

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 228.056, F.S.; revising provisions relating to
4 proposals; providing additional application and
5 denial of application requirements; revising
6 appeal procedures in the case of denial of an
7 application; revising enrollment and charter
8 provisions; revising annual reporting
9 requirements; authorizing waiver of statutes;
10 revising provisions relating to employees;
11 revising provisions relating to distribution of
12 funds to charter schools; providing for use of
13 facilities, property, goods, and services;
14 providing requirements; providing an effective
15 date.

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

18
19 Section 1. Subsection (3), paragraphs (a), (b), and
20 (f) of subsection (4), paragraphs (a) and (c) of subsection
21 (6), paragraphs (a), (d), and (f) of subsection (9),
22 subsection (11), paragraphs (a) and (d) of subsection (12),
23 and paragraph (f) of subsection (13) of section 228.056,
24 Florida Statutes, 1996 Supplement, are amended, and paragraphs
25 (g) and (h) are added to subsection (13) of said section, to
26 read:

27 228.056 Charter schools.--

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

1 school advisory council at an existing public school,
 2 including a public school-within-a-school that is designated
 3 as a school by the district school board, shall submit any
 4 proposal for converting the school to a charter school. An
 5 application submitted proposing to convert an existing public
 6 school to a charter school shall demonstrate the support of at
 7 least 50 percent of the teachers employed at the school and 50
 8 percent of the parents whose children are enrolled at the
 9 school. A private school, parochial school, or home education
 10 program shall not be eligible for charter school status.

11 (4) SPONSOR.--A district school board may sponsor a
 12 charter school in the county over which the board has
 13 jurisdiction.

14 (a) A district school board shall receive and review
 15 all applications for a charter school. A district school board
 16 shall receive charter school applications through at least
 17 February 1 of each calendar year for charter schools to be
 18 opened at the beginning of the school district's next school
 19 year. A district school board may receive applications later
 20 than this date if it chooses. In order to facilitate an
 21 accurate budget projection process, a district school board
 22 shall be held harmless for FTE students which are not included
 23 in the FTE projection due to approval of charter school
 24 applications after the FTE projection deadline. A district
 25 school board must by a majority vote approve or deny an
 26 application no later than 60 days after the application is
 27 received. If an application is denied, the district school
 28 board must, within 10 calendar days, articulate in writing the
 29 specific reasons based upon good cause supporting its denial
 30 of the charter application. Upon approval of a charter
 31 application, the initial startup must be consistent with the

1 beginning of the public school calendar for the district in
 2 which the charter is granted unless the district school board
 3 allows a waiver of this provision for good cause.

4 (b) An applicant may appeal any denial of that
 5 person's application to the State Board of Education no later
 6 than 30 days after the district school board's decision and
 7 shall notify the district school board of its appeal. Any
 8 response of the school board shall be submitted to the state
 9 board within 30 days after notification of the appeal. The
 10 state board must by majority vote accept or reject the
 11 decision of the district school board no later than 60 ~~30~~ days
 12 after an appeal is filed in accordance with state board rule.
 13 The state board may reject an appeal submission for failure to
 14 comply with procedural rules governing the appeals process.
 15 The rejection shall describe the submission errors. The
 16 appellant may have up to 15 days from notice of rejection to
 17 resubmit an appeal that meets requirements of rule. An
 18 application for appeal submitted subsequent to such rejection
 19 shall be considered timely if the original appeal was filed
 20 within 30 days after the school board denial. The state board
 21 shall remand the application to the district school board with
 22 its written recommendation that the district board approve or
 23 deny the application consistent with the state board's
 24 decision. The decision of the State Board of Education is not
 25 subject to the provisions of the Administrative Procedure Act,
 26 chapter 120.

27 (f) The terms and conditions for the operation of a
 28 charter school shall be set forth by the sponsor and the
 29 applicant in a written contractual agreement. The sponsor
 30 shall not impose unreasonable rules or regulations that
 31 violate the intent of giving charter schools greater

1 flexibility to meet educational goals. The applicant and
 2 sponsor shall have 6 months in which to mutually agree to the
 3 provisions of the contract. If, after 6 months, the contract
 4 is still pending, the application is deemed denied. This
 5 ~~contract shall constitute the school's charter.~~

6 (6) ELIGIBLE STUDENTS.--

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

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

17 1. Students within specific age groups or grade
 18 levels.

19 2. Students considered at risk of dropping out of
 20 school or academic failure. Such students shall include
 21 exceptional education students ~~those with scores in the lower~~
 22 ~~quartile on the reading and mathematics sections of~~
 23 ~~norm-referenced tests; a grade point average of 2.0 or below~~
 24 ~~for grades 9 through 12; and/or a writing score on Florida~~
 25 ~~Writes of 2 or below.~~

26 (9) CHARTER.--The major issues involving the operation
 27 of a charter school shall be considered in advance and written
 28 into the charter. The charter shall be signed by the governing
 29 body of the charter school and the sponsor, following a public
 30 hearing to ensure community input.

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

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

5 2. The focus of the curriculum, the instructional
6 methods to be used, and any distinctive instructional
7 techniques to be employed.

8 3. The current baseline standard of achievement and
9 the outcomes to be achieved and the method of measurement that
10 will be used.

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

16 5. In secondary charter schools, a method for
17 determining that a student has satisfied the requirements for
18 graduation in s. 232.246.

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

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

23 8. The ways by which the school will achieve a
24 racial/ethnic balance reflective of the community it serves or
25 within the racial/ethnic range of other public schools in the
26 same school district.

27 9. The financial and administrative management of the
28 school.

29 10. The manner in which the school will be insured,
30 including whether or not the school will be required to have
31

1 liability insurance, and, if so, the terms and conditions
2 thereof and the amounts of coverage.

3 11. The term of the charter, not to exceed 3 years,
4 which shall provide for cancellation of the charter if
5 insufficient progress has been made in attaining the student
6 achievement objectives of the charter and if it is not likely
7 that such objectives can be achieved before expiration of the
8 charter.

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

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

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

14 15. A timetable for implementing the charter which
15 addresses the implementation of each element thereof and the
16 date by which the charter shall be awarded in order to meet
17 this timetable.

18 16. In the case of an existing public school being
19 converted to charter status, alternative arrangements for
20 current students who choose not to attend the charter school
21 and for current teachers who choose not to teach in the
22 charter school after conversion in accordance with the
23 existing collective bargaining agreement or school board
24 policy in the absence of a collective bargaining agreement.

25 (d) The governing body of the charter school shall
26 make annual progress reports to its sponsor, which upon
27 verification shall be forwarded to the State Board of
28 Education, the Commissioner of Education at the same time as
29 other annual school accountability reports, the President of
30 the Senate, and the Speaker of the House of Representatives.
31 The report shall contain at least the following information:

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

3 2. The information required in the annual school
4 report pursuant to s. 229.592.

5 3. Financial records of the charter school, including
6 revenues and expenditures.

7 4. Salary and benefit levels of charter school
8 employees.

9 (f) Upon receipt of the annual report required by
10 paragraph (d), the Department of Education ~~sponsor~~ shall
11 provide to the State Board of Education, the Commissioner of
12 Education, the President of the Senate, and the Speaker of the
13 House of Representatives an analysis and comparison of the
14 overall performance of charter school students, to include all
15 students whose scores are counted as part of the
16 norm-referenced assessment tests, versus comparable public
17 school students in the district as determined by
18 norm-referenced assessment tests currently administered in the
19 school district, and, as appropriate, the Florida Writes
20 Assessment Test, ~~Grade Ten Assessment Test, and the High~~
21 School Competency Test, and other assessments administered
22 pursuant to s. 229.57(3).

23 (11) EXEMPTION FROM STATUTES.--A charter school shall
24 operate in accordance with its charter and shall be exempt
25 from all statutes of the Florida School Code, except those
26 pertaining to civil rights and student health, safety, and
27 welfare, or as otherwise required by this section. A charter
28 school shall not be exempt from the following statutes:
29 chapter 119, relating to public records, and s. 286.011,
30 relating to public meetings and records, public inspection,
31 and penalties. The sponsor, upon request of a charter school,

1 may apply to the Commissioner of Education for a waiver of
 2 provisions of chapters 230 through 239 which are applicable to
 3 charter schools under this section, except that the provisions
 4 of chapters 236 or 237 shall not be eligible for waiver if the
 5 waiver would affect funding allocations or create inequity in
 6 public school funding. The Commissioner may grant the waiver
 7 if necessary to implement the school program.

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 (d) Employees of a school district may take leave to
 13 accept employment in a charter school upon the approval of the
 14 district school board. While employed by the charter school
 15 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. This
 20 paragraph shall not prohibit a school board from approving
 21 alternative leave arrangements consistent with chapter 231.

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

28 (f) School boards shall make every effort to ensure
 29 that charter schools receive timely and efficient
 30 reimbursement. The district school board may distribute funds
 31 to a charter school for up to 3 months based on the projected

1 full-time equivalent student membership of the charter school.
 2 Thereafter, the results of full-time equivalent student
 3 membership surveys must be used in adjusting the amount of
 4 funds distributed monthly to the charter school for the
 5 remainder of the fiscal year.The payment shall be issued no
 6 later than 10 ~~30~~ working days after the district school board
 7 receives a distribution of state or federal funds ~~receipt of~~
 8 ~~an invoice~~. If a warrant for payment ~~of an invoice~~ is not
 9 issued within 30 working days after receipt of funding by the
 10 district school board, the school district shall pay to the
 11 charter school, in addition to the amount of the scheduled
 12 disbursement ~~invoice~~, interest at a rate of 1 percent per
 13 month calculated on a daily basis on the unpaid balance from
 14 the expiration of the 30-day period until such time as the
 15 warrant is issued.

16 (20) RULEMAKING--The Department of Education, after
 17 consultation with school districts and charter school
 18 directors, shall recommend that the State Board of Education
 19 adopt rules to implement specific subsections of this section.
 20 Such rules shall require minimum paperwork and shall not limit
 21 charter school flexibility authorized by statute.

22 (g) If a district school board facility or property is
 23 available because it is surplus, marked for disposal, or
 24 otherwise unused, it may be provided for a charter school's
 25 use on the same basis as it is made available to other public
 26 schools in the district. A charter school receiving property
 27 from the school district may not sell or dispose of such
 28 property without written permission of the school district.
 29 Similarly, for an existing public school converting to charter
 30 status, no rental or leasing fee for the existing facility or
 31 for the property normally inventoried to the conversion school

1 may be charged by the district school board to the parents and
2 teachers organizing the charter school. The charter
3 organizers shall agree to reasonable maintenance provisions in
4 order to maintain the facility in a manner similar to district
5 school board standards.

6 (h) If other goods and services are made available to
7 the charter school through the contract with the school
8 district, they shall be provided to the charter school at a
9 rate no greater than the district's actual cost.

10 Section 2. This act shall take effect upon becoming a
11 law.