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A bill to be entitled
 An act relating to charter school conversion; amending s.
 1002.33, F.S.; authorizing an educational facilities
 benefit district to apply for a conversion charter school;
 providing a procedure for certain counties to participate
 in a pilot program to convert public-school-feeder systems
 into charter-school-feeder systems; providing a
 definition; providing participation requirements;
 providing an appeals process; providing for equitable
 funding; authorizing creation of an educational facilities
 benefit district for purposes of participation in the
 pilot program; providing for construction of the act in
 pari materia with laws enacted during the 2003 Regular
 Session or the 2003 Special Session A of the Legislature;
 providing an effective date.

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

Section 1. Subsections (3) and (10) of section 1002.33,
 Florida Statutes, are amended to read:

- 1002.33 Charter schools.--
- (3) APPLICATION FOR CHARTER STATUS.--
- (a) An application for a new charter school may be made by
 an individual, teachers, parents, a group of individuals, a
 municipality, or a legal entity organized under the laws of this
 state.
- (b) An application for a conversion charter school shall
 be made by the district school board, the principal, teachers,
 parents, and/or the school advisory council at an existing
 public school that has been in operation for at least 2 years



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31 prior to the application to convert, including a public school-
32 within-a-school that is designated as a school by the district
33 school board, or by an educational facilities benefit district.
34 An application submitted proposing to convert an existing public
35 school to a charter school shall demonstrate the support of at
36 least 50 percent of the teachers employed at the school and 50
37 percent of the parents voting whose children are enrolled at the
38 school, provided that a majority of the parents eligible to vote
39 participate in the ballot process, according to rules adopted by
40 the State Board of Education. A district school board denying an
41 application for a conversion charter school shall provide notice
42 of denial to the applicants in writing within 30 days after the
43 meeting at which the district school board denied the
44 application. The notice must specify the exact reasons for
45 denial and must provide documentation supporting those reasons.
46 A private school, parochial school, or home education program
47 shall not be eligible for charter school status.

48 (c) District school boards in counties with populations in
49 excess of 1.5 million persons, as reported on the most recent
50 United States Census, are authorized to accept applications from
51 educational facilities benefit districts for the purpose of
52 establishing a pilot program in each such county to convert no
53 more than five feeder systems of public schools per county to
54 conversion charter-school-feeder systems. Applications for up to
55 four of the conversion charter-school-feeder systems must be
56 from educational facilities benefit districts located within
57 municipalities with populations in excess of 58,000 persons, as
58 reported on the most recent United States Census. At least one
59 application must be from an educational facilities benefit
60 district located in the unincorporated area of each county. Not



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61 more than one educational facilities benefit district within a
62 municipality may be awarded a conversion charter-school-feeder
63 system. In evaluating applications, priority shall be given to
64 applications to convert poorly performing feeder systems in
65 which the high school received a performance grade category "D"
66 or "F," as reported in the most recent annual report of school
67 performance grades pursuant to s. 1008.34, unless no high school
68 within any feeder system in the municipality or unincorporated
69 area received a performance grade category "D" or "F."

70 1. For purposes of this section, a conversion charter-
71 school-feeder system is defined as one high school and the
72 middle schools and elementary schools where more than one-half
73 of the students are zoned to attend that high school and must
74 include at least one high school, one middle school, and one
75 elementary school.

76 2. To participate in the pilot program, all schools
77 included in the conversion charter-school-feeder system must be
78 located within the boundaries of the educational facilities
79 benefit district applying to participate in the conversion pilot
80 program.

81 3. Decisions of the school district regarding the
82 establishment of a conversion charter-school-feeder system may
83 be appealed to the State Board of Education.

84 4. If the educational facilities benefit district provides
85 operational funding for the conversion charter-school-feeder
86 system, the district's contribution per full-time equivalent
87 (FTE) shall be reduced on a dollar-for-dollar basis to maintain
88 equal funding per FTE throughout the district.

89 5. If the educational facilities benefit district provides
90 capital outlay funding for the conversion charter-school-feeder



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91 system, the district's contribution per FTE shall be reduced on
92 a dollar-for-dollar basis to maintain equal funding per FTE
93 throughout the district.

94 6. Notwithstanding s. 1013.355(3)(b), for purposes of
95 participating in the pilot program, an educational facilities
96 benefit district may be created by the county or municipality
97 within whose jurisdiction the educational facilities benefit
98 district is located, pursuant to the adoption of an ordinance
99 establishing the educational facilities benefit district and
100 approval by the electors within the educational facilities
101 benefit district at a general election.

102 (10) ELIGIBLE STUDENTS.--

103 (a) A charter school shall be open to any student covered
104 in an interdistrict agreement or residing in the school district
105 in which the charter school is located; however, in the case of
106 a charter lab school, the charter lab school shall be open to
107 any student eligible to attend the lab school as provided in s.
108 1002.32 or who resides in the school district in which the
109 charter lab school is located. Any eligible student shall be
110 allowed interdistrict transfer to attend a charter school when
111 based on good cause.

112 (b) The charter school shall enroll an eligible student
113 who submits a timely application, unless the number of
114 applications exceeds the capacity of a program, class, grade
115 level, or building. In such case, all applicants shall have an
116 equal chance of being admitted through a random selection
117 process.

118 (c) When a public school converts to charter status, or in
119 schools that are part of a conversion charter-school-feeder
120 system, enrollment preference shall be given to students who



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121 would have otherwise attended that public school.

122 (d) A charter school may give enrollment preference to the
123 following student populations:

124 1. Students who are siblings of a student enrolled in the
125 charter school.

126 2. Students who are the children of a member of the
127 governing board of the charter school.

128 3. Students who are the children of an employee of the
129 charter school.

130 (e) A charter school may limit the enrollment process only
131 to target the following student populations:

132 1. Students within specific age groups or grade levels.

133 2. Students considered at risk of dropping out of school
134 or academic failure. Such students shall include exceptional
135 education students.

136 3. Students enrolling in a charter school-in-the-workplace
137 or charter school-in-a-municipality established pursuant to
138 subsection (16).

139 4. Students residing within a reasonable distance of the
140 charter school, as described in paragraph (21)(c). Such students
141 shall be subject to a random lottery and to the racial/ethnic
142 balance provisions described in subparagraph (7)(a)8. or any
143 federal provisions that require a school to achieve a
144 racial/ethnic balance reflective of the community it serves or
145 within the racial/ethnic range of other public schools in the
146 same school district.

147 5. Students who meet reasonable academic, artistic, or
148 other eligibility standards established by the charter school
149 and included in the charter school application and charter or,
150 in the case of existing charter schools, standards that are



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151 consistent with the school's mission and purpose. Such standards
152 shall be in accordance with current state law and practice in
153 public schools and may not discriminate against otherwise
154 qualified individuals.

155 6. Students articulating from one charter school to
156 another pursuant to an articulation agreement between the
157 charter schools that has been approved by the sponsor.

158 (f) Students with handicapping conditions and students
159 served in English for Speakers of Other Languages programs shall
160 have an equal opportunity of being selected for enrollment in a
161 charter school.

162 (g) A student may withdraw from a charter school at any
163 time and enroll in another public school as determined by
164 district school board rule.

165 (h) The capacity of the charter school shall be determined
166 annually by the governing board, in conjunction with the
167 sponsor, of the charter school in consideration of the factors
168 identified in this subsection.

169 Section 2. If any law amended by this act was also amended
170 by a law enacted at the 2003 Regular Session of the Legislature
171 or at the 2003 Special Session A of the Legislature, such laws
172 shall be construed as if they had been enacted at the same
173 session of the Legislature, and full effect shall be given to
174 each if possible.

175 Section 3. This act shall take effect upon becoming a law.