

Bill No. CS for SB 1780

Amendment No.      Barcode 545664

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Peaden moved the following amendment:

**Senate Amendment (with title amendment)**

On page 15, between lines 5 and 6,

insert:

Section 9. 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.

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

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

6 (d) Increase choice of learning opportunities for  
7 students.

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

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

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

13 (h) Create new professional opportunities for  
14 teachers, including the opportunity to own the learning  
15 program at the school site.

16 (i) Provide rigorous competition within the public  
17 school district to stimulate continual improvements in all  
18 public schools.

19 (j) Provide additional academic choices for parents  
20 and students.

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

22 (3) APPLICATION; UNLAWFUL REPRISAL.--

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

27 2. The district school board or the principal,  
28 teachers, parents, and/or the school advisory council at an  
29 existing public school that has been in operation for at least  
30 2 years prior to the application to convert, including a  
31 public school-within-a-school that is designated as a school

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1 by the district school board, shall submit any application for  
 2 converting the school to a charter school. An application  
 3 submitted proposing to convert an existing public school to a  
 4 charter school shall demonstrate the support of at least 50  
 5 percent of the teachers employed at the school and 50 percent  
 6 of the parents voting whose children are enrolled at the  
 7 school, provided that a majority of the parents eligible to  
 8 vote participate in the ballot process, according to  
 9 procedures established by rules of the state board. A district  
 10 school board denying such an application for a conversion  
 11 charter school shall provide notice of denial to the  
 12 applicants in writing within 30 days. The notice shall specify  
 13 the exact reasons for denial and provide documentation  
 14 supporting those reasons.

15  
 16 A private school, parochial school, or home education program  
 17 shall not be eligible for charter school status.

18 (b) No district school board, or district school board  
 19 employee who has control over personnel actions, shall take  
 20 unlawful reprisal against another district school board  
 21 employee because that employee is either directly or  
 22 indirectly involved with an application to establish a charter  
 23 school. As used in this subsection, the term "unlawful  
 24 reprisal" means an action taken by a district school board or  
 25 a school system employee against an employee who is directly  
 26 or indirectly involved in a lawful application to establish a  
 27 charter school, which occurs as a direct result of that  
 28 involvement, and which results in one or more of the  
 29 following: disciplinary or corrective action; adverse transfer  
 30 or reassignment, whether temporary or permanent; suspension,  
 31 demotion, or dismissal; an unfavorable performance evaluation;

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1 a reduction in pay, benefits, or rewards; elimination of the  
2 employee's position absent of a reduction in force as a result  
3 of lack of moneys or work; or other adverse significant  
4 changes in duties or responsibilities that are inconsistent  
5 with the employee's salary or employment classification. The  
6 following procedures shall apply to an alleged unlawful  
7 reprisal which occurs as a consequence of an employee's direct  
8 or indirect involvement with an application to establish a  
9 charter school:

10           1. Within 60 days after a reprisal prohibited by this  
11 subsection, an employee may file a complaint with the  
12 Department of Education.

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

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

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

30           5. If the department determines that reasonable  
31 grounds exist to believe that an unlawful reprisal has

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1 occurred, is occurring, or is to be taken, and is unable to  
2 conciliate a complaint within 60 days after receipt of the  
3 fact-finding report, the department shall terminate the  
4 investigation. Upon termination of any investigation, the  
5 department shall notify the complainant and the superintendent  
6 of schools of the termination of the investigation, providing  
7 a summary of relevant facts found during the investigation and  
8 the reasons for terminating the investigation. A written  
9 statement under this paragraph is presumed admissible as  
10 evidence in any judicial or administrative proceeding.

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

20  
21 It shall be an affirmative defense to any action brought  
22 pursuant to this section that the adverse action was  
23 predicated upon grounds other than, and would have been taken  
24 absent, the employee's exercise of rights protected by this  
25 section.

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

30           1. Reinstatement of the employee to the same position  
31 held before the unlawful reprisal was commenced, or to an

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1 equivalent position, or payment of reasonable front pay as  
2 alternative relief.

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

5           3. Compensation, if appropriate, for lost wages,  
6 benefits, or other lost remuneration caused by the unlawful  
7 reprisal.

8           4. Payment of reasonable costs, including attorney's  
9 fees, to a substantially prevailing employee, or to the  
10 prevailing employer if the employee filed a frivolous action  
11 in bad faith.

12           5. Issuance of an injunction, if appropriate, by a  
13 court of competent jurisdiction.

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

22           (4) SPONSOR.--A district school board may sponsor a  
23 charter school in the county over which the board has  
24 jurisdiction.

25           (a) A district school board shall receive and review  
26 all applications for a charter school. A district school board  
27 shall receive and consider charter school applications  
28 received on or before October 1 of each calendar year for  
29 charter schools to be opened at the beginning of the school  
30 district's next school year, or to be opened at a time agreed  
31 to by the applicant and the district school board. A district

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1 school board may receive applications later than this date if  
2 it chooses. No potential sponsor may charge a charter school  
3 applicant any fee related to the processing or consideration  
4 of the charter school application, nor shall the promise of  
5 future payment of any kind be a condition of the consideration  
6 or approval of a charter school application.

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

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

29       3. For budget projection purposes, the district school  
30 board or other sponsor shall report to the department the  
31 approval or denial of a charter application within 10 calendar

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1 days after such approval or denial. In the event of approval,  
2 the report to the department must include the final projected  
3 FTE for the approved charter school.

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

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



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1 the state board's decision. The decision of the State Board of  
2 Education is not subject to the provisions of the  
3 Administrative Procedure Act, chapter 120.

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

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

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

29 (f) The terms and conditions for the operation of a  
30 charter school shall be set forth by the sponsor and the  
31 applicant in a written contractual agreement, called a

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

23 (g) The sponsor shall monitor and review the charter  
 24 school in its progress towards the goals established in the  
 25 charter.

26 (h) The sponsor shall monitor the revenues and  
 27 expenditures of the charter school.

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

30 (5) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
 31 enter into cooperative agreements to form charter school

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1 cooperative organizations which may provide the following  
2 services: charter school planning and development, direct  
3 instructional services, contracts with charter school  
4 governing boards to provide personnel administrative services,  
5 payroll services, human resource management, evaluation and  
6 assessment services, teacher preparation, and professional  
7 development.

8 (6)(5) NUMBER OF SCHOOLS.--

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

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

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

23 (7)(6) ELIGIBLE STUDENTS.--

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

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1 district in which the charter school is located. Any eligible  
 2 student shall be allowed interdistrict transfer to attend a  
 3 charter school when based on good cause. When a public school  
 4 converts to charter status, enrollment preference shall be  
 5 given to students who would have otherwise attended that  
 6 public school. A charter school may give enrollment preference  
 7 to a sibling of a student enrolled in the charter school, to  
 8 the child of a member of the governing board of the charter  
 9 school, or to the child of an employee of the charter school.

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

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

18 1. Students within specific age groups or grade  
 19 levels.

20 2. Students considered at risk of dropping out of  
 21 school or academic failure. Such students shall include  
 22 exceptional education students.

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

27 4. Students residing within a reasonable distance of  
 28 the charter school, as described in paragraph(14)(c)(13)(e).  
 29 Such students shall be subject to a random lottery and to the  
 30 racial/ethnic balance provisions described in subparagraph  
 31 (10)(a)8.(9)(a)8-or any federal provisions which require a

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1 school to achieve a racial/ethnic balance reflective of the  
2 community it serves or within the racial/ethnic range of other  
3 public schools in the same school district.

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

12 6. Students articulating from one charter school to  
13 another pursuant to an articulation agreement between the  
14 charter schools that has been approved by the sponsor.

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

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

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

26 (8)(7) LEGAL ENTITY.--A charter school shall organize  
27 as, or be operated by, a nonprofit organization. A charter  
28 school may be operated by a municipality or other public  
29 entity as provided for by law. As such, the charter school may  
30 be either a private or a public employer. As a public  
31 employer, a charter school may participate in the Florida

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

10 (9)~~(8)~~ REQUIREMENTS.--

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

14 (b) A charter school shall admit students as provided  
15 in subsection~~(7)~~(6).

16 (c) A charter school shall be accountable to its  
17 sponsor for performance as provided in subsection~~(10)~~(9).

18 (d) A charter school shall not charge tuition or fees,  
19 except those fees normally charged by other public schools.  
20 However, a developmental research school to which a charter  
21 has been issued pursuant to paragraph (4)(e) may charge a  
22 student activity and service fee as authorized by s.  
23 228.053(5).

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

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

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

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

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1 statewide.

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

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

22 (10)(9) CHARTER.--The major issues involving the  
23 operation of a charter school shall be considered in advance  
24 and written into the charter. The charter shall be signed by  
25 the governing body of the charter school and the sponsor,  
26 following a public hearing to ensure community input.

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

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

31 2. The focus of the curriculum, the instructional

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1 methods to be used, ~~and~~ any distinctive instructional  
2 techniques to be employed, and identification and acquisition  
3 of appropriate technologies needed to improve educational and  
4 administrative performance. This shall include a means for  
5 promoting safe, ethical, and appropriate uses of technology  
6 that comply with legal and professional standards.

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

11           a. How the baseline student academic achievement  
12 levels and prior rates of academic progress will be  
13 established.

14           b. How these baseline rates will be compared to rates  
15 of academic progress achieved by these same students while  
16 attending the charter school.

17           c. To the extent possible, how these rates of progress  
18 will be evaluated and compared with rates of progress of other  
19 closely comparable student populations.

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

25           4. The methods used to identify the educational  
26 strengths and needs of students and how well educational goals  
27 and performance standards are met by students attending the  
28 charter school. Included in the methods are a means for  
29 ensuring accountability to its constituents by analyzing  
30 student performance data and by evaluating the effectiveness  
31 and efficiency of its major educational programs.Students in





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1 or not the school will be required to have liability  
2 insurance, and, if so, the terms and conditions thereof and  
3 the amounts of coverage.

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

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

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

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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(8)(~~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.

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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 (e) A sponsor shall ensure that the charter is

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1 innovative and consistent with the state education goals  
2 established by s. 229.591.

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

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

23 (11)~~(10)~~ CAUSES FOR NONRENEWAL OR TERMINATION.--

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

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

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

31 3. Violation of law.

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1 4. Other good cause shown.

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

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

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

30 (e) When a charter is not renewed or is terminated,  
31 the school shall be dissolved under the provisions of law

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1 under which the school was organized, and any unencumbered  
 2 public funds from the charter school shall revert to the  
 3 district school board. In the event a charter school is  
 4 dissolved or is otherwise terminated, all district school  
 5 board property and improvements, furnishings, and equipment  
 6 purchased with public funds shall automatically revert to full  
 7 ownership by the district school board, subject to complete  
 8 satisfaction of any lawful liens or encumbrances. In case of  
 9 real property, school districts may have first right of  
 10 refusal in determining whether to assume the asset.

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

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

23 (12)(11) EXEMPTION FROM STATUTES.--A charter school  
 24 shall operate in accordance with its charter and shall be  
 25 exempt from all statutes of the Florida School Code, except  
 26 those specifically applying to charter schools; those  
 27 pertaining to the provision of services to students with  
 28 disabilities; those pertaining to civil rights, including s.  
 29 228.2001, relating to discrimination; and those pertaining to  
 30 student health, safety, and welfare; or as otherwise required  
 31 by this section. A charter school shall not be exempt from the

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

17 (13)(12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

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

29 (d) The teachers at a charter school may choose to be  
 30 part of a professional group that subcontracts with the  
 31 charter school to operate the instructional program under the



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1 auspices of a partnership or cooperative that they  
2 collectively own. Under this arrangement, the teachers would  
3 not be public employees.

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

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

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

15 (g) A charter school shall employ or contract with  
16 employees who have been fingerprinted as provided in s.  
17 231.02. Members of the governing board of the charter school  
18 shall also be fingerprinted in a manner similar to that  
19 provided in s. 231.02.

20 ~~(14)(13)~~ REVENUE.--Students enrolled in a charter  
21 school, regardless of the sponsorship, shall be funded as if  
22 they are in a basic program or a special program, the same as  
23 students enrolled in other public schools in the school  
24 district. Funding for a chartered developmental research  
25 school shall be as provided in s. 228.053(9).

26 (a) Each charter school shall report its student  
27 enrollment to the district school board as required in s.  
28 236.081, and in accordance with the definitions in s. 236.013.  
29 Such report shall be submitted to the sponsor in the format  
30 that the sponsor is required to submit the district's  
31 information to the Department of Education.The district

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1 school board shall include each charter school's enrollment in  
2 the district's report of student enrollment.

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

24 (c) Transportation of charter school students shall be  
25 provided by the charter school consistent with the  
26 requirements of chapter 234. The governing body of the charter  
27 school may provide transportation through an agreement or  
28 contract with the district school board, a private provider,  
29 or parents. The charter school and the sponsor shall cooperate  
30 in making arrangements that ensure that transportation is not  
31 a barrier to equal access for all students residing within a

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1 reasonable distance of the charter school as determined in its  
2 charter.

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

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

25 (f) School boards shall make every effort to ensure  
26 that charter schools receive timely and efficient  
27 reimbursement, including processing paperwork required to  
28 access special state and federal funding for which they may be  
29 eligible. The district school board may distribute funds to a  
30 charter school for up to 3 months based on the projected  
31 full-time equivalent student membership of the charter school.

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

14 (g) If a district school board facility or property is  
15 available because it is surplus, marked for disposal, or  
16 otherwise unused, it shall be provided for a charter school's  
17 use on the same basis as it is made available to other public  
18 schools in the district. A charter school receiving property  
19 from the school district may not sell or dispose of such  
20 property without written permission of the school district.  
21 Similarly, for an existing public school converting to charter  
22 status, no rental or leasing fee for the existing facility or  
23 for the property normally inventoried to the conversion school  
24 may be charged by the district school board to the parents and  
25 teachers organizing the charter school. The charter  
26 organizers shall agree to reasonable maintenance provisions in  
27 order to maintain the facility in a manner similar to district  
28 school board standards. The public education capital outlay  
29 maintenance funds or any other maintenance funds generated by  
30 the facility pursuant to s. 235.435(1)(a), and operated as a  
31 conversion school shall remain with the conversion school as a

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1 credit for fixed capital outlay maintenance needs, and against  
2 which, necessary and proper fixed capital outlay maintenance  
3 expenses attributable to the conversion school shall be  
4 deducted.

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

12 (i) If any financings permitted by this section, s.  
13 228.056, or any successor provision of law, are structured by  
14 a charter school so that interest paid by the charter school  
15 will be excluded from the gross income of the recipient for  
16 federal income tax purposes, the appropriate district school  
17 board shall expedite consideration of adoption of any  
18 resolution submitted to it within 30 days or at the next board  
19 meeting following the request of the charter school, whichever  
20 is most expedient for the charter school, by or on behalf of  
21 the charter school, for adoption for the purposes of Revenue  
22 Procedure 82-26 of the Internal Revenue Service, or any  
23 successor revenue procedure. This section shall be liberally  
24 construed in order to achieve the purposes stated herein.

25 ~~(15)(14)~~ IMMUNITY.--For the purposes of tort  
26 liability, the governing body and employees of a charter  
27 school shall be governed by s. 768.28.

28 ~~(16)(15)~~ LENGTH OF SCHOOL YEAR.--A charter school  
29 shall provide instruction for at least the number of days  
30 required by law for other public schools, and may provide  
31 instruction for additional days.

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1           (17)~~(16)~~ FACILITIES.--

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

9           (b) Any facility, or portion thereof, used to house a  
10 charter school whose charter has been approved by the sponsor  
11 and the governing board, pursuant to subsection(10)~~(9)~~,  
12 shall be exempt from ad valorem taxes pursuant to s. 196.1983.

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

20           (18)~~(17)~~ INITIAL COSTS.--A sponsor may approve a  
21 charter for a charter school before the applicant has secured  
22 space, equipment, or personnel, if the applicant indicates  
23 approval is necessary for it to raise working capital.

24           (19)~~(18)~~ INFORMATION.--The Department of Education  
25 shall provide information to the public, directly and through  
26 sponsors, both on how to form and operate a charter school and  
27 on how to enroll in charter schools once they are created.  
28 This information shall include a standard application format  
29 which shall include the information specified in subsection  
30 (10)~~(9)~~. This application format may be used by chartering  
31 entities.

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1           ~~(20)~~~~(19)~~ GENERAL AUTHORITY.--A charter school shall  
2 not levy taxes or issue bonds secured by tax revenues.

3           ~~(21)~~~~(20)~~ REVIEW.--

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

22           (b) The Legislature shall review the operation of  
23 charter schools during the 2003 ~~2005~~ Regular Session of the  
24 Legislature.

25           ~~(22)~~~~(21)~~ RULEMAKING.--The Department of Education,  
26 after consultation with school districts and charter school  
27 directors, shall recommend that the State Board of Education  
28 adopt rules to implement specific subsections of this section.  
29 Such rules shall require minimum paperwork and shall not limit  
30 charter school flexibility authorized by statute.

31           ~~(23)~~~~(22)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER



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1 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER

2 SCHOOLS-IN-A-MUNICIPALITY.--

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

13 (b) A charter school-in-the-workplace may be  
14 established when a business partner provides the school  
15 facility to be used; enrolls students based upon a random  
16 lottery which involves all of the children of employees of  
17 that business or corporation who are seeking enrollment, as  
18 provided for in subsection~~(7)(6)~~; and enrolls students  
19 according to the racial/ethnic balance provisions described in  
20 subparagraph~~(10)(a)8.(9)(a)8~~.Any portion of a facility used  
21 for a public charter school shall be exempt from ad valorem  
22 taxes, as provided for in s. 235.198, for the duration of its  
23 use as a public school.

24 (c) A charter school-in-a-development designation may  
25 be granted when the developer of a residential or other  
26 project provides the land or school facility to be used;  
27 enrolls students based upon a random lottery which involves,  
28 but is not limited to, all of the children of the residents of  
29 that development who are seeking enrollment, as provided for  
30 in subsection (7); and enrolls students according to the  
31 racial/ethnic balance provisions described in subparagraph

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1 (10)(a)8. Any portion of the land and facility used for a  
2 public charter school shall be exempt from ad valorem taxes,  
3 as provided for in s. 235.198, for the duration of its use as  
4 a public school.

5 (d) A charter school-in-a-municipality designation may  
6 be granted to a municipality which possesses a charter;  
7 enrolls students based upon a random lottery which involves,  
8 but is not limited to, all of the children of the residents of  
9 that municipality who are seeking enrollment, as provided for  
10 in subsection (7); and enrolls students according to the  
11 racial/ethnic balance provisions described in subparagraph

12 (10)(a)8. Any portion of the land and facility used for a  
13 public charter school shall be exempt from ad valorem taxes,  
14 as provided for in s. 235.198, for the duration of its use as  
15 a public school.

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

22 Section 10. Subsection (1) of section 228.0561,  
23 Florida Statutes, is amended to read:

24 228.0561 Charter schools capital outlay funding.--

25 (1) In each year in which funds are appropriated for  
26 charter school capital outlay purposes, the Commissioner of  
27 Education shall allocate the funds among eligible charter  
28 schools. To be eligible for a funding allocation, a charter  
29 school must meet the provisions of subsection (6), must have  
30 received final approval from its sponsor pursuant to s.  
31 228.056 for operation during that fiscal year, and must serve

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

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1 ~~school to receive during that fiscal year. Sixty percent of~~  
2 ~~the funds shall be distributed after the second enrollment~~  
3 ~~survey, and the balance shall be distributed after the third~~  
4 ~~enrollment survey.~~ The commissioner shall adjust subsequent  
5 distributions as necessary to reflect each charter school's  
6 actual student enrollment as reflected in the second and third  
7 enrollment surveys. The commissioner shall establish the  
8 intervals and procedures for determining the projected and  
9 actual student enrollment of eligible charter schools.

10 Section 11. Section 228.058, Florida Statutes, is  
11 amended to read:

12 228.058 Charter School Districts Pilot Program.--The  
13 State Board of Education is authorized to enter into a  
14 performance contract with up to six school districts for the  
15 purpose of establishing them as charter school districts. The  
16 State Board of Education shall give priority to Hillsborough  
17 and Volusia Counties upon the submission of a completed  
18 precharter agreement or charter proposal for a charter school  
19 district. The purpose of this pilot program is to examine a  
20 new relationship between the State Board of Education and  
21 school districts that may produce significant improvements in  
22 student achievement and school management, while complying  
23 with constitutional requirements assigned to each entity.  
24 Beginning July 1, 2001, the State Board of Education shall  
25 provide the option to each school that has been in operation  
26 for at least 2 years within a school district that is approved  
27 for charter school district status to vote within the first  
28 year of the approved charter school district status, or if the  
29 charter school district was approved prior to July 1, 2001, to  
30 vote no later than June 30, 2002, to convert to charter school  
31 status and upon the vote, as described in s. 228.056(3)(a), to

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1 apply for charter school status.

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

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

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

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

31 (5) TIME PERIOD FOR PILOT.--The pilot program shall be

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1 authorized for a period of 3 full school years commencing with  
2 award of a charter. The charter may be renewed upon action of  
3 the state board.

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

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

13 Section 12. Paragraph (d) is added to subsection (3)  
14 of section 232.425, Florida Statutes, to read:

15 232.425 Student standards for participation in  
16 interscholastic extracurricular student activities;  
17 regulation.--

18 (3)

19 (d) An individual charter school student pursuant to  
20 s. 228.056 is eligible to participate at the public school to  
21 which the student would be assigned according to district  
22 school attendance area policies or which the student could  
23 choose to attend, pursuant to district or interdistrict  
24 controlled open enrollment provisions, in any interscholastic  
25 extracurricular activity of that school, unless such activity  
26 is provided by the student's charter school, provided the  
27 following conditions are met:

28 1. The charter school student must meet the  
29 requirements of the charter school education program as  
30 determined by the charter school governing board.

31 2. During the period of participation at a school, the

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1 charter school student must demonstrate educational progress  
2 as required in paragraph (b).

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

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

9 5. The charter school student must register with the  
10 school his or her intent to participate in interscholastic  
11 extracurricular activities as a representative of the school  
12 before the beginning date of the season for the activity in  
13 which he or she wishes to participate. A charter school  
14 student must be able to participate in curricular activities  
15 if that is a requirement for an extracurricular activity.

16 6. A student who transfers from a charter school  
17 program to a traditional public school before or during the  
18 first grading period of the school year is academically  
19 eligible to participate in interscholastic extracurricular  
20 activities during the first grading period provided the  
21 student has a successful evaluation from the previous school  
22 year, pursuant to subparagraph 2.

23 7. Any public school or nonpublic school student who  
24 has been unable to maintain academic eligibility for  
25 participation in interscholastic extracurricular activities is  
26 ineligible to participate in such activities as a charter  
27 school student until the student has successfully completed  
28 one grading period in a charter school pursuant to  
29 subparagraph 2. to become eligible to participate as a charter  
30 school student.

31 Section 13. Paragraph (b) of subsection (22) of

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1 section 159.27, Florida Statutes, is amended to read:

2 159.27 Definitions.--The following words and terms,  
3 unless the context clearly indicates a different meaning,  
4 shall have the following meanings:

5 (22) "Educational facility" means:

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

27  
28 (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 30, after the semicolon

4

5 insert:

6 amending s. 228.056, F.S.; prohibiting a public  
7 school from using the word "charter" in its  
8 name unless it is currently operating under a  
9 charter that has been granted pursuant to this  
10 section; providing additional purposes of  
11 charter schools; requiring a public school to  
12 have been in operation for at least 2 years  
13 prior to application to convert to charter  
14 school status; requiring a school board to  
15 provide notice of denial to charter school  
16 applicant in writing; prohibiting a sponsor  
17 from charging a fee related to the  
18 consideration of a charter school application;  
19 prohibiting the consideration or approval of a  
20 charter school application from being  
21 contingent on the promise of future payment of  
22 any kind; clarifying provisions relating to  
23 appeals of denial of charter school  
24 applications; deleting provisions relating to  
25 failure to act in accordance with the  
26 recommendation of the State Board of Education  
27 regarding a charter school application;  
28 exempting a charter school from a sponsor's  
29 policies; authorizing charter school  
30 cooperatives; authorizing students in a charter  
31 school-in-a-development or charter

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

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

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1           authorizing charter school students to  
2           participate at the public school to which the  
3           student would be assigned in any  
4           interscholastic extracurricular activity of  
5           that school; amending s. 159.27, F.S.;  
6           redefining the term "educational facility" for  
7           purposes of part II of ch. 159, F.S., the  
8           Florida Industrial Development Financing Act,  
9           to include charter schools and developmental  
10          research schools;

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