

By Representative Ziebarth

1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 228.056, F.S.; providing additional application
 4 and denial of application requirements;
 5 authorizing a waiver of initial startup
 6 requirements; revising appeal procedures in the
 7 case of denial of an application; providing
 8 contract requirements; revising charter
 9 provisions; revising annual progress report
 10 requirements; revising provisions relating to
 11 disbursement of funds to charter schools;
 12 providing for use of facilities and property;
 13 providing for rules; providing an effective
 14 date.

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

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 18 Section 1. Paragraphs (a), (b), and (f) of subsection
 19 (4), paragraphs (a), (d), and (f) of subsection (9), and
 20 paragraph (f) of subsection (13) of section 228.056, Florida
 21 Statutes, 1996 Supplement, are amended, paragraph (g) is added
 22 to subsection (13), and subsection (21) is added to said
 23 section, to read:

24 228.056 Charter schools.--

25 (4) SPONSOR.--A district school board may sponsor a
 26 charter school in the county over which the board has
 27 jurisdiction.

28 (a) A district school board shall receive and review
 29 all applications for a charter school. A district school
 30 board shall receive charter school applications through at
 31 least February 1 of each calendar year for charter schools to

1 be opened at the beginning of the school district's next
2 school year. A district school board may receive applications
3 later than this date if it chooses. In order to facilitate an
4 accurate budget projection process, a district school board
5 may request a letter of intent to apply with an estimate of
6 student enrollment from each potential charter school
7 applicant during October of the year preceding the
8 application. A district school board must by a majority vote
9 approve or deny an application no later than 60 days after the
10 application is received. If an application is denied, the
11 district school board must, at the time of denial, articulate
12 in writing the specific reasons based upon good cause
13 supporting its denial of the charter application. Upon
14 approval of a charter application, the initial startup must be
15 consistent with the beginning of the public school calendar
16 for the district in which the charter is granted unless the
17 district school board allows a waiver of this provision for
18 good cause.

19 (b) An applicant may appeal any denial of that
20 person's application to the State Board of Education no later
21 than 30 days after the district school board's decision and
22 shall notify the district school board of its appeal. The
23 district school board shall submit a response to the state
24 board within 30 days after notification of the appeal. The
25 state board must by majority vote accept or reject the
26 decision of the district school board no later than 60 ~~30~~ days
27 after an appeal is filed. The state board shall remand the
28 application to the district school board with its written
29 recommendation that the district board approve or deny the
30 application consistent with the state board's decision. The
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1 decision of the State Board of Education is not subject to the
2 provisions of the Administrative Procedure Act, chapter 120.

3 (f) The terms and conditions for the operation of a
4 charter school shall be set forth by the sponsor and the
5 applicant in a written contractual agreement. The sponsor
6 shall not impose unreasonable rules or regulations that
7 violate the intent of giving charter schools greater
8 flexibility to meet educational goals. The applicant and
9 sponsor shall have a reasonable amount of time, as determined
10 by state board rule, to negotiate and sign a contract that
11 shall constitute the school's charter. If a contract has not
12 been signed after a reasonable amount of time, the applicant
13 may appeal to the State Board of Education following
14 procedures in paragraph (b)~~This contract shall constitute the~~
15 ~~school's charter.~~

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

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

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

25 2. The focus of the curriculum, the instructional
26 methods to be used, and any distinctive instructional
27 techniques to be employed.

28 3. The current baseline standard of achievement and
29 the outcomes to be achieved and the method of measurement that
30 will be used.

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

6 5. In secondary charter schools, a method for
7 determining that a student has satisfied the requirements for
8 graduation in s. 232.246.

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

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

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

17 9. The financial and administrative management of the
18 school.

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

23 11. The term of the charter, not to exceed 3 years,
24 which shall provide for cancellation of the charter if
25 insufficient progress has been made in attaining the student
26 achievement objectives of the charter and if it is not likely
27 that such objectives can be achieved before expiration of the
28 charter.

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

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

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

4 15. A timetable for implementing the charter which
5 addresses the implementation of each element thereof and the
6 date by which the charter shall be awarded in order to meet
7 this timetable.

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

15 (d) The governing body of the charter school shall
16 make annual progress reports to its sponsor, which upon
17 verification shall be forwarded to the State Board of
18 Education, the Commissioner of Education at the same time as
19 other annual school accountability reports, the President of
20 the Senate, and the Speaker of the House of Representatives.
21 The report shall contain at least the following information:

22 1. The charter school's progress towards achieving the
23 goals outlined in its charter.

24 2. The information required in the annual school
25 report pursuant to s. 229.592.

26 3. Financial records of the charter school, including
27 revenues and expenditures.

28 4. Salary and benefit levels of charter school
29 employees.

30 (f) Upon receipt of the annual report required by
31 paragraph (d), the Department of Education ~~sponsor~~ shall

1 provide to the State Board of Education, the Commissioner of
2 Education, the President of the Senate, and the Speaker of the
3 House of Representatives an analysis and comparison of the
4 overall performance of charter school students, to include all
5 students whose scores are counted as part of the
6 norm-referenced assessment tests, versus comparable public
7 school students in the district as determined by
8 norm-referenced assessment tests currently administered in the
9 school district, and, as appropriate, the Florida Writes
10 Assessment Test, Grade Ten Assessment Test, and the High
11 School Competency Test.

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

18 (f) School boards shall make every effort to ensure
19 that charter schools receive timely and efficient disbursement
20 of funds ~~reimbursement~~. Beginning with the July 10
21 disbursement of FEFP funds to the school district and
22 following every bimonthly FEFP payment thereafter, the school
23 district shall transmit a charter school's portion of FEFP
24 funds to the charter school within 10 days after receipt of
25 the FEFP allocation. Funds must be prorated in later payments
26 to balance with actual enrollments. The payment shall be
27 ~~issued no later than 30 working days after receipt of an~~
28 ~~invoice. If a warrant for payment of an invoice is not issued~~
29 ~~within 30 working days after receipt by the district school~~
30 ~~board, the school district shall pay to the charter school, in~~
31 ~~addition to the amount of the invoice, interest at a rate of 1~~

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

4 (g) If district school board facilities or property
5 are available because they are surplus, marked for disposal,
6 or otherwise unused, they may be provided for a charter
7 school's use at no additional fee. Similarly, for an existing
8 public school converting to charter status, no rental or
9 leasing fee for the existing facility or for the property
10 normally inventoried to the conversion school may be charged
11 by the district school board to the parents and teachers
12 organizing the charter school. The charter organizers shall
13 agree to reasonable maintenance provisions in order to
14 maintain the facility in a manner similar to district school
15 board standards.

16 (21) IMPLEMENTATION.--The State Board of Education
17 shall adopt rules necessary to facilitate the implementation
18 of this act.

19 Section 2. This act shall take effect July 1, 1997.

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21 HOUSE SUMMARY

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23 With respect to charter schools, provides additional
24 application and denial of application requirements,
25 authorizes a waiver of initial startup requirements,
26 revises appeal procedures in the case of denial of an
27 application, provides contract requirements, revises
28 charter provisions and annual progress report
29 requirements, revises provisions relating to disbursement
30 of funds to charter schools, provides for use of
31 facilities and property, and provides for rules.