

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; amending s. 159.27, F.S.;
27 redefining the term "educational facility" for
28 purposes of part II of ch. 159, F.S., the
29 Florida Industrial Development Financing Act,
30 to include charter schools and developmental
31 research schools; providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

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

228.056 Charter schools.--

(1) AUTHORIZATION.--The creation of charter schools is hereby authorized. Charter schools shall be part of the state's program of public education. All charter schools in Florida are fully recognized as public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A public school shall not use the word "charter" in its name or title unless that school is currently operating under a charter that has been granted pursuant to this section.

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

(a) Improve student learning.

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

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

(d) Increase choice of learning opportunities for students.

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

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

(g) Make the school the unit for improvement.

1 (h) Create new professional opportunities for
2 teachers, including the opportunity to own the learning
3 program at the school site.

4 (i) Provide rigorous competition within the public
5 school district to stimulate continual improvements in all
6 public schools.

7 (j) Provide additional academic choices for parents
8 and students.

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

10 (3) APPLICATION; UNLAWFUL REPRISAL.--

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

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

1 the exact reasons for denial and provide documentation
2 supporting those reasons.

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4 A private school, parochial school, or home education program
5 shall not be eligible for charter school status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 5. Issuance of an injunction, if appropriate, by a
2 court of competent jurisdiction.

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

11 (4) SPONSOR.--A district school board may sponsor a
12 charter school in the county over which the board has
13 jurisdiction.

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

27 1. In order to facilitate an accurate budget
28 projection process, a district school board shall be held
29 harmless for FTE students which are not included in the FTE
30 projection due to approval of charter school applications
31 after the FTE projection deadline. In a further effort to

1 facilitate an accurate budget projection, within 15 calendar
2 days after receipt of a charter school application, a district
3 school board or other sponsor shall report to the Department
4 of Education the name of the applicant entity, the proposed
5 charter school location, and its projected FTE.

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

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

24 4. Upon approval of a charter application, the initial
25 startup must commence ~~be consistent~~ with the beginning of the
26 public school calendar for the district in which the charter
27 is granted unless the district school board allows a waiver of
28 this provision for good cause.

29 (b) An applicant may appeal any denial of that
30 applicant's application or failure to act on an application to
31 the State Board of Education no later than 30 calendar days

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

24 (c) The district school board must act in accordance
25 with ~~upon~~ the decision ~~recommendation~~ of the State Board of
26 Education within 30 calendar days after it is received. ~~The~~
27 ~~district board may fail to act in accordance with the~~
28 ~~recommendation of the state board only for good cause. Good~~
29 ~~cause for failing to act in accordance with the state board's~~
30 ~~recommendation arises only if the district school board~~
31 ~~determines by competent substantial evidence that approving~~

1 ~~the state board's recommendation would be contrary to law or~~
2 ~~contrary to the best interests of the pupils or the community.~~
3 ~~The district school board must articulate in written findings~~
4 ~~the specific reasons based upon good cause supporting its~~
5 ~~failure to act in accordance with the state board's~~
6 ~~recommendation. The district board's action on the state~~
7 ~~board's recommendation is a final action subject to judicial~~
8 ~~review.~~

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

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

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

1 law judge appointed by the Division of Administrative
 2 Hearings. The administrative law judge may rule on issues of
 3 equitable treatment of the charter school as a public school,
 4 whether proposed provisions of the charter violate the
 5 intended flexibility granted charter schools by statute, or on
 6 any other matter regarding this section except a charter
 7 school application denial, and shall award the prevailing
 8 party reasonable attorney's fees and costs incurred to be paid
 9 by the losing party. The costs of the administrative hearing
 10 shall be paid by the party whom the administrative law judge
 11 rules against.

12 (g) The sponsor shall monitor and review the charter
 13 school in its progress towards the goals established in the
 14 charter.

15 (h) The sponsor shall monitor the revenues and
 16 expenditures of the charter school.

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

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

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

29 ~~(a) The number of newly created charter schools is~~
 30 ~~limited to no more than 28 in each school district that has~~
 31 ~~100,000 or more students, no more than 20 in each school~~

1 ~~district that has 50,000 to 99,999 students, and no more than~~
2 ~~12 in each school district with fewer than 50,000 students.~~

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

6
7 ~~Notwithstanding any limit established by this subsection, a~~
8 ~~district school board or a charter school applicant shall have~~
9 ~~the right to request an increase of the limit on the number of~~
10 ~~charter schools authorized to be established within the~~
11 ~~district from the State Board of Education.~~

12 (6) ELIGIBLE STUDENTS.--

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

30 (b) The charter school shall enroll an eligible
31 student who submits a timely application, unless the number of

1 applications exceeds the capacity of a program, class, grade
2 level, or building. In such case, all applicants shall have an
3 equal chance of being admitted through a random selection
4 process.

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

7 1. Students within specific age groups or grade
8 levels.

9 2. Students considered at risk of dropping out of
10 school or academic failure. Such students shall include
11 exceptional education students.

12 3. Students enrolling in a charter
13 school-in-the-workplace, charter school-in-a-development, or
14 charter school-in-a-municipality established pursuant to
15 subsection (22).

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

24 5. Students who meet reasonable academic, artistic, or
25 other eligibility standards that are established by the
26 charter school and included in the charter school application
27 and charter or, in the case of existing charter schools, that
28 are consistent with the school's mission and purpose. Such
29 standards must be in accordance with current state law and
30 practice in public schools and may not discriminate against
31 otherwise qualified individuals.

1 6. Students articulating from one charter school to
2 another pursuant to an articulation agreement between the
3 charter schools that has been approved by the sponsor.

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

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

11 (f) The capacity of the charter school shall be
12 determined annually by the charter school's governing board,
13 in conjunction with the sponsor, based on consideration of the
14 factors included in paragraphs (b) and (c).

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

30 (8) REQUIREMENTS.--

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1 (a) A charter school shall be nonsectarian in its
2 programs, admission policies, employment practices, and
3 operations.

4 (b) A charter school shall admit students as provided
5 in subsection (6).

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

8 (d) A charter school shall not charge tuition or fees,
9 except those fees normally charged by other public schools.
10 However, a developmental research school to which a charter
11 has been issued pursuant to paragraph (4)(e) may charge a
12 student activity and service fee as authorized by s.
13 228.053(5).

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

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

18 (g) A charter school shall be subject to an annual
19 financial audit in a manner similar to that of a school
20 district.

21 (h) No organization shall hold more than 15 charters
22 statewide.

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

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

10 (j) The governing board of a charter school shall
11 annually adopt and maintain an operating budget.

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

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

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

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

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

1 a. How the baseline student academic achievement
2 levels and prior rates of academic progress will be
3 established.

4 b. How these baseline rates will be compared to rates
5 of academic progress achieved by these same students while
6 attending the charter school.

7 c. To the extent possible, how these rates of progress
8 will be evaluated and compared with rates of progress of other
9 closely comparable student populations.

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

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

24 5. In secondary charter schools, a method for
25 determining that a student has satisfied the requirements for
26 graduation in s. 232.246.

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

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

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

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

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

26 11. The term of the charter which shall provide for
27 cancellation of the charter if insufficient progress has been
28 made in attaining the student achievement objectives of the
29 charter and if it is not likely that such objectives can be
30 achieved before expiration of the charter. The initial term of
31 a charter shall be for 3, 4, or 5 years. In order to

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

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

20 a. Provide funds to purchase real property.

21 b. Construct, renovate, repair, and maintain school
22 facilities.

23 c. Purchase, lease-purchase, or lease permanent or
24 relocatable facilities.

25 d. Purchase vehicles to transport students to and from
26 the charter school.

27
28 Funds which may be appropriated by the Legislature for charter
29 school fixed capital outlay shall be included in this
30 financial plan as a separate source of potential income.

31

1 13. The qualifications to be required of the teachers
2 and the potential strategies used to recruit, hire, train, and
3 retain qualified staff.

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

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

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

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

1 15-year charter renewal. Such long-term charter is subject to
2 annual review and may be terminated during the term of the
3 charter.

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

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

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

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

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

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

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

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

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

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

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

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

- 19 1. Failure to meet the requirements for student
20 performance stated in the charter.
- 21 2. Failure to meet generally accepted standards of
22 fiscal management.
- 23 3. Violation of law.
- 24 4. Other good cause shown.

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

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

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

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

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

1 real property, school districts may have first right of
2 refusal in determining whether to assume the asset.

3 (f) If a charter is not renewed or is terminated, the
4 charter governing body of the school is responsible for all
5 debts of the charter school. The district may not assume the
6 debt from any contract for services made between the governing
7 body of the school and a third party, except for a debt that
8 is previously detailed and agreed upon in writing by both the
9 district and the governing body of the school and that may not
10 reasonably be assumed to have been satisfied by the district.

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

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

1 would affect funding allocations or create inequity in public
2 school funding. The commissioner must confirm receipt of a
3 waiver request from a charter school by providing a copy of
4 the request to the sponsor.The commissioner may grant the
5 waiver if necessary to implement the school program, and shall
6 provide notice of the final dispensation of the waiver request
7 to the charter school governing board and the charter school's
8 sponsor.

9 (12) EMPLOYEES OF CHARTER SCHOOLS.--

10 (a) A charter school shall select its own employees. A
11 charter school may contract with its sponsor for the services
12 of personnel employed by the sponsor.

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

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

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

27 (e) Employees of a school district may take leave to
28 accept employment in a charter school upon the approval of the
29 district school board. While employed by the charter school
30 and on leave that is approved by the school board, the
31 employee may retain seniority accrued in that school district

1 and may continue to be covered by the benefit programs of that
2 school district, if the charter school and the district school
3 board agree to this arrangement and its financing. School
4 districts shall not require resignations of teachers desiring
5 to teach in a charter school. This paragraph shall not
6 prohibit a school board from approving alternative leave
7 arrangements consistent with chapter 231.

8 (f) Teachers employed by or under contract to a
9 charter school shall be certified as required by chapter 231.

10 A charter school governing board may employ or contract with
11 skilled selected noncertified personnel to provide
12 instructional services or to assist instructional staff
13 members as education paraprofessionals in the same manner as
14 defined in chapter 231, and as provided by State Board of
15 Education rule for charter school governing boards. A charter
16 school may not knowingly employ an individual to provide
17 instructional services or to serve as an education
18 paraprofessional if the individual's certification or
19 licensure as an educator is suspended or revoked by this or
20 any other state. A charter school may not knowingly employ an
21 individual who has resigned from a school district in lieu of
22 disciplinary action with respect to child welfare or safety,
23 or who has been dismissed for just cause by any school
24 district with respect to child welfare or safety. The
25 qualifications of teachers shall be disclosed to a parent at
26 the time the parent submits an admission application to a
27 charter school ~~parents~~.

28 (g) A charter school shall employ or contract with
29 employees who have been fingerprinted as provided in s.
30 231.02. Members of the governing board of the charter school
31

1 shall also be fingerprinted in a manner similar to that
2 provided in s. 231.02.

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

9 (a) Each charter school shall report its student
10 enrollment to the district school board as required in s.
11 236.081, and in accordance with the definitions in s. 236.013.
12 Such report shall be submitted to the sponsor in the format
13 that the sponsor is required to submit the district's
14 information to the Department of Education.The district
15 school board shall include each charter school's enrollment in
16 the district's report of student enrollment.

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

1 charter school will be recalculated during the year to reflect
2 the revised calculations under the Florida Education Finance
3 Program by the state and the actual weighted full-time
4 equivalent students reported by the charter school during the
5 full-time equivalent student survey periods designated by the
6 Commissioner of Education.

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

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

28 (e) Any administrative fee charged by the school
29 district relating to a charter school shall be limited to 5
30 percent of the available funds as defined in paragraph (b),
31 not including capital outlay funds, federal and state grants,

1 or any other funds, unless explicitly provided by law. The
2 sponsor shall provide certain administrative and educational
3 services to charter schools at no additional fee. These
4 services shall include contract management services, FTE and
5 data reporting, exceptional student education administration,
6 test administration, processing of teacher certificate data,
7 and information services.

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

28 (g) If a district school board facility or property is
29 available because it is surplus, marked for disposal, or
30 otherwise unused, it shall be provided for a charter school's
31 use on the same basis as it is made available to other public

1 schools in the district. A charter school receiving property
2 from the school district may not sell or dispose of such
3 property without written permission of the school district.
4 Similarly, for an existing public school converting to charter
5 status, no rental or leasing fee for the existing facility or
6 for the property normally inventoried to the conversion school
7 may be charged by the district school board to the parents and
8 teachers organizing the charter school. The charter
9 organizers shall agree to reasonable maintenance provisions in
10 order to maintain the facility in a manner similar to district
11 school board standards. The public education capital outlay
12 maintenance funds or any other maintenance funds generated by
13 the facility pursuant to s. 235.435(1)(a), and operated as a
14 conversion school shall remain with the conversion school as a
15 credit for fixed capital outlay maintenance needs, and against
16 which, necessary and proper fixed capital outlay maintenance
17 expenses attributable to the conversion school shall be
18 deducted.

19 (h) If other goods and services are made available to
20 the charter school through the contract with the school
21 district, they shall be provided to the charter school at a
22 rate no greater than the district's actual cost. To maximize
23 the use of state funds, school districts shall allow charter
24 schools to participate in the sponsor's bulk purchasing
25 program if applicable.

26 (i) If any financings permitted by this section, s.
27 228.056, or any successor provision of law, are structured by
28 a charter school so that interest paid by the charter school
29 will be excluded from the gross income of the recipient for
30 federal income tax purposes, the appropriate district school
31 board shall expedite consideration of adoption of any

1 resolution submitted to it within 30 days or at the next board
2 meeting following the request of the charter school, whichever
3 is most expedient for the charter school, by or on behalf of
4 the charter school, for adoption for the purposes of Revenue
5 Procedure 82-26 of the Internal Revenue Service, or any
6 successor revenue procedure. This section shall be liberally
7 construed in order to achieve the purposes stated herein.

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

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

15 (16) FACILITIES.--

16 (a) A charter school shall utilize facilities which
17 comply with the State Uniform Building Code for Public
18 Educational Facilities Construction adopted pursuant to s.
19 235.26 or with applicable state minimum building codes
20 pursuant to chapter 553 and state minimum fire protection
21 codes pursuant to s. 633.025, as adopted by the authority in
22 whose jurisdiction the facility is located.

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

27 (c) On the effective date of the Florida Building
28 Code, charter school facilities shall utilize facilities which
29 comply with section 306.1.1 of the rules promulgated pursuant
30 to the Florida After January 1, 2001, charter school
31 ~~facilities shall utilize facilities which comply with the~~

1 Building Code, pursuant to chapter 553, and the Florida Fire
2 Prevention Code, pursuant to chapter 633.

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

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

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

17 (20) REVIEW.--

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

1 schools, and to school districts for improving charter school
2 operations and oversight and for ensuring best business
3 practices at and fair business relationships with charter
4 schools.

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

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

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

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

27 (b) A charter school-in-the-workplace may be
28 established when a business partner provides the school
29 facility to be used; enrolls students based upon a random
30 lottery which involves all of the children of employees of
31 that business or corporation who are seeking enrollment, as

1 provided for in subsection (6); and enrolls students according
2 to the racial/ethnic balance provisions described in
3 subparagraph (9)(a)8. Any portion of a facility used for a
4 public charter school shall be exempt from ad valorem taxes,
5 as provided for in s. 235.198, for the duration of its use as
6 a public school.

7 (c) A charter school-in-a-development designation may
8 be granted when the developer of a residential or other
9 project provides the land and/or school facility to be used;
10 enrolls students based upon a random lottery which involves,
11 but is not limited to, all of the children of the residents of
12 that development who are seeking enrollment, as provided for
13 in subsection (6); and enrolls students according to the
14 racial/ethnic balance provisions described in subparagraph
15 (9)(a)8. Any portion of the land and facility used for a
16 public charter school shall be exempt from ad valorem taxes,
17 as provided for in s. 235.198, for the duration of its use as
18 a public school.

19 (d) A charter school-in-a-municipality designation may
20 be granted to a municipality which possesses a charter;
21 enrolls students based upon a random lottery which involves,
22 but is not limited to, all of the children of the residents of
23 that municipality who are seeking enrollment, as provided for
24 in subsection (6); and enrolls students according to the
25 racial/ethnic balance provisions described in subparagraph
26 (9)(a)8. Any portion of the land and facility used for a
27 public charter school shall be exempt from ad valorem taxes,
28 as provided for in s. 235.198, for the duration of its use as
29 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 provide the option to each school that has been in operation
9 for at least 2 years within a school district that is approved
10 for charter school district status to vote within the first
11 year of the approved charter school district status, or if the
12 charter school district was approved prior to July 1, 2001, to
13 vote no later than June 30, 2002, to convert to charter school
14 status and upon the vote, as described in s. 228.056(3)(a), to
15 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

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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. Paragraph (b) of subsection (22) of section
19 159.27, Florida Statutes, is amended to read:

20 159.27 Definitions.--The following words and terms,
21 unless the context clearly indicates a different meaning,
22 shall have the following meanings:

23 (22) "Educational facility" means:

24 (b) Property that comprises the buildings and
25 equipment, structures, and special education use areas that
26 are built, installed, or established to serve primarily the
27 educational purposes of operating any nonprofit private
28 preschool, kindergarten, elementary school, middle school, or
29 high school that is established under chapter 617 or chapter
30 623, or that is owned or operated by an organization described
31 in s. 501(c)(3) of the United States Internal Revenue Code, or

1 operating any preschool, kindergarten, elementary school,
2 middle school, or high school that is owned or operated as
3 part of the state's system of public education, including, but
4 not limited to, a charter school or a developmental research
5 school operated under chapter 228. The requirements of this
6 part for the financing of projects through local agencies
7 shall also apply to such schools. Bonds issued under the
8 provisions of this part for such schools shall not be deemed
9 to constitute a debt, liability, or obligation of the state or
10 any political subdivision thereof, or a pledge of the faith
11 and credit of the state or of any such political subdivision,
12 but shall be payable solely from the revenues provided
13 therefor.

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