

By the Committee on Education Innovation and
Representatives Tullis and Melvin

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 operated 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 in lieu of disciplinary action or have
20 been dismissed for good cause; requiring the
21 fingerprinting of members of the governing
22 boards of charter schools; prescribing time
23 limits for charter schools to receive federal
24 funds; providing for a Charter School Review
25 Panel; providing for membership, purpose, and
26 duties; amending s. 228.0561, F.S.; removing
27 references to the Public Education Capital
28 Outlay and Debt Service Trust Fund; providing
29 for the reversion of unencumbered funds and
30 property to the district school board if the
31 charter school terminates operations; revising

1 requirements relating to charter school use of
2 capital outlay funds; revising eligibility
3 requirements for charter school receipt of
4 capital outlay funds; removing obsolete
5 provisions; amending s. 235.42, F.S., relating
6 to educational and ancillary plant construction
7 funds; removing a reference to charter schools;
8 amending s. 228.057, F.S.; requiring school
9 districts to report the number of students
10 attending the various types of public schools
11 according to the rules of the State Board of
12 Education; creating s. 228.058, F.S.;
13 establishing a charter school districts pilot
14 program; providing requirements for charter
15 school districts; providing for exemptions from
16 statutes and rules; providing for a governing
17 board; providing for charter proposals;
18 providing for a precharter agreement; providing
19 a time period for the pilot project; requiring
20 an annual report; providing for rulemaking;
21 providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (a) of subsection (4), paragraph
26 (a) of subsection (6), subsection (7), paragraphs (a) and (b)
27 of subsection (9), paragraphs (f) and (g) of subsection (12),
28 paragraph (d) of subsection (13), and subsection (20) of
29 section 228.056, Florida Statutes, 1998 Supplement, are
30 amended to read:

31 228.056 Charter schools.--

1 (4) SPONSOR.--A district school board may sponsor a
2 charter school in the county over which the board has
3 jurisdiction.

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

25 (6) ELIGIBLE STUDENTS.--

26 (a) A charter school shall be open to any student
27 covered in an interdistrict agreement or residing in the
28 school district in which the charter school is located. Any
29 eligible student shall be allowed interdistrict transfer to
30 attend a charter school when based on good cause.When a
31 public school converts to charter status, enrollment

1 preference shall be given to students who would have otherwise
2 attended that public school. A charter school may give
3 enrollment preference to a sibling of a student enrolled in
4 the charter school or to the child of an employee of the
5 charter school.

6 (7) LEGAL ENTITY.--A charter school shall organize as,
7 or be operated by, a nonprofit organization. A charter school
8 may be operated by a municipality or other public entity as
9 provided for by law.As such, the charter school may be either
10 a private or a public employer. As a public employer, a
11 charter school may participate in the Florida Retirement
12 System upon application and approval as a "covered group"
13 under s. 121.021(34). If a charter school participates in the
14 Florida Retirement System, the charter school employees shall
15 be compulsory members of the Florida Retirement System. As
16 either a private or a public employer, a charter school may
17 contract for services with an individual or group of
18 individuals who are organized as a partnership or a
19 cooperative. Individuals or groups of individuals who contract
20 their services to the charter school are not public employees.

21 (9) CHARTER.--The major issues involving the operation
22 of a charter school shall be considered in advance and written
23 into the charter. The charter shall be signed by the governing
24 body of the charter school and the sponsor, following a public
25 hearing to ensure community input.

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

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

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- 1 2. The focus of the curriculum, the instructional
2 methods to be used, and any distinctive instructional
3 techniques to be employed.
- 4 3. The current incoming baseline standard of student
5 academic achievement, ~~and~~ the outcomes to be achieved, ~~and~~ the
6 method of measurement that will be used. This section shall
7 include a detailed description for each of the following:
- 8 a. How the baseline student academic achievement
9 levels and prior rates of academic progress will be
10 established;
- 11 b. How these baseline rates will be compared to rates
12 of academic progress achieved by these same students while
13 attending the charter school; and
- 14 c. To the extent possible, how these rates of progress
15 will be evaluated and compared with rates of progress of other
16 closely comparable student populations.
- 17 4. The methods used to identify the educational
18 strengths and needs of students and how well educational goals
19 and performance standards are met by students attending the
20 charter school. Students in charter schools shall, at a
21 minimum, participate in the statewide assessment program.
- 22 5. In secondary charter schools, a method for
23 determining that a student has satisfied the requirements for
24 graduation in s. 232.246.
- 25 6. A method for resolving conflicts between the
26 governing body of the charter school and the sponsor.
- 27 7. The admissions procedures and dismissal procedures,
28 including the school's code of student conduct.
- 29 8. The ways by which the school will achieve a
30 racial/ethnic balance reflective of the community it serves or
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1 within the racial/ethnic range of other public schools in the
2 same school district.

3 9. The financial and administrative management of the
4 school, including a reasonable demonstration of the
5 professional experience or competence of those individuals or
6 organizations applying to operate the charter school or those
7 hired or retained to perform such professional services. Both
8 public sector and private sector professional experience shall
9 be equally valid in such a consideration.

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

14 11. The term of the charter which shall provide for
15 cancellation of the charter if insufficient progress has been
16 made in attaining the student achievement objectives of the
17 charter and if it is not likely that such objectives can be
18 achieved before expiration of the charter. The initial term of
19 a charter shall be for 3, 4, or 5 years. In order to
20 facilitate access to long-term financial resources for charter
21 school construction, charter schools that are operated by a
22 municipality or other public entity as provided by law are
23 eligible for up to a 15-year charter, subject to approval by
24 the local school board. Such long-term charters remain subject
25 to annual review and may be terminated during the term of the
26 charter, but only for specific good cause according to the
27 provisions set forth in subsection (10). Whenever a
28 municipality has submitted charter applications for the
29 establishment of a charter school feeder pattern (elementary,
30 middle, and senior high schools), and upon approval of each
31 individual charter application by the district school board,

1 such applications will then be designated as one charter for
2 all purposes listed pursuant to this section.

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

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

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

8 15. A timetable for implementing the charter which
9 addresses the implementation of each element thereof and the
10 date by which the charter shall be awarded in order to meet
11 this timetable.

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

19 (b) A charter may be renewed every 5 school years,
20 provided that a program review demonstrates that the criteria
21 in paragraph (a) have been successfully accomplished. In order
22 to facilitate long-term financing for charter school
23 construction, charter schools operating a minimum of 3 years
24 and demonstrating exemplary academic programming and fiscal
25 management are eligible for a 15-year charter renewal. Such
26 long-term charter is subject to annual review and may be
27 terminated during the term of the charter.

28 (12) EMPLOYEES OF CHARTER SCHOOLS.--

29 (f) Teachers employed by or under contract to a
30 charter school shall be certified as required by chapter 231.
31 A charter school governing board may employ or contract with

1 skilled selected noncertified personnel to provide
2 instructional services or to assist instructional staff
3 members as education paraprofessionals in the same manner as
4 defined in chapter 231, and as provided by State Board of
5 Education rule for charter school governing boards. A charter
6 school may not employ an individual to provide instructional
7 services or to serve as an education paraprofessional if the
8 individual's certification or licensure as an educator is
9 suspended or revoked by this or any other state. A charter
10 school may not knowingly employ an individual who has resigned
11 from a school district in lieu of disciplinary action with
12 respect to child welfare or safety, or who has been dismissed
13 for just cause by any school district with respect to child
14 welfare or safety.The qualifications of teachers shall be
15 disclosed to parents.

16 (g) A charter school shall employ or contract with
17 employees who have been fingerprinted as provided in s.
18 231.02. Members of the governing board of the charter school
19 shall also be fingerprinted in a manner similar to that
20 provided in s. 231.02 prior to approval of the charter.

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

27 (d) If the district school board is providing programs
28 or services to students funded by federal funds, any eligible
29 students enrolled in charter schools in the school district
30 shall be provided federal funds for the same level of service
31 provided students in the schools operated by the district

1 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
2 10306, all charter schools shall receive all federal funding
3 for which the school is otherwise eligible, including Title I
4 funding, not later than 5 months after the charter school
5 first opens and within 5 months after any subsequent expansion
6 of enrollment, notwithstanding the fact that the identity and
7 characteristics of the students enrolling in charter schools
8 are not fully and completely determined until that school
9 actually opens.

10 (20) REVIEW.--

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

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

1 Section 2. Subsections (1), (2), (5), and (6) of
2 section 228.0561, Florida Statutes, 1998 Supplement, are
3 amended to read:

4 228.0561 Charter schools capital outlay funding.--

5 (1) In each year in which funds are appropriated for
6 charter school capital outlay purposes ~~from the Public~~
7 ~~Education Capital Outlay and Debt Service Trust Fund for~~
8 ~~charter schools~~, the Commissioner of Education shall allocate
9 the funds among eligible charter schools. To be eligible for
10 a funding allocation, a charter school must meet the
11 provisions of subsection (6), must have received final
12 approval from its sponsor pursuant to s. 228.056 for operation
13 during that fiscal year, and must serve students in facilities
14 that are not provided by the charter school's sponsor. Prior
15 to the release of capital outlay funds to a school district on
16 behalf of the charter school, the Department of Education
17 shall ensure that the district school board and the charter
18 school governing board enter into a written agreement that
19 includes provisions for the reversion of any unencumbered
20 funds and all equipment and property purchased with public
21 education funds to the ownership of the district school board,
22 as provided for in subsection (3)~~attaching a lien to property~~
23 ~~that has been improved through the use of these funds~~, in the
24 event that the school terminates operations. Any funds
25 recovered by the state shall be deposited in the General
26 Revenue Fund ~~Public Education Capital Outlay and Debt Service~~
27 ~~Trust Fund~~. A charter school is not eligible for a funding
28 allocation if it was created by the conversion of a public
29 school and operates in facilities provided by the charter
30 school's sponsor for a nominal fee or at no charge. Unless
31 otherwise provided in the General Appropriations Act, the

1 funding allocation for each eligible charter school shall be
2 determined by multiplying the school's projected student
3 enrollment by one-thirtieth of the cost-per-student station
4 specified in s. 235.435(6)(b) for an elementary, middle, or
5 high school, as appropriate. If the funds appropriated are
6 not sufficient, the commissioner shall prorate the available
7 funds among eligible charter schools. In the first quarter of
8 the fiscal year, funds shall be distributed on the basis of
9 projected enrollment as provided in this section. The
10 commissioner shall adjust subsequent distributions as
11 necessary to reflect each charter school's actual student
12 enrollment. The commissioner shall establish the intervals
13 and procedures for determining the projected and actual
14 student enrollment of eligible charter schools. If a school
15 district chooses to share funding for the capital outlay
16 purposes described in subsection (2) with the applicable
17 charter school or charter schools, any allocation of charter
18 school capital outlay funds ~~from the Public Education Capital~~
19 ~~Outlay and Debt Service Trust Fund~~ allocation to the charter
20 school or charter schools shall be reduced by the amount
21 shared.

22 (2) A charter school's governing body may use charter
23 school capital outlay funds ~~with the school board's permission~~
24 ~~may use funds from the Public Education Capital Outlay and~~
25 ~~Debt Service Trust Fund~~ for any capital outlay purpose that is
26 directly related to the functioning of the charter school,
27 including the:

28 (a) Purchase of real property.

29 (b) Construction, renovation, repair, and maintenance
30 of school facilities.

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1 (c) Purchase, lease-purchase, or lease of permanent or
2 relocatable school facilities.

3 (d) Purchase of vehicles to transport students to and
4 from the charter school.

5 (5) The annual legislative budget request of the
6 Department of Education shall include a request for capital
7 outlay funding for charter schools ~~from the Public Education~~
8 ~~Capital Outlay and Debt Service Trust Fund~~. The request shall
9 be based on the projected number of students to be served in
10 charter schools who meet the eligibility requirements of this
11 section.

12 ~~(6)(a) Effective July 1, 1998, any charter school~~
13 ~~which has been in continuous operation in the district in~~
14 ~~which its charter was approved for at least two school years~~
15 ~~immediately preceding the school year in which the school~~
16 ~~seeks an appropriation from the Public Education Capital~~
17 ~~Outlay and Debt Service Trust Fund shall be eligible to~~
18 ~~receive funds from that trust fund. No other charter schools~~
19 ~~are eligible to receive funds from the Public Education~~
20 ~~Capital Outlay and Debt Service Trust Fund.~~

21 ~~(b)~~ Unless authorized otherwise by the Legislature,
22 allocation and proration of charter school capital outlay
23 ~~funds from the Public Education Capital Outlay and Debt~~
24 ~~Service Trust Fund~~ shall be made to eligible charter schools
25 by the Commissioner of Education in an amount and in a manner
26 authorized by subsection (1), ~~and only schools eligible for~~
27 ~~such funds in this subsection shall be considered "eligible~~
28 ~~charter schools" for such an allocation or proration.~~

29 ~~(c) There is appropriated from the Public Education~~
30 ~~Capital Outlay and Debt Service Trust Fund in fiscal year~~
31 ~~1998-1999 the amount of \$5 million to be used for capital~~

1 ~~outlay purposes of charter schools eligible under this~~
2 ~~subsection and allocated or prorated in an amount and in a~~
3 ~~manner authorized by this subsection. This paragraph shall be~~
4 ~~repealed July 1, 1999.~~

5 Section 3. Subsection (7) of section 235.42, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 235.42 Educational and ancillary plant construction
8 funds; Public Education Capital Outlay and Debt Service Trust
9 Fund; allocation of funds.--

10 (7) Boards and entities authorized to participate in
11 the trust fund are district school boards, the community
12 college district boards of trustees, the Trustees of the
13 Florida School for the Deaf and the Blind, the Board of
14 Regents, ~~charter schools only if eligible pursuant to s.~~
15 ~~228.0561(6)~~, and other units of the state system of public
16 education, and other educational entities defined in s.
17 228.041 for which funds are authorized by the Legislature.

18 Section 4. Subsection (9) is added to section 228.057,
19 Florida Statutes, to read:

20 228.057 Public school parental choice.--

21 (9) Each school district shall annually report the
22 number of students applying for and attending the various
23 types of public schools of choice in the district, including
24 schools such as magnet schools and public charter schools,
25 according to rules adopted by the State Board of Education.

26 Section 5. Effective upon this act becoming a law,
27 section 228.058, Florida Statutes, is created to read:

28 228.058 Charter School Districts Pilot Program.--The
29 State Board of Education is authorized to enter into a
30 performance contract with up to six school districts for the
31 purpose of establishing them as charter school districts. The

1 State Board of Education shall give priority to Hillsborough
2 and Volusia Counties upon the submission of a completed
3 precharter agreement or charter proposal for a charter school
4 district. The purpose of this pilot program is to examine a
5 new relationship between the State Board of Education and
6 school districts that may produce significant improvements in
7 student achievement and school management, while complying
8 with constitutional requirements assigned to each entity.

9 (1) CHARTER DISTRICT.--A charter school district is a
10 school district in Florida in which the school board has
11 submitted and the state board has approved a charter proposal
12 that exchanges statutory and rule exemption for agreement to
13 meet performance goals in the proposal. The charter school
14 district shall be chartered for 3 years, at the end of which
15 the performance shall be evaluated.

16 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school
17 districts shall be exempt from state statutes and state board
18 rules as provided in s. 228.056. The school board of a
19 charter school district shall not be exempt from any statute
20 governing election of board members, public meetings and
21 public records requirements, financial disclosure, conflicts
22 of interest, operation in the sunshine, or other provisions
23 outside the Florida School Code.

24 (3) GOVERNING BOARD.--The governing board of the
25 charter school district shall be the duly elected school
26 board. The school board shall be responsible for supervising
27 the schools in the charter district and is authorized to
28 charter each of its existing public schools pursuant to s.
29 228.056, apply for deregulation of its public schools pursuant
30 to s. 228.0565, or otherwise establish performance-based
31 contractual relationships with its public schools for the

1 purpose of giving them greater autonomy with accountability
2 for performance.

3 (4) CHARTER PROPOSAL.--Competitive charter proposal
4 applications shall be accepted by the State Board of Education
5 no later than October 30, 1999. The charter proposal shall
6 include, but not be limited to:

7 (a) Authorization for participation in the pilot
8 program approved in an open school board meeting.

9 (b) The vision of what the school board proposes to
10 accomplish by becoming a charter school district.

11 (c) A management plan for reaching performance goals,
12 including an anticipated list of the statutes and rules from
13 which the school board desires exemption and the purpose of
14 the exemption.

15 (d) The performance goals proposed by the school
16 board, the measures to be used to assess progress, the
17 district's current baseline status with respect to the goals,
18 and the timeframe for accomplishing the goals.

19 (e) A plan for chartering, deregulating, or otherwise
20 freeing schools in the district from state statutes and rules
21 and school board policies and procedures. This portion may
22 include a phased-in approach, but shall be included as a
23 performance goal.

24 (f) Agreement to file an annual report of progress to
25 the state board.

26 (g) Any other provisions required by state board rule.

27 (5) PRECHARTER AGREEMENT.--The state board is
28 authorized to approve a precharter agreement with a potential
29 charter district. The agreement may grant limited flexibility
30 and direction for developing the full charter proposal.
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1 (6) TIME PERIOD FOR PILOT.--The pilot program shall be
2 authorized for a period of 3 full school years commencing with
3 award of a charter. The charter may be renewed upon action of
4 the state board.

5 (7) REPORTS.--The state board shall annually report on
6 the implementation of the charter school district pilot
7 program. Upon the completion of the first 3-year term, the
8 state board, through the Commissioner of Education, shall
9 submit to the Legislature a full evaluation of the
10 effectiveness of the program.

11 (8) RULEMAKING.--The State Board of Education shall
12 have the authority to enact rules to implement this section in
13 accordance with ss. 120.536 and 120.54.

14 Section 6. Except as otherwise provided herein, this
15 act shall take effect July 1, 1999.

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