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1 school, provided that a majority of the parents eligible to
2 vote participate in the ballot process, according to
3 procedures established by rules of the state board. A private
4 school, parochial school, or home education program shall not
5 be eligible for charter school status.

6 (b) No district school board, or district school board
7 employee who has control over personnel actions, shall take
8 unlawful reprisal against another district school board
9 employee because that employee is either directly or
10 indirectly involved with an application to establish a charter
11 school. As used in this subsection, the term "unlawful
12 reprisal" means an action taken by a district school board or
13 a school system employee against an employee who is directly
14 or indirectly involved in a lawful application to establish a
15 charter school, which occurs as a direct result of that
16 involvement, and which results in one or more of the
17 following: disciplinary or corrective action; adverse transfer
18 or reassignment, whether temporary or permanent; suspension,
19 demotion, or dismissal; an unfavorable performance evaluation;
20 a reduction in pay, benefits, or rewards; elimination of the
21 employee's position absent of a reduction in force as a result
22 of lack of moneys or work; or other adverse significant
23 changes in duties or responsibilities that are inconsistent
24 with the employee's salary or employment classification. The
25 following procedures shall apply to an alleged unlawful
26 reprisal which occurs as a consequence of an employee's direct
27 or indirect involvement with an application to establish a
28 charter school:

29 1. Within 60 days after a reprisal prohibited by this
30 subsection, an employee may file a complaint with the
31 Department of Education.

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1 2. Within 3 working days after receiving a complaint
2 under this section, the department shall acknowledge receipt
3 of the complaint and provide copies of the complaint and any
4 other relevant preliminary information available to each of
5 the other parties named in the complaint, which parties shall
6 each acknowledge receipt of such copies to the complainant.

7 3. If the department determines that the complaint
8 demonstrates reasonable cause to suspect that an unlawful
9 reprisal has occurred, the department shall conduct an
10 investigation to produce a fact-finding report.

11 4. Within 90 days after receiving the complaint, the
12 department shall provide the superintendent of schools of the
13 complainant's district and the complainant with a fact-finding
14 report that may include recommendations to the parties or
15 proposed resolution of the complaint. The fact-finding report
16 shall be presumed admissible in any subsequent or related
17 administrative or judicial review.

18 5. If the department determines that reasonable
19 grounds exist to believe that an unlawful reprisal has
20 occurred, is occurring, or is to be taken, and is unable to
21 conciliate a complaint within 60 days after receipt of the
22 fact-finding report, the department shall terminate the
23 investigation. Upon termination of any investigation, the
24 department shall notify the complainant and the superintendent
25 of schools of the termination of the investigation, providing
26 a summary of relevant facts found during the investigation and
27 the reasons for terminating the investigation. A written
28 statement under this paragraph is presumed admissible as
29 evidence in any judicial or administrative proceeding.

30 6. The department shall either contract with the
31 Division of Administrative Hearings under s. 120.65, or

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1 otherwise provide for a complaint for which the department
2 determines reasonable grounds exist to believe that an
3 unlawful reprisal has occurred, is occurring, or is to be
4 taken, and is unable to conciliate, to be heard by a panel of
5 impartial persons. Upon hearing the complaint, the panel must
6 make findings of fact and conclusions of law for a final
7 decision by the department.

8
9 It shall be an affirmative defense to any action brought
10 pursuant to this section that the adverse action was
11 predicated upon grounds other than, and would have been taken
12 absent, the employee's exercise of rights protected by this
13 section.

14 (c) In any action brought under this section for which
15 it is determined reasonable grounds exist to believe that an
16 unlawful reprisal has occurred, is occurring, or is to be
17 taken, the relief must include the following:

18 1. Reinstatement of the employee to the same position
19 held before the unlawful reprisal was commenced, or to an
20 equivalent position, or payment of reasonable front pay as
21 alternative relief.

22 2. Reinstatement of the employee's full fringe
23 benefits and seniority rights, as appropriate.

24 3. Compensation, if appropriate, for lost wages,
25 benefits, or other lost remuneration caused by the unlawful
26 reprisal.

27 4. Payment of reasonable costs, including attorney's
28 fees, to a substantially prevailing employee, or to the
29 prevailing employer if the employee filed a frivolous action
30 in bad faith.

31 5. Issuance of an injunction, if appropriate, by a

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1 court of competent jurisdiction.

2 6. Temporary reinstatement to the employee's former
3 position or to an equivalent position, pending the final
4 outcome on the complaint, if it is determined that the action
5 was not made in bad faith or for a wrongful purpose, and did
6 not occur after a district school board's initiation of a
7 personnel action against the employee which includes
8 documentation of the employee's violation of a disciplinary
9 standard or performance deficiency.

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 and consider charter school applications
16 received on or before October 1 through at least November 15
17 of each calendar year for charter schools to be opened at the
18 beginning of the school district's next school year, or to be
19 opened at a time agreed to by the applicant and the district
20 school board. A district school board may receive
21 applications later than this date if it chooses. In order to
22 facilitate an accurate budget projection process, a district
23 school board shall be held harmless for FTE students which are
24 not included in the FTE projection due to approval of charter
25 school applications after the FTE projection deadline. In a
26 further effort to facilitate an accurate budget-projection
27 process, within 15 calendar days after receipt of a charter
28 school application, a district school board or other sponsor
29 shall report to the Department of Education the name of the
30 applicant entity, the proposed charter school location, and
31 its projected FTE.A district school board must by a majority

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1 vote approve or deny an application no later than 60 calendar
2 days after the application is received, unless the district
3 school board and the applicant mutually agree to temporarily
4 postpone the vote to a specific date, at which time the
5 district school board must by a majority vote approve or deny
6 the application. If an application is denied, the district
7 school board must, within 10 calendar days, articulate in
8 writing the specific reasons based upon good cause supporting
9 its denial of the charter application. For budget-projection
10 purposes, the district school board or other sponsor shall
11 report to the Department of Education the approval or denial
12 of a charter application within 10 calendar days after such
13 approval or denial. In the event of approval, the report to
14 the Department of Education must include the final projected
15 FTE for the approved charter school. Upon approval of a
16 charter application, the initial startup must be consistent
17 with the beginning of the public school calendar for the
18 district in which the charter is granted unless the district
19 school board allows a waiver of this provision for good cause.

20 (b) An applicant may appeal any denial of that
21 person's application to the State Board of Education no later
22 than 30 calendar days after the district school board's
23 decision and shall notify the district school board of its
24 appeal. Any response of the school board shall be submitted
25 to the state board within 30 calendar days after notification
26 of the appeal. The state board must by majority vote accept or
27 reject the decision of the district school board no later than
28 60 calendar days after an appeal is filed in accordance with
29 state board rule. The state board may reject an appeal
30 submission for failure to comply with procedural rules
31 governing the appeals process. The rejection shall describe

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1 the submission errors. The appellant may have up to 15
 2 calendar days from notice of rejection to resubmit an appeal
 3 that meets requirements of rule. An application for appeal
 4 submitted subsequent to such rejection shall be considered
 5 timely if the original appeal was filed within 30 calendar
 6 days after the school board denial. The state board shall
 7 remand the application to the district school board with its
 8 written recommendation that the district board approve or deny
 9 the application consistent with the state board's decision.
 10 The decision of the State Board of Education is not subject to
 11 the provisions of the Administrative Procedure Act, chapter
 12 120.

13 (c) The district school board must act upon the
 14 recommendation of the State Board of Education within 30
 15 calendar days after it is received. The district board may
 16 fail to act in accordance with the recommendation of the state
 17 board only for good cause. Good cause for failing to act in
 18 accordance with the state board's recommendation arises only
 19 if the district school board determines by competent
 20 substantial evidence that approving the state board's
 21 recommendation would be contrary to law or contrary to the
 22 best interests of the pupils or the community. The district
 23 school board must articulate in written findings the specific
 24 reasons based upon good cause supporting its failure to act in
 25 accordance with the state board's recommendation. The district
 26 board's action on the state board's recommendation is a final
 27 action subject to judicial review.

28 (d) The Department of Education may provide technical
 29 assistance to an applicant upon written request.

30 (e) Paragraph (a) notwithstanding, a state university
 31 may grant a charter to a developmental research school created

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1 under s. 228.053. In considering such charter, the state
2 university must consult with the district school board of the
3 county in which the developmental research school is located.
4 The decision of a state university may be appealed pursuant to
5 the procedure established in this subsection.

6 (f) The terms and conditions for the operation of a
7 charter school shall be set forth by the sponsor and the
8 applicant in a written contractual agreement, called a
9 charter. The sponsor shall not impose unreasonable rules or
10 regulations that violate the intent of giving charter schools
11 greater flexibility to meet educational goals. The applicant
12 and sponsor shall have 6 months in which to mutually agree to
13 the provisions of the charter contract. The Department of
14 Education shall provide mediation services for any dispute
15 regarding this section subsequent to the approval of a charter
16 application, except disputes regarding charter school
17 application denials. If the Commissioner of Education
18 determines that the dispute cannot be settled through
19 mediation, the dispute may be appealed to an administrative
20 law judge appointed by the Division of Administrative
21 Hearings. The administrative law judge may rule on issues of
22 equitable treatment of the charter school as a public school,
23 whether proposed provisions of the charter contract violate
24 the intended flexibility granted charter schools by statute,
25 or on any other matter regarding this section except a charter
26 school application denial, and shall award the prevailing
27 party reasonable attorney's fees and costs incurred to be paid
28 by the losing party. The costs of the administrative hearing
29 shall be paid by the party whom the administrative law judge
30 rules against.

31 (g) The sponsor shall monitor and review the charter

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1 school in its progress towards the goals established in the
2 charter.

3 (h) The sponsor shall monitor the revenues and
4 expenditures of the charter school.

5 (5) NUMBER OF SCHOOLS.--

6 (a) The number of newly created charter schools or
7 ~~existing public schools which may convert to charter schools~~
8 is limited to no more than 28 in each school district that has
9 100,000 or more students, no more than 20 in each school
10 district that has 50,000 to 99,999 students, and no more than
11 12 in each school district with fewer than 50,000 students.

12 (b) An existing public school which converts to a
13 charter school shall not be counted toward the limit
14 established by paragraph (a).

15
16 Notwithstanding any limit established by this subsection, a
17 district school board or a charter school applicant shall have
18 the right to request an increase of the limit on the number of
19 charter schools authorized to be established within the
20 district from the State Board of Education.

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;
25 however, in the case of a developmental research school
26 created under s. 228.053 to which a charter has been issued
27 under paragraph (4)(e), the charter school shall be open to
28 any student eligible to attend the developmental research
29 school as provided in s. 228.053 or residing in the school
30 district in which the charter school is located. Any eligible
31 student shall be allowed interdistrict transfer to attend a

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1 charter school when based on good cause. When a public school
 2 converts to charter status, enrollment preference shall be
 3 given to students who would have otherwise attended that
 4 public school. A charter school may give enrollment preference
 5 to a sibling of a student enrolled in the charter school, ~~or~~
 6 to the child of an employee of the charter school, or to the
 7 child of a member of the governing branch of the charter
 8 school.

9

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 1, lines 3 through 5, delete those lines

14

15 and insert:

16 revising who is authorized to submit an
 17 application to convert an existing public
 18 school to a charter school; prohibiting
 19 unlawful reprisals against district school
 20 board employees as a result of direct or
 21 indirect involvement in an application to
 22 establish a charter school; establishing
 23 procedures for reviewing and deciding alleged
 24 unlawful reprisals; revising the date by which
 25 charter school applications must be submitted
 26 to the district school board; revising the
 27 timeframe for charter school approval or
 28 denial; requiring the award of reasonable
 29 attorney fees and costs incurred to the
 30 prevailing party in a charter school dispute;
 31 requiring the district school board or other

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1 sponsor of a charter school to make certain
2 reports to the Department of Education for
3 purposes of budget projections; authorizing
4 district school boards or charter school
5 applicants to request an increase of the limit
6 on the number of charter schools in the
7 district; requiring compliance with certain
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