

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1720  
 SPONSOR: Education Committee and Senator Sullivan  
 SUBJECT: Charter Schools  
 DATE: March 4, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gordon	O'Farrell	ED	Favorable/CS
2.	_____	_____	CA	_____
3.	_____	_____	AED	_____
4.	_____	_____	AP	_____
5.	_____	_____	RC	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill amends s.228.056 on charter schools by: limiting the number of purposes a charter school must accomplish; expanding the list of potential sponsors; delineating accountability standards for charter schools; amending the appellate process that may occur as a result of a denial of an application by making the State Board of Education's decision final; extending a charter school's time to file a response to a sponsor's decision to terminate a charter; requiring supervision and evaluation of non-certified teachers and those teaching outside of their field; requiring compliance with the Florida Building Code and the Florida Fire Prevention Code; and exempting charter schools from impact and service availability fees. The bill also amends s. 228.0561, F.S., by allowing the Commissioner of Education to identify an additional funding source that may be considered by the Legislature in allocating funding in a given year.

This bill substantially amends the following sections of the Florida Statutes: 228.056 and 228.0561.

## II. Present Situation:

Charter schools are public schools that operate under a contract with a public sponsor. Charter schools are often free from state and local regulations and mandates, but are usually held accountable for the academic and financial performance of the school and its students. Florida currently has 185 charter schools serving 39,673 students.

Charter schools were authorized in Florida in 1996 through s. 228.056, F.S. Under that law, charter schools must accomplish eleven goals which include, but are not limited to: improving student learning, expanding the capacity of the public school system, and increasing the choice of learning opportunities for students. Sponsorship is limited to district school boards in s.

228.056, F.S., although developmental research schools may convert to a charter school under the sponsorship of the affiliated state university. Individuals, teachers, parents, a group of individuals, a municipality, or a legal entity may apply for a charter to establish a charter school.

Charter schools are funded in a similar manner to public schools, receiving funding through the Florida Education Finance Program (FEFP). These schools also receive capital outlay funding in the General Appropriations Act. Last year, charter schools received \$27,700,000 in capital outlay from PECO funds. Each sponsoring school district may withhold up to five percent of such funding for administrative costs.

### **III. Effect of Proposed Changes:**

#### **Purposes of Charter Schools**

Section 228.056(2) currently requires charter schools to fulfill eleven purposes which include: improve student learning; increase learning opportunities for all students, with special emphasis on academically low achieving students; encourage the use of different and innovative learning methods; increase choice of learning opportunities for students; establish a new form of accountability for schools; require the measurement of learning outcomes and create innovative measurement tools; make the school the unit for improvement; create new professional opportunities for teachers, including owning the learning program at the school site; provide rigorous competition within the public school district to stimulate continual improvement in all public schools; provide additional academic choices for parents and students; and expand the capacity of the public school system.

The amendment changes the law to require that only some of those purposes need be fulfilled. The change may increase the probability that charter schools with a more restricted focus will have their charter applications approved even though they do not address all 11 purposes.

#### **Potential Sponsors**

Section 228.056(4) provides that district school boards shall sponsor charter schools. The amendment expands that list of sponsors to include the State Board of Education, a Florida public university or a Florida community college. A sponsor is the entity that approves the charter and is ultimately responsible for the charter school's existence. It has been contended that limiting sponsorship to a single entity creates a disincentive for approving charters since the sponsor will not try to create competition for itself. Multiple sponsorship will likely lead to increased competition and may ultimately result in improved educational innovation and quality.

#### **Accountability**

Charter school accountability is primarily addressed under s. 228.056(10), the portion of the statute related to the charter or contract between the sponsor and the charter school. That section requires that the charter address several issues, many of which implicitly hold the charters accountable for their performance. For example, the charter must outline the school mission, curriculum and instructional methods to be used; the incoming baseline of student academic achievement; academic evaluation methods that will be utilized; the financial and administrative

management of the school; and the qualifications of the teachers. Importantly this section provides that if certain standards are not met, the charter will be terminated.

The increased flexibility and freedom the sum of the bill will engender necessitates the imposition of additional accountability requirements. This bill adds a new section of law that requires the following:

- Charters that outline an academic program that meets or exceeds the outcomes set by the Sunshine State Standards.
- Charter schools must submit annual reports by July 15 that detail their students' achievement compared to the aspirational goal in the charter and details the schools income and expenditure. Schools must also report FCAT scores to the district boards.
- Personnel must have at least a four-year degree. If non-certified or teaching outside his or her field of certification, that teacher must be supervised by a certified teacher who will evaluate the non-certified teacher's ability to teach the subject matter. The non-certified teacher must take at least three credit hours in the new field. All school personnel must submit to a background check and be fingerprinted.

This accountability section offers clear, attainable goals for charter school operators. It also plainly establishes minimum expectations for charter operators.

### **Appeals of Charter Application Denials**

Under section 228.056(4)(b), a potential charter school operator whose application has been denied, may appeal the district board's decision to the State Board of Education. If the state board accepts the appeal, it may recommend a course of action to the district board. However, the state board's recommendation is not binding and the district board may reject it for good cause—implementing the recommendation would be contrary to law or contrary to the best interest of the students or community.

The legislation being considered removes the discretion the district board has had to accept or reject a decision by the State Board of Education. The bill requires that the state board's decision be implemented by the district board, but does not remove the provision allowing either party to seek judicial redress. Removing the district board's discretion in this respect will decrease the number of capricious denials by the school boards and encourage decision making based on the merits of the applications submitted.

### **Termination of Charters**

Section 228.056(11), F.S. permits the sponsor of a charter school to decide whether to renew or terminate a charter at the end of its term. Under the current law, the charter school operator has fourteen days to request an informal hearing before the sponsor after receiving notice of an intent to terminate or to appeal a decision to terminate. The amendment changes that amount of time to fifteen days. This change brings this statute in line with the provision in section 228.056(4)(b)

which allows a charter school to resubmit an appeal after the state board has rejected it. This change creates greater consistency within the appellate process for charter schools generally.

### **Building Codes and Service Fees**

Under s. 235.26(2), all public educational plants constructed by a school board must meet the requirements of the Florida Building Code and the Florida Fire Prevention Code. Those plants are exempt from all state building codes; county, municipal, or other local amendments to the Florida Building Code and local amendments to the Florida Fire Prevention Code; building permits, and assessments of fees for building permits, except as provided in s. 553.80, F.S., ordinance; road closure; and impact fees or service availability fees. This bill would allow charter schools to be treated as public schools for the limited purpose of enjoying the aforementioned exemptions.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

## **V. Economic Impact and Fiscal Note:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

None.

### **C. Government Sector Impact:**

It is likely that exempting charter schools from availability and impact fees may lead to revenue losses at the state and local levels. However, those losses are not readily quantifiable due to the variance in the level of fees across the state.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

---

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

---