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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, paragraphs (g)  
25 and (h) are added to subsection (13) of said section, and  
26 subsection (21) is added to said section, to 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.

31

- 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 (g) If a district school board facility or property is  
17 available because it is surplus, marked for disposal, or  
18 otherwise unused, it may be provided for a charter school's  
19 use on the same basis as it is made available to other public  
20 schools in the district. A charter school receiving property  
21 from the school district may not sell or dispose of such  
22 property without written permission of the school district.  
23 Similarly, for an existing public school converting to charter  
24 status, no rental or leasing fee for the existing facility or  
25 for the property normally inventoried to the conversion school  
26 may be charged by the district school board to the parents and  
27 teachers organizing the charter school. The charter  
28 organizers shall agree to reasonable maintenance provisions in  
29 order to maintain the facility in a manner similar to district  
30 school board standards.

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

5           (21) RULEMAKING--The Department of Education, after  
6 consultation with school districts and charter school  
7 directors, shall recommend that the State Board of Education  
8 adopt rules to implement specific subsections of this section.  
9 Such rules shall require minimum paperwork and shall not limit  
10 charter school flexibility authorized by statute.

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