

By the Committee on Education and Senators Kirkpatrick, Horne and King

304-2099-99

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; amending s. 228.0561, F.S.;  
31          removing references to the Public Education

1 Capital Outlay and Debt Service Trust Fund;  
2 providing for the reversion of unencumbered  
3 funds and property to the district school board  
4 if the charter school terminates operations;  
5 revising requirements relating to charter  
6 school use of capital outlay funds; revising  
7 eligibility requirements for charter school  
8 receipt of capital outlay funds; removing  
9 obsolete provisions; amending s. 235.42, F.S.,  
10 relating to educational and ancillary plant  
11 construction funds; removing a reference to  
12 charter schools; providing an effective date.

13

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

15

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

22

228.056 Charter schools.--

23

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

26

(a) A district school board shall receive and review  
27 all applications for a charter school. A district school board  
28 shall receive charter school applications through at least  
29 November 15 ~~February 1~~ of each calendar year for charter  
30 schools to be opened at the beginning of the school district's  
31 next school year. A district school board may receive

1 applications later than this date if it chooses. In order to  
2 facilitate an accurate budget projection process, a district  
3 school board shall be held harmless for FTE students which are  
4 not included in the FTE projection due to approval of charter  
5 school applications after the FTE projection deadline. A  
6 district school board must by a majority vote approve or deny  
7 an application no later than 60 days after the application is  
8 received. If an application is denied, the district school  
9 board must, within 10 calendar days, articulate in writing the  
10 specific reasons based upon good cause supporting its denial  
11 of the charter application. Upon approval of a charter  
12 application, the initial startup must be consistent with the  
13 beginning of the public school calendar for the district in  
14 which the charter is granted unless the district school board  
15 allows a waiver of this provision for good cause.

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

1 practices at and fair business relationships with charter  
2 schools.

3 (6) ELIGIBLE STUDENTS.--

4 (a) A charter school shall be open to any student  
5 covered in an interdistrict agreement or residing in the  
6 school district in which the charter school is located. Any  
7 eligible student shall be allowed interdistrict transfer to  
8 attend a charter school when based on good cause.When a  
9 public school converts to charter status, enrollment  
10 preference shall be given to students who would have otherwise  
11 attended that public school. A charter school may give  
12 enrollment preference to a sibling of a student enrolled in  
13 the charter school or to the child of an employee of the  
14 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.

22 3. Students enrolling in a charter  
23 school-in-the-workplace established pursuant to subsection  
24 (22).

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

27 Municipal-sponsored charter schools may give enrollment  
28 preference to students residing within the city limits of the  
29 sponsoring municipality.Such students shall be subject to a  
30 random lottery and to the racial/ethnic balance provisions  
31 described in subparagraph (9)(a)8. or any federal provisions

1 | which require a school to achieve a racial/ethnic balance  
2 | reflective of the community it serves or within the  
3 | racial/ethnic range of other public schools in the same school  
4 | district.

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

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

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

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

29 |             2. The focus of the curriculum, the instructional  
30 | methods to be used, and any distinctive instructional  
31 | techniques to be employed.

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

5           a. How the baseline student academic achievement  
6 levels and prior rates of academic progress will be  
7 established;

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

11           c. To the extent possible, how these rates of progress  
12 will be evaluated and compared with rates of progress of other  
13 closely comparable student populations.

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

19           5. In secondary charter schools, a method for  
20 determining that a student has satisfied the requirements for  
21 graduation in s. 232.246.

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

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

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

30           9. The financial and administrative management of the  
31 school, including a reasonable demonstration of the

1 professional experience or competence of those individuals or  
2 organizations applying to operate the charter school or those  
3 hired or retained to perform such professional services. Both  
4 public sector and private sector professional experience shall  
5 be equally valid in such a consideration.

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

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

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

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

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

4           15. A timetable for implementing the charter which  
5 addresses the implementation of each element thereof and the  
6 date by which the charter shall be awarded in order to meet  
7 this timetable.

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

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

24           (f) Teachers employed by or under contract to a  
25 charter school shall be certified as required by chapter 231.  
26 A charter school governing board may employ or contract with  
27 skilled selected noncertified personnel to provide  
28 instructional services or to assist instructional staff  
29 members as education paraprofessionals in the same manner as  
30 defined in chapter 231, and as provided by State Board of  
31 Education rule for charter school governing boards. A charter



1 school may not employ an individual to provide instructional  
2 services or to serve as an education paraprofessional if the  
3 individual's certification or licensure as an educator is  
4 suspended or revoked by this or any other state. A charter  
5 school may not knowingly employ an individual who has resigned  
6 from a school district in lieu of disciplinary action or who  
7 has been dismissed for just cause by any school district.

8 The qualifications of teachers shall be disclosed to parents.

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

15 (d) If the district school board is providing programs  
16 or services to students funded by federal funds, any eligible  
17 students enrolled in charter schools in the school district  
18 shall be provided federal funds for the same level of service  
19 provided students in the schools operated by the district  
20 school board. Pursuant to provisions of 20 U.S.C. 8061 section  
21 10306, all charter schools shall receive all federal funding  
22 for which the school is otherwise eligible, including Title I  
23 funding, not later than 5 months after the charter school  
24 first opens and within 5 months of any subsequent expansion of  
25 enrollment, notwithstanding the fact that the identity and  
26 characteristics of the students enrolling in charter schools  
27 are not fully and completely determined until that school  
28 actually opens.

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

31 228.057 Public school parental choice.--

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

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

9           228.0561 Charter schools capital outlay funding.--

10           (1) In each year in which funds are appropriated for  
11 charter school capital outlay purposes from the Public  
12 Education Capital Outlay and Debt Service Trust Fund for  
13 charter schools, the Commissioner of Education shall allocate  
14 the funds among eligible charter schools. To be eligible for  
15 a funding allocation, a charter school must meet the  
16 provisions of subsection (6), must have received final  
17 approval from its sponsor pursuant to s. 228.056 for operation  
18 during that fiscal year, and must serve students in facilities  
19 that are not provided by the charter school's sponsor. Prior  
20 to the release of capital outlay funds to a school district on  
21 behalf of the charter school, the Department of Education  
22 shall ensure that the district school board and the charter  
23 school governing board enter into a written agreement that  
24 includes provisions for the reversion of any unencumbered  
25 funds and all equipment and property purchased with public  
26 education funds to the ownership of the district school board,  
27 as provided for in subsection (3)~~attaching a lien to property~~  
28 ~~that has been improved through the use of these funds~~, in the  
29 event that the school terminates operations. Any funds  
30 recovered by the state shall be deposited in the General  
31 Revenue Fund ~~Public Education Capital Outlay and Debt Service~~

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

27 (2) A charter school's governing body may use charter  
28 school capital outlay funds ~~with the school board's permission~~  
29 ~~may use funds from the Public Education Capital Outlay and~~  
30 ~~Debt Service Trust Fund~~ for any capital outlay purpose that is  
31

1 directly related to the functioning of the charter school,  
2 including the:

3 (a) Purchase of real property.

4 (b) Construction, renovation, repair, and maintenance  
5 of school facilities.

6 (c) Purchase, lease-purchase, or lease of permanent or  
7 relocatable school facilities.

8 (d) Purchase of vehicles to transport students to and  
9 from the charter school.

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

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

26 ~~(b)~~ Unless authorized otherwise by the Legislature,  
27 allocation and proration of charter schools capital outlay  
28 ~~funds from the Public Education Capital Outlay and Debt~~  
29 ~~Service Trust Fund~~ shall be made to eligible charter schools  
30 by the Commissioner of Education in an amount and in a manner  
31 authorized by subsection (1), ~~and only schools eligible for~~

1 ~~such funds in this subsection shall be considered "eligible~~  
2 ~~charter schools" for such an allocation or proration.~~

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

10 Section 4. Subsection (7) of section 235.42, Florida  
11 Statutes, 1998 Supplement, is amended to read:

12 235.42 Educational and ancillary plant construction  
13 funds; Public Education Capital Outlay and Debt Service Trust  
14 Fund; allocation of funds.--

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

23 Section 5. This act shall take effect July 1, 1999.

24  
25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
26 COMMITTEE SUBSTITUTE FOR  
27 SB 2434

28 The committee substitute revises capital outlay funding for  
29 charter school purposes and related eligibility criteria;  
30 deletes provisions of ss. 228.0561 and 235.42, F.S. that  
31 permitted the use or sharing of funds from the Public  
Education Capital Outlay and Debt Service Trust Fund (PECO)  
for charter school capital outlay purposes; and repeals  
obsolete language regarding an appropriation from the PECO  
Trust Fund for charter schools.