

1 A bill to be entitled
2 An act relating to charter schools; creating s.
3 220.1835, F.S.; amending s. 228.056, F.S.;
4 revising who is authorized to submit an
5 application to convert an existing public
6 school to a charter school; prohibiting
7 unlawful reprisals against district school
8 board employees as a result of direct or
9 indirect involvement in an application to
10 establish a charter school; establishing
11 procedures for reviewing and deciding alleged
12 unlawful reprisals; revising the date by which
13 charter school applications must be submitted
14 to the district school board; revising the
15 timeframe for charter school approval or
16 denial; requiring the award of reasonable
17 attorney fees and costs incurred to the
18 prevailing party in a charter school dispute;
19 exempting conversion charter schools from being
20 counted toward the number of charter schools in
21 the district for purposes of a limit;
22 authorizing district school boards or charter
23 school applicants to request an increase of the
24 limit on the number of charter schools in the
25 district; authorizing the establishment of
26 academic, artistic, or other standards as
27 conditions for eligibility; requiring a charter
28 school to comply with certain cost accounting
29 and reporting requirements; requiring a charter
30 school governing board to consult with the
31 Department of Education when addressing how

1 rates of progress will be compared to those of
2 comparable student populations in the charter;
3 requiring a charter to address the capacity of
4 the charter school; clarifying that a charter
5 may not be renewed if grounds for nonrenewal
6 have been documented; revising the timeframe
7 for notice of renewal or termination of a
8 charter; providing for the division of equity
9 upon charter school nonrenewal or termination;
10 defining "information services"; clarifying and
11 conforming terminology; amending s. 228.0561,
12 F.S.; revising the calculation for the funding
13 allocation for charter school capital outlay;
14 providing for the division of equity upon
15 charter school nonrenewal or termination;
16 creating s. 228.0581, F.S.; establishing a
17 statewide conversion charter school pilot
18 program; providing intent and purpose;
19 providing for application for participation in
20 the pilot program by school principals,
21 parents, teachers, or school advisory council
22 members; prohibiting unlawful reprisals as a
23 result of applying to participate in the pilot
24 program; providing procedures for reviewing and
25 deciding alleged unlawful reprisals; providing
26 requirements for district school boards;
27 establishing a program selection panel and
28 providing membership and duties; authorizing
29 grants to participating districts and
30 reductions in funding for violations of
31

1 requirements; requiring annual progress
2 reports; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (3), paragraphs (a), (b), (c),
7 and (f) of subsection (4), subsection (5), paragraph (c) of
8 subsection (6), paragraphs (a) and (b) of subsection (9),
9 paragraphs (c) and (e) of subsection (10), paragraph (g) of
10 subsection (12), paragraph (e) of subsection (13), and
11 subsection (16) of section 228.056, Florida Statutes, are
12 amended, and paragraph (i) is added to subsection (8) of said
13 section, to read:

14 228.056 Charter schools.--

15 (3) APPLICATION; UNLAWFUL REPRISAL ~~PROPOSAL~~.--

16 (a) An application ~~A proposal~~ for a new charter school
17 may be made by an individual, teachers, parents, a group of
18 individuals, a municipality, or a legal entity organized under
19 the laws of this state. The district school board or the
20 principal, teachers, parents, and/or the school advisory
21 council at an existing public school, including a public
22 school-within-a-school that is designated as a school by the
23 district school board, shall submit any application ~~proposal~~
24 for converting the school to a charter school. An application
25 submitted proposing to convert an existing public school to a
26 charter school shall demonstrate the support of at least 50
27 percent of the teachers employed at the school and 50 percent
28 of the parents voting whose children are enrolled at the
29 school, provided that a majority of the parents eligible to
30 vote participate in the ballot process, according to
31 procedures established by rules of the state board. A private

1 school, parochial school, or home education program shall not
2 be eligible for charter school status.

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

26 1. Within 60 days after a reprisal prohibited by this
27 subsection, an employee may file a complaint with the
28 Department of Education.

29 2. Within 3 working days after receiving a complaint
30 under this section, the department shall acknowledge receipt
31 of the complaint and provide copies of the complaint and any

1 other relevant preliminary information available to each of
2 the other parties named in the complaint, which parties shall
3 each acknowledge receipt of such copies to the complainant.

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

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

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

27 6. The department shall either contract with the
28 Division of Administrative Hearings under s. 120.65, or
29 otherwise provide for a complaint for which the department
30 determines reasonable grounds exist to believe that an
31 unlawful reprisal has occurred, is occurring, or is to be

1 taken, and is unable to conciliate, to be heard by a panel of
2 impartial persons. Upon hearing the complaint, the panel must
3 make findings of fact and conclusions of law for a final
4 decision by the department.

5
6 It shall be an affirmative defense to any action brought
7 pursuant to this section that the adverse action was
8 predicated upon grounds other than, and would have been taken
9 absent, the employee's exercise of rights protected by this
10 section.

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

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

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

21 3. Compensation, if appropriate, for lost wages,
22 benefits, or other lost remuneration caused by the unlawful
23 reprisal.

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

28 5. Issuance of an injunction, if appropriate, by a
29 court of competent jurisdiction.

30 6. Temporary reinstatement to the employee's former
31 position or to an equivalent position, pending the final

1 outcome on the complaint, if it is determined that the action
 2 was not made in bad faith or for a wrongful purpose, and did
 3 not occur after a district school board's initiation of a
 4 personnel action against the employee which includes
 5 documentation of the employee's violation of a disciplinary
 6 standard or performance deficiency.

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

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

1 application. Upon approval of a charter application, the
 2 initial startup must be consistent with the beginning of the
 3 public school calendar for the district in which the charter
 4 is granted unless the district school board allows a waiver of
 5 this provision for good cause.

6 (b) An applicant may appeal any denial of that
 7 person's application to the State Board of Education no later
 8 than 30 calendar days after the district school board's
 9 decision and shall notify the district school board of its
 10 appeal. Any response of the school board shall be submitted
 11 to the state board within 30 calendar days after notification
 12 of the appeal. The state board must by majority vote accept or
 13 reject the decision of the district school board no later than
 14 60 calendar days after an appeal is filed in accordance with
 15 state board rule. The state board may reject an appeal
 16 submission for failure to comply with procedural rules
 17 governing the appeals process. The rejection shall describe
 18 the submission errors. The appellant may have up to 15
 19 calendar days from notice of rejection to resubmit an appeal
 20 that meets requirements of rule. An application for appeal
 21 submitted subsequent to such rejection shall be considered
 22 timely if the original appeal was filed within 30 calendar
 23 days after the school board denial. The state board shall
 24 remand the application to the district school board with its
 25 written recommendation that the district board approve or deny
 26 the application consistent with the state board's decision.
 27 The decision of the State Board of Education is not subject to
 28 the provisions of the Administrative Procedure Act, chapter
 29 120.

30 (c) The district school board must act upon the
 31 recommendation of the State Board of Education within 30

1 calendar days after it is received. The district board may
2 fail to act in accordance with the recommendation of the state
3 board only for good cause. Good cause for failing to act in
4 accordance with the state board's recommendation arises only
5 if the district school board determines by competent
6 substantial evidence that approving the state board's
7 recommendation would be contrary to law or contrary to the
8 best interests of the pupils or the community. The district
9 school board must articulate in written findings the specific
10 reasons based upon good cause supporting its failure to act in
11 accordance with the state board's recommendation. The district
12 board's action on the state board's recommendation is a final
13 action subject to judicial review.

14 (f) The terms and conditions for the operation of a
15 charter school shall be set forth by the sponsor and the
16 applicant in a written contractual agreement, called a
17 charter. The sponsor shall not impose unreasonable rules or
18 regulations that violate the intent of giving charter schools
19 greater flexibility to meet educational goals. The applicant
20 and sponsor shall have 6 months in which to mutually agree to
21 the provisions of the charter ~~contract~~. The Department of
22 Education shall provide mediation services for any dispute
23 regarding this section subsequent to the approval of a charter
24 application, except disputes regarding charter school
25 application denials. If the Commissioner of Education
26 determines that the dispute cannot be settled through
27 mediation, the dispute may be appealed to an administrative
28 law judge appointed by the Division of Administrative
29 Hearings. The administrative law judge may rule on issues of
30 equitable treatment of the charter school as a public school,
31 whether proposed provisions of the charter ~~contract~~ violate

1 the intended flexibility granted charter schools by statute,
2 or on any other matter regarding this section except a charter
3 school application denial, and shall award the prevailing
4 party reasonable attorney's fees and costs incurred to be paid
5 by the losing party. The costs of the administrative hearing
6 shall be paid by the party whom the administrative law judge
7 rules against.

8 (5) NUMBER OF SCHOOLS.--

9 (a) The number of newly created charter schools ~~or~~
10 ~~existing public schools which may convert to charter schools~~
11 is limited to no more than 28 in each school district that has
12 100,000 or more students, no more than 20 in each school
13 district that has 50,000 to 99,999 students, and no more than
14 12 in each school district with fewer than 50,000 students.

15 (b) An existing public school which converts to a
16 charter school shall not be counted towards the limit
17 established by paragraph (a).

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

24 (6) ELIGIBLE STUDENTS.--

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

27 1. Students within specific age groups or grade
28 levels.

29 2. Students considered at risk of dropping out of
30 school or academic failure. Such students shall include
31 exceptional education students.

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

4 4. Students residing within a reasonable distance of
5 the charter school, as described in paragraph (13)(c). Such
6 students shall be subject to a random lottery and to the
7 racial/ethnic balance provisions described in subparagraph
8 (9)(a)8. or any federal provisions which require a school to
9 achieve a racial/ethnic balance reflective of the community it
10 serves or within the racial/ethnic range of other public
11 schools in the same school district.

12 5. Students who meet reasonable academic, artistic, or
13 other reasonable standards that are nondiscriminatory,
14 established by the governing board in accordance with state
15 law and current practice in existing public schools.

16 (8) REQUIREMENTS.--

17 (i) In order to provide financial information that is
18 comparable to that reported for other public schools, charter
19 schools are to maintain all financial records which constitute
20 their accounting system in accordance with the accounts and
21 codes prescribed in the most recent issuance of the
22 publication titled "Financial and Program Cost Accounting and
23 Reporting for Florida Schools." Charter schools are to provide
24 annual financial report and program cost report information in
25 the state-required formats for inclusion in district reporting
26 in compliance with s. 236.02(1). Charter schools which are
27 operated by a municipality or are a component unit of a parent
28 nonprofit organization may use the accounting system of the
29 municipality or the parent, but must reformat this information
30 for reporting according to this paragraph.

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

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

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

10 2. The focus of the curriculum, the instructional
11 methods to be used, and any distinctive instructional
12 techniques to be employed.

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

17 a. How the baseline student academic achievement
18 levels and prior rates of academic progress will be
19 established.~~†~~

20 b. How these baseline rates will be compared to rates
21 of academic progress achieved by these same students while
22 attending the charter school.~~†~~ and

23 c. To the extent possible, in consultation with the
24 Department of Education, how these rates of progress will be
25 evaluated and compared with rates of progress of other closely
26 comparable student populations.

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

1 5. In secondary charter schools, a method for
2 determining that a student has satisfied the requirements for
3 graduation in s. 232.246.

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

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

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

12 9. The financial and administrative management of the
13 school, including a reasonable demonstration of the
14 professional experience or competence of those individuals or
15 organizations applying to operate the charter school or those
16 hired or retained to perform such professional services. Both
17 public sector and private sector professional experience shall
18 be equally valid in such a consideration.

19 10. The manner in which the school will be insured,
20 including whether or not the school will be required to have
21 liability insurance, and, if so, the terms and conditions
22 thereof and the amounts of coverage.

23 11. The term of the charter which shall provide for
24 cancellation of the charter if insufficient progress has been
25 made in attaining the student achievement objectives of the
26 charter and if it is not likely that such objectives can be
27 achieved before expiration of the charter. The initial term of
28 a charter shall be for 3, 4, or 5 years. In order to
29 facilitate access to long-term financial resources for charter
30 school construction, charter schools that are operated by a
31 municipality or other public entity as provided by law are

1 eligible for up to a 15-year charter, subject to approval by
 2 the local school board. In addition, to facilitate access to
 3 long-term financial resources for charter school construction,
 4 charter schools that are operated by a private,
 5 not-for-profit, s. 501(c)(3) status corporation are eligible
 6 for up to a 10-year charter, subject to approval by the local
 7 school board. Such long-term charters remain subject to annual
 8 review and may be terminated during the term of the charter,
 9 but only for specific good cause according to the provisions
 10 set forth in subsection (10).

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

12 13. The capacity of the charter school, taking into
 13 consideration growth, and the provisions of (6)(b) and (c).

14 ~~14.13.~~ The qualifications to be required of the
 15 teachers.

16 ~~15.14.~~ The governance structure of the school,
 17 including the status of the charter school as a public or
 18 private employer as required in subsection (7).

19 ~~16.15.~~ A timetable for implementing the charter which
 20 addresses the implementation of each element thereof and the
 21 date by which the charter shall be awarded in order to meet
 22 this timetable.

23 ~~17.16.~~ In the case of an existing public school being
 24 converted to charter status, alternative arrangements for
 25 current students who choose not to attend the charter school
 26 and for current teachers who choose not to teach in the
 27 charter school after conversion in accordance with the
 28 existing collective bargaining agreement or school board
 29 policy in the absence of a collective bargaining agreement.

30 (b) A charter may be renewed every 5 school years,
 31 provided that a program review demonstrates that the criteria

1 in paragraph (a) have been successfully accomplished and that
 2 none of the grounds for nonrenewal established by paragraph
 3 (10)(a) have been documented. In order to facilitate long-term
 4 financing for charter school construction, charter schools
 5 operating a minimum of 3 years and demonstrating exemplary
 6 academic programming and fiscal management are eligible for a
 7 15-year charter renewal. Such long-term charter is subject to
 8 annual review and may be terminated during the term of the
 9 charter.

10 (10) CAUSES FOR NONRENEWAL OR TERMINATION.--

11 (c) At least 6 months ~~90 days~~ prior to renewing or
 12 terminating a charter, the sponsor shall notify the governing
 13 body of the school of the proposed action in writing. The
 14 notice shall state in reasonable detail the grounds for the
 15 proposed action and stipulate that the school's governing body
 16 may, within 14 calendar days after receiving the notice,
 17 request an informal hearing before the sponsor. The sponsor
 18 shall conduct the informal hearing within 30 calendar days
 19 after receiving a written request. The charter school's
 20 governing body may, within 14 calendar days after receiving
 21 the sponsor's decision to terminate or refuse to renew the
 22 charter, appeal the decision pursuant to the procedure
 23 established in subsection (4).

24 (e) When a charter is not renewed or is terminated,
 25 the school shall be dissolved under the provisions of law
 26 under which the school was organized, and any unencumbered
 27 funds from the charter school shall revert to the district
 28 school board. In the event a charter school is dissolved or
 29 is otherwise terminated, all district school board property
 30 and improvements, furnishings, and equipment purchased with
 31 public funds shall automatically revert to full ownership by

1 the district school board. All property purchased with a
2 combination of public and private funds shall be divided in a
3 manner which gives both the school district and the private
4 funding entity an equity value equal to the proportionate
5 share invested by each entity.

6 (12) EMPLOYEES OF CHARTER SCHOOLS.--

7 (g) A charter school shall employ or contract with
8 employees who have been fingerprinted as provided in s.
9 231.02. Members of the governing board of the charter school
10 shall also be fingerprinted in a manner similar to that
11 provided in s. 231.02 ~~prior to approval of the charter.~~

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

18 (e) Any administrative fee charged by the school
19 district relating to a charter school shall be limited to 5
20 percent of the available funds as defined in paragraph (b).
21 The sponsor shall provide certain administrative and
22 educational services to charter schools at no additional fee.
23 These services shall include contract management services, FTE
24 and data reporting, exceptional student education
25 administration, test administration, processing of teacher
26 certificate data, and information services. For purposes of
27 this paragraph, information services include, but are not
28 limited to, electronic mail, Internet access, daily mail
29 courier, or other information services as defined in the
30 charter.

1 (16) FACILITIES.--A charter school shall utilize
2 facilities which comply with the State Uniform Building Code
3 for Public Educational Facilities Construction adopted
4 pursuant to s. 235.26 or with applicable state minimum
5 building codes pursuant to chapter 553 and state minimum fire
6 protection codes pursuant to s. 633.025, as adopted by the
7 authority in whose jurisdiction the facility is located.

8 Section 2. Subsections (1) and (3) of section
9 228.0561, Florida Statutes, are amended to read:

10 228.0561 Charter schools capital outlay funding.--

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

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

22 (3) When a charter school is nonrenewed or terminated,
23 any unencumbered funds and all equipment and property
24 purchased with public funds shall revert to the ownership of
25 the district school board, as provided for in s.
26 228.056(10)(e) and (f). The reversion of such equipment,
27 property, and furnishings shall focus on recoverable assets,
28 but not on intangible or irrecoverable costs such as rental or
29 leasing fees, normal maintenance, and limited renovations. All
30 equipment and property purchased with a combination of private
31 and public funds shall be divided in a manner which gives both

1 the school district and the private funding entity an equity
2 value equal to the proportionate share invested by each
3 entity.If there are additional local issues such as the
4 shared use of facilities or partial ownership of facilities or
5 property, these issues shall be agreed to in the charter
6 contract prior to the expenditure of funds.

7 Section 3. Section 228.0581, Florida Statutes, is
8 created to read:

9 228.0581 Conversion charter school pilot program.--

10 (1) The conversion charter school pilot program is
11 hereby established with the intent to provide incentives for
12 local school districts to approve conversion charter schools.

13 (2) The conversion charter school pilot program shall
14 be a statewide pilot program in which 10 schools shall be
15 selected based on a competitive application process in
16 accordance with this section.

17 (3) The purpose of the pilot program is to produce
18 significant improvements in student achievement and school
19 management, to encourage and measure the use of innovative
20 learning methods, and to make the school the unit for
21 improvement.

22 (4) Each school principal or a majority of the parents
23 of students attending the school, a majority of the school's
24 teachers, or a majority of the members of the school advisory
25 council, may apply to the school district to participate in
26 this pilot program on forms which shall be provided by the
27 Department of Education. The forms shall include
28 acknowledgement by the principal of applicable provisions of
29 ss. 228.056 and 228.0561. For purposes of this paragraph, "a
30 majority of the parents of students attending the school"
31 means more than 50 percent of the parents voting whose

1 children are enrolled at the school, provided that a majority
2 of the parents eligible to vote participate in the ballot
3 process; and "a majority of the school's teachers" means more
4 than 50 percent of the teachers employed at the school,
5 according to procedures established by rule of the State Board
6 of Education pursuant to s. 228.056(3).

7 (5) A person or group who has applied to participate
8 in the pilot program created by this section, pursuant to
9 subsection (4), shall not be subject to an unlawful reprisal,
10 as defined by s. 228.056(3)(b), as a consequence of such
11 application. The procedures established by s. 228.056(3)
12 shall apply to any alleged unlawful reprisal which occurs as a
13 consequence of such application.

14 (6) A district school board shall receive and review
15 all applications by principals, parents, teachers, or school
16 advisory council members to participate in the pilot project;
17 shall select the best applications; and shall submit these
18 applications, together with the district school board's letter
19 of endorsement and commitment of support and cooperation
20 toward the success of program implementation, for review by
21 the statewide selection panel established pursuant to
22 subsection (7).

23 (7) A conversion charter school pilot program
24 statewide selection panel is established. The panel shall be
25 comprised of the following nine members who are not elected
26 public officials:

27 (a) Three members shall be appointed by the Governor.

28 (b) Two members shall be appointed by the Commissioner
29 of Education.

30 (c) Two members shall be appointed by the President of
31 the Senate.

1 (d) Two members shall be appointed by the Speaker of
2 the House of Representatives.

3
4 The panel shall review the conversion charter school pilot
5 program applications submitted by the district school boards
6 and shall select the 10 applications which the panel deems
7 best comply with the purpose of the program pursuant to
8 subsection (3).

9 (8) Each district school board in which there is a
10 school selected by the statewide panel for participation in
11 the pilot program shall receive a grant for the 2001-2002
12 school year as follows, or as otherwise specified in the
13 General Appropriations Act:

14 (a) One hundred thousand dollars for planning and
15 development for each conversion charter school selected; and

16 (b)1. Eighty thousand dollars for each conversion
17 charter school selected with 500 or fewer students;

18 2. One hundred thousand dollars for each conversion
19 charter school selected with more than 500 but fewer than
20 1,001 students; or

21 3. One hundred twenty thousand dollars for each
22 conversion charter school selected with more than 1,000
23 students.

24
25 The Commissioner of Education is authorized to reduce the
26 district's 2002-2003 FEFP funding entitlement by the amount of
27 the grant awarded under this subsection if he or she
28 determines that the district has failed to comply with its
29 letter of endorsement and commitment of support and
30 cooperation submitted under subsection (6).

1 (9) Each conversion charter school selected for
2 participation in the pilot program shall make annual progress
3 reports to the district school board and the Commissioner of
4 Education detailing the school's progress in achieving the
5 purpose of the program as described in subsection (3).

6 Section 4. This act shall take effect July 1, 2000.
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