

By the Committees on Appropriations; Education; and Senator Constantine

309-2155-04

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; requiring the charter of a
4 charter school to contain information
5 concerning the salary or salary range of each
6 position in the charter school and an
7 explanation of the method used in determining
8 the salaries or salary ranges; prohibiting a
9 charter school employee's salary and benefits
10 from exceeding the maximum salary and benefits
11 adopted for an equivalent position in the
12 district school system by the district school
13 board in whose district the charter school is
14 located; providing that the local district
15 school board shall determine the equivalent
16 position; requiring the charter of a charter
17 school to contain information concerning the
18 employment of certain relatives at the charter
19 school; defining relative; requiring the
20 charter school to report salary and benefit
21 levels of each charter school employee;
22 providing for prospective application;
23 providing an effective date.

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

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27 Section 1. Paragraph (a) of subsection (7) and
28 paragraph (1) of subsection (9) of section 1002.33, Florida
29 Statutes, are amended to read:

30 1002.33 Charter schools.--
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1 (7) CHARTER.--The major issues involving the operation
2 of a charter school shall be considered in advance and written
3 into the charter. The charter shall be signed by the governing
4 body of the charter school and the sponsor, following a public
5 hearing to ensure community input.

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

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

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

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

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

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1 b. How these baseline rates will be compared to rates
2 of academic progress achieved by these same students while
3 attending the charter school.

4 c. To the extent possible, how these rates of progress
5 will be evaluated and compared with rates of progress of other
6 closely comparable student populations.

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

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

23 5. In secondary charter schools, a method for
24 determining that a student has satisfied the requirements for
25 graduation in s. 1003.43.

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

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

30 8. The ways by which the school will achieve a
31 racial/ethnic balance reflective of the community it serves or

1 within the racial/ethnic range of other public schools in the
2 same school district.

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

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

30 11. A description of procedures that identify various
31 risks and provide for a comprehensive approach to reduce the

1 impact of losses; plans to ensure the safety and security of
2 students and staff; plans to identify, minimize, and protect
3 others from violent or disruptive student behavior; and the
4 manner in which the school will be insured, including whether
5 or not the school will be required to have liability
6 insurance, and, if so, the terms and conditions thereof and
7 the amounts of coverage.

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

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

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

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

4 16. A timetable for implementing the charter which
5 addresses the implementation of each element thereof and the
6 date by which the charter shall be awarded in order to meet
7 this timetable.

8 17. In the case of an existing public school being
9 converted to charter status, alternative arrangements for
10 current students who choose not to attend the charter school
11 and for current teachers who choose not to teach in the
12 charter school after conversion in accordance with the
13 existing collective bargaining agreement or district school
14 board rule in the absence of a collective bargaining
15 agreement. However, alternative arrangements shall not be
16 required for current teachers who choose not to teach in a
17 charter lab school, except as authorized by the employment
18 policies of the state university which grants the charter to
19 the lab school.

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

29 19. The identity of all relatives employed by the
30 charter school who are related to the charter school owner,
31 president, chairperson of the board of directors,

1 superintendent, board member, principal, assistant principal,
2 or any other person employed by the charter school with
3 equivalent decision-making authority. For purposes of this
4 subparagraph, the term "relative" means father, mother, son,
5 daughter, brother, sister, uncle, aunt, first cousin, nephew,
6 niece, husband, wife, father-in-law, mother-in-law,
7 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
8 stepfather, stepmother, stepson, stepdaughter, stepbrother,
9 stepsister, half brother, or half sister.

10 (9) CHARTER SCHOOL REQUIREMENTS.--

11 (1) The governing body of the charter school shall
12 report its progress annually to its sponsor, which shall
13 forward the report to the Commissioner of Education at the
14 same time as other annual school accountability reports. The
15 Department of Education shall include in its compilation a
16 notation if a school failed to file its report by the deadline
17 established by the department. The report shall include at
18 least the following components:

19 1. Student achievement performance data, including the
20 information required for the annual school report and the
21 education accountability system governed by ss. 1008.31 and
22 1008.345. Charter schools are subject to the same
23 accountability requirements as other public schools, including
24 reports of student achievement information that links baseline
25 student data to the school's performance projections
26 identified in the charter. The charter school shall identify
27 reasons for any difference between projected and actual
28 student performance.

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

3 3. Documentation of the facilities in current use and
4 any planned facilities for use by the charter school for
5 instruction of students, administrative functions, or
6 investment purposes.

7 4. Descriptive information about the charter school's
8 personnel, including salary and benefit levels of each charter
9 school employee ~~employees~~, the proportion of instructional
10 personnel who hold professional or temporary certificates, and
11 the proportion of instructional personnel teaching in-field or
12 out-of-field.

13 Section 2. This act shall take effect upon becoming a
14 law and shall apply to each charter school charter that is
15 approved or reapproved after the effective date of this act.

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill CS/SB 362

20 The Committee Substitute requires that the salary and benefits
21 for all charter school employees, not just for charter school
22 administrative employees, be no greater than the maximum
23 salary and benefits for an equivalent position in the school
24 district in which the charter school is located.

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