

1
2 An act relating to school district best
3 financial management practices reviews;
4 creating the "Sharpening the Pencil Act";
5 amending s. 230.23025, F.S.; providing
6 legislative intent; providing OPPAGA with
7 primary responsibility for the completion of
8 best financial practices reviews; revising
9 areas in which best financial management
10 practices are to be developed and adopted;
11 revising and clarifying the best financial
12 management practices adoption and revision
13 process; clarifying that OPPAGA shall contract
14 with a private firm to perform reviews,
15 provided the review team has certain expertise;
16 authorizing OPPAGA to complete reviews under
17 certain circumstances; authorizing the
18 inclusion of review items in addition to the
19 adopted best financial management practices,
20 after consultation with the school district;
21 requiring consultation with the Commissioner of
22 Education throughout the best-practices-review
23 process; establishing a continuing 5-year
24 review cycle; authorizing the Joint Legislative
25 Auditing Committee to adjust the schedule under
26 certain circumstances; authorizing the review
27 of additional school districts under certain
28 circumstances; specifying that reviews shall be
29 conducted to the extent funded by the
30 Legislature; specifying the use of such funds;
31 providing for district self-assessments;

1 requiring public forums to review final
2 reports; requiring copies of the final report
3 issued by OPPAGA to be provided to additional
4 entities; providing for electronic access to
5 reports; requiring public meetings; revising
6 provisions relating to eligibility for the
7 "Seal of Best Financial Management";
8 establishing requirements relating to status
9 reports; requiring OPPAGA to review a
10 district's status reports, assess
11 implementation of the action plan, and assess
12 progress toward implementing the best financial
13 management practices and to issue a report;
14 providing for appearance of school officials
15 before the Legislature upon failure to
16 implement an adopted action plan; clarifying
17 provisions relating to the award of the "Seal
18 of Best Financial Management"; providing for
19 waiver of subsequent reviews under certain
20 circumstances; requiring school districts that
21 are reviewed to maintain certain records;
22 specifying use of cost savings; repealing s.
23 11.515, F.S., relating to school district
24 performance reviews; repealing s. 230.2302,
25 F.S., relating to performance reviews;
26 repealing s. 230.23026, F.S., relating to the
27 Florida School District Review Trust Fund;
28 amending s. 11.51, F.S., revising duties of the
29 Office of Program Policy Analysis and
30 Government Accountability; amending s.
31 230.23027, F.S., relating to the Small School

1 District Stabilization Program; conforming
2 provisions to changes made by the act; amending
3 s. 233.43, F.S., relating to duties of
4 superintendent relating to instructional
5 materials; conforming a cross-reference;
6 amending s. 235.2197, F.S., relating to the
7 Florida Frugal Schools Program; conforming
8 cross-references; creating the Land Acquisition
9 and Facilities Advisory Board; providing for
10 appointment of members; providing a review
11 process; providing for board dissolution;
12 amending s. 159.27, F.S.; redefining the term
13 "educational facility" for purposes of part II
14 of ch. 159, F.S., the Florida Industrial
15 Development Financing Act, to include charter
16 schools and developmental research schools;
17 amending s. 228.056, F.S.; providing
18 requirements for conversion to charter schools;
19 establishing new purposes for charter schools;
20 prohibiting a sponsor from charging an
21 application fee; removing a school board's
22 ability to refuse to follow the recommendation
23 of the State Board of Education for good cause
24 in cases of charter-school appeals; permitting
25 a charter school to admit students on the basis
26 of artistic, academic, or other standards;
27 revising requirements regarding the capacity of
28 the charter school; granting a charter school's
29 governing board the right to appeal a school
30 board's decision to terminate a charter school;
31 changing the procedure for granting a charter

1 school an exemption from statutory provisions;
2 revising the requirements for the staff of a
3 charter school; revising procedures relating to
4 the administrative fee charged by a school
5 district; revising requirements for a charter
6 school in the workplace; amending s. 228.0561,
7 F.S.; revising procedures relating to funding
8 for charter-school facilities; amending s.
9 232.425, F.S.; authorizing charter school
10 students to participate at the public school to
11 which the student would be assigned in any
12 interscholastic extracurricular activity of
13 that school; providing an effective date.

14

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

16

17 Section 1. Short title.--This act may be cited as the
18 "Sharpening the Pencil Act."

19

20 Section 2. Section 230.23025, Florida Statutes, as
21 amended by chapters 97-384, 98-225, 2000-235, and 2000-291,
22 Laws of Florida, is amended to read:

23

24 230.23025 Best financial management practices;
25 standards; reviews; designation of districts.--

26

27 (1) The purpose of best financial management practices
28 reviews is to improve Florida school district management and
29 use of resources and to identify cost savings.The Office of
30 Program Policy Analysis and Government Accountability (OPPAGA)
31 and the Office of the Auditor General are directed to develop
a system for reviewing the financial management practices of
school districts. In this system, ~~OPPAGA and the Auditor~~
General shall assist OPPAGA in examining ~~jointly examine~~

1 district operations to determine whether they meet "best
2 financial management practices."
3 (2) The best financial management practices adopted by
4 the Commissioner of Education may be updated periodically
5 after consultation with the Legislature, the Governor, the
6 SMART Schools Clearinghouse, the Department of Education,
7 school districts, ~~OPPAGA~~, and the Auditor General, ~~OPPAGA~~
8 shall submit to the Commissioner of Education for review and
9 adoption proposed revisions to the best financial management
10 practices adopted by the commissioner. The best financial
11 management practices, at a minimum, must instill public
12 confidence by addressing the school district's use of
13 resources; identifying ways that the district could save
14 funds; and improving districts' performance accountability
15 systems, including public accountability. To achieve these
16 objectives, best practices shall be developed for, but need
17 not be limited to, the following areas:
18 (a) Management structures.
19 (b) Performance accountability.
20 (c) Efficient delivery of educational services,
21 including instructional materials.
22 (d) Administrative and instructional technology.
23 (e) Personnel systems and benefits management.
24 (f) Facilities construction.
25 (g) Facilities maintenance.
26 (h) Student transportation.
27 (i) Food service operations.
28 (j) Cost control systems, including asset management,
29 risk management, financial management, purchasing, internal
30 auditing, and financial auditing.
31

1 In areas for which the commissioner has not adopted best
2 practices, OPPAGA may develop additional best financial
3 management practices, with input from a broad range of
4 stakeholders. OPPAGA shall present any additional best
5 practices to the commissioner for review and adoption. Revised
6 best financial management practices adopted by the
7 commissioner must be used in the next year's scheduled school
8 district reviews conducted according to this section.

9 ~~(a) Efficient use of resources, use of lottery~~
10 ~~proceeds, student transportation and food service operations,~~
11 ~~management structures, and personnel systems and benefits,~~
12 ~~instructional materials, and administrative and instructional~~
13 ~~technology.~~

14 ~~(b) Compliance with generally accepted accounting~~
15 ~~principles and state and federal laws relating to financial~~
16 ~~management.~~

17 ~~(c) Performance accountability systems, including~~
18 ~~performance measurement reports to the public, internal~~
19 ~~auditing, financial auditing, and information made available~~
20 ~~to support decisionmaking.~~

21 ~~(d) Cost control systems, including asset, risk, and~~
22 ~~financial management, purchasing, and information system~~
23 ~~controls.~~

24 ~~(e) Safety and security practices at the district and~~
25 ~~school levels.~~

26 ~~(2) School districts may, by a unanimous vote of the~~
27 ~~membership of the school board, apply to OPPAGA for a complete~~
28 ~~best financial management practice review or a review of~~
29 ~~components of the best financial management practices,~~
30 ~~including management, personnel, transportation, and food and~~
31 ~~nutrition services. OPPAGA shall prioritize districts for~~

1 ~~review based on their growth rates and demonstrated need for~~
2 ~~review. The director of OPPAGA may, at his or her discretion,~~
3 ~~contract with private consultants to perform part or all of~~
4 ~~the review of any district. Districts applying for a complete~~
5 ~~review shall contribute 50 percent of review costs, unless~~
6 ~~funding for the entire cost of the review is specifically~~
7 ~~provided by the Legislature. Districts applying for a review~~
8 ~~of a component shall contribute 75 percent of the review cost.~~
9 ~~All moneys contributed by any school district under this~~
10 ~~section toward the cost of a complete or component best~~
11 ~~financial management practices review of the district shall be~~
12 ~~deposited into the Florida School District Review Trust Fund~~
13 ~~administered by OPPAGA.~~

14 (3) OPPAGA shall contract with a private firm selected
15 through a formal request for proposal process to perform the
16 review, to the extent that funds are provided for this purpose
17 in the General Appropriations Act each year. When sufficient
18 funds are not provided to contract for all the scheduled best
19 financial management practices reviews, OPPAGA shall conduct
20 the remaining reviews scheduled for that year, except as
21 otherwise provided in this act. At least one member of the
22 private firm review team shall have expertise in school
23 district finance. The scope of the review shall focus on the
24 best practices adopted by the Commissioner of Education,
25 pursuant to subsection (2). OPPAGA may include additional
26 items in the scope of the review after seeking input from the
27 school district and the Department of Education.

28 (4) OPPAGA shall consult with the Commissioner of
29 Education throughout the best practices review process to
30 ensure that the technical expertise of the Department of
31

1 Education benefits the review process and supports the school
2 districts before, during, and after the review.

3 (5) It is the intent of the Legislature that each
4 school district shall be subject to a best financial
5 management practices review. The Legislature also intends that
6 all school districts shall be reviewed on a continuing 5-year
7 cycle, as follows, unless specified otherwise in the General
8 Appropriations Act, or as provided in this act:

9 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
10 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River,
11 Monroe, Osceola, and Bradford.

12 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
13 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
14 and Franklin.

15 (c) Year 3: Palm Beach, Orange, Seminole, Lee,
16 Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie,
17 Liberty, and Lafayette.

18 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
19 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
20 Hardee, DeSoto, and Glades.

21 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
22 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
23 Washington, and Calhoun.

24 (6)(a) The Joint Legislative Auditing Committee may
25 adjust the schedule of districts to be reviewed when
26 unforeseen circumstances prevent initiation of reviews
27 scheduled in a given year.

28 (b) Once the 5-year cycle has been completed, reviews
29 shall continue, beginning again with those districts included
30 in year one of the cycle unless a district has requested and
31 received a waiver as provided in subsection (17).

1 (7) At the direction of the Joint Legislative Auditing
2 Committee or the President of the Senate and the Speaker of
3 the House of Representatives, and subject to funding by the
4 Legislature, OPPAGA may conduct, or contract with a private
5 firm to conduct, up to two additional best financial
6 management practices reviews in districts not scheduled for
7 review during that year if such review is necessary to address
8 adverse financial conditions.

9 (8) Reviews shall be conducted by OPPAGA and the
10 consultant to the extent specifically funded by the
11 Legislature in the General Appropriations Act for this
12 purpose. Such funds may be used for the cost of reviews by
13 OPPAGA and private consultants contracted by the director of
14 OPPAGA. Costs may include professional services, travel
15 expenses of OPPAGA and staff of the Auditor General, and any
16 other necessary expenses incurred as part of a best financial
17 management practices review.

18 (9) Districts scheduled for review must complete a
19 self-assessment instrument provided by OPPAGA which indicates
20 the school district's evaluation of its performance on each
21 best practice. The district must begin the self-assessment not
22 later than 60 days prior to the commencement of the review.
23 The completed self-assessment instrument and supporting
24 documentation must be submitted to OPPAGA not later than the
25 date of commencement of the review as notified by OPPAGA. The
26 best practice review team will use this self-assessment
27 information during their review of the district.

28 (10) During the review, OPPAGA and the consultant
29 conducting the review, if any, shall hold at least one
30 advertised public forum as part of the review in order to
31 explain the best financial management practices review process

1 and obtain input from students, parents, the business
2 community, and other district residents regarding their
3 concerns about the operations and management of the school
4 district.

5 (11)(3) District reviews conducted under this section
6 must be completed within 6 months after commencement. OPPAGA
7 shall issue a final report to the President of the Senate, the
8 Speaker of the House of Representatives, and the district
9 regarding the district's use of best ~~its~~ financial management
10 practices and cost savings recommendations within 60 days
11 after completing the reviews. Copies of the final report shall
12 be provided to the Governor, the Commissioner of Education,
13 and to the chairs of school advisory councils and district
14 advisory councils established pursuant to s. 229.58(1)(a) and
15 (b). The school district shall notify all members of the
16 school advisory councils and district advisory council by mail
17 that the final report has been delivered to the school
18 district and to the council chairs. The notification shall
19 also inform members of the OPPAGA web site address at which an
20 electronic copy of the report is available.

21 (12) After receipt of the final report and before the
22 school board votes whether to adopt the action plan, or if no
23 action plan was required because the district was found to be
24 using the best practices, the school district shall hold an
25 advertised public forum to accept public input and review the
26 findings and recommendations of the report. The district shall
27 advertise and promote this forum in a manner appropriate to
28 inform school and district advisory councils, parents, school
29 district employees, the business community, and other district
30 residents of the opportunity to attend this meeting. OPPAGA

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1 and the consultant, if any, shall also be represented at this
2 forum.

3 (13)(a) If the district is found not to conform to
4 best financial management practices, the report must contain
5 an ~~a plan of~~ action plan detailing how the district could meet
6 the best practices within 2 years. The school board must
7 decide, by a majority plus one vote within 90 days after
8 receipt of the final report, whether or not to implement the
9 action plan and pursue a "Seal of Best Financial Management"
10 awarded by the State Board of Education to qualified school
11 districts. If a district fails to vote on the action plan
12 within 90 days, school board members may be required to appear
13 and present testimony before a legislative committee, pursuant
14 to s. 11.143.

15 (b) The school board may vote to reverse a decision
16 not to implement an action plan, provided that the action plan
17 is implemented and there is still sufficient time, as
18 determined by the district school board, to meet the best
19 practices within 2 years after issuance of the final report.

20 (c) Within 90 days after the receipt of the final
21 report, the school board must notify OPPAGA and the
22 Commissioner of Education in writing of the date and outcome
23 of the school board vote on whether to adopt the action plan.
24 If the school board fails to vote on whether to adopt the
25 action plan, the superintendent must notify OPPAGA and the
26 Commissioner of Education. The Department of Education may
27 contact the school district, assess the situation, urge the
28 school board to vote, and offer technical assistance, if
29 needed.

30 (14)(4) ~~If a school board votes to implement the~~
31 action plan:

1 (a) No later than 1 year after receipt of the final
2 report, the school district must ~~District school boards that~~
3 ~~agree by a majority plus one vote to institute the action plan~~
4 ~~shall~~ submit an initial status annual report to the President
5 of the Senate, the Speaker of the House of Representatives
6 ~~Legislature, the Governor, the SMART Schools Clearinghouse,~~
7 OPPAGA, the Auditor General, the State Board of Education, and
8 the Commissioner of Education on progress made towards
9 implementing the action plan and whether changes have occurred
10 in other areas of operation that ~~which~~ would affect compliance
11 with the best practices.

12 (b) A second status report must be submitted by the
13 school district to the President of the Senate, the Speaker of
14 the House of Representatives, the Governor, OPPAGA, the
15 Auditor General, the Commissioner of Education, and the State
16 Board of Education no later than 1 year after submission of
17 the initial report.

18
19 Status reports are not required once OPPAGA concludes that the
20 district is using best practices. ~~Such districts shall be~~
21 ~~reviewed annually by OPPAGA, in addition to the annual~~
22 ~~financial audit required under s. 11.45, to determine whether~~
23 ~~they have attained compliance with the best financial~~
24 ~~management practices in the areas covered by the plan.~~

25 (15) After receipt of each of a district's two status
26 reports required by subsection (14), OPPAGA shall assess the
27 district's implementation of the action plan and progress
28 toward implementing the best financial management practices in
29 areas covered by the plan. Following each assessment, OPPAGA
30 shall issue a report to the President of the Senate, the
31 Speaker of the House of Representatives, and the district

1 indicating whether the district has successfully implemented
2 the best financial management practices. Copies of the report
3 must be provided to the Governor, the Auditor General, the
4 Commissioner of Education, and the State Board of Education.
5 If a district has failed to implement an action plan adopted
6 pursuant to subsection (13), school board members and the
7 school superintendent may be required to appear before a
8 legislative committee, pursuant to s. 11.143, to present
9 testimony regarding the district's failure to implement such
10 action plan.

11 (16) School districts that successfully implement the
12 best financial management practices within 2 years, or are
13 determined in the review to be using the best practices, are
14 eligible to receive a "Seal of Best Financial Management."
15 Upon notification to the Commissioner of Education and the
16 State Board of Education by OPPAGA that a district has been
17 ~~districts that are~~ found to be using ~~comply with~~ the best
18 financial management practices, the State Board of Education
19 shall award that district ~~shall receive~~ a "Seal of Best
20 Financial Management" by the State Board of Education
21 certifying that the district is adhering to the state's best
22 financial management practices. The State Board of Education
23 ~~This~~ designation shall be effective for 5 years from the
24 certification date or until the next review is completed,
25 whichever is later ~~a 5-year period, after which the district~~
26 ~~school board may reapply for the designation to be granted~~
27 ~~after another financial management practice review. During the~~
28 designation period, the district school board shall annually,
29 not later than the anniversary date of the certification,
30 ~~notify the SMART Schools Clearinghouse, OPPAGA, the Auditor~~
31 General, the Commissioner of Education, and the State Board of

1 Education of any changes in policies or operations or any
2 other situations that would not conform to the state's best
3 financial management practices. The State Board of Education
4 may revoke the designation of a district at any time if it
5 determines that a district is no longer complying with the
6 state's best financial management practices. If no such
7 changes have occurred and the school board determines that the
8 school district continues to conform to the best financial
9 management practices, the school board shall annually report
10 that information to the State Board of Education, with copies
11 to OPPAGA, the Auditor General, and the Commissioner of
12 Education.

13 (17)(a) The school board of a district that has been
14 awarded a "Seal of Best Financial Management" by the State
15 Board of Education and has annually reported to the State
16 Board of Education that the district is still conforming to
17 the best financial management practices may request a waiver
18 from undergoing its next scheduled Best Financial Management
19 Practices review.

20 (b) To apply for such waiver, not later than September
21 1 of the fiscal year prior to the fiscal year in which the
22 district is next scheduled for review, the school board shall
23 certify to OPPAGA and the Department of Education the school
24 board's determination that the school district is still
25 conforming to the best financial management practices.

26 (c) After consultation with the Department of
27 Education and review of the school board's determination,
28 OPPAGA may recommend to the Legislative Budget Commission that
29 the district be granted a waiver for the next scheduled Best
30 Financial Management Practices review. If approved for waiver,
31 OPPAGA shall notify the school district and the Department of

1 Education that no review of that district will be conducted
2 during the next scheduled review cycle. In that event, the
3 school district must continue annual reporting to the State
4 Board of Education as required in subsection (16). Districts
5 granted a waiver for one review cycle are not eligible for
6 waiver of the next scheduled review cycle.

7 (18) School districts that receive a best financial
8 management practices review must maintain records that will
9 enable independent verification of the implementation of the
10 action plan and any related fiscal impacts.

11 (19) Unrestricted cost savings resulting from
12 implementation of the best financial management practices must
13 be spent at the school and classroom levels for teacher
14 salaries, teacher training, improved classroom facilities,
15 student supplies, textbooks, classroom technology, and other
16 direct student instruction activities. Cost savings
17 identified for a program that has restrictive expenditure
18 requirements shall be used for the enhancement of the specific
19 program.

20 ~~(5) Any audit or performance review of one or more of~~
21 ~~the designated components conducted or supervised by OPPAGA or~~
22 ~~the Department of Management Services, and completed within 2~~
23 ~~years before the date of application to OPPAGA for a best~~
24 ~~financial practices review, may serve as all or part of the~~
25 ~~audit or review required as the examination of district~~
26 ~~operations necessary for a determination of whether a district~~
27 ~~meets the "best financial management practices" designation.~~
28 ~~The cost contribution requirements of subsection (2) do not~~
29 ~~apply to any such audit or performance review.~~

30 Section 3. Section 11.515, Florida Statutes, is
31 repealed.

1 Section 4. Section 230.2302, Florida Statutes, is
2 repealed.

3 Section 5. Section 230.23026, Florida Statutes, is
4 repealed.

5 Section 6. Subsection (1) of section 11.51, Florida
6 Statutes, is amended to read:

7 11.51 Office of Program Policy Analysis and Government
8 Accountability.--

9 (1) There is hereby created the Office of Program
10 Policy Analysis and Government Accountability as a unit of the
11 Office of the Auditor General appointed pursuant to s. 11.42.
12 The Such office shall perform independent examinations,
13 program reviews, and other projects as provided by general
14 law, as provided by concurrent resolution, or as directed by
15 the Legislative Auditing Committee, and shall provide
16 recommendations, training, or other services to assist the
17 Legislature ~~program evaluation and justification reviews as~~
18 ~~required by s. 11.513 and performance audits as defined in s.~~
19 ~~11.45 and shall contract for performance reviews of school~~
20 ~~districts pursuant to ss. 11.515 and 230.2302.~~

21 Section 7. Subsection (4) of section 230.23027,
22 Florida Statutes, is amended to read:

23 230.23027 Small School District Stabilization
24 Program.--

25 (4) Effective July 1, 2000, and thereafter, when the
26 Office of Tourism, Trade, and Economic Development authorizes
27 a school district to participate in the program, the
28 Legislature may give priority to that district for a best
29 financial management practices review in the school district,
30 subject to approval pursuant to s. 230.23025(7)~~as authorized~~
31 ~~in s. 11.515~~, to the extent that funding is provided annually

1 for such purpose in the General Appropriations Act. The scope
2 of the review shall be as set forth in s. 230.23025 ~~s. 11.515~~.

3 Section 8. Subsection (1) of section 233.43, Florida
4 Statutes, is amended to read:

5 233.43 Duties of superintendent relating to
6 instructional materials.--

7 (1) The duties and responsibilities of each
8 superintendent of schools for the requisition, purchase,
9 receipt, storage, distribution, use, conservation, records,
10 and reports of, and management practices and property
11 accountability concerning, instructional materials shall be
12 prescribed by policies of the district school board. Such
13 policies shall also provide for an evaluation of any
14 instructional materials to be requisitioned that have not been
15 used previously in the schools of the district. The duties and
16 responsibilities include keeping adequate records and accounts
17 for all financial transactions for funds collected pursuant to
18 s. 233.46(4). Such records and accounts shall be a component
19 of the educational service delivery scope in a school district
20 best financial management practices review under ~~s. ss. 11.515~~
21 ~~and~~ 230.23025.

22 Section 9. Paragraph (a) of subsection (2) of section
23 235.2197, Florida Statutes, is amended to read:

24 235.2197 Florida Frugal Schools Program.--

25 (2) The "Florida Frugal Schools Program" is created to
26 recognize publicly each district school board that agrees to
27 build frugal yet functional educational facilities and that
28 implements "best financial management practices" when
29 planning, constructing, and operating educational facilities.
30 The State Board of Education shall recognize a district school
31 board as having a Florida Frugal Schools Program if the

1 district requests recognition and satisfies two or more of the
2 following criteria:

3 (a) The district receives a "Seal of Best Financial
4 Management" as provided in s. 230.23025 or implements best
5 financial management practices applicable to ~~in the area of~~
6 educational facilities as evidenced by a ~~partial~~ review under
7 s. 230.23025 ~~s. 230.2302~~.

8 Section 10. Land Acquisition and Facilities Advisory
9 Board.--

10 (1) The Legislature recognizes that effective land
11 acquisition and facilities operations are essential components
12 of Florida district school boards' ability to provide
13 facilities to accommodate the growing student population in
14 the state. To support and assist the school districts, it is
15 appropriate for the Legislature to make advisory resources
16 available to aid districts in meeting those needs.

17 (2) If the director of the Office of Program Policy
18 Analysis and Government Accountability (OPPAGA) or the Auditor
19 General determines in a review or examination that significant
20 deficiencies exist in a school district's land acquisition and
21 facilities operational processes, he or she shall certify to
22 the President of Senate, the Speaker of the House of
23 Representatives, the Legislative Budget Commission, and the
24 Governor that the deficiency exists. The Legislative Budget
25 Commission shall determine whether funds for the school
26 district will be placed in reserve until the deficiencies are
27 corrected.

28 (3) After receipt of that certification, the President
29 of the Senate, the Speaker of the House of Representatives,
30 and the Governor shall name a Land Acquisition and Facilities
31 Advisory Board to provide expert advice and assist in

1 improving the district's land acquisition and facilities
2 operational processes. Each Land Acquisition and Facilities
3 Advisory Board shall consist of seven members and shall
4 possess specific expertise needed to assist the school
5 district in improving its deficient processes. The President
6 of the Senate and the Speaker of the House shall each appoint
7 two members, and the Governor shall appoint three members of
8 the advisory board. Membership of each advisory board may be
9 different for each district. Members shall serve without
10 compensation but may be reimbursed for travel and per diem
11 expenses in accordance with section 112.061, Florida Statutes.

12 (4) Within 30 days of its formation, the Land
13 Acquisition and Facilities Advisory Board shall convene in the
14 district and make all reasonable efforts to help the district
15 correct deficiencies noted in the examination or audit of the
16 district. The district must cooperate with the advisory board
17 and provide information as requested.

18 (5) Within 60 days of convening, the Land Acquisition
19 and Facilities Advisory Board shall assess the district's
20 progress and corrective actions and report to the Commissioner
21 of Education. The advisory board's report must address the
22 release of any funds placed in reserve by the Executive Office
23 of the Governor. Any recommendation from the advisory board
24 for the release of funds shall include a certification that
25 policies established, procedures followed, and expenditures
26 made by the school board related to site acquisition and
27 facilities planning and construction are consistent with
28 recommendations of the Land Acquisition and Facilities
29 Advisory Board and will accomplish corrective action and
30 address recommendations made by the Office of Program Policy
31 Analysis and Government Accountability and the Auditor

1 General. If the advisory board does not recommend release of
2 the funds held in reserve they shall provide additional
3 assistance and submit a subsequent report 60 days after the
4 previous report.

5 (6) Upon certification by the advisory board that
6 corrective action has been taken, each Land Acquisition and
7 Facilities Advisory Board shall be disbanded.

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

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

13 (22) "Educational facility" means:

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

1 and credit of the state or of any such political subdivision,
2 but shall be payable solely from the revenues provided
3 therefor.

4 Section 12. Section 228.056, Florida Statutes, is
5 amended to read:

6 228.056 Charter schools.--

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

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

17 (a) Improve student learning.

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

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

23 (d) Increase choice of learning opportunities for
24 students.

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

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

29 (g) Make the school the unit for improvement.
30
31

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

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

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

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

10 (3) APPLICATION; UNLAWFUL REPRISAL.--

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

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

1 board denied the application. The notice must specify the
2 exact reasons for denial and must provide documentation
3 supporting those reasons.A private school, parochial school,
4 or home education program shall not be eligible for charter
5 school status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (6)~~(5)~~ NUMBER OF SCHOOLS.--

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

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

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

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

12 (7)~~(6)~~ ELIGIBLE STUDENTS.--

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

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

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

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

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

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

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

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

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

31

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

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

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

11 (f) The capacity of the charter school shall be
12 determined annually by the governing board, in conjunction
13 with the sponsor, of the charter school in consideration of
14 the factors identified in this subsection.

15 ~~(8)(7)~~ LEGAL ENTITY.--A charter school shall organize
16 as, or be operated by, a nonprofit organization. A charter
17 school may be operated by a municipality or other public
18 entity as provided for by law. As such, the charter school may
19 be either a private or a public employer. As a public
20 employer, a charter school may participate in the Florida
21 Retirement System upon application and approval as a "covered
22 group" under s. 121.021(34). If a charter school participates
23 in the Florida Retirement System, the charter school employees
24 shall be compulsory members of the Florida Retirement System.
25 As either a private or a public employer, a charter school may
26 contract for services with an individual or group of
27 individuals who are organized as a partnership or a
28 cooperative. Individuals or groups of individuals who contract
29 their services to the charter school are not public employees.

30 ~~(9)(8)~~ REQUIREMENTS.--

31

- 1 (a) A charter school shall be nonsectarian in its
2 programs, admission policies, employment practices, and
3 operations.
- 4 (b) A charter school shall admit students as provided
5 in subsection (6).
- 6 (c) A charter school shall be accountable to its
7 sponsor for performance as provided in subsection (9).
- 8 (d) A charter school shall not charge tuition or fees,
9 except those fees normally charged by other public schools.
10 However, a developmental research school to which a charter
11 has been issued pursuant to paragraph (4)(e) may charge a
12 student activity and service fee as authorized by s.
13 228.053(5).
- 14 (e) A charter school shall meet all applicable state
15 and local health, safety, and civil rights requirements.
- 16 (f) A charter school shall not violate the
17 antidiscrimination provisions of s. 228.2001.
- 18 (g) A charter school shall be subject to an annual
19 financial audit in a manner similar to that of a school
20 district.
- 21 (h) No organization shall hold more than 15 charters
22 statewide.
- 23 (i) In order to provide financial information that is
24 comparable to that reported for other public schools, charter
25 schools are to maintain all financial records which constitute
26 their accounting system:
- 27 1. In accordance with the accounts and codes
28 prescribed in the most recent issuance of the publication
29 titled "Financial and Program Cost Accounting and Reporting
30 for Florida Schools"; ~~or~~
31

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

6
7 Charter schools are to provide annual financial report and
8 program cost report information in the state-required formats
9 for inclusion in district reporting in compliance with s.
10 236.02(1). Charter schools which are operated by a
11 municipality or are a component unit of a parent nonprofit
12 organization may use the accounting system of the municipality
13 or the parent, but must reformat this information for
14 reporting according to this paragraph.

15 (j) The governing board of the charter school shall
16 annually adopt and maintain an operating budget.

17 (10)(9) CHARTER.--The major issues involving the
18 operation of a charter school shall be considered in advance
19 and written into the charter. The charter shall be signed by
20 the governing body of the charter school and the sponsor,
21 following a public hearing to ensure community input.

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

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

26 2. The focus of the curriculum, the instructional
27 methods to be used, and any distinctive instructional
28 techniques to be employed, and identification and acquisition
29 of appropriate technologies needed to improve educational and
30 administrative performance. This must include a means for

31

1 promoting safe, ethical, and appropriate uses of technology
2 which comply with legal and professional standards.

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

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

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

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

16 d. The district school board is required to provide
17 academic student performance data to charter schools for each
18 of their students coming from the district school system, as
19 well as rates of academic progress of comparable student
20 populations in the district school system.

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

30
31

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

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

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

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

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

1 (13)~~(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 (14)~~(13)~~ REVENUE.--Students enrolled in a charter
25 school, regardless of the sponsorship, shall be funded as if
26 they are in a basic program or a special program, the same as
27 students enrolled in other public schools in the school
28 district. Funding for a chartered developmental research
29 school shall be 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 (15)~~(14)~~ IMMUNITY.--For the purposes of tort
16 liability, the governing body and employees of a charter
17 school shall be governed by s. 768.28.

18 (16)~~(15)~~ LENGTH OF SCHOOL YEAR.--A charter school
19 shall provide instruction for at least the number of days
20 required by law for other public schools, and may provide
21 instruction for additional days.

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

11 (19)~~(18)~~ INFORMATION.--The Department of Education
12 shall 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 (20)~~(19)~~ GENERAL AUTHORITY.--A charter school shall
20 not levy taxes or issue bonds secured by tax revenues.

21 (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 (22)~~(21)~~ RULEMAKING.--The Department of Education,
13 after 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 (23)~~(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-municipality designation may
13 be granted to a municipality that possesses a charter; enrolls
14 students based upon a random lottery that involves all of the
15 children of the residents of that municipality who are seeking
16 enrollment, as provided for in subsection (6); and enrolls
17 students according to the racial/ethnic balance provisions
18 described in subparagraph (9)(a)8. Any portion of the land and
19 facility used for a public charter school shall be exempt from
20 ad valorem taxes, as provided for in s. 235.198, for the
21 duration of its use as a public school.

22 (d) As used in this subsection, the terms "business
23 partner," "employer," "developer," or "municipality" may
24 include more than one business, employer, developer, or
25 municipality to form a charter school-in-the-workplace,
26 charter school-in-a-development, or charter
27 school-in-a-municipality.

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

30 228.0561 Charter schools capital outlay funding.--
31

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

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

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

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

24 (3)

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

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

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

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

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

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

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

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

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

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

6 Section 15. This act shall take effect July 1, 2001.

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