

By Representative Tullis

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 228.056, F.S.; revising the date through which
4 a district school board must receive charter
5 school applications; providing for
6 interdistrict transfer to a charter school
7 under certain circumstances; authorizing
8 charter schools to be sponsored by
9 municipalities or other public entities;
10 providing information to be included in the
11 charter of a charter school; providing for
12 15-year charters under specified circumstances;
13 authorizing charter school governing boards to
14 employ or contract with skilled selected
15 noncertified personnel as provided in ch. 231,
16 F.S., and as provided by rule of the State
17 Board of Education; prohibiting a charter
18 school from hiring certain persons who have
19 resigned or have been dismissed for good cause;
20 prescribing time limits for charter schools to
21 receive federal funds; providing for a Charter
22 School Review Panel; providing for membership,
23 purpose, and duties; amending s. 228.057, F.S.;
24 requiring school districts to report the number
25 of students attending the various types of
26 public schools according to the rules of the
27 State Board of Education; providing an
28 effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (a) of subsection (4), paragraph
2 (a) of subsection (6), subsection (7), paragraphs (a) and (b)
3 of subsection (9), paragraph (f) of subsection (12), paragraph
4 (d) of subsection (13), and subsection (20) of section
5 228.056, Florida Statutes, 1998 Supplement, are amended to
6 read:

7 228.056 Charter schools.--

8 (4) SPONSOR.--A district school board may sponsor a
9 charter school in the county over which the board has
10 jurisdiction.

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

1 (6) ELIGIBLE STUDENTS.--

2 (a) A charter school shall be open to any student
3 covered in an interdistrict agreement or residing in the
4 school district in which the charter school is located. Any
5 eligible student shall be allowed interdistrict transfer to
6 attend a charter school when based on good cause.When a
7 public school converts to charter status, enrollment
8 preference shall be given to students who would have otherwise
9 attended that public school. A charter school may give
10 enrollment preference to a sibling of a student enrolled in
11 the charter school or to the child of an employee of the
12 charter school.

13 (7) LEGAL ENTITY.--A charter school shall organize as,
14 or be operated by, a nonprofit organization. A charter school
15 may be operated or sponsored by a municipality or other public
16 entity as provided for by law.As such, the charter school may
17 be either a private or a public employer. As a public
18 employer, a charter school may participate in the Florida
19 Retirement System upon application and approval as a "covered
20 group" under s. 121.021(34). If a charter school participates
21 in the Florida Retirement System, the charter school employees
22 shall be compulsory members of the Florida Retirement System.
23 As either a private or a public employer, a charter school may
24 contract for services with an individual or group of
25 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 (9) CHARTER.--The major issues involving the operation
29 of a charter school shall be considered in advance and written
30 into the charter. The charter shall be signed by the governing
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1 body of the charter school and the sponsor, following a public
2 hearing to ensure community input.

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

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

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

10 3. The current incoming baseline standard of student
11 academic achievement, ~~and~~ the outcomes to be achieved, ~~and~~ the
12 method of measurement that will be used. This section shall
13 include a detailed description for each of the following:

14 a. How the baseline student academic achievement
15 levels and prior rates of academic progress will be
16 established;

17 b. How these baseline rates will be compared to rates
18 of academic progress achieved by these same students while
19 attending the charter school; and

20 c. To the extent possible, how these rates of progress
21 will be evaluated and compared with rates of progress of other
22 closely comparable student populations.

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

28 5. In secondary charter schools, a method for
29 determining that a student has satisfied the requirements for
30 graduation in s. 232.246.

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

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

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

9 9. The financial and administrative management of the
10 school, including a reasonable demonstration of the
11 professional experience or competence of those individuals or
12 organizations applying to operate the charter school or those
13 hired or retained to perform such professional services. Both
14 public sector and private sector professional experience shall
15 be equally valid in such a consideration.

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

20 11. The term of the charter which shall provide for
21 cancellation of the charter if insufficient progress has been
22 made in attaining the student achievement objectives of the
23 charter and if it is not likely that such objectives can be
24 achieved before expiration of the charter. The initial term of
25 a charter shall be for 3, 4, or 5 years. In order to
26 facilitate access to long-term financial resources for charter
27 school construction, charter schools that are operated by a
28 municipality or other public entity as provided by law are
29 eligible for up to a 15-year charter, subject to approval by
30 the local school board. Such long-term charters remain subject
31 to annual review and may be terminated during the term of the

1 charter, but only for specific good cause according to the
2 provisions set forth in subsection (10). Whenever a
3 municipality has submitted charter applications for the
4 establishment of a charter school feeder pattern (elementary,
5 middle, and senior high schools), and upon approval of each
6 individual charter application by the district school board,
7 such applications will then be designated as one charter for
8 all purposes listed pursuant to this section.

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 (b) A charter may be renewed every 5 school years,
26 provided that a program review demonstrates that the criteria
27 in paragraph (a) have been successfully accomplished. In order
28 to facilitate long-term financing for charter school
29 construction, charter schools operating a minimum of 3 years
30 and demonstrating exemplary academic programming and fiscal
31 management are eligible for a 15-year charter renewal. Such

1 long-term charter is subject to annual review and may be
2 terminated during the term of the charter.
3 (12) EMPLOYEES OF CHARTER SCHOOLS.--
4 (f) Teachers employed by or under contract to a
5 charter school shall be certified as required by chapter 231.
6 A charter school governing board may employ or contract with
7 skilled selected noncertified personnel to provide
8 instructional services or to assist instructional staff
9 members as education paraprofessionals in the same manner as
10 defined in chapter 231, and as provided by State Board of
11 Education rule for charter school governing boards. A charter
12 school may not employ an individual to provide instructional
13 services or to serve as an education paraprofessional if the
14 individual's certification or licensure as an educator is
15 suspended or revoked by this or any other state. A charter
16 school may not knowingly employ an individual who has resigned
17 from a school district in lieu of disciplinary action or who
18 has been dismissed for just cause by any school district.The
19 qualifications of teachers shall be disclosed to parents.
20 (13) REVENUE.--Students enrolled in a charter school,
21 regardless of the sponsorship, shall be funded as if they are
22 in a basic program or a special program, the same as students
23 enrolled in other public schools in the school district.
24 Funding for a chartered developmental research school shall be
25 as provided in s. 228.053(9).
26 (d) If the district school board is providing programs
27 or services to students funded by federal funds, any eligible
28 students enrolled in charter schools in the school district
29 shall be provided federal funds for the same level of service
30 provided students in the schools operated by the district
31 school board. Pursuant to provisions of 20 U.S.C. 8061 s.

1 10306, all charter schools shall receive all federal funding
2 for which the school is otherwise eligible, including Title I
3 funding, not later than 5 months after the charter school
4 first opens and within 5 months after any subsequent expansion
5 of enrollment, notwithstanding the fact that the identity and
6 characteristics of the students enrolling in charter schools
7 are not fully and completely determined until that school
8 actually opens.

9 (20) REVIEW.--

10 (a) The Department of Education shall regularly
11 convene a Charter School Review Panel in order to review
12 issues, practices, and policies regarding charter schools. The
13 composition of the review panel shall include individuals with
14 experience in finance, administration, law, education, and
15 school governance, and individuals familiar with charter
16 school construction and operation. The panel shall include two
17 appointees each from the Commissioner of Education, the
18 President of the Senate, and the Speaker of the House of
19 Representatives. The Governor shall appoint three members of
20 the panel, and shall designate the chair. Each member of the
21 panel shall serve a 1-year term, unless renewed by the office
22 making the appointment. The panel shall make recommendations
23 to the Legislature, to the Department of Education, to charter
24 schools, and to school districts for improving charter school
25 operations and oversight and for ensuring best business
26 practices at and fair business relationships with charter
27 schools.

28 (b) The Legislature shall review the operation of
29 charter schools during the 2000 Regular Session of the
30 Legislature.

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1 Section 2. Subsection (9) is added to section 228.057,
2 Florida Statutes, to read:

3 228.057 Public school parental choice.--

4 (9) Each school district shall annually report the
5 number of students applying for and attending the various
6 types of public schools of choice in the district, including
7 schools such as magnet schools and public charter schools,
8 according to rules adopted by the State Board of Education.

9 Section 3. This act shall take effect July 1, 1999.

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12 HOUSE SUMMARY

13 Provides a date for district school boards to receive
14 charter school applications. Provides for interdistrict
15 transfer to a charter school under certain circumstances.
16 Authorizes charter schools to be sponsored by
17 municipalities or other public entities. Provides
18 information to be included in the charter of a charter
19 school. Provides for 15-year charters under specified
20 circumstances. Authorizes charter school governing boards
21 to employ or contract with skilled selected noncertified
22 personnel as provided in ch. 231, F.S., and as provided
23 by rule of the State Board of Education. Prohibits a
24 charter school from hiring certain persons who have
25 resigned or have been dismissed for good cause.
26 Prescribes time limits for charter schools to receive
27 federal funds. Provides for a Charter School Review
28 Panel. Provides membership, purpose, and duties. Requires
29 school districts to report the number of students
30 attending the various types of public schools according
31 to the rules of the State Board of Education.