

Bill No. CS/CS/HB 269, 1st Eng.

Amendment No.      Barcode 434894

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Peaden moved the following amendment to amendment  
 12 (161930):

13  
 14 **Senate Amendment (with title amendment)**

15 On page 17, between lines 5 and 6,  
 16  
 17 insert:

18 Section 11. Paragraph (b) of subsection (22) of  
 19 section 159.27, Florida Statutes, is amended to read:

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

23 (22) "Educational facility" means:

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

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

14 Section 12. Section 228.056, Florida Statutes, is  
15 amended to read:

16 228.056 Charter schools.--

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

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

- 27 (a) Improve student learning.
- 28 (b) Increase learning opportunities for all students,  
29 with special emphasis on expanded learning experiences for  
30 students who are identified as academically low achieving.
- 31 (c) Encourage the use of different and innovative

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1 learning methods.

2 (d) Increase choice of learning opportunities for  
3 students.

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

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

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

9 (h) Create new professional opportunities for  
10 teachers, including the opportunity to own the learning  
11 program at the school site.

12 (i) Provide rigorous competition within the public  
13 school district to stimulate continual improvement in all  
14 public schools.

15 (j) Provide additional academic choices for parents  
16 and students.

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

18 (3) APPLICATION; UNLAWFUL REPRISAL.--

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

23 2. The district school board or the principal,  
24 teachers, parents, and/or the school advisory council at an  
25 existing public school that has been in operation for at least  
26 2 years prior to the application to convert, including a  
27 public school-within-a-school that is designated as a school  
28 by the district school board, shall submit any application for  
29 converting the school to a charter school. An application  
30 submitted proposing to convert an existing public school to a  
31 charter school shall demonstrate the support of at least 50

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1 percent of the teachers employed at the school and 50 percent  
2 of the parents voting whose children are enrolled at the  
3 school, provided that a majority of the parents eligible to  
4 vote participate in the ballot process, according to  
5 procedures established by rules of the state board. A district  
6 school board denying an application for a conversion charter  
7 school shall provide notice of denial to the applicants in  
8 writing within 30 days after the meeting at which the school  
9 board denied the application. The notice must specify the  
10 exact reasons for denial and must provide documentation  
11 supporting those reasons. A private school, parochial school,  
12 or home education program shall not be eligible for charter  
13 school status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 approval of an application upon the promise of future payment  
2 of any kind.

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

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

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

31       4. Upon approval of a charter application, the initial



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

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

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

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

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

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

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

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

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

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

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

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1 payroll services, human resource management, evaluation and  
2 assessment services, teacher preparation, and professional  
3 development.

4 (6)(5) NUMBER OF SCHOOLS.--

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

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

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

19 (7)(6) ELIGIBLE STUDENTS.--

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

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

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

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

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

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

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

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

31 5. Students who meet reasonable academic, artistic, or

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

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

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

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

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

22 ~~(8)(7)~~ LEGAL ENTITY.--A charter school shall organize  
23 as, or be operated by, a nonprofit organization. A charter  
24 school may be operated by a municipality or other public  
25 entity as provided for by law. As such, the charter school may  
26 be either a private or a public employer. As a public  
27 employer, a charter school may participate in the Florida  
28 Retirement System upon application and approval as a "covered  
29 group" under s. 121.021(34). If a charter school participates  
30 in the Florida Retirement System, the charter school employees  
31 shall be compulsory members of the Florida Retirement System.

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

6 (9)~~(8)~~ REQUIREMENTS.--

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

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

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

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

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

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

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

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

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

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1 their accounting system:

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

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

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

20 (j) The governing board of the 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 must include a means for  
5 promoting safe, ethical, and appropriate uses of technology  
6 which 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. The district school board is required to provide  
21 academic student performance data to charter schools for each  
22 of their students coming from the district school system, as  
23 well 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 is 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 charter schools shall, at a minimum, participate in the  
2 statewide assessment program.

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

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

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

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

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

26 10. A description of procedures that identify various  
27 risks and provide for a comprehensive approach to reduce the  
28 impact of losses; plans to ensure the safety and security of  
29 students and staff; plans to identify, minimize, and protect  
30 others from violent or disruptive student behavior; and the  
31 manner in which the school will be insured, including whether

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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 (10).

25           12. The facilities to be used and their location.

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

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

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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 the charter school governing board and the approval of both

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1 parties to the agreement.

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

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

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

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

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

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

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

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1 pursuant to s. 229.57(3).

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

9 (11)~~(10)~~ CAUSES FOR NONRENEWAL OR TERMINATION.--

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

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

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

17 3. Violation of law.

18 4. Other good cause shown.

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

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

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1 to terminate or refuse to renew the charter, appeal the  
2 decision pursuant to the procedure established in subsection  
3 (4).

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

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

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

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

5 (12)~~(11)~~ EXEMPTION FROM STATUTES.--A charter school  
6 shall operate in accordance with its charter and shall be  
7 exempt from all statutes of the Florida School Code, except  
8 those specifically applying to charter schools; those  
9 pertaining to the provision of services to students with  
10 disabilities; those pertaining to civil rights, including s.  
11 228.2001, relating to discrimination; and those pertaining to  
12 student health, safety, and welfare; or as otherwise required  
13 by this section. A charter school shall not be exempt from the  
14 following statutes: chapter 119, relating to public records,  
15 and s. 286.011, relating to public meetings and records,  
16 public inspection, and penalties. The charter school's  
17 governing board sponsor, upon request of a charter school, may  
18 apply to the Commissioner of Education for a waiver of  
19 provisions of chapters 230-239 which are applicable to charter  
20 schools under this section, except that the provisions of  
21 chapter 236 or chapter 237 shall not be eligible for waiver if  
22 the waiver would affect funding allocations or create inequity  
23 in public school funding. The Commissioner of Education must  
24 confirm receipt of a waiver request from a charter school by  
25 providing a copy of the request to the sponsor.The  
26 commissioner may grant the waiver if necessary to implement  
27 the school program and shall provide notice of the final  
28 dispensation of the waiver request to the charter school  
29 governing board and the charter school's sponsor.

30 (13)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.--

31 (a) A charter school shall select its own employees. A



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1 charter school may contract with its sponsor for the services  
2 of personnel employed by the sponsor.

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

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

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

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

29 (f) Teachers employed by or under contract to a  
30 charter school shall be certified as required by chapter 231.  
31 A charter school governing board may employ or contract with

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

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

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

27 (a) Each charter school shall report its student  
28 enrollment to the district school board as required in s.  
29 236.081, and in accordance with the definitions in s. 236.013.  
30 The district school board shall include each charter school's  
31 enrollment in the district's report of student enrollment. All

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1 charter schools submitting student record information required  
2 by the Department of Education shall comply with the  
3 department's guidelines for electronic data formats for such  
4 data, and all districts shall accept electronic data that  
5 complies with the department's electronic format.

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

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

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

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

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

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

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

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

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1 maintenance funds or any other maintenance funds generated by  
2 the facility operated as a conversion school shall remain with  
3 the conversion school.

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

11 (15)~~(14)~~ IMMUNITY.--For the purposes of tort  
12 liability, the governing body and employees of a charter  
13 school shall be governed by s. 768.28.

14 (16)~~(15)~~ LENGTH OF SCHOOL YEAR.--A charter school  
15 shall provide instruction for at least the number of days  
16 required by law for other public schools, and may provide  
17 instruction for additional days.

18 (17)~~(16)~~ FACILITIES.--

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

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

30 (c) After January 1, 2001, charter school facilities  
31 shall utilize facilities which comply with the Florida

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

3 (18)~~(17)~~ INITIAL COSTS.--A sponsor may approve a  
4 charter for a charter school before the applicant has secured  
5 space, equipment, or personnel, if the applicant indicates  
6 approval is necessary for it to raise working capital.

7 (19)~~(18)~~ INFORMATION.--The Department of Education  
8 shall provide information to the public, directly and through  
9 sponsors, both on how to form and operate a charter school and  
10 on how to enroll in charter schools once they are created.  
11 This information shall include a standard application format  
12 which shall include the information specified in subsection  
13 (9). This application format may be used by chartering  
14 entities.

15 (20)~~(19)~~ GENERAL AUTHORITY.--A charter school shall  
16 not levy taxes or issue bonds secured by tax revenues.

17 (21)~~(20)~~ REVIEW.--

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

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

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

8 ~~(22)(21)~~ RULEMAKING.--The Department of Education,  
9 after consultation with school districts and charter school  
10 directors, shall recommend that the State Board of Education  
11 adopt rules to implement specific subsections of this section.  
12 Such rules shall require minimum paperwork and shall not limit  
13 charter school flexibility authorized by statute.

14 ~~(23)(22)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER  
15 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS  
16 IN-A-MUNICIPALITY.--

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

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



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

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

17 (d) As used in this subsection, the terms "business  
18 partner," "employer," "developer," or "municipality" may  
19 include more than one business, employer, developer, or  
20 municipality to form a charter school-in-the-workplace,  
21 charter school-in-a-development, or charter  
22 school-in-a-municipality.

23 Section 13. Subsection (1) of section 228.0561,  
24 Florida Statutes, is amended to read:

25 228.0561 Charter schools capital outlay funding.--

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

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

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

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

15 228.058 Charter School Districts Pilot Program.--The  
 16 State Board of Education is authorized to enter into a  
 17 performance contract with up to six school districts for the  
 18 purpose of establishing them as charter school districts. The  
 19 State Board of Education shall give priority to Hillsborough  
 20 and Volusia Counties upon the submission of a completed  
 21 precharter agreement or charter proposal for a charter school  
 22 district. The purpose of this pilot program is to examine a  
 23 new relationship between the State Board of Education and  
 24 school districts that may produce significant improvements in  
 25 student achievement and school management, while complying  
 26 with constitutional requirements assigned to each entity.

27 (1) CHARTER DISTRICT.--A charter school district is a  
 28 school district in Florida in which the school board has  
 29 submitted and the state board has approved a charter proposal  
 30 that exchanges statutory and rule exemption for agreement to  
 31 meet performance goals in the proposal. The charter school

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1 district shall be chartered for 3 years, at the end of which  
2 the performance shall be evaluated.

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

11 (3) GOVERNING BOARD.--The governing board of the  
12 charter school district shall be the duly elected school  
13 board. The school board shall be responsible for supervising  
14 the schools in the charter district and is authorized to  
15 charter each of its existing public schools pursuant to s.  
16 228.056, apply for deregulation of its public schools pursuant  
17 to s. 228.0565, or otherwise establish performance-based  
18 contractual relationships with its public schools for the  
19 purpose of giving them greater autonomy with accountability  
20 for performance.

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

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

29 (6) REPORTS.--The state board shall annually report on  
30 the implementation of the charter school district pilot  
31 program. Upon the completion of the first 3-year term, the

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1 state board, through the Commissioner of Education, shall  
2 submit to the Legislature a full evaluation of the  
3 effectiveness of the program.

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

7 Section 15. Paragraph (d) is added to subsection (3)  
8 of section 232.425, Florida Statutes, to read:

9 232.425 Student standards for participation in  
10 interscholastic extracurricular student activities;  
11 regulation.--

12 (3)

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

22 1. The charter school student must meet the  
23 requirements of the charter school education program as  
24 determined by the charter school governing board.

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

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

31 4. The charter school student must meet the same

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1 standards of acceptance, behavior, and performance that are  
2 required of other students in extracurricular activities.

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

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

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

25  
26 (Redesignate subsequent sections.)

27  
28  
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 3, line 1, after the semicolon,

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1 and insert:  
2           amending s. 159.27, F.S.; redefining the term  
3           "educational facility" for purposes of part II  
4           of ch. 159, F.S., the Florida Industrial  
5           Development Financing Act, to include charter  
6           schools and developmental research schools;  
7           amending s. 228.056, F.S.; providing  
8           requirements for conversion to charter schools;  
9           establishing new purposes for charter schools;  
10          prohibiting a sponsor from charging an  
11          application fee; removing a school board's  
12          ability to refuse to follow the recommendation  
13          of the State Board of Education for good cause  
14          in cases of charter-school appeals; permitting  
15          a charter school to admit students on the basis  
16          of artistic, academic, or other standards;  
17          revising requirements regarding the capacity of  
18          the charter school; granting a charter school's  
19          governing board the right to appeal a school  
20          board's decision to terminate a charter school;  
21          changing the procedure for granting a charter  
22          school an exemption from statutory provisions;  
23          revising the requirements for the staff of a  
24          charter school; revising procedures relating to  
25          the administrative fee charged by a school  
26          district; revising requirements for a charter  
27          school in the workplace; amending s. 228.0561,  
28          F.S.; revising procedures relating to funding  
29          for charter-school facilities; amending s.  
30          228.058, F.S.; requiring public schools in a  
31          charter district to vote by a time certain to

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1           convert to a charter school; amending s.  
2           232.425, F.S.; authorizing charter school  
3           students to participate at the public school to  
4           which the student would be assigned in any  
5           interscholastic extracurricular activity of  
6           that school;  
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