

By the Committee on Education Innovation and  
Representatives Arza, Atwater, Kallinger and Fiorentino

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; requiring a school board to provide  
12          notice of denial to charter school applicant in  
13          writing; prohibiting a sponsor from charging a  
14          fee related to the consideration of a charter  
15          school application; prohibiting the  
16          consideration or approval of a charter school  
17          application from being contingent on the  
18          promise of future payment of any kind;  
19          clarifying provisions relating to appeals of  
20          denial of charter school applications; deleting  
21          provisions relating to failure to act in  
22          accordance with the recommendation of the State  
23          Board of Education regarding a charter school  
24          application; exempting a charter school from a  
25          sponsor's policies; authorizing charter school  
26          cooperatives; deleting a cap on the number of  
27          newly created charter schools; authorizing  
28          students in a charter school-in-a-development  
29          or charter school-in-a-municipality as a  
30          condition of eligibility; authorizing students  
31          articulating from one charter school to another

1 as a condition of eligibility; authorizing the  
2 establishment of reasonable academic, artistic,  
3 or other standards as a condition for  
4 eligibility; requiring the capacity of a  
5 charter school to be annually determined by the  
6 charter school's governing body based on  
7 certain factors; allowing required financial  
8 records to follow accounting principles for  
9 not-for-profit organizations; requiring a  
10 charter to address the identification and  
11 acquisition of appropriate technologies;  
12 requiring a charter to address how a school  
13 board shall provide academic student  
14 performance data to charter schools; requiring  
15 a charter to address means for ensuring  
16 accountability; requiring a charter to address  
17 a description of delineated responsibilities  
18 needed to effectively manage the charter  
19 school; requiring a charter to address  
20 procedures that identify risks and provide an  
21 approach to remove the impact of losses;  
22 requiring a charter to include a financial plan  
23 for the facilities to be used; requiring a  
24 charter to address the strategies used to  
25 recruit qualified staff; requiring the  
26 governing body to exercise continuing oversight  
27 over charter school operations; providing for  
28 appeal of a sponsor's decision to terminate a  
29 charter; providing for a charter school  
30 governing board to request a waiver of statutes  
31 directly from the commissioner, rather than

1 through the sponsor; providing for notice of  
2 receipt and final disposition of such request;  
3 stipulating that a charter school may not  
4 knowingly employ an individual whose  
5 certification has been revoked by this or any  
6 other state; requiring student enrollment  
7 report to be submitted in a certain format;  
8 prohibiting a sponsor from withholding an  
9 administrative fee from certain funds;  
10 requiring PECO maintenance funds to remain with  
11 a conversion charter school; authorizing the  
12 establishment of a charter  
13 school-in-a-development and a charter  
14 school-in-a-municipality; amending s. 228.0561,  
15 F.S.; deleting current capital outlay  
16 distribution methods; requiring the Department  
17 of Education to distribute capital outlay funds  
18 on a monthly basis; amending s. 228.058, F.S.;  
19 requiring public schools in a charter school  
20 district to vote by a time certain to convert  
21 to a charter school; amending s. 232.425, F.S.;  
22 authorizing charter school students to  
23 participate at the public school to which the  
24 student would be assigned in any  
25 interscholastic extracurricular activity of  
26 that school; providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Section 228.056, Florida Statutes, is  
31 amended to read:

1           228.056 Charter schools.--  
2           (1) AUTHORIZATION.--The creation of charter schools is  
3 hereby authorized. Charter schools shall be part of the  
4 state's program of public education. All charter schools in  
5 Florida are fully recognized as public schools. A charter  
6 school may be formed by creating a new school or converting an  
7 existing public school to charter status. A public school  
8 shall not use the word "charter" in its name or title unless  
9 that school is currently operating under a charter that has  
10 been granted pursuant to this section.  
11           (2) PURPOSE.--The purpose of charter schools shall be  
12 to:  
13           (a) Improve student learning.  
14           (b) Increase learning opportunities for all students,  
15 with special emphasis on expanded learning experiences for  
16 students who are identified as academically low achieving.  
17           (c) Encourage the use of different and innovative  
18 learning methods.  
19           (d) Increase choice of learning opportunities for  
20 students.  
21           (e) Establish a new form of accountability for  
22 schools.  
23           (f) Require the measurement of learning outcomes and  
24 create innovative measurement tools.  
25           (g) Make the school the unit for improvement.  
26           (h) Create new professional opportunities for  
27 teachers, including the opportunity to own the learning  
28 program at the school site.  
29           (i) Provide rigorous competition within the public  
30 school district to stimulate continual improvements in all  
31 public schools.

1           (j) Provide additional academic choices for parents  
2 and students.

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

4           (3) APPLICATION; UNLAWFUL REPRISAL.--

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

9           2. The district school board or the principal,  
10 teachers, parents, and/or the school advisory council at an  
11 existing public school that has been in operation for at least  
12 2 years prior to the application to convert, including a  
13 public school-within-a-school that is designated as a school  
14 by the district school board, shall submit any application for  
15 converting the school to a charter school. An application  
16 submitted proposing to convert an existing public school to a  
17 charter school shall demonstrate the support of at least 50  
18 percent of the teachers employed at the school and 50 percent  
19 of the parents voting whose children are enrolled at the  
20 school, provided that a majority of the parents eligible to  
21 vote participate in the ballot process, according to  
22 procedures established by rules of the state board. A district  
23 school board denying such an application for a conversion  
24 charter school shall provide notice of denial to the  
25 applicants in writing within 30 days. The notice shall specify  
26 the exact reasons for denial and provide documentation  
27 supporting those reasons.

28  
29 A private school, parochial school, or home education program  
30 shall not be eligible for charter school status.

31

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

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

27           2. Within 3 working days after receiving a complaint  
28 under this section, the department shall acknowledge receipt  
29 of the complaint and provide copies of the complaint and any  
30 other relevant preliminary information available to each of  
31

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

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

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

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

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

1 impartial persons. Upon hearing the complaint, the panel must  
2 make findings of fact and conclusions of law for a final  
3 decision by the department.

4  
5 It shall be an affirmative defense to any action brought  
6 pursuant to this section that the adverse action was  
7 predicated upon grounds other than, and would have been taken  
8 absent, the employee's exercise of rights protected by this  
9 section.

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

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

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

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

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

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

29 6. Temporary reinstatement to the employee's former  
30 position or to an equivalent position, pending the final  
31 outcome on the complaint, if it is determined that the action



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

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

9 (a) A district school board shall receive and review  
10 all applications for a charter school. A district school board  
11 shall receive and consider charter school applications  
12 received on or before October 1 of each calendar year for  
13 charter schools to be opened at the beginning of the school  
14 district's next school year, or to be opened at a time agreed  
15 to by the applicant and the district school board. A district  
16 school board may receive applications later than this date if  
17 it chooses. No potential sponsor may charge a charter school  
18 applicant any fee related to the processing or consideration  
19 of the charter school application, nor shall the promise of  
20 future payment of any kind be a condition of the consideration  
21 or approval of a charter school application.

22 1. In order to facilitate an accurate budget  
23 projection process, a district school board shall be held  
24 harmless for FTE students which are not included in the FTE  
25 projection due to approval of charter school applications  
26 after the FTE projection deadline. In a further effort to  
27 facilitate an accurate budget projection, within 15 calendar  
28 days after receipt of a charter school application, a district  
29 school board or other sponsor shall report to the Department  
30 of Education the name of the applicant entity, the proposed  
31 charter school location, and its projected FTE.

1           2. A district school board must by a majority vote  
2 approve or deny an application no later than 60 calendar days  
3 after the application is received, unless the district school  
4 board and the applicant mutually agree to temporarily postpone  
5 the vote to a specific date, at which time the district school  
6 board must by a majority vote approve or deny the application.  
7 If the district school board fails to act on the application,  
8 an applicant may appeal to the State Board of Education as  
9 provided in paragraph (b). If an application is denied, the  
10 district school board must, within 10 calendar days,  
11 articulate in writing the specific reasons based upon good  
12 cause supporting its denial of the charter application.

13           3. For budget projection purposes, the district school  
14 board or other sponsor shall report to the department the  
15 approval or denial of a charter application within 10 calendar  
16 days after such approval or denial. In the event of approval,  
17 the report to the department must include the final projected  
18 FTE for the approved charter school.

19           4. Upon approval of a charter application, the initial  
20 startup must commence ~~be consistent~~ with the beginning of the  
21 public school calendar for the district in which the charter  
22 is granted unless the district school board allows a waiver of  
23 this provision for good cause.

24           (b) An applicant may appeal any denial of that  
25 applicant's application or failure to act on an application to  
26 the State Board of Education no later than 30 calendar days  
27 after receipt of the district school board's decision or  
28 failure to act and shall notify the district school board of  
29 its appeal. Any response of the school board shall be  
30 submitted to the state board within 30 calendar days after  
31 notification of the appeal. The state board must by majority

1 vote accept or reject the decision of the district school  
2 board no later than 60 calendar days after an appeal is filed  
3 in accordance with state board rule. The state board may  
4 reject an appeal submission for failure to comply with  
5 procedural rules governing the appeals process. The rejection  
6 shall describe the submission errors. The appellant may have  
7 up to 15 calendar days from notice of rejection to resubmit an  
8 appeal that meets requirements of rule. An application for  
9 appeal submitted subsequent to such rejection shall be  
10 considered timely if the original appeal was filed within 30  
11 calendar days after receipt of notice of specific reasons for  
12 ~~the~~ school board denial of the charter application. The state  
13 board shall remand the application to the district school  
14 board with its written decision ~~recommendation~~ that the  
15 district board approve or deny the application consistent with  
16 the state board's decision. The decision of the State Board of  
17 Education is not subject to the provisions of the  
18 Administrative Procedure Act, chapter 120.

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

1 ~~recommendation. The district board's action on the state~~  
2 ~~board's recommendation is a final action subject to judicial~~  
3 ~~review.~~

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

6 (e) Paragraph (a) notwithstanding, a state university  
7 may grant a charter to a developmental research school created  
8 under s. 228.053. In considering such charter, the state  
9 university must consult with the district school board of the  
10 county in which the developmental research school is located.  
11 The decision of a state university may be appealed pursuant to  
12 the procedure established in this subsection.

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

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

7 (g) The sponsor shall monitor and review the charter  
8 school in its progress towards the goals established in the  
9 charter.

10 (h) The sponsor shall monitor the revenues and  
11 expenditures of the charter school.

12 (i) A charter school shall be exempt from the  
13 sponsor's policies.

14 (5) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
15 enter into cooperative agreements to form charter school  
16 cooperative organizations which may provide the following  
17 services: charter school planning and development, direct  
18 instructional services, contracts with charter school  
19 governing boards to provide personnel administrative services,  
20 payroll services, human resource management, evaluation and  
21 assessment services, teacher preparation, and professional  
22 development.

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

24 ~~(a) The number of newly created charter schools is~~  
25 ~~limited to no more than 28 in each school district that has~~  
26 ~~100,000 or more students, no more than 20 in each school~~  
27 ~~district that has 50,000 to 99,999 students, and no more than~~  
28 ~~12 in each school district with fewer than 50,000 students.~~

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

1  
2 ~~Notwithstanding any limit established by this subsection, a~~  
3 ~~district school board or a charter school applicant shall have~~  
4 ~~the right to request an increase of the limit on the number of~~  
5 ~~charter schools authorized to be established within the~~  
6 ~~district from the State Board of Education.~~

7 (6) ELIGIBLE STUDENTS.--

8 (a) A charter school shall be open to any student  
9 covered in an interdistrict agreement or residing in the  
10 school district in which the charter school is located;  
11 however, in the case of a developmental research school  
12 created under s. 228.053 to which a charter has been issued  
13 under paragraph (4)(e), the charter school shall be open to  
14 any student eligible to attend the developmental research  
15 school as provided in s. 228.053 or who resides in the school  
16 district in which the charter school is located. Any eligible  
17 student shall be allowed interdistrict transfer to attend a  
18 charter school when based on good cause. When a public school  
19 converts to charter status, enrollment preference shall be  
20 given to students who would have otherwise attended that  
21 public school. A charter school may give enrollment preference  
22 to a sibling of a student enrolled in the charter school, to  
23 the child of a member of the governing board of the charter  
24 school, or to the child of an employee of the charter school.

25 (b) The charter school shall enroll an eligible  
26 student who submits a timely application, unless the number of  
27 applications exceeds the capacity of a program, class, grade  
28 level, or building. In such case, all applicants shall have an  
29 equal chance of being admitted through a random selection  
30 process.

31

- 1           (c) A charter school may limit the enrollment process  
2 only to target the following student populations:
- 3           1. Students within specific age groups or grade  
4 levels.
- 5           2. Students considered at risk of dropping out of  
6 school or academic failure. Such students shall include  
7 exceptional education students.
- 8           3. Students enrolling in a charter  
9 school-in-the-workplace, charter school-in-a-development, or  
10 charter school-in-a-municipality established pursuant to  
11 subsection (22).
- 12           4. Students residing within a reasonable distance of  
13 the charter school, as described in paragraph (13)(c). Such  
14 students shall be subject to a random lottery and to the  
15 racial/ethnic balance provisions described in subparagraph  
16 (9)(a)8. or any federal provisions which require a school to  
17 achieve a racial/ethnic balance reflective of the community it  
18 serves or within the racial/ethnic range of other public  
19 schools in the same school district.
- 20           5. Students who meet reasonable academic, artistic, or  
21 other eligibility standards that are established by the  
22 charter school and included in the charter school application  
23 and charter or, in the case of existing charter schools, that  
24 are consistent with the school's mission and purpose. Such  
25 standards must be in accordance with current state law and  
26 practice in public schools and may not discriminate against  
27 otherwise qualified individuals.
- 28           6. Students articulating from one charter school to  
29 another pursuant to an articulation agreement between the  
30 charter schools that has been approved by the sponsor.  
31

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

4           (e) Students with handicapping conditions and students  
5 served in English for Speakers of Other Languages programs  
6 shall have an equal opportunity of being selected for  
7 enrollment in a charter school.

8           (f) The capacity of the charter school shall be  
9 determined annually by the charter school's governing board  
10 based on consideration of the factors included in paragraphs  
11 (b) and (c).

12           (7) LEGAL ENTITY.--A charter school shall organize as,  
13 or be operated by, a nonprofit organization. A charter school  
14 may be operated by a municipality or other public entity as  
15 provided for by law. As such, the charter school may be either  
16 a private or a public employer. As a public employer, a  
17 charter school may participate in the Florida Retirement  
18 System upon application and approval as a "covered group"  
19 under s. 121.021(34). If a charter school participates in the  
20 Florida Retirement System, the charter school employees shall  
21 be compulsory members of the Florida Retirement System. As  
22 either a private or a public employer, a charter school may  
23 contract for services with an individual or group of  
24 individuals who are organized as a partnership or a  
25 cooperative. Individuals or groups of individuals who contract  
26 their services to the charter school are not public employees.

27           (8) REQUIREMENTS.--

28           (a) A charter school shall be nonsectarian in its  
29 programs, admission policies, employment practices, and  
30 operations.

31



1 (b) A charter school shall admit students as provided  
2 in subsection (6).

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

5 (d) A charter school shall not charge tuition or fees,  
6 except those fees normally charged by other public schools.  
7 However, a developmental research school to which a charter  
8 has been issued pursuant to paragraph (4)(e) may charge a  
9 student activity and service fee as authorized by s.  
10 228.053(5).

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

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

15 (g) A charter school shall be subject to an annual  
16 financial audit in a manner similar to that of a school  
17 district.

18 (h) No organization shall hold more than 15 charters  
19 statewide.

20 (i) In order to provide financial information that is  
21 comparable to that reported for other public schools, charter  
22 schools are to maintain all financial records which constitute  
23 their accounting system in accordance with the accounts and  
24 codes prescribed in the most recent issuance of the  
25 publication titled "Financial and Program Cost Accounting and  
26 Reporting for Florida Schools~~;~~" or, at the discretion of the  
27 charter school governing board, a charter school may elect to  
28 follow accounting standards for not-for-profit organizations,  
29 but must reformat this information for reporting according to  
30 this paragraph. Charter schools are to provide annual  
31 financial report and program cost report information in the

1 state-required formats for inclusion in district reporting in  
2 compliance with s. 236.02(1). Charter schools which are  
3 operated by a municipality or are a component unit of a parent  
4 nonprofit organization may use the accounting system of the  
5 municipality or the parent, but must reformat this information  
6 for reporting according to this paragraph.

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

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

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

16 2. The focus of the curriculum, the instructional  
17 methods to be used, ~~and~~ any distinctive instructional  
18 techniques to be employed, and identification and acquisition  
19 of appropriate technologies needed to improve educational and  
20 administrative performance. This shall include a means for  
21 promoting safe, ethical, and appropriate uses of technology  
22 that comply with legal and professional standards.

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

27 a. How the baseline student academic achievement  
28 levels and prior rates of academic progress will be  
29 established.

30  
31

1           b. How these baseline rates will be compared to rates  
2 of academic progress achieved by these same students while  
3 attending the charter school.

4           c. To the extent possible, how these rates of progress  
5 will be evaluated and compared with rates of progress of other  
6 closely comparable student populations.

7           d. How the district school board shall provide  
8 academic student performance data to charter schools for each  
9 of its students coming from the district school system as well  
10 as rates of academic progress of comparable student  
11 populations in the district school system.

12           4. The methods used to identify the educational  
13 strengths and needs of students and how well educational goals  
14 and performance standards are met by students attending the  
15 charter school. Included in the methods are a means for  
16 ensuring accountability to its constituents by analyzing  
17 student performance data and by evaluating the effectiveness  
18 and efficiency of its major educational programs.Students in  
19 charter schools shall, at a minimum, participate in the  
20 statewide assessment program.

21           5. In secondary charter schools, a method for  
22 determining that a student has satisfied the requirements for  
23 graduation in s. 232.246.

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

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

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

1           9. The financial and administrative management of the  
2 school, including a reasonable demonstration of the  
3 professional experience or competence of those individuals or  
4 organizations applying to operate the charter school or those  
5 hired or retained to perform such professional services and  
6 the description of clearly delineated responsibilities and the  
7 policies and practices needed to effectively manage the  
8 charter school. A description of internal audit procedures and  
9 establishment of controls to ensure that financial resources  
10 are properly managed shall be included. Both public sector and  
11 private sector professional experience shall be equally valid  
12 in such a consideration.

13           10. A description of procedures that identify various  
14 risks and provide for a comprehensive approach to reduce the  
15 impact of losses, a plan to ensure the safety and security of  
16 students and staff, plans to identify, minimize, and protect  
17 others from violent and/or disruptive student behavior, and  
18 the manner in which the school will be insured, including  
19 whether or not the school will be required to have liability  
20 insurance, and, if so, the terms and conditions thereof and  
21 the amounts of coverage.

22           11. The term of the charter which shall provide for  
23 cancellation of the charter if insufficient progress has been  
24 made in attaining the student achievement objectives of the  
25 charter and if it is not likely that such objectives can be  
26 achieved before expiration of the charter. The initial term of  
27 a charter shall be for 3, 4, or 5 years. In order to  
28 facilitate access to long-term financial resources for charter  
29 school construction, charter schools that are operated by a  
30 municipality or other public entity as provided by law are  
31 eligible for up to a 15-year charter, subject to approval by

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

12           12. The facilities to be used and their location,  
13 including a description or documentation that facilities and  
14 equipment are safe and in good working condition and a  
15 financial plan identifying the means to:

16                 a. Provide funds to purchase real property.

17                 b. Construct, renovate, repair, and maintain school  
18 facilities.

19                 c. Purchase, lease-purchase, or lease permanent or  
20 relocatable facilities.

21                 d. Purchase vehicles to transport students to and from  
22 the charter school.

23  
24 Funds which may be appropriated by the Legislature for charter  
25 school fixed capital outlay shall not be included in this  
26 financial plan.

27           13. The qualifications to be required of the teachers  
28 and the potential strategies used to recruit, hire, train, and  
29 retain qualified staff.

30  
31

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

4           15. A timetable for implementing the charter which  
5 addresses the implementation of each element thereof and the  
6 date by which the charter shall be awarded in order to meet  
7 this timetable.

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

21           (b) A charter may be renewed every 5 school years,  
22 provided that a program review demonstrates that the criteria  
23 in paragraph (a) have been successfully accomplished and that  
24 none of the grounds for nonrenewal established by paragraph  
25 (10)(a) have been documented. In order to facilitate long-term  
26 financing for charter school construction, charter schools  
27 operating for a minimum of 2 years and demonstrating exemplary  
28 academic programming and fiscal management are eligible for a  
29 15-year charter renewal. Such long-term charter is subject to  
30 annual review and may be terminated during the term of the  
31 charter.

1 (c) A charter may be modified during its initial term  
2 or any renewal term upon the recommendation of the sponsor or  
3 the charter school governing board and the approval of both  
4 parties to the agreement.

5 (d) The governing body of the charter school shall  
6 exercise continuing oversight over charter school operations  
7 and make annual progress reports to its sponsor, which upon  
8 verification shall be forwarded to the Commissioner of  
9 Education at the same time as other annual school  
10 accountability reports. The report shall contain at least the  
11 following information:

12 1. The charter school's progress towards achieving the  
13 goals outlined in its charter.

14 2. The information required in the annual school  
15 report pursuant to s. 229.592.

16 3. Financial records of the charter school, including  
17 revenues and expenditures.

18 4. Salary and benefit levels of charter school  
19 employees.

20 (e) A sponsor shall ensure that the charter is  
21 innovative and consistent with the state education goals  
22 established by s. 229.591.

23 (f) Upon receipt of the annual report required by  
24 paragraph (d), the Department of Education shall provide to  
25 the State Board of Education, the Commissioner of Education,  
26 the President of the Senate, and the Speaker of the House of  
27 Representatives an analysis and comparison of the overall  
28 performance of charter school students, to include all  
29 students whose scores are counted as part of the state  
30 assessment program, versus comparable public school students  
31 in the district as determined by the state assessment program

1 currently administered in the school district, and, as  
2 appropriate, the Florida Writes Assessment Test, the High  
3 School Competency Test, and other assessments administered  
4 pursuant to s. 229.57(3).

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

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

13 (a) At the end of the term of a charter, the sponsor  
14 may choose not to renew the charter for any of the following  
15 grounds:

16 1. Failure to meet the requirements for student  
17 performance stated in the charter.

18 2. Failure to meet generally accepted standards of  
19 fiscal management.

20 3. Violation of law.

21 4. Other good cause shown.

22 (b) During the term of a charter, the sponsor may  
23 terminate the charter for any of the grounds listed in  
24 paragraph (a).

25 (c) At least 90 days prior to renewing or terminating  
26 a charter, the sponsor shall notify the governing body of the  
27 school of the proposed action in writing. The notice shall  
28 state in reasonable detail the grounds for the proposed action  
29 and stipulate that the school's governing body may, within 14  
30 calendar days after receiving the notice, request an informal  
31 hearing before the sponsor. The sponsor shall conduct the



1 informal hearing within 30 calendar days after receiving a  
2 written request. The charter school's governing body may,  
3 within 14 calendar days after receiving the sponsor's decision  
4 to terminate or refuse to renew the charter, appeal the  
5 decision pursuant to the procedure established in subsection  
6 (4).

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

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

26 (f) If a charter is not renewed or is terminated, the  
27 charter ~~governing body of the~~ school is responsible for all  
28 debts of the charter school. The district may not assume the  
29 debt from any contract for services made between the governing  
30 body of the school and a third party, except for a debt that  
31 is previously detailed and agreed upon in writing by both the

1 district and the governing body of the school and that may not  
2 reasonably be assumed to have been satisfied by the district.

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

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

1           (12) EMPLOYEES OF CHARTER SCHOOLS.--

2           (a) A charter school shall select its own employees. A  
3 charter school may contract with its sponsor for the services  
4 of personnel employed by the sponsor.

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

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

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

19          (e) Employees of a school district may take leave to  
20 accept employment in a charter school upon the approval of the  
21 district school board. While employed by the charter school  
22 and on leave that is approved by the school board, the  
23 employee may retain seniority accrued in that school district  
24 and may continue to be covered by the benefit programs of that  
25 school district, if the charter school and the district school  
26 board agree to this arrangement and its financing. School  
27 districts shall not require resignations of teachers desiring  
28 to teach in a charter school. This paragraph shall not  
29 prohibit a school board from approving alternative leave  
30 arrangements consistent with chapter 231.

31

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

19           (g) A charter school shall employ or contract with  
20 employees who have been fingerprinted as provided in s.  
21 231.02. Members of the governing board of the charter school  
22 shall also be fingerprinted in a manner similar to that  
23 provided in s. 231.02.

24           (13) REVENUE.--Students enrolled in a charter school,  
25 regardless of the sponsorship, shall be funded as if they are  
26 in a basic program or a special program, the same as students  
27 enrolled in other public schools in the school district.  
28 Funding for a chartered developmental research school shall be  
29 as provided in s. 228.053(9).

30           (a) Each charter school shall report its student  
31 enrollment to the district school board as required in s.

1 236.081, and in accordance with the definitions in s. 236.013.  
2 Such report shall be submitted to the sponsor in the format  
3 that the sponsor is required to submit the district's  
4 information to the Department of Education.The district  
5 school board shall include each charter school's enrollment in  
6 the district's report of student enrollment.

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

28 (c) Transportation of charter school students shall be  
29 provided by the charter school consistent with the  
30 requirements of chapter 234. The governing body of the charter  
31 school may provide transportation through an agreement or

1 contract with the district school board, a private provider,  
2 or parents. The charter school and the sponsor shall cooperate  
3 in making arrangements that ensure that transportation is not  
4 a barrier to equal access for all students residing within a  
5 reasonable distance of the charter school as determined in its  
6 charter.

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

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 not including capital outlay funds, federal and state grants,  
22 or any other funds, unless explicitly provided by law. The  
23 sponsor shall provide certain administrative and educational  
24 services to charter schools at no additional fee. These  
25 services shall include contract management services, FTE and  
26 data reporting, exceptional student education administration,  
27 test administration, processing of teacher certificate data,  
28 and information services.

29 (f) School boards shall make every effort to ensure  
30 that charter schools receive timely and efficient  
31 reimbursement, including processing paperwork required to

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

18 (g) If a district school board facility or property is  
19 available because it is surplus, marked for disposal, or  
20 otherwise unused, it shall be provided for a charter school's  
21 use on the same basis as it is made available to other public  
22 schools in the district. A charter school receiving property  
23 from the school district may not sell or dispose of such  
24 property without written permission of the school district.  
25 Similarly, for an existing public school converting to charter  
26 status, no rental or leasing fee for the existing facility or  
27 for the property normally inventoried to the conversion school  
28 may be charged by the district school board to the parents and  
29 teachers organizing the charter school. The charter  
30 organizers shall agree to reasonable maintenance provisions in  
31 order to maintain the facility in a manner similar to district

1 school board standards. The public education capital outlay  
2 maintenance funds or any other maintenance funds generated by  
3 the facility operated as a conversion school shall remain with  
4 the conversion school.

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

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

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

19 (16) FACILITIES.--

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

27 (b) Any facility, or portion thereof, used to house a  
28 charter school whose charter has been approved by the sponsor  
29 and the governing board, pursuant to subsection (9), shall be  
30 exempt from ad valorem taxes pursuant to s. 196.1983.

31



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

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

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

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

19           (20) REVIEW.--

20           (a) The Department of Education shall regularly  
21 convene a Charter School Review Panel in order to review  
22 issues, practices, and policies regarding charter schools. The  
23 composition of the review panel shall include individuals with  
24 experience in finance, administration, law, education, and  
25 school governance, and individuals familiar with charter  
26 school construction and operation. The panel shall include two  
27 appointees each from the Commissioner of Education, the  
28 President of the Senate, and the Speaker of the House of  
29 Representatives. The Governor shall appoint three members of  
30 the panel and shall designate the chair. Each member of the  
31 panel shall serve a 1-year term, unless renewed by the office

1 making the appointment. The panel shall make recommendations  
2 to the Legislature, to the Department of Education, to charter  
3 schools, and to school districts for improving charter school  
4 operations and oversight and for ensuring best business  
5 practices at and fair business relationships with charter  
6 schools.

7 (b) The Legislature shall review the operation of  
8 charter schools during the 2003 ~~2005~~ Regular Session of the  
9 Legislature.

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

16 (22) CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER  
17 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER  
18 SCHOOLS-IN-A-MUNICIPALITY.--

19 (a) In order to increase business partnerships in  
20 education, to reduce school and classroom overcrowding  
21 throughout the state, to encourage developers of residential  
22 and other projects to provide school infrastructure concurrent  
23 with school impacts, to promote and encourage local  
24 communities to participate in and advance the cause of  
25 neighborhood schools,and to offset the high costs for  
26 educational facilities construction, the Legislature intends  
27 to encourage the formation of business partnership schools or  
28 satellite learning centers through charter school status.

29 (b) A charter school-in-the-workplace may be  
30 established when a business partner provides the school  
31 facility to be used; enrolls students based upon a random

1 lottery which involves all of the children of employees of  
2 that business or corporation who are seeking enrollment, as  
3 provided for in subsection (6); and enrolls students according  
4 to the racial/ethnic balance provisions described in  
5 subparagraph (9)(a)8. Any portion of a facility used for a  
6 public charter school shall be exempt from ad valorem taxes,  
7 as provided for in s. 235.198, for the duration of its use as  
8 a public school.

9       (c) A charter school-in-a-development designation may  
10 be granted when the developer of a residential or other  
11 project provides the land and/or school facility to be used;  
12 enrolls students based upon a random lottery which involves  
13 all of the children of the residents of that development who  
14 are seeking enrollment, as provided for in subsection (6); and  
15 enrolls students according to the racial/ethnic balance  
16 provisions described in subparagraph (9)(a)8. Any portion of  
17 the land and facility used for a public charter school shall  
18 be exempt from ad valorem taxes, as provided for in s.  
19 235.198, for the duration of its use as a public school.

20       (d) A charter school-in-a-municipality designation may  
21 be granted to a municipality which possesses a charter;  
22 enrolls students based upon a random lottery which involves  
23 all of the children of the residents of that municipality who  
24 are seeking enrollment, as provided for in subsection (6); and  
25 enrolls students according to the racial/ethnic balance  
26 provisions described in subparagraph (9)(a)8. Any portion of  
27 the land and facility used for a public charter school shall  
28 be exempt from ad valorem taxes, as provided for in s.  
29 235.198, for the duration of its use as a public school.

30       (e) For the purpose of this subsection, "business  
31 partner," "employer," "developer," or "municipality" may be

1 defined to include more than one business, employer,  
2 developer, or municipality to form a charter  
3 school-in-the-workplace, charter school-in-a-development, or  
4 charter school-in-a-municipality.

5 Section 2. Subsection (1) of section 228.0561, Florida  
6 Statutes, is amended to read:

7 228.0561 Charter schools capital outlay funding.--

8 (1) In each year in which funds are appropriated for  
9 charter school capital outlay purposes, the Commissioner of  
10 Education shall allocate the funds among eligible charter  
11 schools. To be eligible for a funding allocation, a charter  
12 school must meet the provisions of subsection (6), must have  
13 received final approval from its sponsor pursuant to s.  
14 228.056 for operation during that fiscal year, and must serve  
15 students in facilities that are not provided by the charter  
16 school's sponsor. Prior to the release of capital outlay  
17 funds to a school district on behalf of the charter school,  
18 the Department of Education shall ensure that the district  
19 school board and the charter school governing board enter into  
20 a written agreement that includes provisions for the reversion  
21 of any unencumbered funds and all equipment and property  
22 purchased with public education funds to the ownership of the  
23 district school board, as provided for in subsection (3), in  
24 the event that the school terminates operations. Any funds  
25 recovered by the state shall be deposited in the General  
26 Revenue Fund. A charter school is not eligible for a funding  
27 allocation if it was created by the conversion of a public  
28 school and operates in facilities provided by the charter  
29 school's sponsor for a nominal fee or at no charge or if it is  
30 directly or indirectly operated by the school district. Unless  
31 otherwise provided in the General Appropriations Act, the

1 funding allocation for each eligible charter school shall be  
2 determined by multiplying the school's projected student  
3 enrollment by one-fifteenth of the cost-per-student station  
4 specified in s. 235.435(6)(b) for an elementary, middle, or  
5 high school, as appropriate. If the funds appropriated are  
6 not sufficient, the commissioner shall prorate the available  
7 funds among eligible charter schools. Funds shall be  
8 distributed on the basis of the capital outlay full-time  
9 equivalent membership by grade level, which shall be  
10 calculated by averaging the results of the second and third  
11 enrollment surveys. The Department of Education shall  
12 distribute capital outlay funds on a monthly basis beginning  
13 in the first quarter of the fiscal year based on one-twelfth  
14 of the amount the department may reasonably expect the charter  
15 school to receive during that fiscal year. ~~Sixty percent of~~  
16 ~~the funds shall be distributed after the second enrollment~~  
17 ~~survey, and the balance shall be distributed after the third~~  
18 ~~enrollment survey.~~ The commissioner shall adjust subsequent  
19 distributions as necessary to reflect each charter school's  
20 actual student enrollment as reflected in the second and third  
21 enrollment surveys. The commissioner shall establish the  
22 intervals and procedures for determining the projected and  
23 actual student enrollment of eligible charter schools.

24 Section 3. Section 228.058, Florida Statutes, is  
25 amended to read:

26 228.058 Charter School Districts Pilot Program.--The  
27 State Board of Education is authorized to enter into a  
28 performance contract with up to six school districts for the  
29 purpose of establishing them as charter school districts. The  
30 State Board of Education shall give priority to Hillsborough  
31 and Volusia Counties upon the submission of a completed

1 precharter agreement or charter proposal for a charter school  
2 district. The purpose of this pilot program is to examine a  
3 new relationship between the State Board of Education and  
4 school districts that may produce significant improvements in  
5 student achievement and school management, while complying  
6 with constitutional requirements assigned to each entity.  
7 Beginning July 1, 2001, the State Board of Education shall  
8 require each school that has been in operation for at least 2  
9 years within a school district that is approved for charter  
10 school district status to vote within the first year of the  
11 approved charter school district status, or if the charter  
12 school district was approved prior to July 1, 2001, to vote no  
13 later than June 30, 2002, to convert to charter school status  
14 and upon the required vote, as described in s. 228.056(3)(a),  
15 to apply for charter school status.

16 (1) CHARTER DISTRICT.--A charter school district is a  
17 school district in Florida in which the school board has  
18 submitted and the state board has approved a charter proposal  
19 that exchanges statutory and rule exemption for agreement to  
20 meet performance goals in the proposal. The charter school  
21 district shall be chartered for 3 years, at the end of which  
22 the performance shall be evaluated.

23 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school  
24 districts shall be exempt from state statutes and state board  
25 rules as provided in s. 228.056. The school board of a  
26 charter school district shall not be exempt from any statute  
27 governing election of board members, public meetings and  
28 public records requirements, financial disclosure, conflicts  
29 of interest, operation in the sunshine, or other provisions  
30 outside the Florida School Code.

31

1           (3) GOVERNING BOARD.--The governing board of the  
2 charter school district shall be the duly elected school  
3 board. The school board shall be responsible for supervising  
4 the schools in the charter district and is authorized to  
5 charter each of its existing public schools pursuant to s.  
6 228.056, apply for deregulation of its public schools pursuant  
7 to s. 228.0565, or otherwise establish performance-based  
8 contractual relationships with its public schools for the  
9 purpose of giving them greater autonomy with accountability  
10 for performance.

11           (4) PRECHARTER AGREEMENT.--The state board is  
12 authorized to approve a precharter agreement with a potential  
13 charter district. The agreement may grant limited flexibility  
14 and direction for developing the full charter proposal.

15           (5) TIME PERIOD FOR PILOT.--The pilot program shall be  
16 authorized for a period of 3 full school years commencing with  
17 award of a charter. The charter may be renewed upon action of  
18 the state board.

19           (6) REPORTS.--The state board shall annually report on  
20 the implementation of the charter school district pilot  
21 program. Upon the completion of the first 3-year term, the  
22 state board, through the Commissioner of Education, shall  
23 submit to the Legislature a full evaluation of the  
24 effectiveness of the program.

25           (7) RULEMAKING.--The State Board of Education shall  
26 have the authority to enact rules to implement this section in  
27 accordance with ss. 120.536 and 120.54.

28           Section 4. Paragraph (d) is added to subsection (3) of  
29 section 232.425, Florida Statutes, to read:

30  
31

1           232.425 Student standards for participation in  
2 interscholastic extracurricular student activities;  
3 regulation.--  
4           (3)  
5           (d) An individual charter school student pursuant to  
6 s. 228.056 is eligible to participate at the public school to  
7 which the student would be assigned according to district  
8 school attendance area policies or which the student could  
9 choose to attend, pursuant to district or interdistrict  
10 controlled open enrollment provisions, in any interscholastic  
11 extracurricular activity of that school, unless such activity  
12 is provided by the student's charter school, provided the  
13 following conditions are met:  
14           1. The charter school student must meet the  
15 requirements of the charter school education program as  
16 determined by the charter school governing board.  
17           2. During the period of participation at a school, the  
18 charter school student must demonstrate educational progress  
19 as required in paragraph (b).  
20           3. The charter school student must meet the same  
21 residency requirements as other students in the school at  
22 which he or she participates.  
23           4. The charter school student must meet the same  
24 standards of acceptance, behavior, and performance as required  
25 of other students in extracurricular activities.  
26           5. The charter school student must register with the  
27 school his or her intent to participate in interscholastic  
28 extracurricular activities as a representative of the school  
29 before the beginning date of the season for the activity in  
30 which he or she wishes to participate. A charter school  
31



1 student must be able to participate in curricular activities  
2 if that is a requirement for an extracurricular activity.

3 6. A student who transfers from a charter school  
4 program to a traditional public school before or during the  
5 first grading period of the school year is academically  
6 eligible to participate in interscholastic extracurricular  
7 activities during the first grading period provided the  
8 student has a successful evaluation from the previous school  
9 year, pursuant to subparagraph 2.

10 7. Any public school or nonpublic school student who  
11 has been unable to maintain academic eligibility for  
12 participation in interscholastic extracurricular activities is  
13 ineligible to participate in such activities as a charter  
14 school student until the student has successfully completed  
15 one grading period in a charter school pursuant to  
16 subparagraph 2. to become eligible to participate as a charter  
17 school student.

18 Section 5. This act shall take effect July 1, 2001.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31