

By the Committee on Education; and Senator Sullivan

304-2191-02

1                                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           228.056, F.S.; limiting the number of purposes  
4           a charter school must accomplish; expanding the  
5           list of potential sponsors to include the State  
6           Board of Education, a Florida public  
7           university, or a Florida community college;  
8           designating decisions by the State Board of  
9           Education as final decisions that must be  
10          implemented by the district boards; delineating  
11          accountability standards for charter schools;  
12          extending a district school board's time for  
13          responding and filing an appeal from a  
14          sponsor's decision to terminate a charter;  
15          requiring that noncertified teachers or  
16          instructors who are teaching out of their  
17          respective fields be supervised by a certified  
18          teacher for a specified period of time;  
19          requiring district school boards to distribute  
20          funds to schools when available; requiring  
21          compliance with the Florida Building Code and  
22          the Florida Fire Prevention Code or with the  
23          applicable provisions thereof; exempting  
24          charter schools from impact and service  
25          availability fees; amending s. 228.0561, F.S.,  
26          relating to charter school capital outlay  
27          funding; allowing the Commissioner of Education  
28          to identify an additional funding source that  
29          may be considered by the Legislature in  
30          allocating funding in a given year; providing  
31          an effective date.

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

2

3 Section 1. Section 228.056, Florida Statutes, is  
4 amended to read:

5 228.056 Charter schools.--

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

14 (2) PURPOSE.--The purpose of charter schools shall be  
15 to accomplish some or all of the following:

16 (a) Improve student learning.

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

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

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

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

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

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

29 (h) Create new professional opportunities for  
30 teachers, including the opportunity to own the learning  
31 program at the school site.

1 (i) Provide rigorous competition within the public  
2 school district to stimulate continual improvement in all  
3 public schools.

4 (j) Provide additional academic choices for parents  
5 and students.

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

7 (3) APPLICATION; UNLAWFUL REPRISAL.--

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

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

1 or home education program shall not be eligible for charter  
2 school status.

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

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

29 2. Within 3 working days after receiving a complaint  
30 under this section, the department shall acknowledge receipt  
31 of the complaint and provide copies of the complaint and any

1 other relevant preliminary information available to each of  
2 the other parties named in the complaint, which parties shall  
3 each acknowledge receipt of such copies to the complainant.

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

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

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

27 6. The department shall either contract with the  
28 Division of Administrative Hearings under s. 120.65, or  
29 otherwise provide for a complaint for which the department  
30 determines reasonable grounds exist to believe that an  
31 unlawful reprisal has occurred, is occurring, or is to be

1 taken, and is unable to conciliate, to be heard by a panel of  
2 impartial persons. Upon hearing the complaint, the panel must  
3 make findings of fact and conclusions of law for a final  
4 decision by the department.

5  
6 It shall be an affirmative defense to any action brought  
7 pursuant to this section that the adverse action was  
8 predicated upon grounds other than, and would have been taken  
9 absent, the employee's exercise of rights protected by this  
10 section.

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

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

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

21 3. Compensation, if appropriate, for lost wages,  
22 benefits, or other lost remuneration caused by the unlawful  
23 reprisal.

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

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

30 6. Temporary reinstatement to the employee's former  
31 position or to an equivalent position, pending the final

1 outcome on the complaint, if it is determined that the action  
2 was not made in bad faith or for a wrongful purpose, and did  
3 not occur after a district school board's initiation of a  
4 personnel action against the employee which includes  
5 documentation of the employee's violation of a disciplinary  
6 standard or performance deficiency.

7 (4) SPONSOR.--A district school board may sponsor a  
8 charter school in the county over which the board has  
9 jurisdiction. The State Board of Education, a Florida public  
10 university, or a Florida community college may also sponsor a  
11 charter school, with the exception of a conversion charter  
12 school, located in this state.

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

26 1. In order to facilitate an accurate budget  
27 projection process, a district school board shall be held  
28 harmless for FTE students which are not included in the FTE  
29 projection due to approval of charter school applications  
30 after the FTE projection deadline. In a further effort to  
31 facilitate an accurate budget projection, within 15 calendar

1 days after receipt of a charter school application, a district  
2 school board or other sponsor shall report to the Department  
3 of Education the name of the applicant entity, the proposed  
4 charter school location, and its projected FTE.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

17 (5) ACCOUNTABILITY.--

18 (a) Pupil performance.--A charter school must design  
19 its academic programs to meet or exceed the outcomes set by  
20 the Commissioner of Education for public school students as  
21 outlined in the Sunshine State Standards. The expected  
22 outcomes must be outlined in each school's charter.

23 (b) Annual reports.--

24 1. By July 15 of each year that a charter school is in  
25 operation, the charter school must submit to its sponsor a  
26 written report that details the levels of achievement of its  
27 students during the preceding school year in comparison to the  
28 aspirational levels set out in that school's charter.

29 2. By July 15 of each year that a charter school is in  
30 operation, the charter school must submit a written report  
31

1 that details its income and expenditures for the preceding  
2 school year.

3 3. Each charter school must annually report data on  
4 the FCAT scores of its students to the district school board  
5 in the county where the charter school is located.

6 (c) Personnel.--

7 1. Each teacher employed by the charter school must  
8 have at least a 4-year degree. A teacher who is not certified  
9 may teach in a charter school, but he or she must be  
10 supervised by a certified teacher who will evaluate in writing  
11 the noncertified teacher's ability to teach the subject  
12 matter. The sponsor shall use the evaluation in deciding  
13 whether to continue employing the noncertified teacher for the  
14 following year. A noncertified teacher must also take at least  
15 3 credit hours per semester of education credits in the area  
16 in which he or she is to teach.

17 2. All school personnel must be fingerprinted and must  
18 undergo a background check in compliance with s. 231.17 before  
19 they may be employed by the charter school.

20 (6)(5) CHARTER SCHOOL COOPERATIVES.--Charter schools  
21 may enter into cooperative agreements to form charter school  
22 cooperative organizations that may provide the following  
23 services: charter school planning and development, direct  
24 instructional services, contracts with charter school  
25 governing boards to provide personnel administrative services,  
26 payroll services, human resource management, evaluation and  
27 assessment services, teacher preparation, and professional  
28 development.

29 (7)(6) NUMBER OF SCHOOLS.--

30 (a) The number of newly created charter schools is  
31 limited to no more than 28 in each school district that has

1 100,000 or more students, no more than 20 in each school  
2 district that has 50,000 to 99,999 students, and no more than  
3 12 in each school district with fewer than 50,000 students.

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

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

13 (8)~~(7)~~ ELIGIBLE STUDENTS.--

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

31

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

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

9 1. Students within specific age groups or grade  
10 levels.

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

14 3. Students enrolling in a charter  
15 school-in-the-workplace or charter school-in-a-municipality  
16 established pursuant to subsection (24)~~(22)~~.

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

25 5. Students who meet reasonable academic, artistic, or  
26 other eligibility standards established by the charter school  
27 and included in the charter school application and charter or,  
28 in the case of existing charter schools, standards that are  
29 consistent with the school's mission and purpose. Such  
30 standards must be in accordance with current state law and  
31

1 practice in public schools and may not discriminate against  
2 otherwise qualified individuals.

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

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

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

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

17 (9)~~(8)~~ LEGAL ENTITY.--A charter school shall organize  
18 as, or be operated by, a nonprofit organization. A charter  
19 school may be operated by a municipality or other public  
20 entity as provided for by law. As such, the charter school may  
21 be either a private or a public employer. As a public  
22 employer, a charter school may participate in the Florida  
23 Retirement System upon application and approval as a "covered  
24 group" under s. 121.021(34). If a charter school participates  
25 in the Florida Retirement System, the charter school employees  
26 shall be compulsory members of the Florida Retirement System.  
27 As either a private or a public employer, a charter school may  
28 contract for services with an individual or group of  
29 individuals who are organized as a partnership or a  
30 cooperative. Individuals or groups of individuals who contract  
31 their services to the charter school are not public employees.

1           (10)~~(9)~~ REQUIREMENTS.--

2           (a) A charter school shall be nonsectarian in its  
3 programs, admission policies, employment practices, and  
4 operations.

5           (b) A charter school shall admit students as provided  
6 in subsection(8)~~(6)~~.

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

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

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

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

19           (g) A charter school shall provide for an annual  
20 financial audit in accordance with s. 218.39.

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           (11)~~(10)~~ 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, any distinctive instructional techniques  
28 to be employed, and identification and acquisition of  
29 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  
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1           5. In secondary charter schools, a method for  
2 determining that a student has satisfied the requirements for  
3 graduation in s. 232.246.

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

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

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

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

24           10. A description of procedures that identify various  
25 risks and provide for a comprehensive approach to reduce the  
26 impact of losses; plans to ensure the safety and security of  
27 students and staff; plans to identify, minimize, and protect  
28 others from violent or disruptive student behavior; and the  
29 manner in which the school will be insured, including whether  
30 or not the school will be required to have liability

31

1 insurance, and, if so, the terms and conditions thereof and  
2 the amounts of coverage.

3 11. The term of the charter which shall provide for  
4 cancellation of the charter if insufficient progress has been  
5 made in attaining the student achievement objectives of the  
6 charter and if it is not likely that such objectives can be  
7 achieved before expiration of the charter. The initial term of  
8 a charter shall be for 3, 4, or 5 years. In order to  
9 facilitate access to long-term financial resources for charter  
10 school construction, charter schools that are operated by a  
11 municipality or other public entity as provided by law are  
12 eligible for up to a 15-year charter, subject to approval by  
13 the local school board. A developmental research school is  
14 eligible for a charter for a term of up to 15 years issued by  
15 a state university pursuant to paragraph (4)(e). In addition,  
16 to facilitate access to long-term financial resources for  
17 charter school construction, charter schools that are operated  
18 by a private, not-for-profit, s. 501(c)(3) status corporation  
19 are eligible for up to a 10-year charter, subject to approval  
20 by the local school board. Such long-term charters remain  
21 subject to annual review and may be terminated during the term  
22 of the charter, but only for specific good cause according to  
23 the provisions set forth in subsection (12)~~(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 (9)~~(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 (12)(a)~~(10)(a)~~ have been documented. In order to facilitate  
23 long-term financing for charter school construction, charter  
24 schools operating for a minimum of 2 years and demonstrating  
25 exemplary academic programming and fiscal management are  
26 eligible for a 15-year charter renewal. Such long-term charter  
27 is subject to annual review and may be terminated during the  
28 term of the 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 (12)~~(11)~~ 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 15  
28 ~~14~~ calendar days after receiving the notice, request an  
29 informal hearing before the sponsor. The sponsor shall conduct  
30 the informal hearing within 30 calendar days after receiving a  
31 written request. The charter school's governing body may,

1 within 15 ~~14~~ calendar days after receiving the sponsor's  
2 decision to terminate or refuse to renew the charter, appeal  
3 the decision pursuant to the procedure established in  
4 subsection (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 15 ~~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 is responsible for all debts of the charter  
26 school. The district may not assume the debt from any contract  
27 for services made between the governing body of the school and  
28 a third party, except for a debt that is previously detailed  
29 and agreed upon in writing by both the district and the  
30 governing body of the school and that may not reasonably be  
31 assumed to have been satisfied by the district.



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

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

30 (14)~~(13)~~ EMPLOYEES OF CHARTER SCHOOLS.--  
31

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

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

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

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

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

30 (f) Except as otherwise provided by law, teachers  
31 employed by or under contract to a charter school shall be

1 certified as required by chapter 231. A charter school  
2 governing board may employ or contract with skilled selected  
3 noncertified personnel to provide instructional services or to  
4 assist instructional staff members as education  
5 paraprofessionals in the same manner as defined in chapter  
6 231, and as provided by the governing board's rules and  
7 procedures ~~State Board of Education rule for charter school~~  
8 ~~governing boards~~. However, all teachers must submit to  
9 background checks and fingerprinting as required by s. 231.17.  
10 The charter school governing board must approve employment of  
11 noncertified teachers or teachers teaching out of their field  
12 of certification. Those teachers must be mentored by a  
13 certified teacher who shall evaluate in writing their ability  
14 to teach the subject matter in accordance with rules  
15 established by the governing board for this purpose. This  
16 evaluation shall be submitted to the charter school governing  
17 board at the end of the school year and must be considered in  
18 any decision regarding employment of the noncertified teacher  
19 for the following school year. A charter school may not  
20 knowingly employ an individual to provide instructional  
21 services or to serve as an education paraprofessional if the  
22 individual's certification or licensure as an educator is  
23 suspended or revoked by this or any other state. A charter  
24 school may not knowingly employ an individual who has resigned  
25 from a school district in lieu of disciplinary action with  
26 respect to child welfare or safety, or who has been dismissed  
27 for just cause by any school district with respect to child  
28 welfare or safety. The qualifications of teachers shall be  
29 disclosed to parents.

30 (g) A charter school shall employ or contract with  
31 employees who have been fingerprinted as provided in s.

1 231.02. Members of the governing board of the charter school  
2 shall also be fingerprinted in a manner similar to that  
3 provided in s. 231.02.

4 (15(14) REVENUE.--Students enrolled in a charter  
5 school, regardless of the sponsorship, shall be funded as if  
6 they are in a basic program or a special program, the same as  
7 students enrolled in other public schools in the school  
8 district. Funding for a chartered developmental research  
9 school shall be as provided in s. 228.053(9).

10 (a) Each charter school shall report its student  
11 enrollment to the district school board as required in s.  
12 236.081, and in accordance with the definitions in s. 236.013.  
13 The district school board shall include each charter school's  
14 enrollment in the district's report of student enrollment. All  
15 charter schools submitting student record information required  
16 by the Department of Education shall comply with the  
17 department's guidelines for electronic data formats for such  
18 data, and all districts shall accept electronic data that  
19 complies with the department's electronic format.

20 (b) The basis for the agreement for funding students  
21 enrolled in a charter school shall be the sum of the school  
22 district's operating funds from the Florida Education Finance  
23 Program as provided in s. 236.081 and the General  
24 Appropriations Act, including gross state and local funds,  
25 discretionary lottery funds, and funds from the school  
26 district's current operating discretionary millage levy;  
27 divided by total funded weighted full-time equivalent students  
28 in the school district; multiplied by the weighted full-time  
29 equivalent students for the charter school. Charter schools  
30 whose students or programs meet the eligibility criteria in  
31 law shall be entitled to their proportionate share of

1 categorical program funds included in the total funds  
2 available in the Florida Education Finance Program by the  
3 Legislature, including transportation. Total funding for each  
4 charter school will be recalculated during the year to reflect  
5 the revised calculations under the Florida Education Finance  
6 Program by the state and the actual weighted full-time  
7 equivalent students reported by the charter school during the  
8 full-time equivalent student survey periods designated by the  
9 Commissioner of Education.

10 (c) Transportation of charter school students shall be  
11 provided by the charter school consistent with the  
12 requirements of chapter 234. The governing body of the charter  
13 school may provide transportation through an agreement or  
14 contract with the district school board, a private provider,  
15 or parents. The charter school and the sponsor shall cooperate  
16 in making arrangements that ensure that transportation is not  
17 a barrier to equal access for all students residing within a  
18 reasonable distance of the charter school as determined in its  
19 charter.

20 (d) If the district school board is providing programs  
21 or services to students funded by federal funds, any eligible  
22 students enrolled in charter schools in the school district  
23 shall be provided federal funds for the same level of service  
24 provided students in the schools operated by the district  
25 school board. Pursuant to provisions of 20 U.S.C. 8061 s.  
26 10306, all charter schools shall receive all federal funding  
27 for which the school is otherwise eligible, including Title I  
28 funding, not later than 5 months after the charter school  
29 first opens and within 5 months after any subsequent expansion  
30 of enrollment.

31

1           (e) Any administrative fee charged by the school  
2 district relating to a charter school shall be limited to 5  
3 percent of the available funds as defined in paragraph (b) not  
4 including capital outlay funds, federal and state grants, or  
5 any other funds unless explicitly provided by law. The sponsor  
6 shall provide certain administrative and educational services  
7 to charter schools at no additional fee. These services shall  
8 include contract management services, FTE and data reporting,  
9 exceptional student education administration, test  
10 administration, processing of teacher certificate data, and  
11 information services.

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

1 (g) If a district school board facility or property is  
2 available because it is surplus, marked for disposal, or  
3 otherwise unused, it shall be provided for a charter school's  
4 use on the same basis as it is made available to other public  
5 schools in the district. A charter school receiving property  
6 from the school district may not sell or dispose of such  
7 property without written permission of the school district.  
8 Similarly, for an existing public school converting to charter  
9 status, no rental or leasing fee for the existing facility or  
10 for the property normally inventoried to the conversion school  
11 may be charged by the district school board to the parents and  
12 teachers organizing the charter school. The charter  
13 organizers shall agree to reasonable maintenance provisions in  
14 order to maintain the facility in a manner similar to district  
15 school board standards. The Public Education Capital Outlay  
16 maintenance funds or any other maintenance funds generated by  
17 the facility operated as a conversion school shall remain with  
18 the conversion school.

19 (h) If other goods and services are made available to  
20 the charter school through the contract with the school  
21 district, they shall be provided to the charter school at a  
22 rate no greater than the district's actual cost. To maximize  
23 the use of state funds, school districts shall allow charter  
24 schools to participate in the sponsor's bulk purchasing  
25 program if applicable.

26 (16)~~(15)~~ IMMUNITY.--For the purposes of tort  
27 liability, the governing body and employees of a charter  
28 school shall be governed by s. 768.28.

29 (17)~~(16)~~ LENGTH OF SCHOOL YEAR.--A charter school  
30 shall provide instruction for at least the number of days  
31

1 required by law for other public schools, and may provide  
2 instruction for additional days.

3 (18)~~(17)~~ FACILITIES.--

4 (a) A charter school shall use ~~utilize~~ facilities that  
5 ~~which~~ comply with the Florida Building Code and the Florida  
6 Fire Prevention Code or with the applicable provisions of the  
7 Florida Building Code, excluding section 423, and the  
8 applicable provisions of the Florida Fire Prevention Code,  
9 excluding section 5 the State Uniform Building Code for Public  
10 Educational Facilities Construction adopted pursuant to s.  
11 235.26 or with applicable state minimum building codes  
12 pursuant to chapter 553 and state minimum fire protection  
13 codes pursuant to s. 633.025, as adopted by the authority in  
14 whose jurisdiction the facility is located.

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

19 (c) Charter school facilities are exempt from  
20 assessments of fees for building permits, except as provided  
21 in s. 553.80, and from impact fees or service availability  
22 fees After January 1, 2001, charter school facilities shall  
23 utilize facilities which comply with the Florida Building  
24 Code, pursuant to chapter 553, and the Florida Fire Prevention  
25 Code, pursuant to chapter 633.

26 (19)~~(18)~~ INITIAL COSTS.--A sponsor may approve a  
27 charter for a charter school before the applicant has secured  
28 space, equipment, or personnel, if the applicant indicates  
29 approval is necessary for it to raise working capital.

30 (20)~~(19)~~ INFORMATION.--The Department of Education  
31 shall provide information to the public, directly and through



1 sponsors, both on how to form and operate a charter school and  
2 on how to enroll in charter schools once they are created.  
3 This information shall include a standard application format  
4 which shall include the information specified in subsection  
5 (9). This application format may be used by chartering  
6 entities.

7 (21)~~(20)~~ GENERAL AUTHORITY.--A charter school shall  
8 not levy taxes or issue bonds secured by tax revenues.

9 (22)~~(21)~~ REVIEW.--

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

28 (b) The Legislature shall review the operation of  
29 charter schools during the 2005 Regular Session of the  
30 Legislature.

31

1           (23)~~(22)~~ RULEMAKING.--The Department of Education,  
2 after consultation with school districts and charter school  
3 directors, shall recommend that the State Board of Education  
4 adopt rules to implement specific subsections of this section.  
5 Such rules shall require minimum paperwork and shall not limit  
6 charter school flexibility authorized by statute.

7           (24)~~(23)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER  
8 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS  
9 IN-A-MUNICIPALITY.--

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

20           (b) A charter school-in-the-workplace may be  
21 established when a business partner provides the school  
22 facility to be used; enrolls students based upon a random  
23 lottery which involves all of the children of employees of  
24 that business or corporation who are seeking enrollment, as  
25 provided for in subsection(8)~~(6)~~; and enrolls students  
26 according to the racial/ethnic balance provisions described in  
27 subparagraph(11)(a)8.~~(9)(a)8.~~Any portion of a facility used  
28 for a public charter school shall be exempt from ad valorem  
29 taxes, as provided for in s. 235.198, for the duration of its  
30 use as a public school.

31

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

11           (d) As used in this subsection, the terms "business  
12 partner," "employer," "developer," or "municipality" may  
13 include more than one business, employer, developer, or  
14 municipality to form a charter school-in-the-workplace,  
15 charter school-in-a-development, or charter  
16 school-in-a-municipality.

17           Section 2. Subsection (1) and (5) of section 228.0561,  
18 Florida Statutes, are amended to read:

19           228.0561 Charter schools capital outlay funding.--

20           (1) In each year in which funds are appropriated for  
21 charter school capital outlay purposes, the Commissioner of  
22 Education shall allocate the funds among eligible charter  
23 schools. To be eligible for a funding allocation, a charter  
24 school must meet the provisions of subsection (6), must have  
25 received final approval from its sponsor pursuant to s.  
26 228.056 for operation during that fiscal year, and must serve  
27 students in facilities that are not provided by the charter  
28 school's sponsor. Prior to the release of capital outlay  
29 funds to a school district on behalf of the charter school,  
30 the Department of Education shall ensure that the district  
31 school board and the charter school governing board enter into

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

1 necessary to reflect each charter school's actual student  
2 enrollment as reflected in the second and third enrollment  
3 surveys. The commissioner shall establish the intervals and  
4 procedures for determining the projected and actual student  
5 enrollment of eligible charter schools.

6 (5) The annual legislative budget request of the  
7 Department of Education shall include a request for capital  
8 outlay funding for charter schools. The request shall be  
9 based on the projected number of students to be served in  
10 charter schools who meet the eligibility requirements of this  
11 section. This budget request may also be accompanied by a  
12 written statement from the Commissioner of Education  
13 requesting that a dedicated funding source identified by the  
14 commissioner be used to supplement that year's charter school  
15 funding.

16 Section 3. This act shall take effect July 1, 2002.

17

18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 Senate Bill 1720

21 This committee substitute provides the necessary language to  
22 accomplish the intent of SB 1720 which only stated an intent  
to revise the charter school laws.

23 Revises section 228.056 relating to charter schools in the  
24 following manner: limits the number of purposes a charter  
25 school must accomplish to some of those listed in 228.056(1)  
26 rather than all; expands the number of sponsors beyond only  
27 district school boards; makes the State Board of Education  
28 decision on an appeal a final one that must be implemented by  
the school board; inserts an accountability provision; extends  
by one day a charter school's time to respond to a termination  
notice; and exempts charter schools from impact and service  
availability fees.

29 Revises section 228.0561, relating to charter school funding  
30 to allow the Commissioner of Education to request that a  
dedicated funding source that the Commissioner has identified  
be considered in allocating funds for capital outlay.

31