

By Representative Arza

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 228.056, F.S.; prohibiting a public school from
4 using the word "charter" in its name unless it
5 is currently operating under a charter that has
6 been granted pursuant to this section;
7 providing additional purposes of charter
8 schools; requiring a public school to have been
9 in operation for at least 2 years prior to
10 application to convert to charter school
11 status; prohibiting a sponsor from charging a
12 fee related to the consideration of a charter
13 school application; prohibiting the
14 consideration or approval of a charter school
15 application from being contingent on the
16 promise of future payment of any kind;
17 clarifying provisions relating to appeals of
18 denial of charter school applications; deleting
19 provisions relating to failure to act in
20 accordance with the recommendation of the State
21 Board of Education regarding a charter school
22 application; requiring the Department of
23 Education to provide mediation for any dispute
24 relating to an approved charter; deleting a cap
25 on the number of newly created charter schools;
26 authorizing the establishment of reasonable
27 academic, artistic, or other standards as a
28 condition for eligibility; requiring the
29 capacity of a charter school to be annually
30 determined by the charter school's governing
31 body based on certain factors; allowing

1 required financial records to follow generally
2 accepted accounting principles for
3 not-for-profit organizations; providing for
4 appeal of a sponsor's decision to terminate a
5 charter; providing for a charter school
6 governing board to request a waiver of statutes
7 directly from the commissioner, rather than
8 through the sponsor; providing for notice of
9 receipt and final disposition of such request;
10 providing requirements relating to teachers
11 teaching out-of-field; stipulating that a
12 charter school may not "knowingly" employ an
13 individual whose certification has been revoked
14 by this or any other state; prohibiting a
15 sponsor from withholding an administrative fee
16 from certain funds; clarifying the term
17 "information services" for purposes of charter
18 school administrative fees; authorizing the
19 establishment of a charter
20 school-in-the-workplace by a consortium of
21 business partners or employers; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 228.056, Florida Statutes, is
27 amended to read:

28 228.056 Charter schools.--

29 (1) AUTHORIZATION.--The creation of charter schools is
30 hereby authorized. Charter schools shall be part of the
31 state's program of public education. All charter schools in

1 Florida are fully recognized as public schools. A charter
2 school may be formed by creating a new school or converting an
3 existing public school to charter status. A public school
4 shall not use the word "charter" in its name or title unless
5 that school is currently operating under a charter that has
6 been granted pursuant to this section.

7 (2) PURPOSE.--The purpose of charter schools shall be
8 to:

9 (a) Improve student learning.

10 (b) Increase learning opportunities for all students,
11 with special emphasis on expanded learning experiences for
12 students who are identified as academically low achieving.

13 (c) Encourage the use of different and innovative
14 learning methods.

15 (d) Increase choice of learning opportunities for
16 students.

17 (e) Establish a new form of accountability for
18 schools.

19 (f) Require the measurement of learning outcomes and
20 create innovative measurement tools.

21 (g) Make the school the unit for improvement.

22 (h) Create new professional opportunities for
23 teachers, including the opportunity to own the learning
24 program at the school site.

25 (i) Provide rigorous competition within the public
26 school district to stimulate continual improvements in all
27 public schools.

28 (j) Provide additional academic choices for parents
29 and students.

30 (k) Expand the capacity of the public school system.

31 (3) APPLICATION; UNLAWFUL REPRISAL.--

1 (a)1. An application for a new charter school may be
2 made by an individual, teachers, parents, a group of
3 individuals, a municipality, or a legal entity organized under
4 the laws of this state.

5 2. The district school board or the principal,
6 teachers, parents, and/or the school advisory council at an
7 existing public school that has been in operation for at least
8 2 years prior to the application to convert, including a
9 public school-within-a-school that is designated as a school
10 by the district school board, shall submit any application for
11 converting the school to a charter school. An application
12 submitted proposing to convert an existing public school to a
13 charter school shall demonstrate the support of at least 50
14 percent of the teachers employed at the school and 50 percent
15 of the parents voting whose children are enrolled at the
16 school, provided that a majority of the parents eligible to
17 vote participate in the ballot process, according to
18 procedures established by rules of the state board.

19
20 A private school, parochial school, or home education program
21 shall not be eligible for charter school status.

22 (b) No district school board, or district school board
23 employee who has control over personnel actions, shall take
24 unlawful reprisal against another district school board
25 employee because that employee is either directly or
26 indirectly involved with an application to establish a charter
27 school. As used in this subsection, the term "unlawful
28 reprisal" means an action taken by a district school board or
29 a school system employee against an employee who is directly
30 or indirectly involved in a lawful application to establish a
31 charter school, which occurs as a direct result of that

1 involvement, and which results in one or more of the
2 following: disciplinary or corrective action; adverse transfer
3 or reassignment, whether temporary or permanent; suspension,
4 demotion, or dismissal; an unfavorable performance evaluation;
5 a reduction in pay, benefits, or rewards; elimination of the
6 employee's position absent of a reduction in force as a result
7 of lack of moneys or work; or other adverse significant
8 changes in duties or responsibilities that are inconsistent
9 with the employee's salary or employment classification. The
10 following procedures shall apply to an alleged unlawful
11 reprisal which occurs as a consequence of an employee's direct
12 or indirect involvement with an application to establish a
13 charter school:

14 1. Within 60 days after a reprisal prohibited by this
15 subsection, an employee may file a complaint with the
16 Department of Education.

17 2. Within 3 working days after receiving a complaint
18 under this section, the department shall acknowledge receipt
19 of the complaint and provide copies of the complaint and any
20 other relevant preliminary information available to each of
21 the other parties named in the complaint, which parties shall
22 each acknowledge receipt of such copies to the complainant.

23 3. If the department determines that the complaint
24 demonstrates reasonable cause to suspect that an unlawful
25 reprisal has occurred, the department shall conduct an
26 investigation to produce a fact-finding report.

27 4. Within 90 days after receiving the complaint, the
28 department shall provide the superintendent of schools of the
29 complainant's district and the complainant with a fact-finding
30 report that may include recommendations to the parties or
31 proposed resolution of the complaint. The fact-finding report

1 shall be presumed admissible in any subsequent or related
2 administrative or judicial review.

3 5. If the department determines that reasonable
4 grounds exist to believe that an unlawful reprisal has
5 occurred, is occurring, or is to be taken, and is unable to
6 conciliate a complaint within 60 days after receipt of the
7 fact-finding report, the department shall terminate the
8 investigation. Upon termination of any investigation, the
9 department shall notify the complainant and the superintendent
10 of schools of the termination of the investigation, providing
11 a summary of relevant facts found during the investigation and
12 the reasons for terminating the investigation. A written
13 statement under this paragraph is presumed admissible as
14 evidence in any judicial or administrative proceeding.

15 6. The department shall either contract with the
16 Division of Administrative Hearings under s. 120.65, or
17 otherwise provide for a complaint for which the department
18 determines reasonable grounds exist to believe that an
19 unlawful reprisal has occurred, is occurring, or is to be
20 taken, and is unable to conciliate, to be heard by a panel of
21 impartial persons. Upon hearing the complaint, the panel must
22 make findings of fact and conclusions of law for a final
23 decision by the department.

24
25 It shall be an affirmative defense to any action brought
26 pursuant to this section that the adverse action was
27 predicated upon grounds other than, and would have been taken
28 absent, the employee's exercise of rights protected by this
29 section.

30 (c) In any action brought under this section for which
31 it is determined reasonable grounds exist to believe that an

1 unlawful reprisal has occurred, is occurring, or is to be
2 taken, the relief must include the following:
3 1. Reinstatement of the employee to the same position
4 held before the unlawful reprisal was commenced, or to an
5 equivalent position, or payment of reasonable front pay as
6 alternative relief.
7 2. Reinstatement of the employee's full fringe
8 benefits and seniority rights, as appropriate.
9 3. Compensation, if appropriate, for lost wages,
10 benefits, or other lost remuneration caused by the unlawful
11 reprisal.
12 4. Payment of reasonable costs, including attorney's
13 fees, to a substantially prevailing employee, or to the
14 prevailing employer if the employee filed a frivolous action
15 in bad faith.
16 5. Issuance of an injunction, if appropriate, by a
17 court of competent jurisdiction.
18 6. Temporary reinstatement to the employee's former
19 position or to an equivalent position, pending the final
20 outcome on the complaint, if it is determined that the action
21 was not made in bad faith or for a wrongful purpose, and did
22 not occur after a district school board's initiation of a
23 personnel action against the employee which includes
24 documentation of the employee's violation of a disciplinary
25 standard or performance deficiency.
26 (4) SPONSOR.--A district school board may sponsor a
27 charter school in the county over which the board has
28 jurisdiction.
29 (a) A district school board shall receive and review
30 all applications for a charter school. A district school board
31 shall receive and consider charter school applications

1 received on or before October 1 of each calendar year for
2 charter schools to be opened at the beginning of the school
3 district's next school year, or to be opened at a time agreed
4 to by the applicant and the district school board. A district
5 school board may receive applications later than this date if
6 it chooses. No potential sponsor may charge a charter school
7 applicant any fee related to the processing or consideration
8 of the charter school application, nor shall the promise of
9 future payment of any kind be a condition of the consideration
10 or approval of a charter school application.

11 1. In order to facilitate an accurate budget
12 projection process, a district school board shall be held
13 harmless for FTE students which are not included in the FTE
14 projection due to approval of charter school applications
15 after the FTE projection deadline. In a further effort to
16 facilitate an accurate budget projection, within 15 calendar
17 days after receipt of a charter school application, a district
18 school board or other sponsor shall report to the Department
19 of Education the name of the applicant entity, the proposed
20 charter school location, and its projected FTE.

21 2. A district school board must by a majority vote
22 approve or deny an application no later than 60 calendar days
23 after the application is received, unless the district school
24 board and the applicant mutually agree to temporarily postpone
25 the vote to a specific date, at which time the district school
26 board must by a majority vote approve or deny the application.
27 If the district school board fails to act on the application,
28 an applicant may appeal to the State Board of Education as
29 provided in paragraph (b). If an application is denied, the
30 district school board must, within 10 calendar days,
31

1 articulate in writing the specific reasons based upon good
2 cause supporting its denial of the charter application.

3 3. For budget projection purposes, the district school
4 board or other sponsor shall report to the department the
5 approval or denial of a charter application within 10 calendar
6 days after such approval or denial. In the event of approval,
7 the report to the department must include the final projected
8 FTE for the approved charter school.

9 4. Upon approval of a charter application, the initial
10 startup must commence ~~be~~ consistent with the beginning of the
11 public school calendar for the district in which the charter
12 is granted unless the district school board allows a waiver of
13 this provision for good cause.

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

1 calendar days after receipt of notice of specific reasons for
2 ~~the~~ school board denial of the charter application. The state
3 board shall remand the application to the district school
4 board with its written recommendation that the district board
5 approve or deny the application consistent with the state
6 board's decision. The decision of the State Board of Education
7 is not subject to the provisions of the Administrative
8 Procedure Act, chapter 120.

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

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

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

31

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. The Department of Education
11 shall provide mediation services for any dispute regarding
12 this section subsequent to the approval of a charter
13 application and any dispute relating to the approved charter,
14 but is not required to provide mediation services for ~~except~~
15 disputes regarding charter school application denials. If the
16 Commissioner of Education determines that the dispute cannot
17 be settled through mediation, the dispute may be appealed to
18 an administrative law judge appointed by the Division of
19 Administrative Hearings. The administrative law judge may rule
20 on issues of equitable treatment of the charter school as a
21 public school, whether proposed provisions of the charter
22 violate the intended flexibility granted charter schools by
23 statute, or on any other matter regarding this section except
24 a charter school application denial, and shall award the
25 prevailing party reasonable attorney's fees and costs incurred
26 to be paid by the losing party. The costs of the
27 administrative hearing shall be paid by the party whom the
28 administrative law judge rules against.

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

1 (h) The sponsor shall monitor the revenues and
2 expenditures of the charter school.

3 (5) CHARTER SCHOOL COOPERATIVES.--Charter schools may
4 enter into cooperative agreements to form charter school
5 cooperative organizations which may provide the following
6 services: charter school planning and development, direct
7 instructional services, contracts with charter school
8 governing boards to provide personnel administrative services,
9 payroll services, human resource management, evaluation and
10 assessment services, teacher preparation, and professional
11 development.

12 ~~(5) NUMBER OF SCHOOLS.--~~

13 ~~(a) The number of newly created charter schools is~~
14 ~~limited to no more than 28 in each school district that has~~
15 ~~100,000 or more students, no more than 20 in each school~~
16 ~~district that has 50,000 to 99,999 students, and no more than~~
17 ~~12 in each school district with fewer than 50,000 students.~~

18 ~~(b) An existing public school which converts to a~~
19 ~~charter school shall not be counted towards the limit~~
20 ~~established by paragraph (a).~~

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

27 (6) ELIGIBLE STUDENTS.--

28 (a) A charter school shall be open to any student
29 covered in an interdistrict agreement or residing in the
30 school district in which the charter school is located;
31 however, in the case of a developmental research school

1 created under s. 228.053 to which a charter has been issued
2 under paragraph (4)(e), the charter school shall be open to
3 any student eligible to attend the developmental research
4 school as provided in s. 228.053 or who resides in the school
5 district in which the charter school is located. Any eligible
6 student shall be allowed interdistrict transfer to attend a
7 charter school when based on good cause. When a public school
8 converts to charter status, enrollment preference shall be
9 given to students who would have otherwise attended that
10 public school. A charter school may give enrollment preference
11 to a sibling of a student enrolled in the charter school, to
12 the child of a member of the governing board of the charter
13 school, or to the child of an employee of the charter school.

14 (b) The charter school shall enroll an eligible
15 student who submits a timely application, unless the number of
16 applications exceeds the capacity of a program, class, grade
17 level, or building. In such case, all applicants shall have an
18 equal chance of being admitted through a random selection
19 process.

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

22 1. Students within specific age groups or grade
23 levels.

24 2. Students considered at risk of dropping out of
25 school or academic failure. Such students shall include
26 exceptional education students.

27 3. Students enrolling in a charter
28 school-in-the-workplace established pursuant to subsection
29 (22).

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

1 students shall be subject to a random lottery and to the
2 racial/ethnic balance provisions described in subparagraph
3 (9)(a)8. or any federal provisions which require a school to
4 achieve a racial/ethnic balance reflective of the community it
5 serves or within the racial/ethnic range of other public
6 schools in the same school district.

7 5. Students who meet reasonable academic, artistic, or
8 other eligibility standards established by the charter school
9 and included in the charter school application and charter.
10 Such standards must be in accordance with current state law
11 and practice in public schools and may not discriminate
12 against otherwise qualified individuals based on disability or
13 limited English proficiency.

14 (d) A student may withdraw from a charter school at
15 any time and enroll in another public school as determined by
16 school board policy.

17 (e) Students with handicapping conditions and students
18 served in English for Speakers of Other Languages programs
19 shall have an equal opportunity of being selected for
20 enrollment in a charter school.

21 (f) The capacity of the charter school shall be
22 determined annually by the charter school's governing board
23 based on consideration of the factors included in paragraphs
24 (b) and (c).

25 (7) LEGAL ENTITY.--A charter school shall organize as,
26 or be operated by, a nonprofit organization. A charter school
27 may be operated by a municipality or other public entity as
28 provided for by law. As such, the charter school may be either
29 a private or a public employer. As a public employer, a
30 charter school may participate in the Florida Retirement
31 System upon application and approval as a "covered group"

1 under s. 121.021(34). If a charter school participates in the
2 Florida Retirement System, the charter school employees shall
3 be compulsory members of the Florida Retirement System. As
4 either a private or a public employer, a charter school may
5 contract for services with an individual or group of
6 individuals who are organized as a partnership or a
7 cooperative. Individuals or groups of individuals who contract
8 their services to the charter school are not public employees.

9 (8) REQUIREMENTS.--

10 (a) A charter school shall be nonsectarian in its
11 programs, admission policies, employment practices, and
12 operations.

13 (b) A charter school shall admit students as provided
14 in subsection (6).

15 (c) A charter school shall be accountable to its
16 sponsor for performance as provided in subsection (9).

17 (d) A charter school shall not charge tuition or fees,
18 except those fees normally charged by other public schools.
19 However, a developmental research school to which a charter
20 has been issued pursuant to paragraph (4)(e) may charge a
21 student activity and service fee as authorized by s.
22 228.053(5).

23 (e) A charter school shall meet all applicable state
24 and local health, safety, and civil rights requirements.

25 (f) A charter school shall not violate the
26 antidiscrimination provisions of s. 228.2001.

27 (g) A charter school shall be subject to an annual
28 financial audit in a manner similar to that of a school
29 district.

30 (h) No organization shall hold more than 15 charters
31 statewide.

1 (i) In order to provide financial information that is
2 comparable to that reported for other public schools, charter
3 schools are to maintain all financial records which constitute
4 their accounting system:

5 1. In accordance with the accounts and codes
6 prescribed in the most recent issuance of the publication
7 titled "Financial and Program Cost Accounting and Reporting
8 for Florida Schools," or

9 2. At the discretion of the charter school governing
10 board, a charter school may elect to follow generally accepted
11 accounting principles for not-for-profit organizations.

12
13 Charter schools are to provide annual financial report and
14 program cost report information in the state-required formats
15 for inclusion in district reporting in compliance with s.
16 236.02(1). Charter schools which are operated by a
17 municipality or are a component unit of a parent nonprofit
18 organization may use the accounting system of the municipality
19 or the parent, but must reformat this information for
20 reporting according to this paragraph.

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

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

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

30
31

- 1 2. The focus of the curriculum, the instructional
2 methods to be used, and any distinctive instructional
3 techniques to be employed.
- 4 3. The current incoming baseline standard of student
5 academic achievement, the outcomes to be achieved, and the
6 method of measurement that will be used. This section shall
7 include a detailed description for each of the following:
- 8 a. How the baseline student academic achievement
9 levels and prior rates of academic progress will be
10 established.
- 11 b. How these baseline rates will be compared to rates
12 of academic progress achieved by these same students while
13 attending the charter school.
- 14 c. To the extent possible, how these rates of progress
15 will be evaluated and compared with rates of progress of other
16 closely comparable student populations.
- 17 4. The methods used to identify the educational
18 strengths and needs of students and how well educational goals
19 and performance standards are met by students attending the
20 charter school. Students in charter schools shall, at a
21 minimum, participate in the statewide assessment program.
- 22 5. In secondary charter schools, a method for
23 determining that a student has satisfied the requirements for
24 graduation in s. 232.246.
- 25 6. A method for resolving conflicts between the
26 governing body of the charter school and the sponsor.
- 27 7. The admissions procedures and dismissal procedures,
28 including the school's code of student conduct.
- 29 8. The ways by which the school will achieve a
30 racial/ethnic balance reflective of the community it serves or
31

1 within the racial/ethnic range of other public schools in the
2 same school district.

3 9. The financial and administrative management of the
4 school, including a reasonable demonstration of the
5 professional experience or competence of those individuals or
6 organizations applying to operate the charter school or those
7 hired or retained to perform such professional services. Both
8 public sector and private sector professional experience shall
9 be equally valid in such a consideration.

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

14 11. The term of the charter which shall provide for
15 cancellation of the charter if insufficient progress has been
16 made in attaining the student achievement objectives of the
17 charter and if it is not likely that such objectives can be
18 achieved before expiration of the charter. The initial term of
19 a charter shall be for 3, 4, or 5 years. In order to
20 facilitate access to long-term financial resources for charter
21 school construction, charter schools that are operated by a
22 municipality or other public entity as provided by law are
23 eligible for up to a 15-year charter, subject to approval by
24 the local school board. A developmental research school is
25 eligible for a charter for a term of up to 15 years issued by
26 a state university pursuant to paragraph (4)(e). In addition,
27 to facilitate access to long-term financial resources for
28 charter school construction, charter schools that are operated
29 by a private, not-for-profit, s. 501(c)(3) status corporation
30 are eligible for up to a 10-year charter, subject to approval
31 by the local school board. Such long-term charters remain

1 subject to annual review and may be terminated during the term
2 of the charter, but only for specific good cause according to
3 the provisions set forth in subsection (10).

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

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

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

9 15. A timetable for implementing the charter which
10 addresses the implementation of each element thereof and the
11 date by which the charter shall be awarded in order to meet
12 this timetable.

13 16. In the case of an existing public school being
14 converted to charter status, alternative arrangements for
15 current students who choose not to attend the charter school
16 and for current teachers who choose not to teach in the
17 charter school after conversion in accordance with the
18 existing collective bargaining agreement or school board
19 policy in the absence of a collective bargaining agreement.
20 However, alternative arrangements shall not be required for
21 current teachers who choose not to teach in a developmental
22 research school to which a charter has been issued pursuant to
23 paragraph (4)(e), except as authorized by the employment
24 policies of the state university which grants the charter to
25 the developmental research school.

26 (b) A charter may be renewed every 5 school years,
27 provided that a program review demonstrates that the criteria
28 in paragraph (a) have been successfully accomplished and that
29 none of the grounds for nonrenewal established by paragraph
30 (10)(a) have been documented. In order to facilitate long-term
31 financing for charter school construction, charter schools

1 operating for a minimum of 2 years and demonstrating exemplary
2 academic programming and fiscal management are eligible for a
3 15-year charter renewal. Such long-term charter is subject to
4 annual review and may be terminated during the term of the
5 charter.

6 (c) A charter may be modified during its initial term
7 or any renewal term upon the recommendation of the sponsor or
8 the charter school governing board and the approval of both
9 parties to the agreement.

10 (d) The governing body of the charter school shall
11 make annual progress reports to its sponsor, which upon
12 verification shall be forwarded to the Commissioner of
13 Education at the same time as other annual school
14 accountability reports. The report shall contain at least the
15 following information:

16 1. The charter school's progress towards achieving the
17 goals outlined in its charter.

18 2. The information required in the annual school
19 report pursuant to s. 229.592.

20 3. Financial records of the charter school, including
21 revenues and expenditures.

22 4. Salary and benefit levels of charter school
23 employees.

24 (e) A sponsor shall ensure that the charter is
25 innovative and consistent with the state education goals
26 established by s. 229.591.

27 (f) Upon receipt of the annual report required by
28 paragraph (d), the Department of Education shall provide to
29 the State Board of Education, the Commissioner of Education,
30 the President of the Senate, and the Speaker of the House of
31 Representatives an analysis and comparison of the overall

1 performance of charter school students, to include all
2 students whose scores are counted as part of the state
3 assessment program, versus comparable public school students
4 in the district as determined by the state assessment program
5 currently administered in the school district, and, as
6 appropriate, the Florida Writes Assessment Test, the High
7 School Competency Test, and other assessments administered
8 pursuant to s. 229.57(3).

9 (g) Whenever a municipality has submitted charter
10 applications for the establishment of a charter school feeder
11 pattern (elementary, middle, and senior high schools), and
12 upon approval of each individual charter application by the
13 district school board, such applications will then be
14 designated as one charter for all purposes listed pursuant to
15 this section.

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

17 (a) At the end of the term of a charter, the sponsor
18 may choose not to renew the charter for any of the following
19 grounds:

20 1. Failure to meet the requirements for student
21 performance stated in the charter.

22 2. Failure to meet generally accepted standards of
23 fiscal management.

24 3. Violation of law.

25 4. Other good cause shown.

26 (b) During the term of a charter, the sponsor may
27 terminate the charter for any of the grounds listed in
28 paragraph (a).

29 (c) At least 90 days prior to renewing or terminating
30 a charter, the sponsor shall notify the governing body of the
31 school of the proposed action in writing. The notice shall

1 state in reasonable detail the grounds for the proposed action
2 and stipulate that the school's governing body may, within 14
3 calendar days after receiving the notice, request an informal
4 hearing before the sponsor. The sponsor shall conduct the
5 informal hearing within 30 calendar days after receiving a
6 written request. The charter school's governing body may,
7 within 14 calendar days after receiving the sponsor's decision
8 to terminate or refuse to renew the charter, appeal the
9 decision pursuant to the procedure established in subsection
10 (4).

11 (d) A charter may be terminated immediately if the
12 sponsor determines that good cause has been shown or if the
13 health, safety, or welfare of the students is threatened. The
14 school district in which the charter school is located shall
15 assume operation of the school under these circumstances. The
16 charter school's governing body may, within 14 days after
17 receiving the sponsor's decision to terminate the charter,
18 appeal the decision pursuant to the procedure established in
19 subsection (4).

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

30 (f) If a charter is not renewed or is terminated, the
31 charter governing body of the school is responsible for all

1 debts of the charter school. The district may not assume the
2 debt from any contract for services made between the governing
3 body of the school and a third party, except for a debt that
4 is previously detailed and agreed upon in writing by both the
5 district and the governing body of the school and that may not
6 reasonably be assumed to have been satisfied by the district.

7 (g) If a charter is not renewed or is terminated, a
8 student who attended the school may apply to, and shall be
9 enrolled in, another public school. Normal application
10 deadlines shall be disregarded under such circumstances.

11 (11) EXEMPTION FROM STATUTES.--A charter school shall
12 operate in accordance with its charter and shall be exempt
13 from all statutes of the Florida School Code, except those
14 specifically applying to charter schools; those pertaining to
15 the provision of services to students with disabilities; those
16 pertaining to civil rights, including s. 228.2001, relating to
17 discrimination; and those pertaining to student health,
18 safety, and welfare; or as otherwise required by this section.
19 A charter school shall not be exempt from the following
20 statutes: chapter 119, relating to public records, and s.
21 286.011, relating to public meetings and records, public
22 inspection, and penalties. The charter school governing board
23 ~~sponsor, upon request of a charter school,~~ may apply to the
24 Commissioner of Education for a waiver of provisions of
25 chapters 230-239 which are applicable to charter schools under
26 this section, except that the provisions of chapter 236 or
27 chapter 237 shall not be eligible for waiver if the waiver
28 would affect funding allocations or create inequity in public
29 school funding. The commissioner must confirm receipt of a
30 waiver request from a charter school by providing a copy of
31 the request to the sponsor.The commissioner may grant the

1 waiver if necessary to implement the school program, and shall
2 provide notice of the final dispensation of the waiver request
3 to the charter school governing board and the charter school's
4 sponsor.

5 (12) EMPLOYEES OF CHARTER SCHOOLS.--

6 (a) A charter school shall select its own employees. A
7 charter school may contract with its sponsor for the services
8 of personnel employed by the sponsor.

9 (b) Charter school employees shall have the option to
10 bargain collectively. Employees may collectively bargain as a
11 separate unit or as part of the existing district collective
12 bargaining unit as determined by the structure of the charter
13 school.

14 (c) The employees of a conversion charter school shall
15 remain public employees for all purposes, unless such
16 employees choose not to do so.

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

23 (e) Employees of a school district may take leave to
24 accept employment in a charter school upon the approval of the
25 district school board. While employed by the charter school
26 and on leave that is approved by the school board, the
27 employee may retain seniority accrued in that school district
28 and may continue to be covered by the benefit programs of that
29 school district, if the charter school and the district school
30 board agree to this arrangement and its financing. School
31 districts shall not require resignations of teachers desiring

1 to teach in a charter school. This paragraph shall not
2 prohibit a school board from approving alternative leave
3 arrangements consistent with chapter 231.

4 (f) Except as otherwise provided by law, teachers
5 employed by or under contract to a charter school shall be
6 certified as required by chapter 231. A charter school
7 governing board may employ or contract with skilled selected
8 noncertified personnel to provide instructional services or to
9 assist instructional staff members as education
10 paraprofessionals in the same manner as defined in chapter
11 231, ~~and~~ as provided by the governing board's procedures or
12 policies pursuant to State Board of Education rule for charter
13 school governing boards. The charter school governing board
14 must evaluate the qualifications of, and may approve the
15 provision of instructional services by, certified teachers who
16 are teaching out-of-field. A charter school may not knowingly
17 employ an individual to provide instructional services or to
18 serve as an education paraprofessional if the individual's
19 certification or licensure as an educator is suspended or
20 revoked by this or any other state. A charter school may not
21 knowingly employ an individual who has resigned from a school
22 district in lieu of disciplinary action with respect to child
23 welfare or safety, or who has been dismissed for just cause by
24 any school district with respect to child welfare or safety.
25 The qualifications of teachers shall be disclosed to parents.

26 (g) A charter school shall employ or contract with
27 employees who have been fingerprinted as provided in s.
28 231.02. Members of the governing board of the charter school
29 shall also be fingerprinted in a manner similar to that
30 provided in s. 231.02.

31

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

7 (a) Each charter school shall report its student
8 enrollment to the district school board as required in s.
9 236.081, and in accordance with the definitions in s. 236.013.
10 The district school board shall include each charter school's
11 enrollment in the district's report of student enrollment.

12 (b) The basis for the agreement for funding students
13 enrolled in a charter school shall be the sum of the school
14 district's operating funds from the Florida Education Finance
15 Program as provided in s. 236.081 and the General
16 Appropriations Act, including gross state and local funds,
17 discretionary lottery funds, and funds from the school
18 district's current operating discretionary millage levy;
19 divided by total funded weighted full-time equivalent students
20 in the school district; multiplied by the weighted full-time
21 equivalent students for the charter school. Charter schools
22 whose students or programs meet the eligibility criteria in
23 law shall be entitled to their proportionate share of
24 categorical program funds included in the total funds
25 available in the Florida Education Finance Program by the
26 Legislature, including transportation. Total funding for each
27 charter school will be recalculated during the year to reflect
28 the revised calculations under the Florida Education Finance
29 Program by the state and the actual weighted full-time
30 equivalent students reported by the charter school during the
31

1 full-time equivalent student survey periods designated by the
2 Commissioner of Education.

3 (c) Transportation of charter school students shall be
4 provided by the charter school consistent with the
5 requirements of chapter 234. The governing body of the charter
6 school may provide transportation through an agreement or
7 contract with the district school board, a private provider,
8 or parents. The charter school and the sponsor shall cooperate
9 in making arrangements that ensure that transportation is not
10 a barrier to equal access for all students residing within a
11 reasonable distance of the charter school as determined in its
12 charter.

13 (d) If the district school board is providing programs
14 or services to students funded by federal funds, any eligible
15 students enrolled in charter schools in the school district
16 shall be provided federal funds for the same level of service
17 provided students in the schools operated by the district
18 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
19 10306, all charter schools shall receive all federal funding
20 for which the school is otherwise eligible, including Title I
21 funding, not later than 5 months after the charter school
22 first opens and within 5 months after any subsequent expansion
23 of enrollment.

24 (e) Any administrative fee charged by the school
25 district relating to a charter school shall be limited to 5
26 percent of the available funds as defined in paragraph (b),
27 not including capital outlay funds, federal and state grants,
28 or any other funds, unless explicitly provided by law. The
29 sponsor shall provide certain administrative and educational
30 services to charter schools at no additional fee. These
31 services shall include contract management services, FTE and

1 data reporting, exceptional student education administration,
2 test administration, processing of teacher certificate data,
3 and information services.

4 (f) School boards shall make every effort to ensure
5 that charter schools receive timely and efficient
6 reimbursement, including processing paperwork required to
7 access special state and federal funding for which they may be
8 eligible. The district school board may distribute funds to a
9 charter school for up to 3 months based on the projected
10 full-time equivalent student membership of the charter school.
11 Thereafter, the results of full-time equivalent student
12 membership surveys must be used in adjusting the amount of
13 funds distributed monthly to the charter school for the
14 remainder of the fiscal year. The payment shall be issued no
15 later than 10 working days after the district school board
16 receives a distribution of state or federal funds. If a
17 warrant for payment is not issued within 30 working days after
18 receipt of funding by the district school board, the school
19 district shall pay to the charter school, in addition to the
20 amount of the scheduled disbursement, interest at a rate of 1
21 percent per month calculated on a daily basis on the unpaid
22 balance from the expiration of the 30-day period until such
23 time as the warrant is issued.

24 (g) If a district school board facility or property is
25 available because it is surplus, marked for disposal, or
26 otherwise unused, it shall be provided for a charter school's
27 use on the same basis as it is made available to other public
28 schools in the district. A charter school receiving property
29 from the school district may not sell or dispose of such
30 property without written permission of the school district.
31 Similarly, for an existing public school converting to charter

1 status, no rental or leasing fee for the existing facility or
2 for the property normally inventoried to the conversion school
3 may be charged by the district school board to the parents and
4 teachers organizing the charter school. The charter organizers
5 shall agree to reasonable maintenance provisions in order to
6 maintain the facility in a manner similar to district school
7 board standards.

8 (h) If other goods and services are made available to
9 the charter school through the contract with the school
10 district, they shall be provided to the charter school at a
11 rate no greater than the district's actual cost. To maximize
12 the use of state funds, school districts shall allow charter
13 schools to participate in the sponsor's bulk purchasing
14 program if applicable.

15 (14) IMMUNITY.--For the purposes of tort liability,
16 the governing body and employees of a charter school shall be
17 governed by s. 768.28.

18 (15) LENGTH OF SCHOOL YEAR.--A charter school shall
19 provide instruction for at least the number of days required
20 by law for other public schools, and may provide instruction
21 for additional days.

22 (16) FACILITIES.--

23 (a) A charter school shall utilize facilities which
24 comply with the State Uniform Building Code for Public
25 Educational Facilities Construction adopted pursuant to s.
26 235.26 or with applicable state minimum building codes
27 pursuant to chapter 553 and state minimum fire protection
28 codes pursuant to s. 633.025, as adopted by the authority in
29 whose jurisdiction the facility is located.

30 (b) Any facility, or portion thereof, used to house a
31 charter school whose charter has been approved by the sponsor

1 and the governing board, pursuant to subsection (9), shall be
2 exempt from ad valorem taxes pursuant to s. 196.1983.

3 (c) After January 1, 2001, charter school facilities
4 shall utilize facilities which comply with the Florida
5 Building Code, pursuant to chapter 553, and the Florida Fire
6 Prevention Code, pursuant to chapter 633.

7 (17) INITIAL COSTS.--A sponsor may approve a charter
8 for a charter school before the applicant has secured space,
9 equipment, or personnel, if the applicant indicates approval
10 is necessary for it to raise working capital.

11 (18) INFORMATION.--The Department of Education shall
12 provide information to the public, directly and through
13 sponsors, both on how to form and operate a charter school and
14 on how to enroll in charter schools once they are created.
15 This information shall include a standard application format
16 which shall include the information specified in subsection
17 (9). This application format may be used by chartering
18 entities.

19 (19) GENERAL AUTHORITY.--A charter school shall not
20 levy taxes or issue bonds secured by tax revenues.

21 (20) REVIEW.--

22 (a) The Department of Education shall regularly
23 convene a Charter School Review Panel in order to review
24 issues, practices, and policies regarding charter schools. The
25 composition of the review panel shall include individuals with
26 experience in finance, administration, law, education, and
27 school governance, and individuals familiar with charter
28 school construction and operation. The panel shall include two
29 appointees each from the Commissioner of Education, the
30 President of the Senate, and the Speaker of the House of
31 Representatives. The Governor shall appoint three members of

1 the panel and shall designate the chair. Each member of the
2 panel shall serve a 1-year term, unless renewed by the office
3 making the appointment. The panel shall make recommendations
4 to the Legislature, to the Department of Education, to charter
5 schools, and to school districts for improving charter school
6 operations and oversight and for ensuring best business
7 practices at and fair business relationships with charter
8 schools.

9 (b) The Legislature shall review the operation of
10 charter schools during the 2005 Regular Session of the
11 Legislature.

12 (21) RULEMAKING.--The Department of Education, after
13 consultation with school districts and charter school
14 directors, shall recommend that the State Board of Education
15 adopt rules to implement specific subsections of this section.
16 Such rules shall require minimum paperwork and shall not limit
17 charter school flexibility authorized by statute.

18 (22) CHARTER SCHOOLS-IN-THE-WORKPLACE.--

19 (a) In order to increase business partnerships in
20 education, to reduce school and classroom overcrowding
21 throughout the state, and to offset the high costs for
22 educational facilities construction, the Legislature intends
23 to encourage the formation of business partnership schools or
24 satellite learning centers through charter school status.

25 (b) A charter school-in-the-workplace may be
26 established when a business partner, an employer, or a
27 consortium of business partners or employers provides the
28 school facility to be used; enrolls students based upon a
29 random lottery which involves all of the children of employees
30 of that business or corporation who are seeking enrollment, as
31 provided for in subsection (6); and enrolls students according

1 to the racial/ethnic balance provisions described in
2 subparagraph (9)(a)8. Any portion of a facility used for a
3 public charter school shall be exempt from ad valorem taxes,
4 as provided for in s. 235.198, for the duration of its use as
5 a public school.

6 Section 2. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

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11 Prohibits a public school from using the word "charter"
12 in its name unless it is currently operating under a
13 charter that has been granted pursuant to s. 228.056,
14 Florida Statutes. Provides additional purposes of charter
15 schools. Requires a public school to have been in
16 operation for at least 2 years prior to application to
17 convert to charter school status. Prohibits a sponsor
18 from charging a fee related to the consideration of a
19 charter school application. Prohibits the consideration
20 or approval of a charter school application from being
21 contingent on the promise of future payment of any kind.
22 Clarifies provisions relating to appeals of denial of
23 charter school applications. Deletes provisions relating
24 to failure to act in accordance with the recommendation
25 of the State Board of Education regarding a charter
26 school application. Requires the Department of Education
27 to provide mediation for any dispute relating to an
28 approved charter. Deletes a cap on the number of newly
29 created charter schools. Authorizes the establishment of
30 reasonable academic, artistic, or other standards as a
31 condition for eligibility. Requires the capacity of a
charter school to be annually determined by the charter
school's governing body based on certain factors. Allows
required financial records to follow generally accepted
accounting principles for not-for-profit organizations.
Provides for appeal of a sponsor's decision to terminate
a charter. Provides for a charter school governing board
to request a waiver of statutes directly from the
commissioner, rather than through the sponsor. Provides
for notice of receipt and final disposition of such
request. Provides requirements relating to teachers
teaching out-of-field. Stipulates that a charter school
may not "knowingly" employ an individual whose
certification has been revoked by this or any other
state. Prohibits a sponsor from withholding an
administrative fee from certain funds. Clarifies the term
"information services" for purposes of charter school
administrative fees. Authorizes the establishment of a
charter school-in-the-workplace by a consortium of
business partners or employers.

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