

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 the
10 charter school governing board to adopt an
11 operating budget; requiring a charter to
12 address the identification and acquisition of
13 appropriate technologies; requiring a charter
14 to address how a school board shall provide
15 academic student performance data to charter
16 schools; requiring a charter to address means
17 for ensuring accountability; requiring a
18 charter to address a description of delineated
19 responsibilities needed to effectively manage
20 the charter school; requiring a charter to
21 address procedures that identify risks and
22 provide an approach to remove the impact of
23 losses; requiring a charter to include a
24 financial plan for the facilities to be used;
25 requiring a charter to address the strategies
26 used to recruit qualified staff; requiring the
27 governing body to exercise continuing oversight
28 over charter school operations; providing for
29 appeal of a sponsor's decision to terminate a
30 charter; providing for a charter school
31 governing board to request a waiver of statutes

1 directly from the commissioner, rather than
2 through the sponsor; providing for notice of
3 receipt and final disposition of such request;
4 stipulating that a charter school may not
5 knowingly employ an individual whose
6 certification has been revoked by this or any
7 other state; revising criteria for continued
8 employment as a teacher under certain
9 circumstances; requiring student enrollment
10 report to be submitted in a certain format;
11 prohibiting a sponsor from withholding an
12 administrative fee from certain funds;
13 requiring PECO maintenance funds to remain with
14 a conversion charter school; requiring a school
15 board to expedite consideration of a resolution
16 relating to certain revenue procedures;
17 revising provisions relating to compliance with
18 the Florida Building Code; authorizing the
19 establishment of a charter
20 school-in-a-development and a charter
21 school-in-a-municipality; amending s. 228.0561,
22 F.S.; deleting current capital outlay
23 distribution methods; requiring the Department
24 of Education to distribute capital outlay funds
25 on a monthly basis; amending s. 228.058, F.S.;
26 requiring public schools in a charter school
27 district to vote by a time certain to convert
28 to a charter school; amending s. 232.425, F.S.;
29 authorizing charter school students to
30 participate at the public school to which the
31 student would be assigned in any

1 interscholastic extracurricular activity of
2 that school; amending s. 159.27, F.S.;
3 redefining the term "educational facility" for
4 purposes of part II of ch. 159, F.S., the
5 Florida Industrial Development Financing Act,
6 to include charter schools and developmental
7 research schools; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 228.056, Florida Statutes, is
12 amended to read:

13 228.056 Charter schools.--

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

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

25 (a) Improve student learning.

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

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

31

- 1 (d) Increase choice of learning opportunities for
2 students.
- 3 (e) Establish a new form of accountability for
4 schools.
- 5 (f) Require the measurement of learning outcomes and
6 create innovative measurement tools.
- 7 (g) Make the school the unit for improvement.
- 8 (h) Create new professional opportunities for
9 teachers, including the opportunity to own the learning
10 program at the school site.
- 11 (i) Provide rigorous competition within the public
12 school district to stimulate continual improvements in all
13 public schools.
- 14 (j) Provide additional academic choices for parents
15 and students.
- 16 (k) Expand the capacity of the public school system.
- 17 (3) APPLICATION; UNLAWFUL REPRISAL.--
- 18 (a)1. An application for a new charter school may be
19 made by an individual, teachers, parents, a group of
20 individuals, a municipality, or a legal entity organized under
21 the laws of this state.
- 22 2. The district school board or the principal,
23 teachers, parents, and/or the school advisory council at an
24 existing public school that has been in operation for at least
25 2 years prior to the application to convert, including a
26 public school-within-a-school that is designated as a school
27 by the district school board, shall submit any application for
28 converting the school to a charter school. An application
29 submitted proposing to convert an existing public school to a
30 charter school shall demonstrate the support of at least 50
31 percent of the teachers employed at the school and 50 percent

1 of the parents voting whose children are enrolled at the
2 school, provided that a majority of the parents eligible to
3 vote participate in the ballot process, according to
4 procedures established by rules of the state board. A district
5 school board denying such an application for a conversion
6 charter school shall provide notice of denial to the
7 applicants in writing within 30 days. The notice shall specify
8 the exact reasons for denial and provide documentation
9 supporting those reasons.

10
11 A private school, parochial school, or home education program
12 shall not be eligible for charter school status.

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

1 following procedures shall apply to an alleged unlawful
2 reprisal which occurs as a consequence of an employee's direct
3 or indirect involvement with an application to establish a
4 charter school:

5 1. Within 60 days after a reprisal prohibited by this
6 subsection, an employee may file a complaint with the
7 Department of Education.

8 2. Within 3 working days after receiving a complaint
9 under this section, the department shall acknowledge receipt
10 of the complaint and provide copies of the complaint and any
11 other relevant preliminary information available to each of
12 the other parties named in the complaint, which parties shall
13 each acknowledge receipt of such copies to the complainant.

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

18 4. Within 90 days after receiving the complaint, the
19 department shall provide the superintendent of schools of the
20 complainant's district and the complainant with a fact-finding
21 report that may include recommendations to the parties or
22 proposed resolution of the complaint. The fact-finding report
23 shall be presumed admissible in any subsequent or related
24 administrative or judicial review.

25 5. If the department determines that reasonable
26 grounds exist to believe that an unlawful reprisal has
27 occurred, is occurring, or is to be taken, and is unable to
28 conciliate a complaint within 60 days after receipt of the
29 fact-finding report, the department shall terminate the
30 investigation. Upon termination of any investigation, the
31 department shall notify the complainant and the superintendent

1 of schools of the termination of the investigation, providing
2 a summary of relevant facts found during the investigation and
3 the reasons for terminating the investigation. A written
4 statement under this paragraph is presumed admissible as
5 evidence in any judicial or administrative proceeding.

6 6. The department shall either contract with the
7 Division of Administrative Hearings under s. 120.65, or
8 otherwise provide for a complaint for which the department
9 determines reasonable grounds exist to believe that an
10 unlawful reprisal has occurred, is occurring, or is to be
11 taken, and is unable to conciliate, to be heard by a panel of
12 impartial persons. Upon hearing the complaint, the panel must
13 make findings of fact and conclusions of law for a final
14 decision by the department.

15
16 It shall be an affirmative defense to any action brought
17 pursuant to this section that the adverse action was
18 predicated upon grounds other than, and would have been taken
19 absent, the employee's exercise of rights protected by this
20 section.

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

25 1. Reinstatement of the employee to the same position
26 held before the unlawful reprisal was commenced, or to an
27 equivalent position, or payment of reasonable front pay as
28 alternative relief.

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

31

1 3. Compensation, if appropriate, for lost wages,
2 benefits, or other lost remuneration caused by the unlawful
3 reprisal.

4 4. Payment of reasonable costs, including attorney's
5 fees, to a substantially prevailing employee, or to the
6 prevailing employer if the employee filed a frivolous action
7 in bad faith.

8 5. Issuance of an injunction, if appropriate, by a
9 court of competent jurisdiction.

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

18 (4) SPONSOR.--A district school board may sponsor a
19 charter school in the county over which the board has
20 jurisdiction.

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

1 future payment of any kind be a condition of the consideration
2 or approval of a charter school application.

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

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

25 3. For budget projection purposes, the district school
26 board or other sponsor shall report to the department the
27 approval or denial of a charter application within 10 calendar
28 days after such approval or denial. In the event of approval,
29 the report to the department must include the final projected
30 FTE for the approved charter school.

31

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

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

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

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

19 (e) Paragraph (a) notwithstanding, a state university
20 may grant a charter to a developmental research school created
21 under s. 228.053. In considering such charter, the state
22 university must consult with the district school board of the
23 county in which the developmental research school is located.
24 The decision of a state university may be appealed pursuant to
25 the procedure established in this subsection.

26 (f) The terms and conditions for the operation of a
27 charter school shall be set forth by the sponsor and the
28 applicant in a written contractual agreement, called a
29 charter. The sponsor shall not impose unreasonable rules or
30 regulations that violate the intent of giving charter schools
31 greater flexibility to meet educational goals. The applicant

1 and sponsor shall have 6 months in which to mutually agree to
2 the provisions of the charter. The Department of Education
3 shall provide mediation services for any dispute regarding
4 this section of statute subsequent to the approval of a
5 charter application, except disputes regarding charter school
6 application denials. If the Commissioner of Education
7 determines that the dispute cannot be settled through
8 mediation, the dispute may be appealed to an administrative
9 law judge appointed by the Division of Administrative
10 Hearings. The administrative law judge may rule on issues of
11 equitable treatment of the charter school as a public school,
12 whether proposed provisions of the charter violate the
13 intended flexibility granted charter schools by statute, or on
14 any other matter regarding this section except a charter
15 school application denial, and shall award the prevailing
16 party reasonable attorney's fees and costs incurred to be paid
17 by the losing party. The costs of the administrative hearing
18 shall be paid by the party whom the administrative law judge
19 rules against.

20 (g) The sponsor shall monitor and review the charter
21 school in its progress towards the goals established in the
22 charter.

23 (h) The sponsor shall monitor the revenues and
24 expenditures of the charter school.

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

27 (5) CHARTER SCHOOL COOPERATIVES.--Charter schools may
28 enter into cooperative agreements to form charter school
29 cooperative organizations which may provide the following
30 services: charter school planning and development, direct
31 instructional services, contracts with charter school

1 governing boards to provide personnel administrative services,
2 payroll services, human resource management, evaluation and
3 assessment services, teacher preparation, and professional
4 development.

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

6 ~~(a) The number of newly created charter schools is~~
7 ~~limited to no more than 28 in each school district that has~~
8 ~~100,000 or more students, no more than 20 in each school~~
9 ~~district that has 50,000 to 99,999 students, and no more than~~
10 ~~12 in each school district with fewer than 50,000 students.~~

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

14
15 ~~Notwithstanding any limit established by this subsection, a~~
16 ~~district school board or a charter school applicant shall have~~
17 ~~the right to request an increase of the limit on the number of~~
18 ~~charter schools authorized to be established within the~~
19 ~~district from the State Board of Education.~~

20 (6) ELIGIBLE STUDENTS.--

21 (a) A charter school shall be open to any student
22 covered in an interdistrict agreement or residing in the
23 school district in which the charter school is located;
24 however, in the case of a developmental research school
25 created under s. 228.053 to which a charter has been issued
26 under paragraph (4)(e), the charter school shall be open to
27 any student eligible to attend the developmental research
28 school as provided in s. 228.053 or who resides in the school
29 district in which the charter school is located. Any eligible
30 student shall be allowed interdistrict transfer to attend a
31 charter school when based on good cause. When a public school

1 converts to charter status, enrollment preference shall be
2 given to students who would have otherwise attended that
3 public school. A charter school may give enrollment preference
4 to a sibling of a student enrolled in the charter school, to
5 the child of a member of the governing board of the charter
6 school, or to the child of an employee of the charter school.

7 (b) The charter school shall enroll an eligible
8 student who submits a timely application, unless the number of
9 applications exceeds the capacity of a program, class, grade
10 level, or building. In such case, all applicants shall have an
11 equal chance of being admitted through a random selection
12 process.

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

15 1. Students within specific age groups or grade
16 levels.

17 2. Students considered at risk of dropping out of
18 school or academic failure. Such students shall include
19 exceptional education students.

20 3. Students enrolling in a charter
21 school-in-the-workplace, charter school-in-a-development, or
22 charter school-in-a-municipality established pursuant to
23 subsection (22).

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

1 5. Students who meet reasonable academic, artistic, or
2 other eligibility standards that are established by the
3 charter school and included in the charter school application
4 and charter or, in the case of existing charter schools, that
5 are consistent with the school's mission and purpose. Such
6 standards must be in accordance with current state law and
7 practice in public schools and may not discriminate against
8 otherwise qualified individuals.

9 6. Students articulating from one charter school to
10 another pursuant to an articulation agreement between the
11 charter schools that has been approved by the sponsor.

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

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

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

23 (7) LEGAL ENTITY.--A charter school shall organize as,
24 or be operated by, a nonprofit organization. A charter school
25 may be operated by a municipality or other public entity as
26 provided for by law. As such, the charter school may be either
27 a private or a public employer. As a public employer, a
28 charter school may participate in the Florida Retirement
29 System upon application and approval as a "covered group"
30 under s. 121.021(34). If a charter school participates in the
31 Florida Retirement System, the charter school employees shall

1 be compulsory members of the Florida Retirement System. As
2 either a private or a public employer, a charter school may
3 contract for services with an individual or group of
4 individuals who are organized as a partnership or a
5 cooperative. Individuals or groups of individuals who contract
6 their services to the charter school are not public employees.

7 (8) REQUIREMENTS.--

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

11 (b) A charter school shall admit students as provided
12 in subsection (6).

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

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

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

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

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

28 (h) No organization shall hold more than 15 charters
29 statewide.

30 (i) In order to provide financial information that is
31 comparable to that reported for other public schools, charter

1 schools are to maintain all financial records which constitute
2 their accounting system in accordance with the accounts and
3 codes prescribed in the most recent issuance of the
4 publication titled "Financial and Program Cost Accounting and
5 Reporting for Florida Schools--" or, at the discretion of the
6 charter school governing board, a charter school may elect to
7 follow accounting standards for not-for-profit organizations,
8 but must reformat this information for reporting according to
9 this paragraph. Charter schools are to provide annual
10 financial report and program cost report information in the
11 state-required formats for inclusion in district reporting in
12 compliance with s. 236.02(1). Charter schools which are
13 operated by a municipality or are a component unit of a parent
14 nonprofit organization may use the accounting system of the
15 municipality or the parent, but must reformat this information
16 for reporting according to this paragraph.

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

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

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

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

28 2. The focus of the curriculum, the instructional
29 methods to be used, ~~and~~ any distinctive instructional
30 techniques to be employed, and identification and acquisition
31 of appropriate technologies needed to improve educational and

1 administrative performance. This shall include a means for
2 promoting safe, ethical, and appropriate uses of technology
3 that comply with legal and professional standards.

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

8 a. How the baseline student academic achievement
9 levels and prior rates of academic progress will be
10 established.

11 b. How these baseline rates will be compared to rates
12 of academic progress achieved by these same students while
13 attending the charter school.

14 c. To the extent possible, how these rates of progress
15 will be evaluated and compared with rates of progress of other
16 closely comparable student populations.

17 d. How the district school board shall provide
18 academic student performance data to charter schools for each
19 of its students coming from the district school system as well
20 as rates of academic progress of comparable student
21 populations in the district school system.

22 4. The methods used to identify the educational
23 strengths and needs of students and how well educational goals
24 and performance standards are met by students attending the
25 charter school. Included in the methods are a means for
26 ensuring accountability to its constituents by analyzing
27 student performance data and by evaluating the effectiveness
28 and efficiency of its major educational programs.Students in
29 charter schools shall, at a minimum, participate in the
30 statewide assessment program.

31

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

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

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

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

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

24 10. A description of procedures that identify various
25 risks and provide for a comprehensive approach to reduce the
26 impact of losses, a plan to ensure the safety and security of
27 students and staff, plans to identify, minimize, and protect
28 others from violent and/or disruptive student behavior, and
29 the manner in which the school will be insured, including
30 whether or not the school will be required to have liability
31

1 insurance, and, if so, the terms and conditions thereof and
 2 the amounts of coverage.

3 11. The term of the charter which shall provide for
 4 cancellation of the charter if insufficient progress has been
 5 made in attaining the student achievement objectives of the
 6 charter and if it is not likely that such objectives can be
 7 achieved before expiration of the charter. The initial term of
 8 a charter shall be for 3, 4, or 5 years. In order to
 9 facilitate access to long-term financial resources for charter
 10 school construction, charter schools that are operated by a
 11 municipality or other public entity as provided by law are
 12 eligible for up to a 15-year charter, subject to approval by
 13 the local school board. A developmental research school is
 14 eligible for a charter for a term of up to 15 years issued by
 15 a state university pursuant to paragraph (4)(e). In addition,
 16 to facilitate access to long-term financial resources for
 17 charter school construction, charter schools that are operated
 18 by a private, not-for-profit, s. 501(c)(3) status corporation
 19 are eligible for up to a 10-year charter, subject to approval
 20 by the local school board. Such long-term charters remain
 21 subject to annual review and may be terminated during the term
 22 of the charter, but only for specific good cause according to
 23 the provisions set forth in subsection (10).

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

- 28 a. Provide funds to purchase real property.
- 29 b. Construct, renovate, repair, and maintain school
 30 facilities.

1 c. Purchase, lease-purchase, or lease permanent or
2 relocatable facilities.

3 d. Purchase vehicles to transport students to and from
4 the charter school.

5
6 Funds which may be appropriated by the Legislature for charter
7 school fixed capital outlay shall be included in this
8 financial plan as a separate source of potential income.

9 13. The qualifications to be required of the teachers
10 and the potential strategies used to recruit, hire, train, and
11 retain qualified staff.

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

15 15. A timetable for implementing the charter which
16 addresses the implementation of each element thereof and the
17 date by which the charter shall be awarded in order to meet
18 this timetable.

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

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

12 (c) A charter may be modified during its initial term
13 or any renewal term upon the recommendation of the sponsor or
14 the charter school governing board and the approval of both
15 parties to the agreement.

16 (d) The governing body of the charter school shall
17 exercise continuing oversight over charter school operations
18 and make annual progress reports to its sponsor, which upon
19 verification shall be forwarded to the Commissioner of
20 Education at the same time as other annual school
21 accountability reports. The report shall contain at least the
22 following information:

23 1. The charter school's progress towards achieving the
24 goals outlined in its charter.

25 2. The information required in the annual school
26 report pursuant to s. 229.592.

27 3. Financial records of the charter school, including
28 revenues and expenditures.

29 4. Salary and benefit levels of charter school
30 employees.

31

1 (e) A sponsor shall ensure that the charter is
2 innovative and consistent with the state education goals
3 established by s. 229.591.

4 (f) Upon receipt of the annual report required by
5 paragraph (d), the Department of Education shall provide to
6 the State Board of Education, the Commissioner of Education,
7 the President of the Senate, and the Speaker of the House of
8 Representatives an analysis and comparison of the overall
9 performance of charter school students, to include all
10 students whose scores are counted as part of the state
11 assessment program, versus comparable public school students
12 in the district as determined by the state assessment program
13 currently administered in the school district, and, as
14 appropriate, the Florida Writes Assessment Test, the High
15 School Competency Test, and other assessments administered
16 pursuant to s. 229.57(3).

17 (g) Whenever a municipality has submitted charter
18 applications for the establishment of a charter school feeder
19 pattern (elementary, middle, and senior high schools), and
20 upon approval of each individual charter application by the
21 district school board, such applications will then be
22 designated as one charter for all purposes listed pursuant to
23 this section.

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

25 (a) At the end of the term of a charter, the sponsor
26 may choose not to renew the charter for any of the following
27 grounds:

28 1. Failure to meet the requirements for student
29 performance stated in the charter.

30 2. Failure to meet generally accepted standards of
31 fiscal management.

1 3. Violation of law.

2 4. Other good cause shown.

3 (b) During the term of a charter, the sponsor may
4 terminate the charter for any of the grounds listed in
5 paragraph (a).

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

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

31

1 (e) When a charter is not renewed or is terminated,
 2 the school shall be dissolved under the provisions of law
 3 under which the school was organized, and any unencumbered
 4 public funds from the charter school shall revert to the
 5 district school board. In the event a charter school is
 6 dissolved or is otherwise terminated, all district school
 7 board property and improvements, furnishings, and equipment
 8 purchased with public funds shall automatically revert to full
 9 ownership by the district school board, subject to complete
 10 satisfaction of any lawful liens or encumbrances. In case of
 11 real property, school districts may have first right of
 12 refusal in determining whether to assume the asset.

13 (f) If a charter is not renewed or is terminated, the
 14 charter governing body of the school is responsible for all
 15 debts of the charter school. The district may not assume the
 16 debt from any contract for services made between the governing
 17 body of the school and a third party, except for a debt that
 18 is previously detailed and agreed upon in writing by both the
 19 district and the governing body of the school and that may not
 20 reasonably be assumed to have been satisfied by the district.

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

25 (11) EXEMPTION FROM STATUTES.--A charter school shall
 26 operate in accordance with its charter and shall be exempt
 27 from all statutes of the Florida School Code, except those
 28 specifically applying to charter schools; those pertaining to
 29 the provision of services to students with disabilities; those
 30 pertaining to civil rights, including s. 228.2001, relating to
 31 discrimination; and those pertaining to student health,

1 safety, and welfare; or as otherwise required by this section.
 2 A charter school shall not be exempt from the following
 3 statutes: chapter 119, relating to public records, and s.
 4 286.011, relating to public meetings and records, public
 5 inspection, and penalties. The charter school governing board
 6 ~~sponsor, upon request of a charter school,~~ may apply to the
 7 Commissioner of Education for a waiver of provisions of
 8 chapters 230-239 which are applicable to charter schools under
 9 this section, except that the provisions of chapter 236 or
 10 chapter 237 shall not be eligible for waiver if the waiver
 11 would affect funding allocations or create inequity in public
 12 school funding. The commissioner must confirm receipt of a
 13 waiver request from a charter school by providing a copy of
 14 the request to the sponsor. The commissioner may grant the
 15 waiver if necessary to implement the school program, and shall
 16 provide notice of the final dispensation of the waiver request
 17 to the charter school governing board and the charter school's
 18 sponsor.

19 (12) EMPLOYEES OF CHARTER SCHOOLS.--

20 (a) A charter school shall select its own employees. A
 21 charter school may contract with its sponsor for the services
 22 of personnel employed by the sponsor.

23 (b) Charter school employees shall have the option to
 24 bargain collectively. Employees may collectively bargain as a
 25 separate unit or as part of the existing district collective
 26 bargaining unit as determined by the structure of the charter
 27 school.

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

31

1 (d) The teachers at a charter school may choose to be
2 part of a professional group that subcontracts with the
3 charter school to operate the instructional program under the
4 auspices of a partnership or cooperative that they
5 collectively own. Under this arrangement, the teachers would
6 not be public employees.

7 (e) Employees of a school district may take leave to
8 accept employment in a charter school upon the approval of the
9 district school board. While employed by the charter school
10 and on leave that is approved by the school board, the
11 employee may retain seniority accrued in that school district
12 and may continue to be covered by the benefit programs of that
13 school district, if the charter school and the district school
14 board agree to this arrangement and its financing. School
15 districts shall not require resignations of teachers desiring
16 to teach in a charter school. This paragraph shall not
17 prohibit a school board from approving alternative leave
18 arrangements consistent with chapter 231.

19 (f) Teachers employed by or under contract to a
20 charter school shall be certified as required by chapter 231.
21 A charter school governing board may employ or contract with
22 skilled selected noncertified personnel to provide
23 instructional services or to assist instructional staff
24 members as education paraprofessionals in the same manner as
25 defined in chapter 231, and as provided by State Board of
26 Education rule for charter school governing boards. A charter
27 school may not knowingly employ an individual to provide
28 instructional services or to serve as an education
29 paraprofessional if the individual's certification or
30 licensure as an educator is suspended or revoked by this or
31 any other state. A charter school may not knowingly employ an

1 individual who has resigned from a school district in lieu of
2 disciplinary action with respect to child welfare or safety,
3 or who has been dismissed for just cause by any school
4 district with respect to child welfare or safety. The
5 qualifications of teachers shall be disclosed to a parent at
6 the time the parent submits an admission application to a
7 charter school ~~parents~~. If a charter school or public school
8 teacher has completed the requirements in s. 231.17(2)(g),
9 except the demonstration of general knowledge of mathematics,
10 that person may continue employment as a teacher for the 3
11 years during which the temporary certificate is valid, if the
12 teacher does not teach mathematics above the 4th-grade level
13 and the teacher is enrolled in a state-approved program
14 designed to improve mathematics skills. If the teacher has not
15 completed the mathematics requirement after 3 school years,
16 the school district may not continue to employ him or her in a
17 position for which a temporary certificate is required.

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

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

29 (a) Each charter school shall report its student
30 enrollment to the district school board as required in s.
31 236.081, and in accordance with the definitions in s. 236.013.

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

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

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

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

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

17 (e) Any administrative fee charged by the school
18 district relating to a charter school shall be limited to 5
19 percent of the available funds as defined in paragraph (b),
20 not including capital outlay funds, federal and state grants,
21 or any other funds, unless explicitly provided by law. The
22 sponsor shall provide certain administrative and educational
23 services to charter schools at no additional fee. These
24 services shall include contract management services, FTE and
25 data reporting, exceptional student education administration,
26 test administration, processing of teacher certificate data,
27 and information services.

28 (f) School boards shall make every effort to ensure
29 that charter schools receive timely and efficient
30 reimbursement, including processing paperwork required to
31 access special state and federal funding for which they may be

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

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

1 maintenance funds or any other maintenance funds generated by
 2 the facility pursuant to s. 235.435(1)(a), and operated as a
 3 conversion school shall remain with the conversion school as a
 4 credit for fixed capital outlay maintenance needs, and against
 5 which, necessary and proper fixed capital outlay maintenance
 6 expenses attributable to the conversion school shall be
 7 deducted.

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

15 (i) If any financings permitted by this section, s.
 16 228.056, or any successor provision of law, are structured by
 17 a charter school so that interest paid by the charter school
 18 will be excluded from the gross income of the recipient for
 19 federal income tax purposes, the appropriate district school
 20 board shall expedite consideration of adoption of any
 21 resolution submitted to it within 30 days or at the next board
 22 meeting following the request of the charter school, whichever
 23 is most expedient for the charter school, by or on behalf of
 24 the charter school, for adoption for the purposes of Revenue
 25 Procedure 82-26 of the Internal Revenue Service, or any
 26 successor revenue procedure. This section shall be liberally
 27 construed in order to achieve the purposes stated herein.

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

31

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

5 (16) FACILITIES.--

6 (a) A charter school shall utilize facilities which
7 comply with the State Uniform Building Code for Public
8 Educational Facilities Construction adopted pursuant to s.
9 235.26 or with applicable state minimum building codes
10 pursuant to chapter 553 and state minimum fire protection
11 codes pursuant to s. 633.025, as adopted by the authority in
12 whose jurisdiction the facility is located.

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

17 (c) On the effective date of the Florida Building
18 Code, charter school facilities shall utilize facilities which
19 comply with section 306.1.1 of the rules promulgated pursuant
20 to the ~~After January 1, 2001, charter school facilities shall~~
21 ~~utilize facilities which comply with the~~ Florida Building
22 Code, pursuant to chapter 553, and the Florida Fire Prevention
23 Code, pursuant to chapter 633.

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

28 (18) INFORMATION.--The Department of Education shall
29 provide information to the public, directly and through
30 sponsors, both on how to form and operate a charter school and
31 on how to enroll in charter schools once they are created.

1 This information shall include a standard application format
2 which shall include the information specified in subsection
3 (9). This application format may be used by chartering
4 entities.

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

7 (20) REVIEW.--

8 (a) The Department of Education shall regularly
9 convene a Charter School Review Panel in order to review
10 issues, practices, and policies regarding charter schools. The
11 composition of the review panel shall include individuals with
12 experience in finance, administration, law, education, and
13 school governance, and individuals familiar with charter
14 school construction and operation. The panel shall include two
15 appointees each from the Commissioner of Education, the
16 President of the Senate, and the Speaker of the House of
17 Representatives. The Governor shall appoint three members of
18 the panel and shall designate the chair. Each member of the
19 panel shall serve a 1-year term, unless renewed by the office
20 making the appointment. The panel shall make recommendations
21 to the Legislature, to the Department of Education, to charter
22 schools, and to school districts for improving charter school
23 operations and oversight and for ensuring best business
24 practices at and fair business relationships with charter
25 schools.

26 (b) The Legislature shall review the operation of
27 charter schools during the 2003 ~~2005~~ Regular Session of the
28 Legislature.

29 (21) RULEMAKING.--The Department of Education, after
30 consultation with school districts and charter school
31 directors, shall recommend that the State Board of Education

1 adopt rules to implement specific subsections of this section.
2 Such rules shall require minimum paperwork and shall not limit
3 charter school flexibility authorized by statute.

4 (22) CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER
5 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER
6 SCHOOLS-IN-A-MUNICIPALITY.--

7 (a) In order to increase business partnerships in
8 education, to reduce school and classroom overcrowding
9 throughout the state, to encourage developers of residential
10 and other projects to provide school infrastructure concurrent
11 with school impacts, to promote and encourage local
12 communities to participate in and advance the cause of
13 neighborhood schools,and to offset the high costs for
14 educational facilities construction, the Legislature intends
15 to encourage the formation of business partnership schools or
16 satellite learning centers through charter school status.

17 (b) A charter school-in-the-workplace may be
18 established when a business partner provides the school
19 facility to be used; enrolls students based upon a random
20 lottery which involves all of the children of employees of
21 that business or corporation who are seeking enrollment, as
22 provided for in subsection (6); and enrolls students according
23 to the racial/ethnic balance provisions described in
24 subparagraph (9)(a)8. Any portion of a facility used for a
25 public charter school shall be exempt from ad valorem taxes,
26 as provided for in s. 235.198, for the duration of its use as
27 a public school.

28 (c) A charter school-in-a-development designation may
29 be granted when the developer of a residential or other
30 project provides the land and/or school facility to be used;
31 enrolls students based upon a random lottery which involves,

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

20 (e) For the purpose of this subsection, "business
21 partner," "employer," "developer," or "municipality" may be
22 defined to include more than one business, employer,
23 developer, or municipality to form a charter
24 school-in-the-workplace, charter school-in-a-development, or
25 charter school-in-a-municipality.

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

28 228.0561 Charter schools capital outlay funding.--
29 (1) In each year in which funds are appropriated for
30 charter school capital outlay purposes, the Commissioner of
31 Education shall allocate the funds among eligible charter

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 schools. To be eligible for a funding allocation, a charter
2 school must meet the provisions of subsection (6), must have
3 received final approval from its sponsor pursuant to s.
4 228.056 for operation during that fiscal year, and must serve
5 students in facilities that are not provided by the charter
6 school's sponsor. Prior to the release of capital outlay
7 funds to a school district on behalf of the charter school,
8 the Department of Education shall ensure that the district
9 school board and the charter school governing board enter into
10 a written agreement that includes provisions for the reversion
11 of any unencumbered funds and all equipment and property
12 purchased with public education funds to the ownership of the
13 district school board, as provided for in subsection (3), in
14 the event that the school terminates operations. Any funds
15 recovered by the state shall be deposited in the General
16 Revenue Fund. A charter school is not eligible for a funding
17 allocation if it was created by the conversion of a public
18 school and operates in facilities provided by the charter
19 school's sponsor for a nominal fee or at no charge or if it is
20 directly or indirectly operated by the school district. Unless
21 otherwise provided in the General Appropriations Act, the
22 funding allocation for each eligible charter school shall be
23 determined by multiplying the school's projected student
24 enrollment by one-fifteenth of the cost-per-student station
25 specified in s. 235.435(6)(b) for an elementary, middle, or
26 high school, as appropriate. If the funds appropriated are
27 not sufficient, the commissioner shall prorate the available
28 funds among eligible charter schools. Funds shall be
29 distributed on the basis of the capital outlay full-time
30 equivalent membership by grade level, which shall be
31 calculated by averaging the results of the second and third

1 enrollment surveys. The Department of Education shall
2 distribute capital outlay funds on a monthly basis beginning
3 in the first quarter of the fiscal year based on one-twelfth
4 of the amount the department may reasonably expect the charter
5 school to receive during that fiscal year.~~Sixty percent of~~
6 ~~the funds shall be distributed after the second enrollment~~
7 ~~survey, and the balance shall be distributed after the third~~
8 ~~enrollment survey.~~The commissioner shall adjust subsequent
9 distributions as necessary to reflect each charter school's
10 actual student enrollment as reflected in the second and third
11 enrollment surveys. The commissioner shall establish the
12 intervals and procedures for determining the projected and
13 actual student enrollment of eligible charter schools.

14 Section 3. Section 228.058, Florida Statutes, is
15 amended to read:

16 228.058 Charter School Districts Pilot Program.--The
17 State Board of Education is authorized to enter into a
18 performance contract with up to six school districts for the
19 purpose of establishing them as charter school districts. The
20 State Board of Education shall give priority to Hillsborough
21 and Volusia Counties upon the submission of a completed
22 precharter agreement or charter proposal for a charter school
23 district. The purpose of this pilot program is to examine a
24 new relationship between the State Board of Education and
25 school districts that may produce significant improvements in
26 student achievement and school management, while complying
27 with constitutional requirements assigned to each entity.
28 Beginning July 1, 2001, the State Board of Education shall
29 provide the option to each school that has been in operation
30 for at least 2 years within a school district that is approved
31 for charter school district status to vote within the first

1 year of the approved charter school district status, or if the
2 charter school district was approved prior to July 1, 2001, to
3 vote no later than June 30, 2002, to convert to charter school
4 status and upon the vote, as described in s. 228.056(3)(a), to
5 apply for charter school status.

6 (1) CHARTER DISTRICT.--A charter school district is a
7 school district in Florida in which the school board has
8 submitted and the state board has approved a charter proposal
9 that exchanges statutory and rule exemption for agreement to
10 meet performance goals in the proposal. The charter school
11 district shall be chartered for 3 years, at the end of which
12 the performance shall be evaluated.

13 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school
14 districts shall be exempt from state statutes and state board
15 rules as provided in s. 228.056. The school board of a
16 charter school district shall not be exempt from any statute
17 governing election of board members, public meetings and
18 public records requirements, financial disclosure, conflicts
19 of interest, operation in the sunshine, or other provisions
20 outside the Florida School Code.

21 (3) GOVERNING BOARD.--The governing board of the
22 charter school district shall be the duly elected school
23 board. The school board shall be responsible for supervising
24 the schools in the charter district and is authorized to
25 charter each of its existing public schools pursuant to s.
26 228.056, apply for deregulation of its public schools pursuant
27 to s. 228.0565, or otherwise establish performance-based
28 contractual relationships with its public schools for the
29 purpose of giving them greater autonomy with accountability
30 for performance.

31

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

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

9 (6) REPORTS.--The state board shall annually report on
10 the implementation of the charter school district pilot
11 program. Upon the completion of the first 3-year term, the
12 state board, through the Commissioner of Education, shall
13 submit to the Legislature a full evaluation of the
14 effectiveness of the program.

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

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

20 232.425 Student standards for participation in
21 interscholastic extracurricular student activities;
22 regulation.--

23 (3)

24 (d) An individual charter school student pursuant to
25 s. 228.056 is eligible to participate at the public school to
26 which the student would be assigned according to district
27 school attendance area policies or which the student could
28 choose to attend, pursuant to district or interdistrict
29 controlled open enrollment provisions, in any interscholastic
30 extracurricular activity of that school, unless such activity
31

1 is provided by the student's charter school, provided the
2 following conditions are met:

3 1. The charter school student must meet the
4 requirements of the charter school education program as
5 determined by the charter school governing board.

6 2. During the period of participation at a school, the
7 charter school student must demonstrate educational progress
8 as required in paragraph (b).

9 3. The charter school student must meet the same
10 residency requirements as other students in the school at
11 which he or she participates.

12 4. The charter school student must meet the same
13 standards of acceptance, behavior, and performance as required
14 of other students in extracurricular activities.

15 5. The charter school student must register with the
16 school his or her intent to participate in interscholastic
17 extracurricular activities as a representative of the school
18 before the beginning date of the season for the activity in
19 which he or she wishes to participate. A charter school
20 student must be able to participate in curricular activities
21 if that is a requirement for an extracurricular activity.

22 6. A student who transfers from a charter school
23 program to a traditional public school before or during the
24 first grading period of the school year is academically
25 eligible to participate in interscholastic extracurricular
26 activities during the first grading period provided the
27 student has a successful evaluation from the previous school
28 year, pursuant to subparagraph 2.

29 7. Any public school or nonpublic school student who
30 has been unable to maintain academic eligibility for
31 participation in interscholastic extracurricular activities is

1 ineligible to participate in such activities as a charter
2 school student until the student has successfully completed
3 one grading period in a charter school pursuant to
4 subparagraph 2. to become eligible to participate as a charter
5 school student.

6 Section 5. Paragraph (b) of subsection (22) of section
7 159.27, Florida Statutes, is amended to read:

8 159.27 Definitions.--The following words and terms,
9 unless the context clearly indicates a different meaning,
10 shall have the following meanings:

11 (22) "Educational facility" means:

12 (b) Property that comprises the buildings and
13 equipment, structures, and special education use areas that
14 are built, installed, or established to serve primarily the
15 educational purposes of operating any nonprofit private
16 preschool, kindergarten, elementary school, middle school, or
17 high school that is established under chapter 617 or chapter
18 623, or that is owned or operated by an organization described
19 in s. 501(c)(3) of the United States Internal Revenue Code, or
20 operating any preschool, kindergarten, elementary school,
21 middle school, or high school that is owned or operated as
22 part of the state's system of public education, including, but
23 not limited to, a charter school or a developmental research
24 school operated under chapter 228. The requirements of this
25 part for the financing of projects through local agencies
26 shall also apply to such schools. Bonds issued under the
27 provisions of this part for such schools shall not be deemed
28 to constitute a debt, liability, or obligation of the state or
29 any political subdivision thereof, or a pledge of the faith
30 and credit of the state or of any such political subdivision,

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1 but shall be payable solely from the revenues provided
2 therefor.

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