

Bill No. CS for SB 1574

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Horne moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 3, line 18, through		
15	page 6, line 25, delete those lines		
16			
17	and insert:		
18	(4) SPONSOR.--A district school board may sponsor a		
19	charter school in the county over which the board has		
20	jurisdiction.		
21	(a) A district school board shall receive and review		
22	all applications for a charter school. A district school board		
23	shall receive <u>and consider</u> charter school applications		
24	<u>received on or before October 1</u> through at least November 15		
25	of each calendar year for charter schools to be opened at the		
26	beginning of the school district's next school year, <u>or to be</u>		
27	<u>opened at a time agreed to by the applicant and the district</u>		
28	<u>school board.</u> A district school board may receive		
29	applications later than this date if it chooses. In order to		
30	facilitate an accurate budget projection process, a district		
31	school board shall be held harmless for FTE students which are		

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1 not included in the FTE projection due to approval of charter
2 school applications after the FTE projection deadline. A
3 district school board must by a majority vote approve or deny
4 an application no later than 60 calendar days after the
5 application is received, unless the district school board and
6 the applicant mutually agree to temporarily postpone the vote
7 to a specific date, at which time the district school board
8 must by a majority vote approve or deny the application. If an
9 application is denied, the district school board must, within
10 10 calendar days, articulate in writing the specific reasons
11 based upon good cause supporting its denial of the charter
12 application. Upon approval of a charter application, the
13 initial startup must be consistent with the beginning of the
14 public school calendar for the district in which the charter
15 is granted unless the district school board allows a waiver of
16 this provision for good cause.

17 (b) An applicant may appeal any denial of that
18 person's application to the State Board of Education no later
19 than 30 calendar days after the district school board's
20 decision and shall notify the district school board of its
21 appeal. Any response of the school board shall be submitted
22 to the state board within 30 calendar days after notification
23 of the appeal. The state board must by majority vote accept or
24 reject the decision of the district school board no later than
25 60 calendar days after an appeal is filed in accordance with
26 state board rule. The state board may reject an appeal
27 submission for failure to comply with procedural rules
28 governing the appeals process. The rejection shall describe
29 the submission errors. The appellant may have up to 15
30 calendar days from notice of rejection to resubmit an appeal
31 that meets requirements of rule. An application for appeal

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1 submitted subsequent to such rejection shall be considered
 2 timely if the original appeal was filed within 30 calendar
 3 days after the school board denial. The state board shall
 4 remand the application to the district school board with its
 5 written recommendation that the district board approve or deny
 6 the application consistent with the state board's decision.
 7 The decision of the State Board of Education is not subject to
 8 the provisions of the Administrative Procedure Act, chapter
 9 120.

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

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

27 (e) Paragraph (a) notwithstanding, a state university
 28 may grant a charter to a developmental research school created
 29 under s. 228.053. In considering such charter, the state
 30 university must consult with the district school board of the
 31 county in which the developmental research school is located.

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1 The decision of a state university may be appealed pursuant to
2 the procedure established in this subsection.

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

28 (g) The sponsor shall monitor and review the charter
29 school in its progress towards the goals established in the
30 charter.

31 (h) The sponsor shall monitor the revenues and

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1 expenditures of the charter school.

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

5 And the title is amended as follows:

6 On page 1, line 4, after the semicolon,

7

8 insert:

9 revising the date by which charter school
10 applications must be submitted to the district
11 school board; revising the timeframe for
12 charter school approval or denial; requiring
13 the award of reasonable attorney fees and costs
14 incurred to the prevailing party in a charter
15 school dispute;

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