

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          provides for one charter for municipality  
14          charter schools comprising one feeder pattern;  
15          authorizing charter school governing boards to  
16          employ or contract with skilled selected  
17          noncertified personnel as provided in ch. 231,  
18          F.S., and as provided by rule of the State  
19          Board of Education; prohibiting a charter  
20          school from hiring certain persons who have  
21          resigned in lieu of disciplinary action or have  
22          been dismissed for good cause; requiring the  
23          fingerprinting of members of the governing  
24          boards of charter schools; prescribing time  
25          limits for charter schools to receive federal  
26          funds; providing for a Charter School Review  
27          Panel; providing for membership, purpose, and  
28          duties; amending s. 228.0561, F.S.; removing  
29          references to the Public Education Capital  
30          Outlay and Debt Service Trust Fund; providing  
31          for the reversion of unencumbered funds and

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

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Paragraph (a) of subsection (4), paragraph  
30 (a) of subsection (6), subsection (7), paragraphs (a) and (b)  
31 of subsection (9), paragraphs (f) and (g) of subsection (12),

1 paragraph (d) of subsection (13), and subsection (20) of  
2 section 228.056, Florida Statutes, 1998 Supplement, are  
3 amended and a new paragraph (g) is added to subsection (9) to  
4 read:

5           228.056 Charter schools.--

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

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

30           (6) ELIGIBLE STUDENTS.--

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

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

27           (9) CHARTER.--The major issues involving the operation  
28 of a charter school shall be considered in advance and written  
29 into the charter. The charter shall be signed by the governing  
30 body of the charter school and the sponsor, following a public  
31 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 incoming baseline standard of student  
9 academic achievement, ~~and~~ the outcomes to be achieved, ~~and~~ the  
10 method of measurement that will be used. This section shall  
11 include a detailed description for each of the following:

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

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

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

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

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

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

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

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

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

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

18           11. The term of the charter which shall provide for  
19 cancellation of the charter if insufficient progress has been  
20 made in attaining the student achievement objectives of the  
21 charter and if it is not likely that such objectives can be  
22 achieved before expiration of the charter. The initial term of  
23 a charter shall be for 3, 4, or 5 years. In order to  
24 facilitate access to long-term financial resources for charter  
25 school construction, charter schools that are operated by a  
26 municipality or other public entity as provided by law are  
27 eligible for up to a 15-year charter, subject to approval by  
28 the local school board. In addition, to facilitate access to  
29 long-term financial resources for charter school construction,  
30 charter schools that are operated by a private,  
31 not-for-profit, 501(c)3 status corporation are eligible for up

1 to a 10-year charter, subject to approval by the local school  
2 board. Such long-term charters remain subject to annual review  
3 and may be terminated during the term of the charter, but only  
4 for specific good cause according to the provisions set forth  
5 in subsection (10).

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

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

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

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

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

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

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1 (c) A charter may be modified during its initial term  
2 or any renewal term upon the recommendation of the sponsor and  
3 the approval of both parties to the agreement.

4 (d) The governing body of the charter school shall  
5 make annual progress reports to its sponsor, which upon  
6 verification shall be forwarded to the Commissioner of  
7 Education at the same time as other annual school  
8 accountability reports. The report shall contain at least the  
9 following information:

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

12 2. The information required in the annual school  
13 report pursuant to s. 229.592.

14 3. Financial records of the charter school, including  
15 revenues and expenditures.

16 4. Salary and benefit levels of charter school  
17 employees.

18 (e) A sponsor shall ensure that the charter is  
19 innovative and consistent with the state education goals  
20 established by s. 229.591.

21 (f) Upon receipt of the annual report required by  
22 paragraph (d), the Department of Education shall provide to  
23 the State Board of Education, the Commissioner of Education,  
24 the President of the Senate, and the Speaker of the House of  
25 Representatives an analysis and comparison of the overall  
26 performance of charter school students, to include all  
27 students whose scores are counted as part of the  
28 norm-referenced assessment tests, versus comparable public  
29 school students in the district as determined by  
30 norm-referenced assessment tests currently administered in the  
31 school district, and, as appropriate, the Florida Writes



1 Assessment Test, the High School Competency Test, and other  
2 assessments administered pursuant to s. 229.57(3).

3 (g) Whenever a municipality has submitted charter  
4 applications for the establishment of a charter school feeder  
5 pattern (elementary, middle, and senior high schools), and  
6 upon approval of each individual charter application by the  
7 district school board, such applications will then be  
8 designated as one charter for all purposes listed pursuant to  
9 this section.

10 (12) EMPLOYEES OF CHARTER SCHOOLS.--

11 (f) Teachers employed by or under contract to a  
12 charter school shall be certified as required by chapter 231.  
13 A charter school governing board may employ or contract with  
14 skilled selected noncertified personnel to provide  
15 instructional services or to assist instructional staff  
16 members as education paraprofessionals in the same manner as  
17 defined in chapter 231, and as provided by State Board of  
18 Education rule for charter school governing boards. A charter  
19 school may not employ an individual to provide instructional  
20 services or to serve as an education paraprofessional if the  
21 individual's certification or licensure as an educator is  
22 suspended or revoked by this or any other state. A charter  
23 school may not knowingly employ an individual who has resigned  
24 from a school district in lieu of disciplinary action with  
25 respect to child welfare or safety, or who has been dismissed  
26 for just cause by any school district with respect to child  
27 welfare or safety.The qualifications of teachers shall be  
28 disclosed to parents.

29 (g) A charter school shall employ or contract with  
30 employees who have been fingerprinted as provided in s.  
31 231.02. Members of the governing board of the charter school

1 shall also be fingerprinted in a manner similar to that  
2 provided in s. 231.02 prior to approval of the charter.

3 (13) REVENUE.--Students enrolled in a charter school,  
4 regardless of the sponsorship, shall be funded as if they are  
5 in a basic program or a special program, the same as students  
6 enrolled in other public schools in the school district.  
7 Funding for a chartered developmental research school shall be  
8 as provided in s. 228.053(9).

9 (d) If the district school board is providing programs  
10 or services to students funded by federal funds, any eligible  
11 students enrolled in charter schools in the school district  
12 shall be provided federal funds for the same level of service  
13 provided students in the schools operated by the district  
14 school board. Pursuant to provisions of 20 U.S.C. 8061 s.  
15 10306, all charter schools shall receive all federal funding  
16 for which the school is otherwise eligible, including Title I  
17 funding, not later than 5 months after the charter school  
18 first opens and within 5 months after any subsequent expansion  
19 of enrollment.

20 (20) REVIEW.--

21 (a) The Department of Education shall regularly  
22 convene a Charter School Review Panel in order to review  
23 issues, practices, and policies regarding charter schools. The  
24 composition of the review panel shall include individuals with  
25 experience in finance, administration, law, education, and  
26 school governance, and individuals familiar with charter  
27 school construction and operation. The panel shall include two  
28 appointees each from the Commissioner of Education, the  
29 President of the Senate, and the Speaker of the House of  
30 Representatives. The Governor shall appoint three members of  
31 the panel, and shall designate the chair. Each member of the

1 panel shall serve a 1-year term, unless renewed by the office  
2 making the appointment. The panel shall make recommendations  
3 to the Legislature, to the Department of Education, to charter  
4 schools, and to school districts for improving charter school  
5 operations and oversight and for ensuring best business  
6 practices at and fair business relationships with charter  
7 schools.

8 (b) The Legislature shall review the operation of  
9 charter schools during the 2000 Regular Session of the  
10 Legislature.

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

14 228.0561 Charter schools capital outlay funding.--

15 (1) In each year in which funds are appropriated for  
16 charter school capital outlay purposes ~~from the Public~~  
17 ~~Education Capital Outlay and Debt Service Trust Fund for~~  
18 ~~charter schools~~, the Commissioner of Education shall allocate  
19 the funds among eligible charter schools. To be eligible for  
20 a funding allocation, a charter school must meet the  
21 provisions of subsection (6), must have received final  
22 approval from its sponsor pursuant to s. 228.056 for operation  
23 during that fiscal year, and must serve students in facilities  
24 that are not provided by the charter school's sponsor. Prior  
25 to the release of capital outlay funds to a school district on  
26 behalf of the charter school, the Department of Education  
27 shall ensure that the district school board and the charter  
28 school governing board enter into a written agreement that  
29 includes provisions for the reversion of any unencumbered  
30 funds and all equipment and property purchased with public  
31 education funds to the ownership of the district school board,

1 as provided for in subsection (3)~~attaching a lien to property~~  
2 ~~that has been improved through the use of these funds~~, in the  
3 event that the school terminates operations. Any funds  
4 recovered by the state shall be deposited in the General  
5 Revenue Fund ~~Public Education Capital Outlay and Debt Service~~  
6 ~~Trust Fund~~. A charter school is not eligible for a funding  
7 allocation if it was created by the conversion of a public  
8 school and operates in facilities provided by the charter  
9 school's sponsor for a nominal fee or at no charge. Unless  
10 otherwise provided in the General Appropriations Act, the  
11 funding allocation for each eligible charter school shall be  
12 determined by multiplying the school's projected student  
13 enrollment by one-thirtieth of the cost-per-student station  
14 specified in s. 235.435(6)(b) for an elementary, middle, or  
15 high school, as appropriate. If the funds appropriated are  
16 not sufficient, the commissioner shall prorate the available  
17 funds among eligible charter schools. In the first quarter of  
18 the fiscal year, funds shall be distributed on the basis of  
19 projected enrollment as provided in this section. The  
20 commissioner shall adjust subsequent distributions as  
21 necessary to reflect each charter school's actual student  
22 enrollment. The commissioner shall establish the intervals  
23 and procedures for determining the projected and actual  
24 student enrollment of eligible charter schools. If a school  
25 district chooses to share funding for the capital outlay  
26 purposes described in subsection (2) with the applicable  
27 charter school or charter schools, any allocation of charter  
28 school capital outlay funds ~~from the Public Education Capital~~  
29 ~~Outlay and Debt Service Trust Fund allocation~~ to the charter  
30 school or charter schools shall be reduced by the amount  
31 shared.

1           (2) A charter school's governing body may use charter  
2 school capital outlay funds ~~with the school board's permission~~  
3 ~~may use funds from the Public Education Capital Outlay and~~  
4 ~~Debt Service Trust Fund~~ for any capital outlay purpose that is  
5 directly related to the functioning of the charter school,  
6 including the:

7           (a) Purchase of real property.

8           (b) Construction, renovation, repair, and maintenance  
9 of school facilities.

10          (c) Purchase, lease-purchase, or lease of permanent or  
11 relocatable school facilities.

12          (d) Purchase of vehicles to transport students to and  
13 from the charter school.

14          (5) The annual legislative budget request of the  
15 Department of Education shall include a request for capital  
16 outlay funding for charter schools ~~from the Public Education~~  
17 ~~Capital Outlay and Debt Service Trust Fund~~. The request shall  
18 be based on the projected number of students to be served in  
19 charter schools who meet the eligibility requirements of this  
20 section.

21          (6)(a) ~~Effective July 1, 1998, any charter school~~  
22 ~~which has been in continuous operation in the district in~~  
23 ~~which its charter was approved for at least two school years~~  
24 ~~immediately preceding the school year in which the school~~  
25 ~~seeks an appropriation from the Public Education Capital~~  
26 ~~Outlay and Debt Service Trust Fund shall be eligible to~~  
27 ~~receive funds from that trust fund. No other charter schools~~  
28 ~~are eligible to receive funds from the Public Education~~  
29 ~~Capital Outlay and Debt Service Trust Fund.~~

30          (b) Unless authorized otherwise by the Legislature,  
31 allocation and proration of charter school capital outlay

1 ~~funds from the Public Education Capital Outlay and Debt~~  
2 ~~Service Trust Fund~~ shall be made to eligible charter schools  
3 by the Commissioner of Education in an amount and in a manner  
4 authorized by subsection (1), ~~and only schools eligible for~~  
5 ~~such funds in this subsection shall be considered "eligible~~  
6 ~~charter schools" for such an allocation or proration.~~

7 ~~(c) There is appropriated from the Public Education~~  
8 ~~Capital Outlay and Debt Service Trust Fund in fiscal year~~  
9 ~~1998-1999 the amount of \$5 million to be used for capital~~  
10 ~~outlay purposes of charter schools eligible under this~~  
11 ~~subsection and allocated or prorated in an amount and in a~~  
12 ~~manner authorized by this subsection. This paragraph shall be~~  
13 ~~repealed July 1, 1999.~~

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

16 235.42 Educational and ancillary plant construction  
17 funds; Public Education Capital Outlay and Debt Service Trust  
18 Fund; allocation of funds.--

19 (7) Boards and entities authorized to participate in  
20 the trust fund are district school boards, the community  
21 college district boards of trustees, the Trustees of the  
22 Florida School for the Deaf and the Blind, the Board of  
23 Regents, ~~charter schools only if eligible pursuant to s.~~  
24 ~~228.0561(6)~~, and other units of the state system of public  
25 education, and other educational entities defined in s.  
26 228.041 for which funds are authorized by the Legislature.

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

29 228.057 Public school parental choice.--

30 (9) Each school district shall annually report the  
31 number of students applying for and attending the various

1 types of public schools of choice in the district, including  
2 schools such as magnet schools and public charter schools,  
3 according to rules adopted by the State Board of Education.

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

6 228.058 Charter School Districts Pilot Program.--The  
7 State Board of Education is authorized to enter into a  
8 performance contract with up to six school districts for the  
9 purpose of establishing them as charter school districts. The  
10 State Board of Education shall give priority to Hillsborough  
11 and Volusia Counties upon the submission of a completed  
12 precharter agreement or charter proposal for a charter school  
13 district. The purpose of this pilot program is to examine a  
14 new relationship between the State Board of Education and  
15 school districts that may produce significant improvements in  
16 student achievement and school management, while complying  
17 with constitutional requirements assigned to each entity.

18 (1) CHARTER DISTRICT.--A charter school district is a  
19 school district in Florida in which the school board has  
20 submitted and the state board has approved a charter proposal  
21 that exchanges statutory and rule exemption for agreement to  
22 meet performance goals in the proposal. The charter school  
23 district shall be chartered for 3 years, at the end of which  
24 the performance shall be evaluated.

25 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school  
26 districts shall be exempt from state statutes and state board  
27 rules as provided in s. 228.056. The school board of a  
28 charter school district shall not be exempt from any statute  
29 governing election of board members, public meetings and  
30 public records requirements, financial disclosure, conflicts  
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1 of interest, operation in the sunshine, or other provisions  
2 outside the Florida School Code.

3 (3) GOVERNING BOARD.--The governing board of the  
4 charter school district shall be the duly elected school  
5 board. The school board shall be responsible for supervising  
6 the schools in the charter district and is authorized to  
7 charter each of its existing public schools pursuant to s.  
8 228.056, apply for deregulation of its public schools pursuant  
9 to s. 228.0565, or otherwise establish performance-based  
10 contractual relationships with its public schools for the  
11 purpose of giving them greater autonomy with accountability  
12 for performance.

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

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

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

21 (c) A management plan for reaching performance goals,  
22 including an anticipated list of the statutes and rules from  
23 which the school board desires exemption and the purpose of  
24 the exemption.

25 (d) The performance goals proposed by the school  
26 board, the measures to be used to assess progress, the  
27 district's current baseline status with respect to the goals,  
28 and the timeframe for accomplishing the goals.

29 (e) A plan for chartering, deregulating, or otherwise  
30 freeing schools in the district from state statutes and rules  
31 and school board policies and procedures. This portion may



1 include a phased-in approach, but shall be included as a  
2 performance goal.

3 (f) Agreement to file an annual report of progress to  
4 the state board.

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

6 (5) PRECHARTER AGREEMENT.--The state board is  
7 authorized to approve a precharter agreement with a potential  
8 charter district. The agreement may grant limited flexibility  
9 and direction for developing the full charter proposal.

10 (6) TIME PERIOD FOR PILOT.--The pilot program shall be  
11 authorized for a period of 3 full school years commencing with  
12 award of a charter. The charter may be renewed upon action of  
13 the state board.

14 (7) REPORTS.--The state board shall annually report on  
15 the implementation of the charter school district pilot  
16 program. Upon the completion of the first 3-year term, the  
17 state board, through the Commissioner of Education, shall  
18 submit to the Legislature a full evaluation of the  
19 effectiveness of the program.

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

23 Section 6. Any arrangement entered into to borrow or  
24 otherwise secure funds for a charter school authorized in  
25 section 228.056, Florida Statutes, from a source other than  
26 the state or a school district shall indemnify the state and  
27 the school district from any and all liability, including but  
28 not limited to financial responsibility for the payment of the  
29 principal or interest. Any loans, bonds, or other financial  
30 agreements are not obligations of the state or the school  
31 district but are obligations of the charter school authority

1 and are payable solely from the sources of funds pledged by  
2 such agreement. The credit or taxing power of the state or  
3 the school district shall not be pledged and no debts shall be  
4 payable out of any moneys except those of the legal entity in  
5 possession of a valid charter approved by a district school  
6 board pursuant to section 228.056, Florida Statutes.

7 Section 7. Except as otherwise provided herein, this  
8 act shall take effect July 1, 1999.

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