

By Senators Kirkpatrick and Horne

5-1415A-99

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

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Paragraph (a) of subsection (4), paragraphs
4 (a) and (c) of subsection (6), subsection (7), paragraphs (a)
5 and (b) of subsection (9), paragraph (f) of subsection (12),
6 and paragraph (d) of subsection (13) of section 228.056,
7 Florida Statutes, 1998 Supplement, are amended, and paragraph
8 (i) is added to subsection (4) of that section, to read:

9 228.056 Charter schools.--

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

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

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

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

21 (6) ELIGIBLE STUDENTS.--

22 (a) A charter school shall be open to any student
23 covered in an interdistrict agreement or residing in the
24 school district in which the charter school is located. Any
25 eligible student shall be allowed interdistrict transfer to
26 attend a charter school when based on good cause.When a
27 public school converts to charter status, enrollment
28 preference shall be given to students who would have otherwise
29 attended that public school. A charter school may give
30 enrollment preference to a sibling of a student enrolled in
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1 the charter school or to the child of an employee of the
2 charter school.

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

5 1. Students within specific age groups or grade
6 levels.

7 2. Students considered at risk of dropping out of
8 school or academic failure. Such students shall include
9 exceptional education students.

10 3. Students enrolling in a charter
11 school-in-the-workplace established pursuant to subsection
12 (22).

13 4. Students residing within a reasonable distance of
14 the charter school, as described in paragraph (13)(c).

15 Municipal-sponsored charter schools may give enrollment
16 preference to students residing within the city limits of the
17 sponsoring municipality.Such students shall be subject to a
18 random lottery and to the racial/ethnic balance provisions
19 described in subparagraph (9)(a)8. or any federal provisions
20 which require a school to achieve a racial/ethnic balance
21 reflective of the community it serves or within the
22 racial/ethnic range of other public schools in the same school
23 district.

24 (7) LEGAL ENTITY.--A charter school shall organize as,
25 or be operated by, a nonprofit organization. A charter school
26 may be operated or sponsored by a municipality or other public
27 entity as provided for by law.As such, the charter school may
28 be either a private or a public employer. As a public
29 employer, a charter school may participate in the Florida
30 Retirement System upon application and approval as a "covered
31 group" under s. 121.021(34). If a charter school participates

1 in the Florida Retirement System, the charter school employees
2 shall be compulsory members of the Florida Retirement System.
3 As either a private or a public employer, a charter school may
4 contract for services with an individual or group of
5 individuals who are organized as a partnership or a
6 cooperative. Individuals or groups of individuals who contract
7 their services to the charter school are not public employees.

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

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

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

17 2. The focus of the curriculum, the instructional
18 methods to be used, and any distinctive instructional
19 techniques to be employed.

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

24 a. How the baseline student academic achievement
25 levels and prior rates of academic progress will be
26 established;

27 b. How these baseline rates will be compared to rates
28 of academic progress achieved by these same students while
29 attending the charter school; and
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1 c. To the extent possible, how these rates of progress
2 will be evaluated and compared with rates of progress of other
3 closely comparable student populations.

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

9 5. In secondary charter schools, a method for
10 determining that a student has satisfied the requirements for
11 graduation in s. 232.246.

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

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

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

20 9. The financial and administrative management of the
21 school, including a reasonable demonstration of the
22 professional experience or competence of those individuals or
23 organizations applying to operate the charter school or those
24 hired or retained to perform such professional services. Both
25 public sector and private sector professional experience shall
26 be equally valid in such a consideration.

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

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1 11. The term of the charter which shall provide for
2 cancellation of the charter if insufficient progress has been
3 made in attaining the student achievement objectives of the
4 charter and if it is not likely that such objectives can be
5 achieved before expiration of the charter. The initial term of
6 a charter shall be for 3, 4, or 5 years. In order to
7 facilitate access to long-term financial resources for charter
8 school construction, charter schools that are operated by a
9 municipality of other public entity as provided by law are
10 eligible for up to a 15-year charter, subject to approval by
11 the local school board. Such long-term charters remain subject
12 to annual review and may be terminated during the term of the
13 charter, but only for specific good cause according to the
14 provisions set forth in subsection (10). Whenever a
15 municipality has submitted charter applications for the
16 establishment of a charter school feeder pattern (elementary,
17 middle, and senior high schools), and upon approval of each
18 individual charter application by the district school board,
19 such applications will then be designated one charter for all
20 purposes listed pursuant to this section.

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

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

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

26 15. A timetable for implementing the charter which
27 addresses the implementation of each element thereof and the
28 date by which the charter shall be awarded in order to meet
29 this timetable.

30 16. In the case of an existing public school being
31 converted to charter status, alternative arrangements for

1 current students who choose not to attend the charter school
2 and for current teachers who choose not to teach in the
3 charter school after conversion in accordance with the
4 existing collective bargaining agreement or school board
5 policy in the absence of a collective bargaining agreement.

6 (b) A charter may be renewed every 5 school years,
7 provided that a program review demonstrates that the criteria
8 in paragraph (a) have been successfully accomplished. In order
9 to facilitate long-term financing for charter school
10 construction, charter schools operating a minimum of 3 years
11 and demonstrating exemplary academic programming and fiscal
12 management are eligible for a 15-year charter renewal. Such
13 long-term charter is subject to annual review and may be
14 terminated during the term of the charter.

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

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

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

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

23 228.057 Public school parental choice.--

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

29 Section 3. This act shall take effect July 1, 1999.
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SENATE SUMMARY

Provides a date for district school boards to receive charter school applications. Provides for a Charter School Review Panel. Provides membership, purpose, and duties. Provides for interdistrict transfer to a charter school under certain circumstances. Authorizes municipal-sponsored charter schools to give enrollment preference to students residing within the city limits of the sponsoring municipality. Authorizes charter schools to be sponsored by municipalities or other public entities. Provides information to be included in the charter of a charter school. Provides for 15-year charters under specified circumstances. Authorizes charter school governing boards to employ or contract with skilled selected noncertified personnel as provided in ch. 231, F.S., and as provided by rule of the State Board of Education. Prohibits a charter school from hiring certain persons who have resigned or have been dismissed for good cause. Prescribes time limits for charter schools to receive federal funds. Requires school districts to report the number of students attending the various types of public schools according to the rules of the State Board of Education.