public school.

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

6 228.0561 Charter schools capital outlay funding.--

7 (1) In each year in which funds are appropriated from
8 the Charter Schools Capital Outlay Trust Fund, the
9 Commissioner of Education shall allocate the funds among
10 eligible charter schools. To be eligible for a funding
11 allocation, a charter school must be approved pursuant to s.
12 228.056 for operation during that fiscal year and must serve
13 students in facilities that are not provided by the charter
14 school's sponsor. A charter school is not eligible for a
15 funding allocation if it was created by the conversion of a
16 public school and operates in facilities provided by the
17 charter school's sponsor for a nominal fee or at no charge.
18 Unless otherwise provided in the General Appropriations Act,
19 the funding allocation for each eligible charter school shall
20 be determined by multiplying the school's projected student
21 enrollment by one-thirtieth of the cost-per-student station
22 specified in s. 235.435(6)(b) for an elementary, middle, or
23 high school, as appropriate. If the funds appropriated are
24 not sufficient, the commissioner shall prorate the available
25 funds among eligible charter schools. In the first quarter of
26 the fiscal year, funds shall be distributed on the basis of
27 projected enrollment as provided in this section. The
28 commissioner shall adjust subsequent distributions as
29 necessary to reflect each charter school's actual student
30 enrollment. The commissioner shall establish the intervals
31 and procedures for determining the projected and actual

1 student enrollment of eligible charter schools. If a school
2 district chooses to share funding for capital outlay purposes,
3 as described in subsection (2), with the applicable charter
4 school or charter schools, any allocation from the Charter
5 Schools Capital Outlay Trust Fund to the charter school or
6 charter schools shall be reduced by the amount shared.

7 (2) A charter school's governing body may use funds
8 from the Charter Schools Capital Outlay Trust Fund for any
9 lawful capital outlay purpose pursuant to ss. 235.435 and
10 236.25. When a charter is not renewed or is terminated, any
11 unencumbered funds and all equipment and property purchased
12 with Charter Schools Capital Outlay Trust Fund moneys shall
13 revert to the ownership of the district school board, as
14 provided for in s. 228.056(10). The reversion of such
15 equipment and property shall include recoverable assets, but
16 not intangible or irrecoverable costs such as rental or
17 leasing fees, normal maintenance, and limited renovations.
18 Any additional issues, such as the shared use of facilities or
19 partial ownership of facilities or property, shall be
20 addressed in the charter contract prior to the expenditure of
21 funds.

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

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

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

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9 HOUSE SUMMARY

10 Revises provisions relating to charter schools as
11 follows: provides for recognition as public schools;
12 revises requirements relating to proposals; provides for
13 mediation services and appeal of disputes; removes
14 limitations on the number of schools; authorizes charter
15 municipal subdistricts; revises provisions relating to
16 eligible students; provides for operation by a nonprofit
17 organization; deletes certain restrictions on holding
18 charter contracts; revises charter terms; provides for
19 determination of governance structure; provides that
20 employees of conversion charter schools shall remain
21 public employees; prohibits the use of certain tax
22 revenues for operational expenses; revises requirements
23 relating to student transportation; revises
24 administrative fee provisions and requires certain
25 administrative and educational services; revises
26 provisions relating to charter school use of certain
27 facilities or property; provides for certain purchasing;
28 and authorizes charter schools-in-the-workplace and
29 provides requirements and tax exemption.

30 Provides for the distribution of moneys from the Charter
31 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. Provides for use of funds.