

STORAGE NAME: h0899a.edk
DATE: April 6, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION K-12
ANALYSIS**

BILL #: HB 899
RELATING TO: Charter School/Employment
SPONSOR(S): Representative Wilson
COMPANION BILL(S): SB 1880

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION YEAS 7 NAYS 0
 - (2) EDUCATION K-12 YEAS 9 NAYS 1
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 899 prohibits a charter school from hiring an individual who has resigned from a school district in lieu of disciplinary action or has been dismissed for just cause by any school district.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

CHARTER SCHOOLS

Charter schools are part of the state's program of public education, pursuant to s. 228.056, F.S. All charter schools in Florida are fully recognized as public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. The purpose of charter schools is to:

- Improve student learning.
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.
- Encourage the use of different and innovative learning methods.
- Increase choice of learning opportunities for students.
- Establish a new form of accountability for schools.
- Require the measurement of learning outcomes and create innovative measurement tools.
- Make the school the unit for improvement.
- Create new professional opportunities for teachers, including the opportunity to own the learning program at the school site.

PROPOSALS

A proposal for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state. The district school board or the principal, teachers, and/or the school advisory council at an existing public school, including a public school-within-a-school that is designated as a school by the district school board, will submit any proposal for converting the school to a charter school. A private school, parochial school, or a home education program is not eligible for charter school status. A district school board may sponsor a charter school in the county over which the board has jurisdiction.

NUMBER OF SCHOOLS

The number of newly created charter schools or existing public schools which may convert to charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

ELIGIBLE STUDENTS

A charter school is open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located. When a public school converts to charter status, enrollment preference is given to students who would have otherwise attended that public school. A charter school may give enrollment preference to a sibling of a student enrolled in the charter school or to the child of an employee of the charter school.

The charter school is to enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants have an equal chance of being admitted through a random selection process.

A charter school may limit the enrollment process only to target the following student populations:

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school or academic failure. Such students include exceptional education students.
- Students enrolling in a charter school-in-the-workplace.
- Students residing within a reasonable distance of the charter school. Such students are subject to a random lottery and to the racial/ethnic balance provisions or any federal provisions which require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

A student may withdraw from a charter school at any time and enroll in another public school as determined by school board policy. Students with handicapping conditions and students served in

English for Speakers of Other Languages programs have an equal opportunity of being selected for enrollment in a charter school.

REQUIREMENTS

- A charter school is to be nonsectarian in its programs, admission policies, employment practices, and operations.
- A charter school is to admit students as specified above.
- A charter school is accountable to its sponsor for performance.
- A charter school not to charge tuition or fees, except those fees normally charged by other public schools.
- A charter school is to meet all applicable state and local health, safety, and civil rights requirements.
- A charter school is not to violate any anti-discrimination provisions.
- A charter school is subject to an annual financial audit in a manner similar to that of a school district.
- An organization cannot hold more than 15 charters statewide.

EMPLOYEES OF CHARTER SCHOOLS

Charter schools select their own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor. Charter school employees have the option of bargaining collectively as a separate unit or as part of the existing district collective bargaining unit. The employees of a conversion charter school are public employees unless the employees choose not to be public employees.

The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts will not require resignations of teachers desiring to teach in a charter school. A school board is not prohibited from alternative leave arrangements consistent with chapter 231, F.S.

Teachers employed by or under contract to a charter school are to be certified as required by chapter 231, F.S. A charter school may employ or contract with skilled selected non-certified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 231, F.S. A charter school may not employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers are to be disclosed to parents.

A charter school is to employ or contract with employees who have been fingerprinted as provided in s. 231.02, F.S.

B. EFFECT OF PROPOSED CHANGES:

HB 899 prohibits a charter school from hiring an individual who has resigned from a school district in lieu of disciplinary action or has been dismissed for just cause by any school district.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

The bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends s. 288.056, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 Amends s. 228.056, F.S., providing that charter schools may not employ an individual who has resigned from a school district in lieu of disciplinary action or has been dismissed for just cause by any school district.

Section 2 Provides an effective date upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 899 was passed unanimously with one amendment by the Committee on Education Innovation on March 18, 1999. The amendment did the following:

Amendment 1 Added the word "knowingly" to assure that charter schools will not be at fault if they do not know a person's employment history or if that individual resigned in lieu of disciplinary action.

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

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