

1                   A bill to be entitled  
2           An act relating to charter schools; amending s. 218.39,  
3           F.S.; requiring that a charter school be notified of  
4           certain deteriorating financial conditions; amending s.  
5           1002.32, F.S.; clarifying that charter laboratory schools  
6           are included within provisions governing other  
7           developmental research schools; deleting obsolete  
8           provisions; amending s. 1002.33, F.S.; requiring sponsors  
9           of charter schools to implement specified policies and  
10          procedures; providing additional obligations of the  
11          sponsor; revising requirements for the sponsor in  
12          monitoring a charter school; requiring that the sponsor  
13          conduct an annual review of the charter school; requiring  
14          that the director and representative of the school's  
15          governing board appear before the sponsor under certain  
16          circumstances; providing duties of the chief executive  
17          officer of the sponsor; requiring that a charter school  
18          review its achievement after its first full year of  
19          operation and propose revisions to the charter for  
20          consideration by the district school board; requiring that  
21          the Department of Education conduct an annual survey of  
22          the governing boards of charter schools and report the  
23          results to the State Board of Education; revising  
24          application requirements; prohibiting a sponsor from  
25          approving an application unless it meets the requirements  
26          of the State Board of Education; requiring that the  
27          district school board notify the Department of Education  
28          of a denial of a charter application; deleting provisions

29 providing for the review of certain disputes by the  
30 Charter School Appeal Commission; requiring that the  
31 department offer or arrange for training and technical  
32 assistance for applicants; decreasing the period provided  
33 for an applicant and sponsor to agree on the provisions of  
34 the charter; providing requirements for mediation;  
35 providing requirements for the application for a charter  
36 school; revising provisions specifying issues for  
37 inclusion in a charter; requiring that a charter school  
38 file a financial-recovery plan with the district school  
39 board after a finding of a state of financial emergency;  
40 specifying circumstances under which the sponsor is  
41 required to not renew or to terminate the charter;  
42 providing requirements for the sponsor if the charter is  
43 terminated; requiring applicants for a charter school to  
44 register with the Department of Education; requiring that  
45 the department maintain certain information concerning  
46 charter schools; requiring the department to develop an  
47 annual financial report for use by charter schools, along  
48 with guidelines; providing reporting and monitoring  
49 requirements for the governing body of a charter school;  
50 requiring that the sponsor be an advocate for the charter  
51 school in matters relating to interpretations of the fire  
52 code; authorizing the State Board of Education to adopt  
53 rules and enforce the provisions governing charter  
54 schools; requiring that the department provide or arrange  
55 for the provision of specified assistance to potential  
56 applicants, sponsors, charter schools, and school district

57 |       personnel; deleting provisions establishing the Charter  
 58 |       School Review Panel; requiring the department to develop  
 59 |       financial-management indicators for use by sponsors;  
 60 |       requiring the department to include information concerning  
 61 |       schools at risk in an annual report; providing effective  
 62 |       dates.

63 |

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

65 |

66 |       Section 1. Subsection (5) of section 218.39, Florida  
 67 | Statutes, is amended to read:

68 |       218.39 Annual financial audit reports.--

69 |       (5) At the conclusion of the audit, the auditor shall  
 70 | discuss with the chair of each local governmental entity or the  
 71 | chair's designee, or with the elected official of each county  
 72 | agency or with the elected official's designee, or with the  
 73 | chair of the district school board or the chair's designee, or  
 74 | with the chair of the board of the charter school or the chair's  
 75 | designee, or with the chair of the charter technical career  
 76 | center or the chair's designee, as appropriate, all of the  
 77 | auditor's comments that will be included in the audit report.  
 78 | If the officer is not available to discuss the auditor's  
 79 | comments, their discussion is presumed when the comments are  
 80 | delivered in writing to his or her office. The auditor shall  
 81 | notify each member of the governing body of a local governmental  
 82 | entity, ~~or~~ district school board, or charter school for which  
 83 | deteriorating financial conditions exist that may cause a  
 84 | condition described in s. 218.503(1) to occur if actions are not

85 taken to address such conditions.

86 Section 2. Paragraph (c) of subsection (9) of section  
87 1002.32, Florida Statutes, is amended to read:

88 1002.32 Developmental research (laboratory) schools.--

89 (9) FUNDING.--Funding for a lab school, including a  
90 charter lab school, shall be provided as follows:

91 (c) All operating funds provided under this section shall  
92 be deposited in a Lab School Trust Fund and shall be expended  
93 for the purposes of this section. The university assigned a lab  
94 school or charter lab school shall be the fiscal agent for these  
95 funds, and all rules of the university governing the budgeting  
96 and expenditure of state funds shall apply to these funds unless  
97 otherwise provided by law or rule of the State Board of  
98 Education. The university board of trustees shall be the public  
99 employer of lab school personnel for collective bargaining  
100 purposes for lab schools ~~in operation prior to the 2002-2003~~  
101 ~~fiscal year~~. Employees of charter lab schools ~~authorized prior~~  
102 ~~to June 1, 2003, but not in operation prior to the 2002-2003~~  
103 ~~fiscal year~~ shall be employees of the entity holding the charter  
104 and must comply with the provisions of s. 1002.33(12). Lab  
105 schools are not subject to the payment of overhead or indirect  
106 costs as described in s. 216.346.

107 Section 3. Section 1002.33, Florida Statutes, is amended  
108 to read:

109 1002.33 Charter schools.--

110 (1) AUTHORIZATION.--Charter schools shall be part of the  
111 state's program of public education. All charter schools in  
112 Florida are public schools. A charter school may be formed by

113 creating a new school or converting an existing public school to  
 114 charter status. A public school may not use the term charter in  
 115 its name unless it has been approved under this section.

116 (2) GUIDING PRINCIPLES; PURPOSE.--

117 (a) Charter schools in Florida shall be guided by the  
 118 following principles:

119 1. Meet high standards of student achievement while  
 120 providing parents flexibility to choose among diverse  
 121 educational opportunities within the state's public school  
 122 system.

123 2. Promote enhanced academic success and financial  
 124 efficiency by aligning responsibility with accountability.

125 3. Provide parents with sufficient information on whether  
 126 their child is reading at grade level and whether the child  
 127 gains at least a year's worth of learning for every year spent  
 128 in the charter school.

129 (b) Charter schools shall fulfill the following purposes:

130 1. Improve student learning and academic achievement.

131 2. Increase learning opportunities for all students, with  
 132 special emphasis on low-performing students and reading.

133 3. Create new professional opportunities for teachers,  
 134 including ownership of the learning program at the school site.

135 4. Encourage the use of innovative learning methods.

136 5. Require the measurement of learning outcomes.

137 (c) Charter schools may fulfill the following purposes:

138 1. Create innovative measurement tools.

139 2. Provide rigorous competition within the public school  
 140 district to stimulate continual improvement in all public

141 schools.

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

143 4. Mitigate the educational impact created by the  
144 development of new residential dwelling units.

145 (3) APPLICATION FOR CHARTER STATUS.--

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

150 (b) An application for a conversion charter school shall  
151 be made by the district school board, the principal, teachers,  
152 parents, and/or the school advisory council at an existing  
153 public school that has been in operation for at least 2 years  
154 prior to the application to convert, including a public school-  
155 within-a-school that is designated as a school by the district  
156 school board. An application submitted proposing to convert an  
157 existing public school to a charter school shall demonstrate the  
158 support of at least 50 percent of the teachers employed at the  
159 school and 50 percent of the parents voting whose children are  
160 enrolled at the school, provided that a majority of the parents  
161 eligible to vote participate in the ballot process, according to  
162 rules adopted by the State Board of Education. A district school  
163 board denying an application for a conversion charter school  
164 shall provide notice of denial to the applicants in writing  
165 within 30 days after the meeting at which the district school  
166 board denied the application. The notice must specify the exact  
167 reasons for denial and must provide documentation supporting  
168 those reasons. A private school, parochial school, or home

169 education program shall not be eligible for charter school  
 170 status.

171 (4) UNLAWFUL REPRISAL.--

172 (a) No district school board, or district school board  
 173 employee who has control over personnel actions, shall take  
 174 unlawful reprisal against another district school board employee  
 175 because that employee is either directly or indirectly involved  
 176 with an application to establish a charter school. As used in  
 177 this subsection, the term "unlawful reprisal" means an action  
 178 taken by a district school board or a school system employee  
 179 against an employee who is directly or indirectly involved in a  
 180 lawful application to establish a charter school, which occurs  
 181 as a direct result of that involvement, and which results in one  
 182 or more of the following: disciplinary or corrective action;  
 183 adverse transfer or reassignment, whether temporary or  
 184 permanent; suspension, demotion, or dismissal; an unfavorable  
 185 performance evaluation; a reduction in pay, benefits, or  
 186 rewards; elimination of the employee's position absent of a  
 187 reduction in workforce as a result of lack of moneys or work; or  
 188 other adverse significant changes in duties or responsibilities  
 189 that are inconsistent with the employee's salary or employment  
 190 classification. The following procedures shall apply to an  
 191 alleged unlawful reprisal that occurs as a consequence of an  
 192 employee's direct or indirect involvement with an application to  
 193 establish a charter school:

- 194 1. Within 60 days after the date upon which a reprisal  
 195 prohibited by this subsection is alleged to have occurred, an  
 196 employee may file a complaint with the Department of Education.

197           2. Within 3 working days after receiving a complaint under  
198 this section, the Department of Education shall acknowledge  
199 receipt of the complaint and provide copies of the complaint and  
200 any other relevant preliminary information available to each of  
201 the other parties named in the complaint, which parties shall  
202 each acknowledge receipt of such copies to the complainant.

203           3. If the Department of Education determines that the  
204 complaint demonstrates reasonable cause to suspect that an  
205 unlawful reprisal has occurred, the Department of Education  
206 shall conduct an investigation to produce a fact-finding report.

207           4. Within 90 days after receiving the complaint, the  
208 Department of Education shall provide the district school  
209 superintendent of the complainant's district and the complainant  
210 with a fact-finding report that may include recommendations to  
211 the parties or a proposed resolution of the complaint. The fact-  
212 finding report shall be presumed admissible in any subsequent or  
213 related administrative or judicial review.

214           5. If the Department of Education determines that  
215 reasonable grounds exist to believe that an unlawful reprisal  
216 has occurred, is occurring, or is to be taken, and is unable to  
217 conciliate a complaint within 60 days after receipt of the fact-  
218 finding report, the Department of Education shall terminate the  
219 investigation. Upon termination of any investigation, the  
220 Department of Education shall notify the complainant and the  
221 district school superintendent of the termination of the  
222 investigation, providing a summary of relevant facts found  
223 during the investigation and the reasons for terminating the  
224 investigation. A written statement under this paragraph is



225 presumed admissible as evidence in any judicial or  
226 administrative proceeding.

227         6. The Department of Education shall either contract with  
228 the Division of Administrative Hearings under s. 120.65, or  
229 otherwise provide for a complaint for which the Department of  
230 Education determines reasonable grounds exist to believe that an  
231 unlawful reprisal has occurred, is occurring, or is to be taken,  
232 and is unable to conciliate, to be heard by a panel of impartial  
233 persons. Upon hearing the complaint, the panel shall make  
234 findings of fact and conclusions of law for a final decision by  
235 the Department of Education.

236  
237 It shall be an affirmative defense to any action brought  
238 pursuant to this section that the adverse action was predicated  
239 upon grounds other than, and would have been taken absent, the  
240 employee's exercise of rights protected by this section.

241         (b) In any action brought under this section for which it  
242 is determined reasonable grounds exist to believe that an  
243 unlawful reprisal has occurred, is occurring, or is to be taken,  
244 the relief shall include the following:

245             1. Reinstatement of the employee to the same position held  
246 before the unlawful reprisal was commenced, or to an equivalent  
247 position, or payment of reasonable front pay as alternative  
248 relief.

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

251             3. Compensation, if appropriate, for lost wages, benefits,  
252 or other lost remuneration caused by the unlawful reprisal.

253 4. Payment of reasonable costs, including attorney's fees,  
 254 to a substantially prevailing employee, or to the prevailing  
 255 employer if the employee filed a frivolous action in bad faith.

256 5. Issuance of an injunction, if appropriate, by a court  
 257 of competent jurisdiction.

258 6. Temporary reinstatement to the employee's former  
 259 position or to an equivalent position, pending the final outcome  
 260 of the complaint, if it is determined that the action was not  
 261 made in bad faith or for a wrongful purpose, and did not occur  
 262 after a district school board's initiation of a personnel action  
 263 against the employee that includes documentation of the  
 264 employee's violation of a disciplinary standard or performance  
 265 deficiency.

266 (5) SPONSOR; DUTIES.--

267 (a) Sponsoring entities.--

268 1. A district school board may sponsor a charter school in  
 269 the county over which the district school board has  
 270 jurisdiction.

271 2. A state university may grant a charter to a lab school  
 272 created under s. 1002.32 and shall be considered to be the  
 273 school's sponsor. Such school shall be considered a charter lab  
 274 school.

275 3. Each sponsor, at a minimum, must have the following  
 276 quality policies and procedures for charter school sponsorship  
 277 in place by July 1, 2005:

278 a. An organizational structure and committed human and  
 279 financial resources necessary for conducting its sponsorship  
 280 duties efficiently;

281 b. A comprehensive application process that follows fair  
 282 procedures and rigorous criteria and grants a charter only to  
 283 those developers who demonstrate a strong capacity for  
 284 establishing and operating a quality charter school;

285 c. A process in place to negotiate contracts with charter  
 286 schools which clearly articulates the rights and  
 287 responsibilities of each party regarding school autonomy,  
 288 expected outcomes, measures for evaluating success or failure,  
 289 performance consequences, and other material terms;

290 d. A process for efficient and effective contract  
 291 oversight which evaluates performance, monitors compliance,  
 292 informs intervention and renewal decisions, and ensures that  
 293 autonomy is provided under applicable law;

294 e. A transparent and rigorous process that uses  
 295 comprehensive data to make merit-based decisions; and

296 f. A process to advocate for charter schools in dealing  
 297 with local fire marshals when facilities are being reviewed for  
 298 compliance with the fire code.

299 (b) Sponsor duties.--

300 1. It is the obligation of the sponsor to participate in  
 301 the application and review and approval process of a charter  
 302 contract with good faith effort, fairness, due diligence, and  
 303 quality in order to further the establishment and future  
 304 operations of quality charter schools. Quality charter schools  
 305 provide parents with another option for public school choice  
 306 which best meets the needs of their child; thus, there is the  
 307 likelihood of increased student achievement. The sponsor shall  
 308 monitor and review the charter school in its progress toward

309 meeting the terms of its application and charter as defined in  
310 subsection (6) ~~the goals established in the charter.~~

311 2. Beginning with the 2005-2006 school year, at a minimum,  
312 the sponsor shall conduct an annual review by July 1 of each  
313 year to ascertain whether the terms of the contract are being  
314 met. The sponsor shall notify in writing, by July 15, the  
315 charter school governing board and the director of the results  
316 of the review for each contract component. The sponsor shall  
317 specifically notify the governing board and the director of any  
318 potential issues that may jeopardize the future renewal of the  
319 charter, specifically identify contract issues, and recommend  
320 strategies for corrective action by the school to resolve the  
321 issues. The sponsor shall also certify to the State Board of  
322 Education annually whether the charter school is meeting the  
323 performance expectations established in its charter.

324 3. The director and a representative of the governing  
325 board of a charter school graded "D" or "F" shall appear before  
326 the sponsor at a formal school board meeting or state university  
327 trustee board meeting at least twice a year to present  
328 information concerning each contract component having noted  
329 deficiencies and to address corrective strategies that are being  
330 implemented by the school. The sponsor shall communicate at the  
331 meeting, and in writing to the director, the services provided  
332 to the school to help the school address its deficiencies.

333 4. The chief executive officer of the sponsoring entity  
334 must certify in writing to its governing board that a quality,  
335 fair, and judicious review of the application or charter was  
336 conducted. The sponsoring entity must consider the certification

337 of a quality review in its proceedings to approve, amend, or  
338 deny an application or charter. The chief executive officer must  
339 include the following components in the certification  
340 demonstrating that a quality, fair, and judicious review was  
341 completed regarding:

342 a. A 5-year financial plan that contains anticipated fund  
343 balances based on revenue projections and sources, a spending  
344 plan based on projected revenues and expenses, and a description  
345 of controls that will safeguard finances and projected  
346 enrollment trends. The plan must be an accurate and detailed  
347 description of the school's proposed budget and fiscal plan.

348 b. A detailed curriculum plan that illustrates how  
349 students will be provided services to attain the Sunshine State  
350 Standards. The plan must include the focus of the curriculum,  
351 the instructional methods to be used, any distinctive  
352 instructional techniques to be employed, and an identification  
353 and acquisition of appropriate technologies needed to improve  
354 educational and administrative performance, including a means  
355 for promoting safe, ethical, and appropriate uses of technology  
356 which comply with legal and professional standards. The  
357 curriculum and instructional strategies for reading must be  
358 consistent with the Sunshine State Standards and grounded in  
359 scientifically based reading research.

360 c. The inclusion of goals and objectives for improving  
361 student learning and measuring that improvement. These goals and  
362 objectives must indicate the degree of academic improvement  
363 students are expected to show each year, how success will be  
364 evaluated, and the specific results to be attained through

365 instruction.

366 d. A plan to ensure that reading is a primary focus of the  
367 curriculum and that resources are provided to identify and  
368 provide specialized instruction for students who are reading  
369 below grade level. The plan must describe the reading curriculum  
370 and differentiated strategies that will be used for students  
371 reading at grade level or higher and a separate curriculum and  
372 strategies for students who are reading below grade level. A  
373 sponsor shall deny a charter if the school does not propose a  
374 reading curriculum that is consistent with effective teaching  
375 strategies that are grounded in scientifically based reading  
376 research.

377 e. The methods used to identify the educational strengths  
378 and needs of students and how well educational goals and  
379 performance standards are met by students attending the charter  
380 school. The methods must include a means by which the charter  
381 school can ensure accountability to its constituents by  
382 analyzing student performance data and by evaluating the  
383 effectiveness and efficiency of its major educational programs.  
384 Students in charter schools shall, at a minimum, participate in  
385 the statewide assessment program created under s. 1008.22.

386 5. After a newly opened charter school completes a full  
387 school year of operation, it must review the projected outcomes  
388 of achievement in its charter and propose revisions if the  
389 student population is significantly different than anticipated  
390 in its original charter. The district school board must consider  
391 the school's proposal to revise the charter.

392 6.2- The sponsor shall monitor at least on a quarterly

393 basis the revenues and expenditures of the charter school.

394 ~~7.3.~~ The sponsor may approve a charter for a charter  
395 school before the applicant has secured space, equipment, or  
396 personnel, if the applicant indicates approval is necessary for  
397 it to raise working capital.

398 ~~8.4.~~ The sponsor's policies shall not apply to a charter  
399 school.

400 ~~9.5.~~ The sponsor shall ensure that the charter is  
401 innovative and consistent with the state education goals  
402 established by s. 1008.31(3)(c) ~~s. 1000.03(5)~~.

403 ~~10.6.~~ The sponsor shall ensure that the charter school  
404 participates in the state's education accountability system. If  
405 a charter school falls short of performance measures included in  
406 the approved charter, the sponsor shall report such shortcomings  
407 to the Department of Education.

408  
409 A community college may work with the school district or school  
410 districts in its designated service area to develop charter  
411 schools that offer secondary education. These charter schools  
412 must include an option for students to receive an associate  
413 degree upon high school graduation. District school boards shall  
414 cooperate with and assist the community college on the charter  
415 application. Community college applications for charter schools  
416 are not subject to the time deadlines outlined in subsection (6)  
417 and may be approved by the district school board at any time  
418 during the year. Community colleges shall not report FTE for any  
419 students who receive FTE funding through the Florida Education  
420 Finance Program.

421           (c) Annual survey.--The Department of Education shall  
 422 conduct an annual survey of charter school governing boards to  
 423 determine the boards' satisfaction with the services received  
 424 from their sponsors and the Department of Education. The survey  
 425 results shall be reported to the State Board of Education, which  
 426 may recommend action for sponsors having an inordinate number of  
 427 complaints or sponsors that have been determined not to have  
 428 fulfilled their responsibilities as described in this section.

429           (6) APPLICATION PROCESS AND REVIEW.--~~Beginning September~~  
 430 ~~1, 2003, applications are subject to the following requirements:~~

431           ~~(a) A person or entity wishing to open a charter school~~  
 432 ~~shall prepare an application that:~~

433           ~~1. Demonstrates how the school will use the guiding~~  
 434 ~~principles and meet the statutorily defined purpose of a charter~~  
 435 ~~school.~~

436           ~~2. Provides a detailed curriculum plan that illustrates~~  
 437 ~~how students will be provided services to attain the Sunshine~~  
 438 ~~State Standards.~~

439           ~~3. Contains goals and objectives for improving student~~  
 440 ~~learning and measuring that improvement. These goals and~~  
 441 ~~objectives must indicate how much academic improvement students~~  
 442 ~~are expected to show each year, how success will be evaluated,~~  
 443 ~~and the specific results to be attained through instruction.~~

444           ~~4. Describes the reading curriculum and differentiated~~  
 445 ~~strategies that will be used for students reading at grade level~~  
 446 ~~or higher and a separate curriculum and strategies for students~~  
 447 ~~who are reading below grade level. A sponsor shall deny a~~  
 448 ~~charter if the school does not propose a reading curriculum that~~



449 ~~is consistent with effective teaching strategies that are~~  
450 ~~grounded in scientifically based reading research.~~

451 ~~5. Contains an annual financial plan for each year~~  
452 ~~requested by the charter for operation of the school for up to 5~~  
453 ~~years. This plan must contain anticipated fund balances based on~~  
454 ~~revenue projections, a spending plan based on projected revenues~~  
455 ~~and expenses, and a description of controls that will safeguard~~  
456 ~~finances and projected enrollment trends.~~

457 (a)~~(b)~~ A district school board shall receive and review  
458 all applications for a charter school. A district school board  
459 shall receive and consider charter school applications received  
460 on or before September 1 of each calendar year for charter  
461 schools to be opened at the beginning of the school district's  
462 next school year, or to be opened at a time agreed to by the  
463 applicant and the district school board. A district school board  
464 may receive applications later than this date if it chooses. A  
465 sponsor may not charge an applicant for a charter any fee for  
466 the processing or consideration of an application, and a sponsor  
467 may not base its consideration or approval of an application  
468 upon the promise of future payment of any kind. A sponsor may  
469 not approve an application unless the application meets the  
470 specifications and criteria established by rule of the State  
471 Board of Education.

472 1. In order to facilitate an accurate budget projection  
473 process, a district school board shall be held harmless for FTE  
474 students who are not included in the FTE projection due to  
475 approval of charter school applications after the FTE projection  
476 deadline. In a further effort to facilitate an accurate budget

477 projection, within 15 calendar days after receipt of a charter  
478 school application, a district school board or other sponsor  
479 shall report to the Department of Education the name of the  
480 applicant entity, the proposed charter school location, and its  
481 projected FTE.

482 ~~2. In order to ensure fiscal responsibility, an~~  
483 ~~application for a charter school shall include a full accounting~~  
484 ~~of expected assets, a projection of expected sources and amounts~~  
485 ~~of income, including income derived from projected student~~  
486 ~~enrollments and from community support, and an expense~~  
487 ~~projection that includes full accounting of the costs of~~  
488 ~~operation, including start-up costs.~~

489 2.3. A district school board shall by a majority vote  
490 approve or deny an application no later than 60 calendar days  
491 after the application is received, unless the district school  
492 board and the applicant mutually agree to temporarily postpone  
493 the vote to a specific date, at which time the district school  
494 board shall by a majority vote approve or deny the application.  
495 If the district school board fails to act on the application, an  
496 applicant may appeal to the State Board of Education as provided  
497 in paragraph (b)(e). If an application is denied, the district  
498 school board shall, within 10 calendar days, articulate in  
499 writing the specific reasons based upon good cause supporting  
500 its denial of the charter application and shall, by letter,  
501 notify the applicant as well as the Department of Education of  
502 the specific reasons.

503 ~~3.4.~~ For budget projection purposes, the district school  
504 board or other sponsor shall report to the Department of

505 Education the approval or denial of a charter application within  
 506 10 calendar days after such approval or denial. In the event of  
 507 approval, the report to the Department of Education shall  
 508 include the final projected FTE for the approved charter school.

509 4.5- Upon approval of a charter application, the initial  
 510 startup shall commence with the beginning of the public school  
 511 calendar for the district in which the charter is granted unless  
 512 the district school board allows a waiver of this provision for  
 513 good cause.

514 (b)(e) An applicant may appeal any denial of that  
 515 applicant's application or failure to act on an application to  
 516 the State Board of Education no later than 30 calendar days  
 517 after receipt of the district school board's decision or failure  
 518 to act and shall notify the district school board of its appeal.  
 519 Any response of the district school board shall be submitted to  
 520 the State Board of Education within 30 calendar days after  
 521 notification of the appeal. Upon receipt of notification from  
 522 the State Board of Education that a charter school applicant is  
 523 filing an appeal, the Commissioner of Education shall convene a  
 524 meeting of the Charter School Appeal Commission to study and  
 525 make recommendations to the State Board of Education regarding  
 526 its pending decision about the appeal. The commission shall  
 527 forward its recommendation to the state board no later than 7  
 528 calendar days prior to the date on which the appeal is to be  
 529 heard. The State Board of Education shall by majority vote  
 530 accept or reject the decision of the district school board no  
 531 later than 90 calendar days after an appeal is filed in  
 532 accordance with State Board of Education rule. The Charter

533 School Appeal Commission may reject an appeal submission for  
 534 failure to comply with procedural rules governing the appeals  
 535 process. The rejection shall describe the submission errors. The  
 536 appellant may have up to 15 calendar days from notice of  
 537 rejection to resubmit an appeal that meets requirements of State  
 538 Board of Education rule. An application for appeal submitted  
 539 subsequent to such rejection shall be considered timely if the  
 540 original appeal was filed within 30 calendar days after receipt  
 541 of notice of the specific reasons for the district school  
 542 board's denial of the charter application. The State Board of  
 543 Education shall remand the application to the district school  
 544 board with its written decision that the district school board  
 545 approve or deny the application. The district school board shall  
 546 implement the decision of the State Board of Education. The  
 547 decision of the State Board of Education is not subject to the  
 548 provisions of the Administrative Procedure Act, chapter 120.

549 (c)~~(d)~~ The district school board shall act upon the  
 550 decision of the State Board of Education within 30 calendar days  
 551 after it is received. The State Board of Education's decision is  
 552 a final action subject to judicial review in the district court  
 553 of appeal.

554 (d)~~(e)~~1. A Charter School Appeal Commission is established  
 555 to assist the commissioner and the State Board of Education with  
 556 a fair and impartial review of appeals by applicants whose  
 557 charter applications have been denied or~~7~~ whose charter  
 558 contracts have not been renewed or have been terminated by their  
 559 sponsors, ~~or whose disputes over contract negotiations have not~~  
 560 ~~been resolved through mediation.~~

561           2. The Charter School Appeal Commission may receive copies  
562 of the appeal documents forwarded to the State Board of  
563 Education, review the documents, gather other applicable  
564 information regarding the appeal, and make a written  
565 recommendation to the commissioner. The recommendation must  
566 state whether the appeal should be upheld or denied and include  
567 the reasons for the recommendation being offered. The  
568 commissioner shall forward the recommendation to the State Board  
569 of Education no later than 7 calendar days prior to the date on  
570 which the appeal is to be heard. The state board must consider  
571 the commission's recommendation in making its decision, but is  
572 not bound by the recommendation. The decision of the Charter  
573 School Appeal Commission is not subject to the provisions of the  
574 Administrative Procedure Act, chapter 120.

575           3. The commissioner shall appoint the members of the  
576 Charter School Appeal Commission. Members shall serve without  
577 compensation but may be reimbursed for travel and per diem  
578 expenses in conjunction with their service. One-half of the  
579 members must represent currently operating charter schools, and  
580 one-half of the members must represent school districts. The  
581 commissioner or a named designee shall chair the Charter School  
582 Appeal Commission.

583           4. The chair shall convene meetings of the commission and  
584 shall ensure that the written recommendations are completed and  
585 forwarded in a timely manner. In cases where the commission  
586 cannot reach a decision, the chair shall make the written  
587 recommendation with justification, noting that the decision was  
588 rendered by the chair.

589           5. Commission members shall thoroughly review the  
590 materials presented to them from the appellant and the sponsor.  
591 The commission may request information to clarify the  
592 documentation presented to it. In the course of its review, the  
593 commission may facilitate the postponement of an appeal in those  
594 cases where additional time and communication may negate the  
595 need for a formal appeal and both parties agree, in writing, to  
596 postpone the appeal to the State Board of Education. A new date  
597 certain for the appeal shall then be set based upon the rules  
598 and procedures of the State Board of Education. Commission  
599 members shall provide a written recommendation to the state  
600 board as to whether the appeal should be upheld or denied. A  
601 fact-based justification for the recommendation must be  
602 included. The chair must ensure that the written recommendation  
603 is submitted to the State Board of Education members no later  
604 than 7 calendar days prior to the date on which the appeal is to  
605 be heard. Both parties in the case shall also be provided a copy  
606 of the recommendation.

607           ~~(e)(f)~~ The Department of Education must offer or arrange  
608 for training and technical assistance to charter school  
609 applicants in developing business plans and estimating costs and  
610 income. This assistance must address estimating start-up costs,  
611 projecting enrollment, and identifying the types and amounts of  
612 state and federal financial assistance the charter school will  
613 be eligible to receive. The Department of Education may provide  
614 other technical assistance to an applicant upon written request.

615           ~~(f)(g)~~ In considering charter applications for a lab  
616 school, a state university shall consult with the district

617 school board of the county in which the lab school is located.  
 618 The decision of a state university may be appealed pursuant to  
 619 the procedure established in this subsection.

620 (g)~~(h)~~ The terms and conditions for the operation of a  
 621 charter school shall be set forth by the sponsor and the  
 622 applicant in a written contractual agreement, called a charter.  
 623 The sponsor shall not impose unreasonable rules or regulations  
 624 that violate the intent of giving charter schools greater  
 625 flexibility to meet educational goals. The applicant and sponsor  
 626 shall have 90 days ~~6 months~~ in which to mutually agree to the  
 627 provisions of the charter. The Department of Education shall  
 628 provide mediation services for any dispute regarding this  
 629 section subsequent to the approval of a charter application and  
 630 for any dispute relating to the approved charter, except  
 631 disputes regarding charter school application denials. The  
 632 department shall notify the parties that a request for mediation  
 633 has been received within 10 working days, schedule and commence  
 634 mediation within 60 days following the date the request is  
 635 submitted to the department, and establish whether mediation has  
 636 been successful within 60 days following conclusion of the  
 637 mediation. If the Commissioner of Education determines that the  
 638 dispute cannot be settled through mediation, the dispute may be  
 639 appealed to an administrative law judge appointed by the  
 640 Division of Administrative Hearings. The administrative law  
 641 judge may rule on issues of equitable treatment of the charter  
 642 school as a public school, whether proposed provisions of the  
 643 charter violate the intended flexibility granted charter schools  
 644 by statute, or on any other matter regarding this section except

645 a charter school application denial, and shall award the  
 646 prevailing party reasonable attorney's fees and costs incurred  
 647 to be paid by the losing party. The costs of the administrative  
 648 hearing shall be paid by the party whom the administrative law  
 649 judge rules against.

650 (7) CHARTER.--The major issues involving the operation of  
 651 a charter school shall be considered in advance and included in  
 652 the application for a charter school as required by this section  
 653 and written into the charter. The charter shall be signed by the  
 654 governing body of the charter school and the sponsor, following  
 655 a public hearing to ensure community input.

656 (a) In addition to the requirements of subparagraph  
 657 (5)(b)4., the charter shall address, and criteria for approval  
 658 of the charter must include ~~shall be based on:~~

659 1. ~~The school's mission, the students to be served, and~~  
 660 ~~the ages and grades to be included.~~

661 2. ~~The focus of the curriculum, the instructional methods~~  
 662 ~~to be used, any distinctive instructional techniques to be~~  
 663 ~~employed, and identification and acquisition of appropriate~~  
 664 ~~technologies needed to improve educational and administrative~~  
 665 ~~performance which include a means for promoting safe, ethical,~~  
 666 ~~and appropriate uses of technology which comply with legal and~~  
 667 ~~professional standards. The charter shall ensure that reading is~~  
 668 ~~a primary focus of the curriculum and that resources are~~  
 669 ~~provided to identify and provide specialized instruction for~~  
 670 ~~students who are reading below grade level. The curriculum and~~  
 671 ~~instructional strategies for reading must be consistent with the~~  
 672 ~~Sunshine State Standards and grounded in scientifically based~~



673 ~~reading research.~~

674 ~~1.3.~~ The current incoming baseline standard of student  
675 academic achievement, the outcomes to be achieved, and the  
676 method of measurement that will be used. ~~The criteria listed in~~  
677 ~~this subparagraph shall include a detailed description for each~~  
678 ~~of the following:~~

679 ~~a. How the baseline student academic achievement levels~~  
680 ~~and prior rates of academic progress will be established.~~

681 ~~b. How these baseline rates will be compared to rates of~~  
682 ~~academic progress achieved by these same students while~~  
683 ~~attending the charter school.~~

684 ~~c. To the extent possible, how these rates of progress~~  
685 ~~will be evaluated and compared with rates of progress of other~~  
686 ~~closely comparable student populations.~~

687  
688 The district school board shall ~~is required~~ to provide academic  
689 student performance data to charter schools for each of their  
690 students coming from the district school system, as well as  
691 rates of academic progress of comparable student populations in  
692 the district school system.

693 ~~4. The methods used to identify the educational strengths~~  
694 ~~and needs of students and how well educational goals and~~  
695 ~~performance standards are met by students attending the charter~~  
696 ~~school. Included in the methods is a means for the charter~~  
697 ~~school to ensure accountability to its constituents by analyzing~~  
698 ~~student performance data and by evaluating the effectiveness and~~  
699 ~~efficiency of its major educational programs. Students in~~  
700 ~~charter schools shall, at a minimum, participate in the~~

701 ~~statewide assessment program created under s. 1008.22.~~

702 ~~2.5.~~ In secondary charter schools, a method for  
703 determining that a student has satisfied the requirements for  
704 graduation in s. 1003.43.

705 ~~6. A method for resolving conflicts between the governing~~  
706 ~~body of the charter school and the sponsor.~~

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

709 ~~8. The ways by which the school will achieve a~~  
710 ~~racial/ethnic balance reflective of the community it serves or~~  
711 ~~within the racial/ethnic range of other public schools in the~~  
712 ~~same school district.~~

713 ~~9. The financial and administrative management of the~~  
714 ~~school, including a reasonable demonstration of the professional~~  
715 ~~experience or competence of those individuals or organizations~~  
716 ~~applying to operate the charter school or those hired or~~  
717 ~~retained to perform such professional services and the~~  
718 ~~description of clearly delineated responsibilities and the~~  
719 ~~policies and practices needed to effectively manage the charter~~  
720 ~~school. A description of internal audit procedures and~~  
721 ~~establishment of controls to ensure that financial resources are~~  
722 ~~properly managed must be included. Both public sector and~~  
723 ~~private sector professional experience shall be equally valid in~~  
724 ~~such a consideration.~~

725 ~~3.10.~~ The asset and liability projections required in the  
726 application which are incorporated into the charter and which  
727 shall be compared with information provided in the annual report  
728 of the charter school. The charter shall ensure that, if a

729 charter school internal audit or annual financial audit reveals  
 730 a state of financial emergency as defined in s. 218.503 or  
 731 deficit financial position, the auditors are required to notify  
 732 the charter school governing board, the sponsor, and the  
 733 Department of Education. The ~~internal~~ auditor shall report such  
 734 findings in the form of an exit interview to the principal or  
 735 the principal administrator of the charter school and the chair  
 736 of the governing board within 7 working days after finding the  
 737 state of financial emergency or deficit position. A final report  
 738 shall be provided to the entire governing board, the sponsor,  
 739 and the Department of Education within 14 working days after the  
 740 exit interview. When a charter school is in a state of financial  
 741 emergency, the charter school shall file a detailed financial-  
 742 recovery plan with the sponsoring district school board. The  
 743 Department of Education must establish guidelines for developing  
 744 such plans.

745 ~~4.11.~~ A description of procedures that identify various  
 746 risks and provide for a comprehensive approach to reduce the  
 747 impact of losses; plans to ensure the safety and security of  
 748 students and staff; plans to identify, minimize, and protect  
 749 others from violent or disruptive student behavior; and the  
 750 manner in which the school will be insured, including whether or  
 751 not the school will be required to have liability insurance,  
 752 and, if so, the terms and conditions thereof and the amounts of  
 753 coverage.

754 ~~5.12.~~ The term of the charter which shall provide for  
 755 cancellation of the charter if insufficient progress has been  
 756 made in attaining the student achievement objectives of the

757 charter and if it is not likely that such objectives can be  
 758 achieved before expiration of the charter. The initial term of a  
 759 charter shall be for 3, 4, or 5 years. In order to facilitate  
 760 access to long-term financial resources for charter school  
 761 construction, charter schools that are operated by a  
 762 municipality or other public entity as provided by law are  
 763 eligible for up to a 15-year charter, subject to approval by the  
 764 district school board. A charter lab school is eligible for a  
 765 charter for a term of up to 15 years. In addition, to facilitate  
 766 access to long-term financial resources for charter school  
 767 construction, charter schools that are operated by a private,  
 768 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 769 up to a 10-year charter, subject to approval by the district  
 770 school board. Such long-term charters remain subject to annual  
 771 review and may be terminated during the term of the charter, but  
 772 only for specific good cause according to the provisions set  
 773 forth in subsection (8).

774 6.13. The facilities to be used and their location.

775 ~~14. The qualifications to be required of the teachers and~~  
 776 ~~the potential strategies used to recruit, hire, train, and~~  
 777 ~~retain qualified staff to achieve best value.~~

778 7.15. The governance structure of the school, including  
 779 the status of the charter school as a public or private employer  
 780 as required in paragraph (12)(i).

781 ~~16. A timetable for implementing the charter which~~  
 782 ~~addresses the implementation of each element thereof and the~~  
 783 ~~date by which the charter shall be awarded in order to meet this~~  
 784 ~~timetable.~~

785           8.17. In the case of an existing public school being  
 786 converted to charter status, alternative arrangements for  
 787 current students who choose not to attend the charter school and  
 788 for current teachers who choose not to teach in the charter  
 789 school after conversion in accordance with the existing  
 790 collective bargaining agreement or district school board rule in  
 791 the absence of a collective bargaining agreement. However,  
 792 alternative arrangements shall not be required for current  
 793 teachers who choose not to teach in a charter lab school, except  
 794 as authorized by the employment policies of the state university  
 795 which grants the charter to the lab school.

796           (b) A charter may be renewed every 5 school years,  
 797 provided that a program review demonstrates that ~~the criteria in~~  
 798 ~~paragraph (a) have been successfully accomplished and that~~ none  
 799 of the grounds for nonrenewal established by paragraph (8)(a)  
 800 has been documented. In order to facilitate long-term financing  
 801 for charter school construction, charter schools operating for a  
 802 minimum of 2 years and demonstrating exemplary academic  
 803 programming and fiscal management are eligible for a 15-year  
 804 charter renewal. Such long-term charter is subject to annual  
 805 review and may be terminated during the term of the charter.

806           (c) A charter may be modified during its initial term or  
 807 any renewal term upon the recommendation of the sponsor or the  
 808 charter school governing board and the approval of both parties  
 809 to the agreement.

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

811           (a) At the end of the term of a charter, the sponsor shall  
 812 ~~may~~ choose not to renew or to terminate the charter for any of

813 the following grounds:

814 1. Failure to participate in the state's education  
 815 accountability system created in s. 1008.31, as required in this  
 816 section, ~~or~~ failure to meet the requirements for student  
 817 performance stated in the charter, or failure to meet the  
 818 performance standards as authorized by s. 1008.32 and specified  
 819 by rule of the State Board of Education.

820 2. Failure to comply with statutorily directed state  
 821 reporting requirements, including the requirements identified in  
 822 paragraph (9)(m) which pertain to components of the annual  
 823 charter school accountability report.

824 3. Failure of the governing body of a charter school to  
 825 submit its annual performance accountability report to its  
 826 sponsors as prescribed in paragraph (9)(m).

827 4. Failure of the director of a charter school having a  
 828 school performance grade of a "D" or "F" to appear before the  
 829 sponsoring body as required in subsection (5).

830 ~~5.2.~~ Failure to meet generally accepted standards of  
 831 fiscal management.

832 ~~6.3.~~ Violation of law.

833 ~~7.4.~~ Other good cause shown.

834 (b) During the term of a charter, the sponsor may  
 835 terminate the charter for any of the grounds listed in paragraph  
 836 (a).

837 (c) At the end of the term of a charter or during the term  
 838 of a charter, the sponsor may not renew or shall terminate the  
 839 charter when the charter school receives a school performance  
 840 grade of "F" under s. 1008.34 for 2 consecutive years, unless

841 the school has made adequate yearly progress under the federal  
842 No Child Left Behind Act in at least 1 of those 2 years.

843 (d) At the end of the term of a charter, the sponsor may  
844 not renew the charter if the school fails to meet the  
845 requirements for student performance set forth in rules of the  
846 State Board of Education.

847 (e)(e) At least 90 days prior to renewing or terminating a  
848 charter, the sponsor shall notify the governing body of the  
849 school of the proposed action in writing. The notice shall state  
850 in reasonable detail the grounds for the proposed action and  
851 stipulate that the school's governing body may, within 14  
852 calendar days after receiving the notice, request an informal  
853 hearing before the sponsor. The sponsor shall conduct the  
854 informal hearing within 30 calendar days after receiving a  
855 written request. The charter school's governing body may, within  
856 14 calendar days after receiving the sponsor's decision to  
857 terminate or refuse to renew the charter, appeal the decision  
858 pursuant to the procedure established in subsection (6).

859 (f)(d) A charter may be terminated immediately if the  
860 sponsor determines that good cause has been shown or if the  
861 health, safety, or welfare of the students is threatened. The  
862 charter sponsor must notify in writing the charter school's  
863 governing body, the school principal, and the Department of  
864 Education if a charter is immediately terminated. The sponsor  
865 shall clearly identify the issues that resulted in the immediate  
866 termination and provide evidence of prior notification of issues  
867 resulting in the immediate termination when appropriate. The  
868 school district in which the charter school is located shall

869 assume operation of the school under these circumstances. The  
 870 charter school's governing board may, within 14 days after  
 871 receiving the sponsor's decision to terminate the charter,  
 872 appeal the decision pursuant to the procedure established in  
 873 subsection (6).

874 (g)~~(e)~~ When a charter is not renewed or is terminated, the  
 875 school shall be dissolved under the provisions of law under  
 876 which the school was organized, and any unencumbered public  
 877 funds, except for capital outlay funds, from the charter school  
 878 shall revert to the district school board. Capital outlay funds  
 879 provided pursuant to s. 1013.62 that are unencumbered shall  
 880 revert to the department to be redistributed among eligible  
 881 charter schools. In the event a charter school is dissolved or  
 882 is otherwise terminated, all district school board property and  
 883 improvements, furnishings, and equipment purchased with public  
 884 funds shall automatically revert to full ownership by the  
 885 district school board, subject to complete satisfaction of any  
 886 lawful liens or encumbrances. Any unencumbered public funds from  
 887 the charter school, district school board property and  
 888 improvements, furnishings, and equipment purchased with public  
 889 funds, or financial or other records pertaining to the charter  
 890 school, in the possession of any person, entity, or holding  
 891 company, other than the charter school, shall be held in trust  
 892 upon the district school board's request, until any appeal  
 893 status is resolved.

894 (h)~~(f)~~ If a charter is not renewed or is terminated, the  
 895 charter school is responsible for all debts of the charter  
 896 school. The district may not assume the debt from any contract



897 | for services made between the governing body of the school and a  
 898 | third party, except for a debt that is previously detailed and  
 899 | agreed upon in writing by both the district and the governing  
 900 | body of the school and that may not reasonably be assumed to  
 901 | have been satisfied by the district.

902 |        ~~(i)(g)~~ If a charter is not renewed or is terminated, a  
 903 | student who attended the school may apply to, and shall be  
 904 | enrolled in, another public school. Normal application deadlines  
 905 | shall be disregarded under such circumstances.

906 |        (9) CHARTER SCHOOL REQUIREMENTS.--

907 |        (a) A charter school shall be nonsectarian in its  
 908 | programs, admission policies, employment practices, and  
 909 | operations.

910 |        (b) A charter school shall admit students as provided in  
 911 | subsection (10).

912 |        (c) A charter school shall be accountable to its sponsor  
 913 | for performance as provided in subsection (7).

914 |        (d) A charter school shall not charge tuition or  
 915 | registration fees, except those fees normally charged by other  
 916 | public schools. However, a charter lab school may charge a  
 917 | student activity and service fee as authorized by s. 1002.32(5).

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

920 |        (f) A charter school shall not violate the  
 921 | antidiscrimination provisions of s. 1000.05.

922 |        (g) A charter school shall provide for an annual financial  
 923 | audit in accordance with s. 218.39. Financial audits that yield  
 924 | a state of financial emergency as defined in s. 218.503 and

925 conducted by a certified public accountant or auditor in  
 926 accordance with s. 218.39 shall be provided to the governing  
 927 body of the charter school within 7 working days after finding  
 928 that a state of financial emergency exists. When a charter  
 929 school is found to be in a state of financial emergency by a  
 930 certified public accountant or auditor, the charter school must  
 931 file a detailed financial-recovery plan with the sponsoring  
 932 district school board within 30 days after receipt of the audit.  
 933 The detailed financial-recovery plan must comply with the  
 934 requirements set forth by the Department of Education.

935 (h) No organization shall hold more than 15 charters  
 936 statewide.

937 (i) Any individual, group, organization, or private or  
 938 nonprofit company that submits an application to operate a  
 939 charter school in this state or that is contracted with by the  
 940 governing board of a charter school to operate a charter school  
 941 in this state must register with the Department of Education  
 942 upon submission of its application to the sponsor. The  
 943 Department of Education shall maintain a database that contains  
 944 the name of each organization or entity applying for a charter  
 945 or operating by contract a charter school in this state,  
 946 principal contact information, a description of the organization  
 947 or entity, an identification of the number of charter  
 948 applications or contracts in the state, and disclosure of  
 949 charters terminated or renewed in this state and other states. A  
 950 sponsor may not approve an application for a charter unless the  
 951 governing board and contract operator of the school have  
 952 submitted a complete, accurate, and timely registration with the

953 Department of Education.

954 ~~(j)(i)~~ In order to provide financial information that is  
 955 comparable to that reported for other public schools, charter  
 956 schools are to maintain all financial records which constitute  
 957 their accounting system:

958 1. In accordance with the accounts and codes prescribed in  
 959 the most recent issuance of the publication titled "Financial  
 960 and Program Cost Accounting and Reporting for Florida Schools";  
 961 or

962 2. At the discretion of the charter school governing  
 963 board, a charter school may elect to follow generally accepted  
 964 accounting standards for not-for-profit organizations, but must  
 965 reformat this information for reporting according to this  
 966 paragraph.

967  
 968 Charter schools shall ~~are to~~ provide annual financial report and  
 969 program cost report information in the state-required formats  
 970 for inclusion in district reporting in compliance with s.

971 1011.60(1). Charter schools that are operated by a municipality  
 972 or are a component unit of a parent nonprofit organization may  
 973 use the accounting system of the municipality or the parent but  
 974 must reformat this information for reporting according to this

975 paragraph. The Department of Education must develop a modified  
 976 annual financial report for use by charter schools, which would  
 977 allow districts and the state to include charter school  
 978 expenditures in their educational cost reports. The department  
 979 must develop guidelines that identify district and department  
 980 responsibilities for verifying the data in these reports. These

981 guidelines must require that each charter school's annual  
 982 financial report be signed by the school's chief financial  
 983 officer or the certified public accountant who prepared the  
 984 report.

985 ~~(k)(j)~~ The governing board of the charter school shall  
 986 annually adopt and maintain an operating budget.

987 ~~(l)(k)~~ The governing body of the charter school shall  
 988 exercise continuing oversight over charter school operations.

989 ~~(m)(l)~~ The governing body of the charter school shall  
 990 report its performance ~~progress~~ annually to its sponsor, which  
 991 shall forward the report to the Commissioner of Education at the  
 992 same time as other annual school accountability reports. The  
 993 governing body shall monitor and review its school in adherence  
 994 and compliance with components of its application and charter as  
 995 defined in subsection (6). The Department of Education shall  
 996 include in its compilation a notation if a school failed to file  
 997 its report by the deadline established by the department. The  
 998 report shall include at least the following components:

999 1. Student achievement performance data, including the  
 1000 information required for the annual school report and the  
 1001 education accountability system governed by ss. 1008.31 and  
 1002 1008.345. Charter schools are subject to the same accountability  
 1003 requirements as other public schools, including reports of  
 1004 student achievement information that links baseline student data  
 1005 to the school's performance projections identified in the  
 1006 charter. The charter school shall identify reasons for any  
 1007 difference between projected and actual student performance.

1008 2. Financial status of the charter school which must

1009 include revenues and expenditures at a level of detail that  
 1010 allows for analysis of the ability to meet financial obligations  
 1011 and timely repayment of debt.

1012 3. Documentation of the facilities in current use and any  
 1013 planned facilities for use by the charter school for instruction  
 1014 of students, administrative functions, or investment purposes.

1015 4. Descriptive information about the charter school's  
 1016 personnel, including salary and benefit levels of charter school  
 1017 employees, the proportion of instructional personnel who hold  
 1018 professional or temporary certificates, and the proportion of  
 1019 instructional personnel teaching in-field or out-of-field.

1020 (n)~~(m)~~ A charter school shall not levy taxes or issue  
 1021 bonds secured by tax revenues.

1022 (o)~~(n)~~ A charter school shall provide instruction for at  
 1023 least the number of days required by law for other public  
 1024 schools, and may provide instruction for additional days.

1025 (10) ELIGIBLE STUDENTS.--

1026 (a) A charter school shall be open to any student covered  
 1027 in an interdistrict agreement or residing in the school district  
 1028 in which the charter school is located; however, in the case of  
 1029 a charter lab school, the charter lab school shall be open to  
 1030 any student eligible to attend the lab school as provided in s.  
 1031 1002.32 or who resides in the school district in which the  
 1032 charter lab school is located. Any eligible student shall be  
 1033 allowed interdistrict transfer to attend a charter school when  
 1034 based on good cause.

1035 (b) The charter school shall enroll an eligible student  
 1036 who submits a timely application, unless the number of

1037 applications exceeds the capacity of a program, class, grade  
 1038 level, or building. In such case, all applicants shall have an  
 1039 equal chance of being admitted through a random selection  
 1040 process.

1041 (c) When a public school converts to charter status,  
 1042 enrollment preference shall be given to students who would have  
 1043 otherwise attended that public school.

1044 (d) A charter school may give enrollment preference to the  
 1045 following student populations:

1046 1. Students who are siblings of a student enrolled in the  
 1047 charter school.

1048 2. Students who are the children of a member of the  
 1049 governing board of the charter school.

1050 3. Students who are the children of an employee of the  
 1051 charter school.

1052 (e) A charter school may limit the enrollment process only  
 1053 to target the following student populations:

1054 1. Students within specific age groups or grade levels.

1055 2. Students considered at risk of dropping out of school  
 1056 or academic failure. Such students shall include exceptional  
 1057 education students.

1058 3. Students enrolling in a charter school-in-the-workplace  
 1059 or charter school-in-a-municipality established pursuant to  
 1060 subsection (15).

1061 4. Students residing within a reasonable distance of the  
 1062 charter school, as described in paragraph (20)(c). Such students  
 1063 shall be subject to a random lottery and to the racial/ethnic  
 1064 balance provisions described in rules of the State Board of

1065 Education ~~subparagraph (7)(a)8.~~ or any federal provisions that  
 1066 require a school to achieve a racial/ethnic balance reflective  
 1067 of the community it serves or within the racial/ethnic range of  
 1068 other public schools in the same school district.

1069 5. Students who meet reasonable academic, artistic, or  
 1070 other eligibility standards established by the charter school  
 1071 and included in the charter school application and charter or,  
 1072 in the case of existing charter schools, standards that are  
 1073 consistent with the school's mission and purpose. Such standards  
 1074 shall be in accordance with current state law and practice in  
 1075 public schools and may not discriminate against otherwise  
 1076 qualified individuals.

1077 6. Students articulating from one charter school to  
 1078 another pursuant to an articulation agreement between the  
 1079 charter schools that has been approved by the sponsor.

1080 (f) Students with handicapping conditions and students  
 1081 served in English for Speakers of Other Languages programs shall  
 1082 have an equal opportunity of being selected for enrollment in a  
 1083 charter school.

1084 (g) A student may withdraw from a charter school at any  
 1085 time and enroll in another public school as determined by  
 1086 district school board rule.

1087 (h) The capacity of the charter school shall be determined  
 1088 annually by the governing board, in conjunction with the  
 1089 sponsor, of the charter school in consideration of the factors  
 1090 identified in this subsection.

1091 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
 1092 ACTIVITIES.--A charter school student is eligible to participate

1093 | in an interscholastic extracurricular activity at the public  
 1094 | school to which the student would be otherwise assigned to  
 1095 | attend pursuant to s. 1006.15(3)(d).

1096 | (12) EMPLOYEES OF CHARTER SCHOOLS.--

1097 | (a) A charter school shall select its own employees. A  
 1098 | charter school may contract with its sponsor for the services of  
 1099 | personnel employed by the sponsor.

1100 | (b) Charter school employees shall have the option to  
 1101 | bargain collectively. Employees may collectively bargain as a  
 1102 | separate unit or as part of the existing district collective  
 1103 | bargaining unit as determined by the structure of the charter  
 1104 | school.

1105 | (c) The employees of a conversion charter school shall  
 1106 | remain public employees for all purposes, unless such employees  
 1107 | choose not to do so.

1108 | (d) The teachers at a charter school may choose to be part  
 1109 | of a professional group that subcontracts with the charter  
 1110 | school to operate the instructional program under the auspices  
 1111 | of a partnership or cooperative that they collectively own.  
 1112 | Under this arrangement, the teachers would not be public  
 1113 | employees.

1114 | (e) Employees of a school district may take leave to  
 1115 | accept employment in a charter school upon the approval of the  
 1116 | district school board. While employed by the charter school and  
 1117 | on leave that is approved by the district school board, the  
 1118 | employee may retain seniority accrued in that school district  
 1119 | and may continue to be covered by the benefit programs of that  
 1120 | school district, if the charter school and the district school



1121 board agree to this arrangement and its financing. School  
1122 districts shall not require resignations of teachers desiring to  
1123 teach in a charter school. This paragraph shall not prohibit a  
1124 district school board from approving alternative leave  
1125 arrangements consistent with chapter 1012.

1126 (f) Teachers employed by or under contract to a charter  
1127 school shall be certified as required by chapter 1012. A charter  
1128 school governing board may employ or contract with skilled  
1129 selected noncertified personnel to provide instructional  
1130 services or to assist instructional staff members as education  
1131 paraprofessionals in the same manner as defined in chapter 1012,  
1132 and as provided by State Board of Education rule for charter  
1133 school governing boards. A charter school may not knowingly  
1134 employ an individual to provide instructional services or to  
1135 serve as an education paraprofessional if the individual's  
1136 certification or licensure as an educator is suspended or  
1137 revoked by this or any other state. A charter school may not  
1138 knowingly employ an individual who has resigned from a school  
1139 district in lieu of disciplinary action with respect to child  
1140 welfare or safety, or who has been dismissed for just cause by  
1141 any school district with respect to child welfare or safety. The  
1142 qualifications of teachers shall be disclosed to parents.

1143 (g) A charter school shall employ or contract with  
1144 employees who have undergone background screening as provided in  
1145 s. 1012.32. Members of the governing board of the charter school  
1146 shall also undergo background screening in a manner similar to  
1147 that provided in s. 1012.32.

1148 (h) For the purposes of tort liability, the governing body

1149 and employees of a charter school shall be governed by s.  
 1150 768.28.

1151 (i) A charter school shall organize as, or be operated by,  
 1152 a nonprofit organization. A charter school may be operated by a  
 1153 municipality or other public entity as provided for by law. As  
 1154 such, the charter school may be either a private or a public  
 1155 employer. As a public employer, a charter school may  
 1156 participate in the Florida Retirement System upon application  
 1157 and approval as a "covered group" under s. 121.021(34). If a  
 1158 charter school participates in the Florida Retirement System,  
 1159 the charter school employees shall be compulsory members of the  
 1160 Florida Retirement System. As either a private or a public  
 1161 employer, a charter school may contract for services with an  
 1162 individual or group of individuals who are organized as a  
 1163 partnership or a cooperative. Individuals or groups of  
 1164 individuals who contract their services to the charter school  
 1165 are not public employees.

1166 (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
 1167 enter into cooperative agreements to form charter school  
 1168 cooperative organizations that may provide the following  
 1169 services: charter school planning and development, direct  
 1170 instructional services, and contracts with charter school  
 1171 governing boards to provide personnel administrative services,  
 1172 payroll services, human resource management, evaluation and  
 1173 assessment services, teacher preparation, and professional  
 1174 development.

1175 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
 1176 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR

1177 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into to  
 1178 borrow or otherwise secure funds for a charter school authorized  
 1179 in this section from a source other than the state or a school  
 1180 district shall indemnify the state and the school district from  
 1181 any and all liability, including, but not limited to, financial  
 1182 responsibility for the payment of the principal or interest. Any  
 1183 loans, bonds, or other financial agreements are not obligations  
 1184 of the state or the school district but are obligations of the  
 1185 charter school authority and are payable solely from the sources  
 1186 of funds pledged by such agreement. The credit or taxing power  
 1187 of the state or the school district shall not be pledged and no  
 1188 debts shall be payable out of any moneys except those of the  
 1189 legal entity in possession of a valid charter approved by a  
 1190 district school board pursuant to this section.

1191 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
 1192 A-MUNICIPALITY.--

1193 (a) In order to increase business partnerships in  
 1194 education, to reduce school and classroom overcrowding  
 1195 throughout the state, and to offset the high costs for  
 1196 educational facilities construction, the Legislature intends to  
 1197 encourage the formation of business partnership schools or  
 1198 satellite learning centers and municipal-operated schools  
 1199 through charter school status.

1200 (b) A charter school-in-the-workplace may be established  
 1201 when a business partner provides the school facility to be used;  
 1202 enrolls students based upon a random lottery that involves all  
 1203 of the children of employees of that business or corporation who  
 1204 are seeking enrollment, as provided for in subsection (10); and

1205 enrolls students according to the racial/ethnic balance  
 1206 provisions described in rules of the State Board of Education  
 1207 ~~subparagraph (7)(a)8~~. Any portion of a facility used for a  
 1208 public charter school shall be exempt from ad valorem taxes, as  
 1209 provided for in s. 1013.54, for the duration of its use as a  
 1210 public school.

1211 (c) A charter school-in-a-municipality designation may be  
 1212 granted to a municipality that possesses a charter; enrolls  
 1213 students based upon a random lottery that involves all of the  
 1214 children of the residents of that municipality who are seeking  
 1215 enrollment, as provided for in subsection (10); and enrolls  
 1216 students according to the racial/ethnic balance provisions  
 1217 described in rules of the State Board of Education ~~subparagraph~~  
 1218 ~~(7)(a)8~~. When a municipality has submitted charter applications  
 1219 for the establishment of a charter school feeder pattern,  
 1220 consisting of elementary, middle, and senior high schools, and  
 1221 each individual charter application is approved by the district  
 1222 school board, such schools shall then be designated as one  
 1223 charter school for all purposes listed pursuant to this section.  
 1224 Any portion of the land and facility used for a public charter  
 1225 school shall be exempt from ad valorem taxes, as provided for in  
 1226 s. 1013.54, for the duration of its use as a public school.

1227 (d) As used in this subsection, the terms "business  
 1228 partner" or "municipality" may include more than one business or  
 1229 municipality to form a charter school-in-the-workplace or  
 1230 charter school-in-a-municipality.

1231 (16) EXEMPTION FROM STATUTES.--

1232 (a) A charter school shall operate in accordance with its

1233 charter and shall be exempt from all statutes in chapters 1000-  
 1234 1013. However, a charter school shall be in compliance with the  
 1235 following statutes in chapters 1000-1013:

1236 1. Those statutes specifically applying to charter  
 1237 schools, including this section.

1238 2. Those statutes pertaining to the student assessment  
 1239 program and school grading system.

1240 3. Those statutes pertaining to the provision of services  
 1241 to students with disabilities.

1242 4. Those statutes pertaining to civil rights, including s.  
 1243 1000.05, relating to discrimination.

1244 5. Those statutes pertaining to student health, safety,  
 1245 and welfare.

1246 (b) Additionally, a charter school shall be in compliance  
 1247 with the following statutes:

1248 1. Section 286.011, relating to public meetings and  
 1249 records, public inspection, and criminal and civil penalties.

1250 2. Chapter 119, relating to public records.

1251 (17) FUNDING.--Students enrolled in a charter school,  
 1252 regardless of the sponsorship, shall be funded as if they are in  
 1253 a basic program or a special program, the same as students  
 1254 enrolled in other public schools in the school district. Funding  
 1255 for a charter lab school shall be as provided in s. 1002.32.

1256 (a) Each charter school shall report its student  
 1257 enrollment to the district school board as required in s.  
 1258 1011.62, and in accordance with the definitions in s. 1011.61.  
 1259 The district school board shall include each charter school's  
 1260 enrollment in the district's report of student enrollment. All

1261 charter schools submitting student record information required  
1262 by the Department of Education shall comply with the Department  
1263 of Education's guidelines for electronic data formats for such  
1264 data, and all districts shall accept electronic data that  
1265 complies with the Department of Education's electronic format.

1266 (b) The basis for the agreement for funding students  
1267 enrolled in a charter school shall be the sum of the school  
1268 district's operating funds from the Florida Education Finance  
1269 Program as provided in s. 1011.62 and the General Appropriations  
1270 Act, including gross state and local funds, discretionary  
1271 lottery funds, and funds from the school district's current  
1272 operating discretionary millage levy; divided by total funded  
1273 weighted full-time equivalent students in the school district;  
1274 multiplied by the weighted full-time equivalent students for the  
1275 charter school. Charter schools whose students or programs meet  
1276 the eligibility criteria in law shall be entitled to their  
1277 proportionate share of categorical program funds included in the  
1278 total funds available in the Florida Education Finance Program  
1279 by the Legislature, including transportation. Total funding for  
1280 each charter school shall be recalculated during the year to  
1281 reflect the revised calculations under the Florida Education  
1282 Finance Program by the state and the actual weighted full-time  
1283 equivalent students reported by the charter school during the  
1284 full-time equivalent student survey periods designated by the  
1285 Commissioner of Education.

1286 (c) If the district school board is providing programs or  
1287 services to students funded by federal funds, any eligible  
1288 students enrolled in charter schools in the school district

1289 shall be provided federal funds for the same level of service  
1290 provided students in the schools operated by the district school  
1291 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
1292 charter schools shall receive all federal funding for which the  
1293 school is otherwise eligible, including Title I funding, not  
1294 later than 5 months after the charter school first opens and  
1295 within 5 months after any subsequent expansion of enrollment.

1296 (d) District school boards shall make every effort to  
1297 ensure that charter schools receive timely and efficient  
1298 reimbursement, including processing paperwork required to access  
1299 special state and federal funding for which they may be  
1300 eligible. The district school board may distribute funds to a  
1301 charter school for up to 3 months based on the projected full-  
1302 time equivalent student membership of the charter school.  
1303 Thereafter, the results of full-time equivalent student  
1304 membership surveys shall be used in adjusting the amount of  
1305 funds distributed monthly to the charter school for the  
1306 remainder of the fiscal year. The payment shall be issued no  
1307 later than 10 working days after the district school board  
1308 receives a distribution of state or federal funds. If a warrant  
1309 for payment is not issued within 30 working days after receipt  
1310 of funding by the district school board, the school district  
1311 shall pay to the charter school, in addition to the amount of  
1312 the scheduled disbursement, interest at a rate of 1 percent per  
1313 month calculated on a daily basis on the unpaid balance from the  
1314 expiration of the 30-day period until such time as the warrant  
1315 is issued.

1316 (18) FACILITIES.--

1317 (a) A charter school shall utilize facilities which comply  
 1318 with the Florida Building Code pursuant to chapter 553 except  
 1319 for the State Requirements for Educational Facilities. Charter  
 1320 schools are not required to comply, but may choose to comply,  
 1321 with the State Requirements for Educational Facilities of the  
 1322 Florida Building Code adopted pursuant to s. 1013.37. The local  
 1323 governing authority shall not adopt or impose local building  
 1324 requirements or restrictions that are more stringent than those  
 1325 found in the Florida Building Code. The agency having  
 1326 jurisdiction for inspection of a facility and issuance of a  
 1327 certificate of occupancy shall be the local municipality or, if  
 1328 in an unincorporated area, the county governing authority.

1329 (b) A charter school shall utilize facilities that comply  
 1330 with the Florida Fire Prevention Code, pursuant to s. 633.025,  
 1331 as adopted by the authority in whose jurisdiction the facility  
 1332 is located as provided in paragraph (a). The sponsor of a  
 1333 charter school shall be an advocate for the charter school in  
 1334 matters relating to interpretations of such fire code.

1335 (c) Any facility, or portion thereof, used to house a  
 1336 charter school whose charter has been approved by the sponsor  
 1337 and the governing board, pursuant to subsection (7), shall be  
 1338 exempt from ad valorem taxes pursuant to s. 196.1983.

1339 (d) Charter school facilities are exempt from assessments  
 1340 of fees for building permits, except as provided in s. 553.80,  
 1341 and for building licenses and from assessments of impact fees or  
 1342 service availability fees.

1343 (e) If a district school board facility or property is  
 1344 available because it is surplus, marked for disposal, or



1345 otherwise unused, it shall be provided for a charter school's  
 1346 use on the same basis as it is made available to other public  
 1347 schools in the district. A charter school receiving property  
 1348 from the school district may not sell or dispose of such  
 1349 property without written permission of the school district.  
 1350 Similarly, for an existing public school converting to charter  
 1351 status, no rental or leasing fee for the existing facility or  
 1352 for the property normally inventoried to the conversion school  
 1353 may be charged by the district school board to the parents and  
 1354 teachers organizing the charter school. The charter organizers  
 1355 shall agree to reasonable maintenance provisions in order to  
 1356 maintain the facility in a manner similar to district school  
 1357 board standards. The Public Education Capital Outlay maintenance  
 1358 funds or any other maintenance funds generated by the facility  
 1359 operated as a conversion school shall remain with the conversion  
 1360 school.

1361 (f) To the extent that charter school facilities are  
 1362 specifically created to mitigate the educational impact created  
 1363 by the development of new residential dwelling units, pursuant  
 1364 to subparagraph (2)(c)4., some of or all of the educational  
 1365 impact fees required to be paid in connection with the new  
 1366 residential dwelling units may be designated instead for the  
 1367 construction of the charter school facilities that will mitigate  
 1368 the student station impact. Such facilities shall be built to  
 1369 the State Requirements for Educational Facilities and shall be  
 1370 owned by a public or nonprofit entity. The local school district  
 1371 retains the right to monitor and inspect such facilities to  
 1372 ensure compliance with the State Requirements for Educational

1373 Facilities. If a facility ceases to be used for public  
 1374 educational purposes, either the facility shall revert to the  
 1375 school district subject to any debt owed on the facility, or the  
 1376 owner of the facility shall have the option to refund all  
 1377 educational impact fees utilized for the facility to the school  
 1378 district. The district and the owner of the facility may  
 1379 contractually agree to another arrangement for the facilities if  
 1380 the facilities cease to be used for educational purposes. The  
 1381 owner of property planned or approved for new residential  
 1382 dwelling units and the entity levying educational impact fees  
 1383 shall enter into an agreement that designates the educational  
 1384 impact fees that will be allocated for the charter school  
 1385 student stations and that ensures the timely construction of the  
 1386 charter school student stations concurrent with the expected  
 1387 occupancy of the residential units. The application for use of  
 1388 educational impact fees shall include an approved charter school  
 1389 application. To assist the school district in forecasting  
 1390 student station needs, the entity levying the impact fees shall  
 1391 notify the affected district of any agreements it has approved  
 1392 for the purpose of mitigating student station impact from the  
 1393 new residential dwelling units.

1394 (19) CAPITAL OUTLAY FUNDING.--Charter schools are eligible  
 1395 for capital outlay funds pursuant to s. 1013.62.

1396 (20) SERVICES.--

1397 (a) A sponsor shall provide certain administrative and  
 1398 educational services to charter schools. These services shall  
 1399 include contract management services; full-time equivalent and  
 1400 data reporting services; exceptional student education

1401 administration services; test administration services, including  
 1402 payment of the costs of state-required or district-required  
 1403 student assessments; processing of teacher certificate data  
 1404 services; and information services, including equal access to  
 1405 student information systems that are used by public schools in  
 1406 the district in which the charter school is located. A total  
 1407 administrative fee for the provision of such services shall be  
 1408 calculated based upon 5 percent of the available funds defined  
 1409 in paragraph (17)(b) for all students. However, a sponsor may  
 1410 only withhold a 5-percent administrative fee for enrollment for  
 1411 up to and including 500 students. For charter schools with a  
 1412 population of 501 or more students, the difference between the  
 1413 total administrative fee calculation and the amount of the  
 1414 administrative fee withheld may only be used for capital outlay  
 1415 purposes specified in s. 1013.62(2). Sponsors shall not charge  
 1416 charter schools any additional fees or surcharges for  
 1417 administrative and educational services in addition to the 5-  
 1418 percent administrative fee withheld pursuant to this paragraph.

1419 (b) If goods and services are made available to the  
 1420 charter school through the contract with the school district,  
 1421 they shall be provided to the charter school at a rate no  
 1422 greater than the district's actual cost unless mutually agreed  
 1423 upon by the charter school and the sponsor in a contract  
 1424 negotiated separately from the charter. When mediation has  
 1425 failed to resolve disputes over contracted services or  
 1426 contractual matters not included in the charter, an appeal may  
 1427 be made for a dispute resolution hearing before the Charter  
 1428 School Appeal Commission. To maximize the use of state funds,

1429 school districts shall allow charter schools to participate in  
 1430 the sponsor's bulk purchasing program if applicable.

1431 (c) Transportation of charter school students shall be  
 1432 provided by the charter school consistent with the requirements  
 1433 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
 1434 body of the charter school may provide transportation through an  
 1435 agreement or contract with the district school board, a private  
 1436 provider, or parents. The charter school and the sponsor shall  
 1437 cooperate in making arrangements that ensure that transportation  
 1438 is not a barrier to equal access for all students residing  
 1439 within a reasonable distance of the charter school as determined  
 1440 in its charter.

1441 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The  
 1442 Department of Education shall provide information to the public,  
 1443 directly and through sponsors, both on how to form and operate a  
 1444 charter school and on how to enroll in charter schools once they  
 1445 are created. This information shall include a standard  
 1446 application format which shall include the information specified  
 1447 in subsection (7). This application format may be used by  
 1448 chartering entities.

1449 (22) STATE BOARD OF EDUCATION AUTHORITY.--

1450 (a) The State Board of Education may adopt rules pursuant  
 1451 to ss. 120.536(1) and 120.54 to administer this section.

1452 (b) The State Board of Education has authority pursuant to  
 1453 s. 1008.32 to enforce the provisions of this section.

1454 (c) The State Board of Education shall ensure that the  
 1455 Department of Education provides or arranges for the provision  
 1456 of the following services:

1457 1. Assistance to potential charter applicants in  
1458 identifying available resources and information that would  
1459 enable the applicant to submit a stronger charter application.

1460 2. Assistance to sponsors and charter schools in  
1461 developing a model charter contract that may be modified to  
1462 reflect local decisions. Such a model should not impede  
1463 creativity in delivering the educational program of the charter  
1464 school. The model should assist charter schools in identifying  
1465 the services a charter school receives for any administrative  
1466 assessment and in determining the per-student cost of those  
1467 services. The model should also address the provision of food  
1468 service and transportation.

1469 3. Assistance to sponsors and charter school in developing  
1470 a model charter renewal evaluation process that may be modified  
1471 to reflect individual contracts and local decisions.

1472 4. Annual training opportunities for members of charter  
1473 school governing boards relating to current statutory and  
1474 financial requirements pertaining to charter schools.

1475 5. Annual joint training opportunities for school district  
1476 personnel whose responsibilities involve working with charter  
1477 applicants and charter schools and for personnel of charter  
1478 schools. Such training should include current statutory and  
1479 financial requirements pertaining to charter schools and other  
1480 appropriate matters.

1481 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.~~

1482 ~~(a) The Department of Education shall regularly convene a~~  
1483 ~~Charter School Review Panel in order to review issues,~~  
1484 ~~practices, and policies regarding charter schools. The~~

1485 ~~composition of the review panel shall include individuals with~~  
 1486 ~~experience in finance, administration, law, education, and~~  
 1487 ~~school governance, and individuals familiar with charter school~~  
 1488 ~~construction and operation. The panel shall include two~~  
 1489 ~~appointees each from the Commissioner of Education, the~~  
 1490 ~~President of the Senate, and the Speaker of the House of~~  
 1491 ~~Representatives. The Governor shall appoint three members of the~~  
 1492 ~~panel and shall designate the chair. Each member of the panel~~  
 1493 ~~shall serve a 1 year term, unless renewed by the office making~~  
 1494 ~~the appointment. The panel shall make recommendations to the~~  
 1495 ~~Legislature, to the Department of Education, to charter schools,~~  
 1496 ~~and to school districts for improving charter school operations~~  
 1497 ~~and oversight and for ensuring best business practices at and~~  
 1498 ~~fair business relationships with charter schools.~~

1499 ~~(b) The Legislature shall review the operation of charter~~  
 1500 ~~schools during the 2005 Regular Session of the Legislature.~~

1501 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt  
 1502 of the annual report required by paragraph (9)(1), the  
 1503 Department of Education shall provide to the State Board of  
 1504 Education, the Commissioner of Education, the Governor, the  
 1505 President of the Senate, and the Speaker of the House of  
 1506 Representatives an analysis and comparison of the overall  
 1507 performance of charter school students, to include all students  
 1508 whose scores are counted as part of the statewide assessment  
 1509 program, versus comparable public school students in the  
 1510 district as determined by the statewide assessment program  
 1511 currently administered in the school district, and other  
 1512 assessments administered pursuant to s. 1008.22(3).

1513           (24) FINANCIAL MANAGEMENT.--The Department of Education  
 1514 must develop a system that includes a comprehensive list of  
 1515 financial-management indicators to be used by sponsors for the  
 1516 early identification of charter schools at greatest risk for  
 1517 financial difficulty. The Department of Education must provide  
 1518 training and technical assistance to charter schools at greatest  
 1519 risk for financial difficulty. The Department of Education must  
 1520 report information on schools identified as at risk for  
 1521 financial difficulty in the past year and the actions that the  
 1522 department and local school district have taken to assist each  
 1523 school in the annual report required by paragraph (9)(m).

1524           ~~(25)~~(24) RULEMAKING.--The Department of Education, after  
 1525 consultation with school districts and charter school directors,  
 1526 shall recommend that the State Board of Education adopt rules to  
 1527 implement specific subsections of this section. Such rules shall  
 1528 require minimum paperwork and shall not limit charter school  
 1529 flexibility authorized by statute.

1530           Section 4. This act shall take effect July 1, 2005, except  
 1531 that subparagraph 3. of paragraph (a) of subsection (5) of  
 1532 section 1002.33, Florida Statutes, as created by this act, shall  
 1533 take effect upon becoming a law.