

Bill No. CS for SB 3000

Amendment No. ____ Barcode 671708

CHAMBER ACTION

Senate

House

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Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

On page 2, line 3, through
page 5, line 4, delete those lines

and insert:

Section 1. Paragraph (c) of subsection (2), paragraph (e) of subsection (6), paragraph (a) of subsection (7), paragraph (e) of subsection (8), paragraph (1) of subsection (9), paragraph (c) of subsection (15), subsection (18), and paragraphs (a) and (b) of subsection (20) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.--

(2) GUIDING PRINCIPLES; PURPOSE.--

(c) Charter schools may fulfill the following

purposes:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

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1 3. Expand the capacity of the public school system.

2 4. Mitigate the educational impact created by the
3 development of new residential dwelling units.

4 (6) APPLICATION PROCESS AND REVIEW.--Beginning
5 September 1, 2003, applications are subject to the following
6 requirements:

7 (e)1. A Charter School Appeal Commission is
8 established to assist the commissioner and the State Board of
9 Education with a fair and impartial review of appeals by
10 applicants whose charter applications ~~charters~~ have been
11 denied, ~~or~~ whose charter contracts have not been renewed or
12 have been terminated by their sponsors, or whose disputes over
13 contract negotiations have not been resolved through
14 mediation.

15 2. The Charter School Appeal Commission may receive
16 copies of the appeal documents forwarded to the State Board of
17 Education, review the documents, gather other applicable
18 information regarding the appeal, and make a written
19 recommendation to the commissioner. The recommendation must
20 state whether the appeal should be upheld or denied and
21 include the reasons for the recommendation being offered. The
22 commissioner shall forward the recommendation to the State
23 Board of Education no later than 7 calendar days prior to the
24 date on which the appeal is to be heard. The state board must
25 consider the commission's recommendation in making its
26 decision, but is not bound by the recommendation. The decision
27 of the Charter School Appeal Commission is not subject to the
28 provisions of the Administrative Procedure Act, chapter 120.

29 3. The commissioner shall appoint the members of the
30 Charter School Appeal Commission. Members shall serve without
31 compensation but may be reimbursed for travel and per diem

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1 expenses in conjunction with their service. One-half of the
2 members must represent currently operating charter schools,
3 and one-half of the members must represent school districts.
4 The commissioner or a named designee shall chair the Charter
5 School Appeal Commission.

6 4. The chair shall convene meetings of the commission
7 and shall ensure that the written recommendations are
8 completed and forwarded in a timely manner. In cases where the
9 commission cannot reach a decision, the chair shall make the
10 written recommendation with justification, noting that the
11 decision was rendered by the chair.

12 5. Commission members shall thoroughly review the
13 materials presented to them from the appellant and the
14 sponsor. The commission may request information to clarify the
15 documentation presented to it. In the course of its review,
16 the commission may facilitate the postponement of an appeal in
17 those cases where additional time and communication may negate
18 the need for a formal appeal and both parties agree, in
19 writing, to postpone the appeal to the State Board of
20 Education. A new date certain for the appeal shall then be set
21 based upon the rules and procedures of the State Board of
22 Education. Commission members shall provide a written
23 recommendation to the state board as to whether the appeal
24 should be upheld or denied. A fact-based justification for the
25 recommendation must be included. The chair must ensure that
26 the written recommendation is submitted to the State Board of
27 Education members no later than 7 calendar days prior to the
28 date on which the appeal is to be heard. Both parties in the
29 case shall also be provided a copy of the recommendation.

30 (7) CHARTER.--The major issues involving the operation
31 of a charter school shall be considered in advance and written

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1 into the charter. The charter shall be signed by the governing
2 body of the charter school and the sponsor, following a public
3 hearing to ensure community input.

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

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

8 2. The focus of the curriculum, the instructional
9 methods to be used, any distinctive instructional techniques
10 to be employed, and identification and acquisition of
11 appropriate technologies needed to improve educational and
12 administrative performance which include a means for promoting
13 safe, ethical, and appropriate uses of technology which comply
14 with legal and professional standards. The charter shall
15 ensure that reading is a primary focus of the curriculum and
16 that resources are provided to identify and provide
17 specialized instruction for students who are reading below
18 grade level. The curriculum and instructional strategies for
19 reading must be consistent with the Sunshine State Standards
20 and grounded in scientifically based reading research.

21 3. The current incoming baseline standard of student
22 academic achievement, the outcomes to be achieved, and the
23 method of measurement that will be used. The criteria listed
24 in this subparagraph shall include a detailed description for
25 each of the following:

26 a. How the baseline student academic achievement
27 levels and prior rates of academic progress will be
28 established.

29 b. How these baseline rates will be compared to rates
30 of academic progress achieved by these same students while
31 attending the charter school.

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1 c. To the extent possible, how these rates of progress
2 will be evaluated and compared with rates of progress of other
3 closely comparable student populations.

4
5 The district school board is required to provide academic
6 student performance data to charter schools for each of their
7 students coming from the district school system, as well as
8 rates of academic progress of comparable student populations
9 in the district school system.

10 4. The methods used to identify the educational
11 strengths and needs of students and how well educational goals
12 and performance standards are met by students attending the
13 charter school. Included in the methods is a means for the
14 charter school to ensure accountability to its constituents by
15 analyzing student performance data and by evaluating the
16 effectiveness and efficiency of its major educational
17 programs. Students in charter schools shall, at a minimum,
18 participate in the statewide assessment program created under
19 s. 1008.22.

20 5. In secondary charter schools, a method for
21 determining that a student has satisfied the requirements for
22 graduation in s. 1003.43.

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

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

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

31 9. The financial and administrative management of the

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1 school, including a reasonable demonstration of the
2 professional experience or competence of those individuals or
3 organizations applying to operate the charter school or those
4 hired or retained to perform such professional services and
5 the description of clearly delineated responsibilities and the
6 policies and practices needed to effectively manage the
7 charter school. A description of internal audit procedures and
8 establishment of controls to ensure that financial resources
9 are properly managed must be included. Both public sector and
10 private sector professional experience shall be equally valid
11 in such a consideration.

12 10. The asset and liability projections required in
13 the application which are incorporated into the charter and
14 which shall be compared with information provided in the
15 annual report of the charter school. The charter shall ensure
16 that, if a charter school internal audit reveals a deficit
17 financial position, the auditors are required to notify the
18 charter school governing board, the sponsor, and the
19 Department of Education. The internal auditor shall report
20 such findings in the form of an exit interview to the
21 principal or the principal administrator of the charter school
22 and the chair of the governing board within 7 working days
23 after finding the deficit position. A final report shall be
24 provided to the entire governing board, the sponsor, and the
25 Department of Education within 14 working days after the exit
26 interview.

27 11. A description of procedures that identify various
28 risks and provide for a comprehensive approach to reduce the
29 impact of losses; plans to ensure the safety and security of
30 students and staff; plans to identify, minimize, and protect
31 others from violent or disruptive student behavior; and the

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1 manner in which the school will be insured, including whether
2 or not the school will be required to have liability
3 insurance, and, if so, the terms and conditions thereof and
4 the amounts of coverage.

5 12. The term of the charter which shall provide for
6 cancellation of the charter if insufficient progress has been
7 made in attaining the student achievement objectives of the
8 charter and if it is not likely that such objectives can be
9 achieved before expiration of the charter. The initial term of
10 a charter shall be for 3, 4, or 5 years. In order to
11 facilitate access to long-term financial resources for charter
12 school construction, charter schools that are operated by a
13 municipality or other public entity as provided by law are
14 eligible for up to a 15-year charter, subject to approval by
15 the district school board. A charter lab school is eligible
16 for a charter for a term of up to 15 years. In addition, to
17 facilitate access to long-term financial resources for charter
18 school construction, charter schools that are operated by a
19 private, not-for-profit, s. 501(c)(3) status corporation are
20 eligible for up to a 10-year charter, subject to approval by
21 the district school board. Such long-term charters remain
22 subject to annual review and may be terminated during the term
23 of the charter, but only for specific good cause according to
24 the provisions set forth in subsection (8).

25 13. The facilities to be used and their location.

26 14. The qualifications to be required of the teachers
27 and the potential strategies used to recruit, hire, train, and
28 retain qualified staff to achieve best value.

29 15. The governance structure of the school, including
30 the status of the charter school as a public or private
31 employer as required in paragraph (12)(i).

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1 16. 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 17. 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 district school
11 board rule in the absence of a collective bargaining
12 agreement. However, alternative arrangements shall not be
13 required for current teachers who choose not to teach in a
14 charter lab school, except as authorized by the employment
15 policies of the state university which grants the charter to
16 the lab school.

17 18. The salary or salary range for each position in
18 the charter school and an explanation of the method by which
19 the salaries or salary ranges are determined. The salary and
20 benefits of each charter school employee may not exceed the
21 maximum salary and benefits adopted by the district school
22 board, in whose district the charter school is located, for an
23 equivalent position in the district school system. The
24 district school board, in whose district the charter school is
25 located, shall determine the equivalent position.

26 19. The identity of all relatives employed by the
27 charter school who are related to the charter school owner,
28 president, chairperson of the board of directors,
29 superintendent, board member, principal, assistant principal,
30 or any other person employed by the charter school with
31 equivalent decision-making authority. For purposes of this

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1 subparaqraph, the term "relative" means father, mother, son,
2 daughter, brother, sister, uncle, aunt, first cousin, nephew,
3 niece, husband, wife, father-in-law, mother-in-law,
4 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
5 stepfather, stepmother, stepson, stepdaughter, stepbrother,
6 stepsister, half brother, or half sister.

7 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

8 (e) When a charter is not renewed or is terminated,
9 the school shall be dissolved under the provisions of law
10 under which the school was organized, and any unencumbered
11 public funds, except for capital outlay funds, from the
12 charter school shall revert to the district school board.
13 Capital outlay funds provided pursuant to s. 1013.62 that are
14 unencumbered shall revert to the department to be
15 redistributed among eligible charter schools. In the event a
16 charter school is dissolved or is otherwise terminated, all
17 district school board property and improvements, furnishings,
18 and equipment purchased with public funds shall automatically
19 revert to full ownership by the district school board, subject
20 to complete satisfaction of any lawful liens or encumbrances.
21 Any unencumbered public funds from the charter school,
22 district school board property and improvements, furnishings,
23 and equipment purchased with public funds, or financial or
24 other records pertaining to the charter school, in the
25 possession of any person, entity, or holding company, other
26 than the charter school, shall be held in trust upon the
27 district school board's request, until any appeal status is
28 resolved.

29 (9) CHARTER SCHOOL REQUIREMENTS.--

30 (1) The governing body of the charter school shall
31 report its progress annually to its sponsor, which shall

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1 forward the report to the Commissioner of Education at the
2 same time as other annual school accountability reports. The
3 Department of Education shall include in its compilation a
4 notation if a school failed to file its report by the deadline
5 established by the department. The report shall include at
6 least the following components:

7 1. Student achievement performance data, including the
8 information required for the annual school report and the
9 education accountability system governed by ss. 1008.31 and
10 1008.345. Charter schools are subject to the same
11 accountability requirements as other public schools, including
12 reports of student achievement information that links baseline
13 student data to the school's performance projections
14 identified in the charter. The charter school shall identify
15 reasons for any difference between projected and actual
16 student performance.

17 2. Financial status of the charter school which must
18 include revenues and expenditures at a level of detail that
19 allows for analysis of the ability to meet financial
20 obligations and timely repayment of debt.

21 3. Documentation of the facilities in current use and
22 any planned facilities for use by the charter school for
23 instruction of students, administrative functions, or
24 investment purposes.

25 4. Descriptive information about the charter school's
26 personnel, including salary and benefit levels of each charter
27 school ~~employee employees~~, the proportion of instructional
28 personnel who hold professional or temporary certificates, and
29 the proportion of instructional personnel teaching in-field or
30 out-of-field.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 5, after the semicolon,

4

5 insert:

6 requiring the charter of a charter school to

7 contain information concerning the salary or

8 salary range of each position in the charter

9 school and an explanation of the method used in

10 determining the salaries or salary ranges;

11 prohibiting a charter school employee's salary

12 and benefits from exceeding the maximum salary

13 and benefits adopted for an equivalent position

14 in the district school system by the district

15 school board in whose district the charter

16 school is located; providing that the local

17 district school board shall determine the

18 equivalent position; requiring the charter of a

19 charter school to contain information

20 concerning the employment of certain relatives

21 at the charter school; defining relative;

22 requiring the charter school to report salary

23 and benefit levels of each charter school

24 employee;

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