



HB 0009C

2003

1 A bill to be entitled

2 An act relating to charter school conversion; amending s.
3 1002.33, F.S.; authorizing an educational facilities
4 benefit district to apply for a conversion charter school;
5 providing a procedure for certain counties to participate
6 in a pilot program to convert public-school-feeder systems
7 to charter-school-feeder systems; providing a definition;
8 providing participation requirements; providing an appeals
9 process; providing for equitable funding; authorizing
10 creation of an educational facilities benefit district for
11 purposes of participation in the pilot program; providing
12 for construction of the act in pari materia with laws
13 enacted during the 2003 Regular Session, the 2003 Special
14 Session A, or the 2003 Special Session B of the
15 Legislature; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsections (3) and (10) of section 1002.33,
20 Florida Statutes, as amended by House Bill 55A, 2003 Special
21 Session A, are amended to read:

22 1002.33 Charter schools.--

23 (3) APPLICATION FOR CHARTER STATUS.--

24 (a) An application for a new charter school may be made by
25 an individual, teachers, parents, a group of individuals, a
26 municipality, or a legal entity organized under the laws of this
27 state.

28 (b) An application for a conversion charter school shall
29 be made by the district school board, the principal, teachers,
30 parents, and/or the school advisory council at an existing



HB 0009C

2003

31 public school that has been in operation for at least 2 years
32 prior to the application to convert, including a public school-
33 within-a-school that is designated as a school by the district
34 school board, or by an educational facilities benefit district.
35 An application submitted proposing to convert an existing public
36 school to a charter school shall demonstrate the support of at
37 least 50 percent of the teachers employed at the school and 50
38 percent of the parents voting whose children are enrolled at the
39 school, provided that a majority of the parents eligible to vote
40 participate in the ballot process, according to rules adopted by
41 the State Board of Education. A district school board denying an
42 application for a conversion charter school shall provide notice
43 of denial to the applicants in writing within 30 days after the
44 meeting at which the district school board denied the
45 application. The notice must specify the exact reasons for
46 denial and must provide documentation supporting those reasons.
47 A private school, parochial school, or home education program
48 shall not be eligible for charter school status.

49 (c) District school boards in counties with populations in
50 excess of 1.5 million persons, as reported on the most recent
51 United States Census or by the University of Florida Bureau of
52 Business and Economic Research, are authorized to accept
53 applications from educational facilities benefit districts for
54 the purpose of establishing a pilot program in each such county
55 to convert no more than five feeder systems of public schools
56 per county to conversion charter-school-feeder systems.
57 Applications for up to four of the conversion charter-school-
58 feeder systems must be from educational facilities benefit
59 districts located within municipalities with populations in
60 excess of 58,000 persons, as reported on the most recent United



HB 0009C

2003

61 States Census or by the University of Florida Bureau of Business
62 and Economic Research. At least one application must be from an
63 educational facilities benefit district located in the
64 unincorporated area of each county. Not more than one
65 educational facilities benefit district within a municipality
66 may be awarded a conversion charter-school-feeder system. In
67 evaluating applications, priority shall be given to applications
68 to convert poorly performing feeder systems in which the high
69 school received a performance grade category "D" or "F," as
70 reported in the most recent annual report of school performance
71 grades pursuant to s. 1008.34, unless no high school within any
72 feeder system in the municipality or unincorporated area
73 received a performance grade category "D" or "F."

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

80 2. To participate in the pilot program, all schools
81 included in the conversion charter-school-feeder system must be
82 located within the boundaries of the educational facilities
83 benefit district applying to participate in the conversion pilot
84 program.

85 3. Decisions of the school district regarding the
86 establishment of a conversion charter-school-feeder system may
87 be appealed to the State Board of Education.

88 4. If the educational facilities benefit district provides
89 operational funding for the conversion charter-school-feeder
90 system, the district's contribution per full-time equivalent



HB 0009C

2003

91 (FTE) shall be reduced on a dollar-for-dollar basis to maintain
92 equal funding per FTE throughout the district.

93 5. If the educational facilities benefit district provides
94 capital outlay funding for the conversion charter-school-feeder
95 system, the district's contribution per FTE shall be reduced on
96 a dollar-for-dollar basis to maintain equal funding per FTE
97 throughout the district.

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

106 (10) ELIGIBLE STUDENTS.--

107 (a) A charter school shall be open to any student covered
108 in an interdistrict agreement or residing in the school district
109 in which the charter school is located; however, in the case of
110 a charter lab school, the charter lab school shall be open to
111 any student eligible to attend the lab school as provided in s.
112 1002.32 or who resides in the school district in which the
113 charter lab school is located. Any eligible student shall be
114 allowed interdistrict transfer to attend a charter school when
115 based on good cause.

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



HB 0009C

2003

121 process.

122 (c) When a public school converts to charter status, or in
123 schools that are part of a conversion charter-school-feeder
124 system, enrollment preference shall be given to students who
125 would have otherwise attended that public school.

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

128 1. Students who are siblings of a student enrolled in the
129 charter school.

130 2. Students who are the children of a member of the
131 governing board of the charter school.

132 3. Students who are the children of an employee of the
133 charter school.

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

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

137 2. Students considered at risk of dropping out of school
138 or academic failure. Such students shall include exceptional
139 education students.

140 3. Students enrolling in a charter school-in-the-workplace
141 or charter school-in-a-municipality established pursuant to
142 subsection (15).

143 4. Students residing within a reasonable distance of the
144 charter school, as described in paragraph (20)(c). Such students
145 shall be subject to a random lottery and to the racial/ethnic
146 balance provisions described in subparagraph (7)(a)8. or any
147 federal provisions that require a school to achieve a
148 racial/ethnic balance reflective of the community it serves or
149 within the racial/ethnic range of other public schools in the
150 same school district.



HB 0009C

2003

151 5. Students who meet reasonable academic, artistic, or
152 other eligibility standards established by the charter school
153 and included in the charter school application and charter or,
154 in the case of existing charter schools, standards that are
155 consistent with the school's mission and purpose. Such standards
156 shall be in accordance with current state law and practice in
157 public schools and may not discriminate against otherwise
158 qualified individuals.

159 6. Students articulating from one charter school to
160 another pursuant to an articulation agreement between the
161 charter schools that has been approved by the sponsor.

162 (f) Students with handicapping conditions and students
163 served in English for Speakers of Other Languages programs shall
164 have an equal opportunity of being selected for enrollment in a
165 charter school.

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

169 (h) The capacity of the charter school shall be determined
170 annually by the governing board, in conjunction with the
171 sponsor, of the charter school in consideration of the factors
172 identified in this subsection.

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

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