

By the Committee on Education and Senator Peaden

304-1853-01

1                                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           228.056, F.S.; providing requirements for  
4           conversion to charter schools; establishing new  
5           purposes for charter schools; prohibiting a  
6           sponsor from charging an application fee;  
7           removing a school board's ability to refuse to  
8           follow the recommendation of the State Board of  
9           Education for good cause in cases of  
10          charter-school appeals; removing the limit on  
11          the number of charters a school district may  
12          issue; permitting a charter school to admit  
13          students on the basis of artistic, academic, or  
14          other standards; revising requirements  
15          regarding the capacity of the charter school;  
16          granting a charter school's governing board the  
17          right to appeal a school board's decision to  
18          terminate a charter school; changing the  
19          procedure for granting a charter school an  
20          exemption from statutory provisions; revising  
21          the requirements for the staff of a charter  
22          school; revising procedures relating to the  
23          administrative fee charged by a school  
24          district; revising requirements for a charter  
25          school in the workplace; amending s. 228.0561,  
26          F.S.; revising procedures relating to funding  
27          for charter-school facilities; amending s.  
28          228.058, F.S.; requiring public schools in a  
29          charter district to vote by a time certain to  
30          convert to a charter school; amending s.  
31          232.425, F.S.; authorizing charter school

1 students to participate at the public school to  
2 which the student would be assigned in any  
3 interscholastic extracurricular activity of  
4 that school; providing an effective date.  
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6 Be It Enacted by the Legislature of the State of Florida:  
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8 Section 1. Section 228.056, Florida Statutes, is  
9 amended to read:

10 228.056 Charter schools.--

11 (1) AUTHORIZATION.--The creation of charter schools is  
12 hereby authorized. Charter schools shall be part of the  
13 state's program of public education. All charter schools in  
14 Florida are fully recognized as public schools. A charter  
15 school may be formed by creating a new school or converting an  
16 existing public school to charter status. A public school may  
17 not use the term charter in its name unless it has been  
18 approved under this section.

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

21 (a) Improve student learning.

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

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

27 (d) Increase choice of learning opportunities for  
28 students.

29 (e) Establish a new form of accountability for  
30 schools.  
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1 (f) Require the measurement of learning outcomes and  
2 create innovative measurement tools.

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

4 (h) Create new professional opportunities for  
5 teachers, including the opportunity to own the learning  
6 program at the school site.

7 (i) Provide rigorous competition within the public  
8 school district to stimulate continual improvement in all  
9 public schools.

10 (j) Provide additional academic choices for parents  
11 and students.

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

13 (3) APPLICATION; UNLAWFUL REPRISAL.--

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

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

1 school board denying an application for a conversion charter  
2 school shall provide notice of denial to the applicants in  
3 writing within 30 days after the meeting at which the school  
4 board denied the application. The notice must specify the  
5 exact reasons for denial and must provide documentation  
6 supporting those reasons.A private school, parochial school,  
7 or home education program shall not be eligible for charter  
8 school status.

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

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

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

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

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

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

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1 statement under this paragraph is presumed admissible as  
2 evidence in any judicial or administrative proceeding.  
3         6. The department shall either contract with the  
4 Division of Administrative Hearings under s. 120.65, or  
5 otherwise provide for a complaint for which the department  
6 determines reasonable grounds exist to believe that an  
7 unlawful reprisal has occurred, is occurring, or is to be  
8 taken, and is unable to conciliate, to be heard by a panel of  
9 impartial persons. Upon hearing the complaint, the panel must  
10 make findings of fact and conclusions of law for a final  
11 decision by the department.

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

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

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

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

28             3. Compensation, if appropriate, for lost wages,  
29 benefits, or other lost remuneration caused by the unlawful  
30 reprisal.

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

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

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

15           (4) SPONSOR.--A district school board may sponsor a  
16 charter school in the county over which the board has  
17 jurisdiction.

18           (a) A district school board shall receive and review  
19 all applications for a charter school. A district school board  
20 shall receive and consider charter school applications  
21 received on or before October 1 of each calendar year for  
22 charter schools to be opened at the beginning of the school  
23 district's next school year, or to be opened at a time agreed  
24 to by the applicant and the district school board. A district  
25 school board may receive applications later than this date if  
26 it chooses. A sponsor may not charge an applicant for a  
27 charter any fee for the processing or consideration of an  
28 application, and a sponsor may not base its consideration or  
29 approval of an application upon the promise of future payment  
30 of any kind.

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

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

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

29           4. Upon approval of a charter application, the initial  
30 startup must commence ~~be consistent~~ with the beginning of the  
31 public school calendar for the district in which the charter



1 is granted unless the district school board allows a waiver of  
2 this provision for good cause.

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

30 (c) The district school board must act in accordance  
31 with the decision ~~upon the recommendation~~ of the State Board

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

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

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

24 (f) The terms and conditions for the operation of a  
25 charter school shall be set forth by the sponsor and the  
26 applicant in a written contractual agreement, called a  
27 charter. The sponsor shall not impose unreasonable rules or  
28 regulations that violate the intent of giving charter schools  
29 greater flexibility to meet educational goals. The applicant  
30 and sponsor shall have 6 months in which to mutually agree to  
31 the provisions of the charter. The Department of Education

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

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

21 (h) The sponsor shall monitor the revenues and  
22 expenditures of the charter school.

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

25 (5) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
26 enter into cooperative agreements to form charter school  
27 cooperative organizations that may provide the following  
28 services: charter school planning and development, direct  
29 instructional services, contracts with charter school  
30 governing boards to provide personnel administrative services,  
31 payroll services, human resource management, evaluation and

1 assessment services, teacher preparation, and professional  
2 development.

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

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

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

12  
13 ~~Notwithstanding any limit established by this subsection, a~~  
14 ~~district school board or a charter school applicant shall have~~  
15 ~~the right to request an increase of the limit on the number of~~  
16 ~~charter schools authorized to be established within the~~  
17 ~~district from the State Board of Education.~~

18 (6) ELIGIBLE STUDENTS.--

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

1 public school. A charter school may give enrollment preference  
2 to a sibling of a student enrolled in the charter school, to  
3 the child of a member of the governing board of the charter  
4 school, or to the child of an employee of the charter school.

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

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

13 1. Students within specific age groups or grade  
14 levels.

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

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

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

30 5. Students who meet reasonable academic, artistic, or  
31 other eligibility standards established by the charter school

1 and included in the charter school application and charter or,  
2 in the case of existing charter schools, standards that are  
3 consistent with the school's mission and purpose. Such  
4 standards must be in accordance with current state law and  
5 practice in public schools and may not discriminate against  
6 otherwise qualified individuals.

7 6. Students articulating from one charter school to  
8 another pursuant to an articulation agreement between the  
9 charter schools which has been approved by the Governor.

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

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

17 (f) The capacity of the charter school shall be  
18 determined annually by the governing board of the charter  
19 school in consideration of the factors identified in this  
20 subsection.

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

1 contract for services with an individual or group of  
2 individuals who are organized as a partnership or a  
3 cooperative. Individuals or groups of individuals who contract  
4 their services to the charter school are not public employees.

5 (8) REQUIREMENTS.--

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

9 (b) A charter school shall admit students as provided  
10 in subsection (6).

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

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

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

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

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

26 (h) No organization shall hold more than 15 charters  
27 statewide.

28 (i) In order to provide financial information that is  
29 comparable to that reported for other public schools, charter  
30 schools are to maintain all financial records which constitute  
31 their accounting system:

1           1. In accordance with the accounts and codes  
2 prescribed in the most recent issuance of the publication  
3 titled "Financial and Program Cost Accounting and Reporting  
4 for Florida Schools"; ~~or.~~

5           2. At the discretion of the charter school governing  
6 board, a charter school may elect to follow generally accepted  
7 accounting standards for not-for-profit organizations, but  
8 must reformat this information for reporting according to this  
9 paragraph.

10  
11 Charter schools are to provide annual financial report and  
12 program cost report information in the state-required formats  
13 for inclusion in district reporting in compliance with s.  
14 236.02(1). Charter schools which are operated by a  
15 municipality or are a component unit of a parent nonprofit  
16 organization may use the accounting system of the municipality  
17 or the parent, but must reformat this information for  
18 reporting according to this paragraph.

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 must include a means for  
2 promoting safe, ethical, and appropriate uses of technology  
3 which 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. The district school board is required to provide  
18 academic student performance data to charter schools for each  
19 of their students coming from the district school system, as  
20 well 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 is 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.

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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 must 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; plans to ensure the safety and security of  
27 students and staff; plans to identify, minimize, and protect  
28 others from violent or disruptive student behavior; and the  
29 manner in which the school will be insured, including whether  
30 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 13. The qualifications to be required of the teachers  
26 and the potential strategies used to recruit, hire, train, and  
27 retain qualified staff to achieve best value.

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

31

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

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

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

29           (c) A charter may be modified during its initial term  
30 or any renewal term upon the recommendation of the sponsor or  
31

1 the charter school governing board and the approval of both  
2 parties to the agreement.

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

10 1. The charter school's progress towards achieving the  
11 goals outlined in its charter.

12 2. The information required in the annual school  
13 report pursuant to s. 229.592.

14 3. Financial records of the charter school, including  
15 revenues and expenditures.

16 4. Salary and benefit levels of charter school  
17 employees.

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

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

1 School Competency Test, and other assessments administered  
2 pursuant to s. 229.57(3).

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

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

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

14 1. Failure to meet the requirements for student  
15 performance stated in the charter.

16 2. Failure to meet generally accepted standards of  
17 fiscal management.

18 3. Violation of law.

19 4. Other good cause shown.

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

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

1 within 14 calendar days after receiving the sponsor's decision  
2 to terminate or refuse to renew the charter, appeal the  
3 decision pursuant to the procedure established in subsection  
4 (4).

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

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

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

1 that may not reasonably be assumed to have been satisfied by  
2 the district.

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

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



1           (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

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

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

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

31

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

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

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

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

1 236.081, and in accordance with the definitions in s. 236.013.  
2 The district school board shall include each charter school's  
3 enrollment in the district's report of student enrollment. All  
4 charter schools submitting student record information required  
5 by the Department of Education shall comply with the  
6 department's guidelines for electronic data formats for such  
7 data, and all districts shall accept electronic data that  
8 complies with the department's electronic format.

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

30 (c) Transportation of charter school students shall be  
31 provided by the charter school consistent with the

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

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

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

31

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

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

1 teachers organizing the charter school. The charter  
2 organizers shall agree to reasonable maintenance provisions in  
3 order to maintain the facility in a manner similar to district  
4 school board standards. The Public Education Capital Outlay  
5 maintenance funds or any other maintenance funds generated by  
6 the facility operated as a conversion school shall remain with  
7 the conversion school.

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

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

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

22 (16) FACILITIES.--

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

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

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

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

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

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

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

21 (20) REVIEW.--

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

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

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

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

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

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

31



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

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

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

1 ad valorem taxes, as provided for in s. 235.198, for the  
2 duration of its use as a public school.

3 (e) As used in this subsection, the terms "business  
4 partner," "employer," "developer," or "municipality" may  
5 include more than one business, employer, developer, or  
6 municipality to form a charter school-in-the-workplace,  
7 charter school-in-a-development, or charter  
8 school-in-a-municipality.

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

11 228.0561 Charter schools capital outlay funding.--

12 (1) In each year in which funds are appropriated for  
13 charter school capital outlay purposes, the Commissioner of  
14 Education shall allocate the funds among eligible charter  
15 schools. To be eligible for a funding allocation, a charter  
16 school must meet the provisions of subsection (6), must have  
17 received final approval from its sponsor pursuant to s.  
18 228.056 for operation during that fiscal year, and must serve  
19 students in facilities that are not provided by the charter  
20 school's sponsor. Prior to the release of capital outlay  
21 funds to a school district on behalf of the charter school,  
22 the Department of Education shall ensure that the district  
23 school board and the charter school governing board enter into  
24 a written agreement that includes provisions for the reversion  
25 of any unencumbered funds and all equipment and property  
26 purchased with public education funds to the ownership of the  
27 district school board, as provided for in subsection (3), in  
28 the event that the school terminates operations. Any funds  
29 recovered by the state shall be deposited in the General  
30 Revenue Fund. A charter school is not eligible for a funding  
31 allocation if it was created by the conversion of a public

1 school and operates in facilities provided by the charter  
2 school's sponsor for a nominal fee or at no charge or if it is  
3 directly or indirectly operated by the school district. Unless  
4 otherwise provided in the General Appropriations Act, the  
5 funding allocation for each eligible charter school shall be  
6 determined by multiplying the school's projected student  
7 enrollment by one-fifteenth of the cost-per-student station  
8 specified in s. 235.435(6)(b) for an elementary, middle, or  
9 high school, as appropriate. If the funds appropriated are  
10 not sufficient, the commissioner shall prorate the available  
11 funds among eligible charter schools. Funds shall be  
12 distributed on the basis of the capital outlay full-time  
13 equivalent membership by grade level, which shall be  
14 calculated by averaging the results of the second and third  
15 enrollment surveys. The Department of Education shall  
16 distribute capital outlay funds monthly, beginning in the  
17 first quarter of the fiscal year, based on one-twelfth of the  
18 amount the department reasonably expects the charter school to  
19 receive during that fiscal year. The commissioner shall adjust  
20 subsequent distributions as necessary to reflect each charter  
21 school's actual student enrollment as reflected in the second  
22 and third enrollment surveys.~~Sixty percent of the funds shall~~  
23 ~~be distributed after the second enrollment survey, and the~~  
24 ~~balance shall be distributed after the third enrollment~~  
25 ~~survey. The commissioner shall adjust subsequent distributions~~  
26 ~~as necessary to reflect each charter school's actual student~~  
27 ~~enrollment.~~The commissioner shall establish the intervals and  
28 procedures for determining the projected and actual student  
29 enrollment of eligible charter schools.

30 Section 3. Section 228.058, Florida Statutes, is  
31 amended to read:

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

22           (1) CHARTER DISTRICT.--A charter school district is a  
23 school district in Florida in which the school board has  
24 submitted and the state board has approved a charter proposal  
25 that exchanges statutory and rule exemption for agreement to  
26 meet performance goals in the proposal. The charter school  
27 district shall be chartered for 3 years, at the end of which  
28 the performance shall be evaluated.

29           (2) EXEMPTION FROM STATUTES AND RULES.--Charter school  
30 districts shall be exempt from state statutes and state board  
31 rules as provided in s. 228.056. The school board of a

1 charter school district shall not be exempt from any statute  
2 governing election of board members, public meetings and  
3 public records requirements, financial disclosure, conflicts  
4 of interest, operation in the sunshine, or other provisions  
5 outside the Florida School Code.

6 (3) GOVERNING BOARD.--The governing board of the  
7 charter school district shall be the duly elected school  
8 board. The school board shall be responsible for supervising  
9 the schools in the charter district and is authorized to  
10 charter each of its existing public schools pursuant to s.  
11 228.056, apply for deregulation of its public schools pursuant  
12 to s. 228.0565, or otherwise establish performance-based  
13 contractual relationships with its public schools for the  
14 purpose of giving them greater autonomy with accountability  
15 for performance.

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

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

24 (6) REPORTS.--The state board shall annually report on  
25 the implementation of the charter school district pilot  
26 program. Upon the completion of the first 3-year term, the  
27 state board, through the Commissioner of Education, shall  
28 submit to the Legislature a full evaluation of the  
29 effectiveness of the program.

30  
31

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

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

6 232.425 Student standards for participation in  
7 interscholastic extracurricular student activities;  
8 regulation.--

9 (3)

10 (d) An individual charter school student pursuant to  
11 s. 228.056 is eligible to participate at the public school to  
12 which the student would be assigned according to district  
13 school attendance area policies or which the student could  
14 choose to attend, pursuant to district or interdistrict  
15 controlled open-enrollment provisions, in any interscholastic  
16 extracurricular activity of that school, unless such activity  
17 is provided by the student's charter school, if the following  
18 conditions are met:

19 1. The charter school student must meet the  
20 requirements of the charter school education program as  
21 determined by the charter school governing board.

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

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

28 4. The charter school student must meet the same  
29 standards of acceptance, behavior, and performance that are  
30 required of other students in extracurricular activities.

31

1           5. The charter school student must register with the  
2 school his or her intent to participate in interscholastic  
3 extracurricular activities as a representative of the school  
4 before the beginning date of the season for the activity in  
5 which he or she wishes to participate. A charter school  
6 student must be able to participate in curricular activities  
7 if that is a requirement for an extracurricular activity.

8           6. A student who transfers from a charter school  
9 program to a traditional public school before or during the  
10 first grading period of the school year is academically  
11 eligible to participate in interscholastic extracurricular  
12 activities during the first grading period if the student has  
13 a successful evaluation from the previous school year,  
14 pursuant to subparagraph 2.

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

23           Section 5. This act shall take effect July 1, 2001.  
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 sb 1972

4 The Committee Substitute differs from SB 1972 in the following  
5 ways:

6 1. A school board that denies an application for a conversion  
7 charter school must provide to the applicant notice of the  
8 denial and the reasons for the denial within 30 days.

9 2. Charter schools may form cooperatives for planning,  
10 development, and the acquisition of services.

11 3. Developers and municipalities may create charter schools  
12 and receive an exemption from ad valorem taxation on the  
13 property used for the school.

14 5. A charter must address the appropriate uses of technology,  
15 strategies the school will use to recruit and retain teachers,  
16 a description of the school's internal audit procedures and a  
17 plan for managing risk and reducing loss from threats to  
18 safety and security.

19 6. School districts must provide charter schools academic  
20 student performance data for each of their students, and a  
21 charter school must analyze student performance data and  
22 evaluate the effectiveness of its major educational programs.

23 7. The Commissioner of Education will notify the sponsor,  
24 rather than the sponsoring district, of his or her receipt of  
25 a waiver request and will notify the charter school governing  
26 board and the sponsor of the final dispensation of the waiver  
27 request.

28 8. Information services are not defined.

29 9. The Department of Education will distribute capital outlay  
30 funds to charter schools on a monthly basis.

31 10. Schools in a charter district must vote on becoming a  
charter school.

11. A charter school student may participate in  
extracurricular activities at the non-charter public school to  
which he or she would otherwise be assigned.