



1 to conduct a study of the administrative fee  
2 withheld by the sponsors and to submit a report  
3 to specified officials; requiring the  
4 department to provide to the public information  
5 on a charter format and a charter renewal  
6 format, as well as an application format, to be  
7 used by sponsors as guidelines; creating the  
8 Florida Charter School Accountability  
9 Authority; providing for its funding,  
10 administration, mission, and duties; creating  
11 the Board of Trustees of the Florida Charter  
12 School Accountability Authority; providing for  
13 membership, qualifications, and meetings of the  
14 board and for regional offices to assist the  
15 board; providing for the FCSAA to accept  
16 funding from various sources; delaying FCSAA  
17 activation until funding reaches a specified  
18 level; authorizing the FCSAA to retain an  
19 administrative fee; amending s. 1012.74, F.S.;  
20 granting instructional and administrative  
21 personnel in charter schools the option of  
22 obtaining educator professional liability  
23 coverage at cost; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Subsections (1), (4), (5), (6), (21), and  
28 (22), paragraph (b) of subsection (2), paragraph (b) of  
29 subsection (3), paragraphs (a) and (b) of subsection (7),  
30 paragraphs (a), (c), (d), and (e) of subsection (8),  
31 paragraphs (h) and (i) of subsection (9), paragraph (d) of

1 subsection (17), paragraphs (a), (d), and (e) of subsection  
2 (18), and paragraph (a) of subsection (20) of section 1002.33,  
3 Florida Statutes, are amended, present subsection (24) of that  
4 section is redesignated as subsection (25), and a new  
5 subsection (24) is added to that section, to read:

6 1002.33 Charter schools.--

7 (1) AUTHORIZATION.--Charter schools shall be part of  
8 the state's program of public education. All charter schools  
9 in Florida are public schools. A charter school may be formed  
10 by creating a new school, ~~or~~ converting an existing public  
11 school to charter status, or reconstituting an existing  
12 charter school. A public school may not use the term charter  
13 in its name unless it has been approved under this section.

14 (2) GUIDING PRINCIPLES; PURPOSE.--

15 (b) Charter schools shall fulfill one or more of the  
16 following purposes:

- 17 1. Improve student learning and academic achievement.
- 18 2. Increase learning opportunities for all students,  
19 with special emphasis on low-performing students and reading.
- 20 3. Create new professional opportunities for teachers,  
21 including ownership of the learning program at the school  
22 site.
- 23 4. Encourage the use of innovative learning methods.
- 24 ~~5. Require the measurement of learning outcomes.~~

25 (3) APPLICATION FOR CHARTER STATUS.--

26 (b) An application for a conversion charter school  
27 shall be made by the district school board, the principal,  
28 teachers, parents, and/or the school advisory council at an  
29 existing public school that has been in operation for at least  
30 2 years prior to the application to convert, ~~including~~ A  
31 public school-within-a-school that is designated as a school

1 | by the district school board may also submit an application to  
2 | convert to charter status. An application ~~submitted proposing~~  
3 | to convert an existing public school to a charter school shall  
4 | demonstrate the support of at least 50 percent of the teachers  
5 | employed at the school and 50 percent of the parents voting  
6 | whose children are enrolled at the school, provided that a  
7 | majority of the parents eligible to vote participate in the  
8 | ballot process, according to rules adopted by the State Board  
9 | of Education. A district school board denying an application  
10 | for a conversion charter school shall provide notice of denial  
11 | to the applicants in writing within 10 ~~30~~ days after the  
12 | meeting at which the district school board denied the  
13 | application. The notice must state the specific ~~specify the~~  
14 | ~~exact~~ reasons for denial and must provide documentation  
15 | supporting those reasons. A private school, parochial school,  
16 | or home education program shall not be eligible for charter  
17 | school status.

18 | (4) UNLAWFUL REPRISAL.--

19 | (a) ~~A No~~ district school board, or district school  
20 | board employee who has control over personnel actions, may not  
21 | ~~shall~~ take unlawful reprisal against another district school  
22 | board employee because that employee is either directly or  
23 | indirectly involved with an application to establish a charter  
24 | school. As used in this subsection, the term "unlawful  
25 | reprisal" means an action that is taken by a district school  
26 | board or a school system employee against an employee who is  
27 | directly or indirectly involved in a lawful application to  
28 | establish a charter school, that ~~which~~ occurs as a direct  
29 | result of that involvement, and that ~~which~~ results in one or  
30 | more of the following: disciplinary or corrective action;  
31 | adverse transfer or reassignment, whether temporary or

1 permanent; suspension, demotion, or dismissal; an unfavorable  
2 performance evaluation; a reduction in pay, benefits, or  
3 rewards; elimination of the employee's position absent of a  
4 reduction in workforce as a result of lack of moneys or work;  
5 or other adverse significant changes in duties or  
6 responsibilities that are inconsistent with the employee's  
7 salary or employment classification. The following procedures  
8 ~~shall~~ apply to an alleged unlawful reprisal that occurs as a  
9 consequence of an employee's direct or indirect involvement  
10 with an application to establish a charter school:

11         1. Within 60 days after the date upon which a reprisal  
12 prohibited by this subsection is alleged to have occurred, an  
13 employee may file a complaint with the Department of  
14 Education.

15         2. Within 3 working days after receiving a complaint  
16 under this section, the Department of Education shall  
17 acknowledge receipt of the complaint and provide copies of the  
18 complaint and any other relevant preliminary information  
19 available to each of the other parties named in the complaint,  
20 which parties shall each acknowledge receipt of such copies to  
21 the complainant.

22         3. If the Department of Education determines that the  
23 complaint demonstrates reasonable cause to suspect that an  
24 unlawful reprisal has occurred, the Department of Education  
25 shall conduct an investigation to produce a fact-finding  
26 report.

27         4. Within 90 days after receiving the complaint, the  
28 Department of Education shall provide the district school  
29 superintendent of the complainant's district and the  
30 complainant with a fact-finding report that may include  
31 recommendations to the parties or a proposed resolution of the

1 | complaint. The fact-finding report shall be presumed  
2 | admissible in any subsequent or related administrative or  
3 | judicial review.

4 |         5. If the Department of Education determines that  
5 | reasonable grounds exist to believe that an unlawful reprisal  
6 | has occurred, is occurring, or is to be taken, and is unable  
7 | to conciliate a complaint within 60 days after receipt of the  
8 | fact-finding report, the Department of Education shall  
9 | terminate the investigation. Upon termination of any  
10 | investigation, the Department of Education shall notify the  
11 | complainant and the district school superintendent of the  
12 | termination of the investigation, providing a summary of  
13 | relevant facts found during the investigation and the reasons  
14 | for terminating the investigation. A written statement under  
15 | this paragraph is presumed admissible as evidence in any  
16 | judicial or administrative proceeding.

17 |         6. The Department of Education shall either contract  
18 | with the Division of Administrative Hearings under s. 120.65,  
19 | or otherwise provide for a complaint for which the Department  
20 | of Education determines reasonable grounds exist to believe  
21 | that an unlawful reprisal has occurred, is occurring, or is to  
22 | be taken, and is unable to conciliate, to be heard by a panel  
23 | of impartial persons. Upon hearing the complaint, the panel  
24 | shall make findings of fact and conclusions of law for a final  
25 | decision by the Department of Education.

26 |  
27 | It shall be an affirmative defense to any action brought  
28 | pursuant to this section that the adverse action was  
29 | predicated upon grounds other than, and would have been taken  
30 | absent, the employee's exercise of rights protected by this  
31 | section.

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

5           1. Reinstatement of the employee to the same position  
6 held before the unlawful reprisal was commenced, or to an  
7 equivalent position, or payment of reasonable front pay as  
8 alternative relief.

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

11           3. Compensation, if appropriate, for lost wages,  
12 benefits, or other lost remuneration caused by the unlawful  
13 reprisal.

14           4. Payment of reasonable costs, including attorney's  
15 fees, to a substantially prevailing employee, or to the  
16 prevailing employer if the employee filed a frivolous action  
17 in bad faith.

18           5. Issuance of an injunction, if appropriate, by a  
19 court of competent jurisdiction.

20           6. Temporary reinstatement to the employee's former  
21 position or to an equivalent position, pending the final  
22 outcome of the complaint, if it is determined that the action  
23 was not made in bad faith or for a wrongful purpose, and did  
24 not occur after a district school board's initiation of a  
25 personnel action against the employee that includes  
26 documentation of the employee's violation of a disciplinary  
27 standard or performance deficiency.

28           (5) SPONSOR; DUTIES.--

29           (a) Sponsoring entities.--

30  
31

1           1. A district school board may sponsor a charter  
2 school in the county over which the district school board has  
3 jurisdiction.

4           2. A state university may grant a charter to a lab  
5 school created under s. 1002.32 and shall be considered to be  
6 the school's sponsor. Such school shall be considered a  
7 charter lab school.

8           3. The Florida Charter School Accountability Authority  
9 may sponsor a charter school.

10           (b) Sponsor duties.--

11           1. The sponsor shall monitor and review the charter  
12 school in its progress toward the goals established in the  
13 charter.

14           2. The sponsor shall monitor the revenues and  
15 expenditures of the charter school.

16           3. The sponsor may approve a charter for a charter  
17 school before the applicant has secured space, equipment, or  
18 personnel, if the applicant indicates approval is necessary  
19 for it to raise working funds ~~capital~~.

20           4. The sponsor's policies shall not apply to a charter  
21 school unless mutually agreed to by the sponsor and the  
22 charter school.

23           5. The sponsor shall ensure that the charter is  
24 innovative and consistent with the state education goals  
25 established by s. 1000.03(5).

26           6. The sponsor shall ensure that the charter school  
27 participates in the state's education accountability system.  
28 If a charter school falls short of performance measures  
29 included in the approved charter, the sponsor shall report  
30 such shortcomings to the Department of Education.  
31



1 | A community college may work with the school district or  
2 | school districts in its designated service area to develop  
3 | charter schools that offer secondary education. These charter  
4 | schools must include an option for students to receive an  
5 | associate degree upon high school graduation. District school  
6 | boards shall cooperate with and assist the community college  
7 | on the charter application. Community college applications for  
8 | charter schools are not subject to the time deadlines outlined  
9 | in subsection (6) and may be approved by the district school  
10 | board at any time during the year. Community colleges shall  
11 | not report FTE for any students who receive FTE funding  
12 | through the Florida Education Finance Program.

13 |           (6) APPLICATION PROCESS AND REVIEW.--Charter school  
14 | ~~Beginning September 1, 2003,~~ applications are subject to the  
15 | following requirements:

16 |           (a) A person or entity wishing to open a charter  
17 | school shall prepare an application that:

18 |           1. Demonstrates how the school will use the guiding  
19 | principles and meet the statutorily defined purpose of a  
20 | charter school.

21 |           2. Provides a detailed curriculum plan that  
22 | illustrates how students will be provided services to attain  
23 | the Sunshine State Standards.

24 |           3. Contains goals and objectives for improving student  
25 | learning and measuring that improvement. These goals and  
26 | objectives must indicate how much academic improvement  
27 | students are expected to show each year, how success will be  
28 | evaluated, and the specific results to be attained through  
29 | instruction.

30 |           4. Describes the reading curriculum and differentiated  
31 | strategies that will be used for students reading at grade

1 level or higher and a separate curriculum and strategies for  
2 students who are reading below grade level. A sponsor shall  
3 deny a charter if the school does not propose a reading  
4 curriculum that is consistent with effective teaching  
5 strategies that are grounded in scientifically based reading  
6 research.

7           5. Contains an annual financial plan for each year  
8 requested by the charter for operation of the school for up to  
9 5 years. This plan must contain anticipated fund balances  
10 based on revenue projections, a spending plan based on  
11 projected revenues and expenses, and a description of controls  
12 that will safeguard finances and projected enrollment trends.

13           (b) Beginning with the 2006-2007 school year, a  
14 district school board shall receive and review all  
15 applications for a charter school. A district school board  
16 shall receive and consider charter school applications  
17 received on or before June ~~September~~ 1 of each calendar year  
18 for charter schools to be opened at the beginning of the  
19 school district's next school year, or to be opened at a time  
20 agreed to by the applicant and the district school board. A  
21 district school board may receive applications later than this  
22 date if it chooses. A sponsor may not charge an applicant for  
23 a charter any fee for the processing or consideration of an  
24 application, and a sponsor may not base its consideration or  
25 approval of an application upon the promise of future payment  
26 of any kind.

27           1. In order to facilitate an accurate budget  
28 projection process, a district school board shall be held  
29 harmless for FTE students who are not included in the FTE  
30 projection due to approval of charter school applications  
31 after the FTE projection deadline. In a further effort to

1 facilitate an accurate budget projection, within 15 calendar  
2 days after receipt of a charter school application, a district  
3 school board or other sponsor shall report to the Department  
4 of Education the name of the applicant entity, the proposed  
5 charter school location, and its projected FTE.

6         2. In order to ensure fiscal responsibility, an  
7 application for a charter school shall include a full  
8 accounting of expected assets, a projection of expected  
9 sources and amounts of income, including income derived from  
10 projected student enrollments and from community support, and  
11 an expense projection that includes full accounting of the  
12 costs of operation, including start-up costs.

13         3. A district school board shall by a majority vote  
14 approve or deny an application no later than 60 calendar days  
15 after the application is received, unless the district school  
16 board and the applicant mutually agree in writing to  
17 temporarily postpone the vote for an additional 30 days to a  
18 specific date, at which time the district school board shall  
19 by a majority vote approve or deny the application. If the  
20 district school board fails to act on the application, an  
21 applicant may appeal to the State Board of Education as  
22 provided in paragraph (c). If an application is denied, the  
23 district school board shall, within 10 calendar days,  
24 articulate in writing the specific reasons for ~~based upon good~~  
25 ~~cause supporting~~ its denial of the charter application and  
26 must provide documentation supporting those reasons.

27         4. For budget projection purposes, the district school  
28 board or other sponsor shall report to the Department of  
29 Education the approval or denial of a charter application  
30 within 10 calendar days after such approval or denial. In the  
31 event of approval, the report to the Department of Education

1 shall include the final projected FTE for the approved charter  
2 school.

3           5. Upon approval of a charter application, the initial  
4 school year ~~startup~~ shall commence with the beginning of the  
5 public school calendar for the district in which the charter  
6 is granted unless the district school board allows a waiver of  
7 this provision ~~for good cause~~.

8           (c) An applicant may appeal any denial of that  
9 applicant's application or failure to act on an application to  
10 the State Board of Education no later than 30 calendar days  
11 after receipt of the district school board's decision or  
12 failure to act and shall notify the district school board of  
13 its appeal. Any response of the district school board shall be  
14 submitted to the State Board of Education within 30 calendar  
15 days after notification of the appeal. Upon receipt of  
16 notification from the State Board of Education that a charter  
17 school applicant is filing an appeal, the Commissioner of  
18 Education shall convene a meeting of the Charter School Appeal  
19 Commission to study and make recommendations to the State  
20 Board of Education regarding its pending decision about the  
21 appeal. The commission shall forward its recommendation to the  
22 state board no later than 7 calendar days prior to the date on  
23 which the appeal is to be heard. The State Board of Education  
24 shall by majority vote accept or reject the decision of the  
25 district school board no later than 90 calendar days after an  
26 appeal is filed in accordance with State Board of Education  
27 rule. The Charter School Appeal Commission may reject an  
28 appeal submission for failure to comply with procedural rules  
29 governing the appeals process. The rejection shall describe  
30 the submission errors. The appellant may have up to 15  
31 calendar days from notice of rejection to resubmit an appeal

1 that meets requirements of State Board of Education rule. An  
2 application for appeal submitted subsequent to such rejection  
3 shall be considered timely if the original appeal was filed  
4 within 30 calendar days after receipt of notice of the  
5 specific reasons for the district school board's denial of the  
6 charter application. The State Board of Education shall remand  
7 the application to the district school board with its written  
8 decision that the district school board approve or deny the  
9 application. The district school board shall implement the  
10 decision of the State Board of Education. The decision of the  
11 State Board of Education is not subject to the provisions of  
12 the Administrative Procedure Act, chapter 120.

13 (d) The district school board shall act upon the  
14 decision of the State Board of Education within 30 calendar  
15 days after it is received. The State Board of Education's  
16 decision is a final action subject to judicial review.

17 (e)1. A Charter School Appeal Commission is  
18 established to assist the commissioner and the State Board of  
19 Education with a fair and impartial review of appeals by  
20 applicants whose charter applications have been denied, whose  
21 charter contracts have not been renewed or have been  
22 terminated by their sponsors, or whose disputes over contract  
23 negotiations have not been resolved through mediation.

24 2. The Charter School Appeal Commission may receive  
25 copies of the appeal documents forwarded to the State Board of  
26 Education, review the documents, gather other applicable  
27 information regarding the appeal, and make a written  
28 recommendation to the commissioner. The recommendation must  
29 state whether the appeal should be upheld or denied and  
30 include the reasons for the recommendation being offered. The  
31 commissioner shall forward the recommendation to the State

1 Board of Education no later than 7 calendar days before ~~prior~~  
2 ~~to~~ the date on which the appeal is to be heard. The state  
3 board must consider the commission's recommendation in making  
4 its decision, but is not bound by the recommendation. The  
5 decision of the Charter School Appeal Commission is not  
6 subject to the provisions of the Administrative Procedure Act,  
7 chapter 120.

8           3. The commissioner shall appoint the members of the  
9 Charter School Appeal Commission. Members shall serve without  
10 compensation but may be reimbursed for travel and per diem  
11 expenses in conjunction with their service. One-half of the  
12 members must represent currently operating charter schools,  
13 and one-half of the members must represent school districts.  
14 The commissioner or a named designee shall chair the Charter  
15 School Appeal Commission.

16           4. The chair shall convene meetings of the commission  
17 and shall ensure that the written recommendations are  
18 completed and forwarded in a timely manner. In cases where the  
19 commission cannot reach a decision, the chair shall make the  
20 written recommendation with justification, noting that the  
21 decision was rendered by the chair.

22           5. Commission members shall thoroughly review the  
23 materials presented to them from the appellant and the  
24 sponsor. The commission may request information to clarify the  
25 documentation presented to it. In the course of its review,  
26 the commission may facilitate the postponement of an appeal in  
27 those cases where additional time and communication may negate  
28 the need for a formal appeal and both parties agree, in  
29 writing, to postpone the appeal to the State Board of  
30 Education. A new date certain for the appeal shall then be set  
31 based upon the rules and procedures of the State Board of

1 Education. Commission members shall provide a written  
2 recommendation to the state board as to whether the appeal  
3 should be upheld or denied. A fact-based justification for the  
4 recommendation must be included. The chair must ensure that  
5 the written recommendation is submitted to the State Board of  
6 Education members no later than 7 calendar days prior to the  
7 date on which the appeal is to be heard. Both parties in the  
8 case shall also be provided a copy of the recommendation.

9 (f) The Department of Education may provide technical  
10 assistance to an applicant upon written request.

11 (g) In considering charter applications for a lab  
12 school, a state university shall consult with the district  
13 school board of the county in which the lab school is located.  
14 The decision of a state university may be appealed pursuant to  
15 the procedure established in this subsection.

16 (h) The decision of the FCSAA may be appealed pursuant  
17 to the procedure established in this subsection.

18 ~~(i)(h)~~ The terms and conditions for the operation of a  
19 charter school shall be set forth by the sponsor and the  
20 applicant in a written contractual agreement, called a  
21 charter. The sponsor shall not impose unreasonable rules or  
22 regulations that violate the intent of giving charter schools  
23 greater flexibility to meet educational goals. The applicant  
24 and sponsor shall have 3 6 months in which to mutually agree  
25 to the provisions of the charter. The charter must be provided  
26 to the charter school at least 7 days before the date on which  
27 the charter is scheduled to be heard by the sponsor. The  
28 Department of Education shall provide mediation services for  
29 any dispute regarding this section subsequent to the approval  
30 of a charter application and for any dispute relating to the  
31 approved charter, except disputes regarding charter school

1 application denials. If the Commissioner of Education  
2 determines that the dispute cannot be settled through  
3 mediation, the dispute may be appealed to an administrative  
4 law judge appointed by the Division of Administrative  
5 Hearings. The administrative law judge may rule on issues of  
6 equitable treatment of the charter school as a public school,  
7 whether proposed provisions of the charter violate the  
8 intended flexibility granted charter schools by statute, or on  
9 any other matter regarding this section except a charter  
10 school application denial, a charter termination, or a charter  
11 nonrenewal, and shall award the prevailing party reasonable  
12 attorney's fees and costs incurred to be paid by the losing  
13 party. The costs of the administrative hearing shall be paid  
14 by the party whom the administrative law judge rules against.

15 (7) CHARTER.--The major issues involving the operation  
16 of a charter school shall be considered in advance and written  
17 into the charter. The charter shall be signed by the governing  
18 body of the charter school and the sponsor, following a public  
19 hearing to ensure community input.

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

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

24 2. The focus of the curriculum, the instructional  
25 methods to be used, any distinctive instructional techniques  
26 to be employed, and identification and acquisition of  
27 appropriate technologies needed to improve educational and  
28 administrative performance which include a means for promoting  
29 safe, ethical, and appropriate uses of technology which comply  
30 with legal and professional standards. The charter shall  
31 ensure that reading is a primary focus of the curriculum and



1 that resources are provided to identify and provide  
2 specialized instruction for students who are reading below  
3 grade level. The curriculum and instructional strategies for  
4 reading must be consistent with the Sunshine State Standards  
5 and grounded in scientifically based reading research.

6 3. The current incoming baseline standard of student  
7 academic achievement, the outcomes to be achieved, and the  
8 method of measurement that will be used. The criteria listed  
9 in this subparagraph shall include a detailed description for  
10 each of the following:

11 a. How the baseline student academic achievement  
12 levels and prior rates of academic progress will be  
13 established.

14 b. How these baseline rates will be compared to rates  
15 of academic progress achieved by these same students while  
16 attending the charter school.

17 c. To the extent possible, how these rates of progress  
18 will be evaluated and compared with rates of progress of other  
19 closely comparable student populations.

20  
21 The district school board is required to provide academic  
22 student performance data to charter schools for each of their  
23 students coming from the district school system, as well as  
24 rates of academic progress of comparable student populations  
25 in the district school system.

26 4. The methods used to identify the educational  
27 strengths and needs of students and how well educational goals  
28 and performance standards are met by students attending the  
29 charter school. Included in the methods is a means for the  
30 charter school to ensure accountability to its constituents by  
31 analyzing student performance data and by evaluating the

1 effectiveness and efficiency of its major educational  
2 programs. Students in charter schools shall, at a minimum,  
3 participate in the statewide assessment program created under  
4 s. 1008.22.

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

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

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

12           8. The ways by which the school will achieve a  
13 racial/ethnic balance reflective of the community it serves or  
14 within the racial/ethnic range of other public schools in the  
15 same school district.

16           9. The financial and administrative management of the  
17 school, including a reasonable demonstration of the  
18 professional experience or competence of those individuals or  
19 organizations applying to operate the charter school or those  
20 hired or retained to perform such professional services and  
21 the description of clearly delineated responsibilities and the  
22 policies and practices needed to effectively manage the  
23 charter school. A description of internal audit procedures and  
24 establishment of controls to ensure that financial resources  
25 are properly managed must be included. Both public sector and  
26 private sector professional experience shall be equally valid  
27 in such a consideration.

28           10. The asset and liability projections required in  
29 the application which are incorporated into the charter and  
30 which shall be compared with information provided in the  
31 annual report of the charter school. The charter shall ensure

1 that, if a charter school internal audit reveals a deficit  
2 financial position, the auditors are required to notify the  
3 charter school governing board, the sponsor, and the  
4 Department of Education. The internal auditor shall report  
5 such findings in the form of an exit interview to the  
6 principal or the principal administrator of the charter school  
7 and the chair of the governing board within 7 working days  
8 after finding the deficit position. A final report shall be  
9 provided to the entire governing board, the sponsor, and the  
10 Department of Education within 14 working days after the exit  
11 interview.

12       11. A description of procedures that identify various  
13 risks and provide for a comprehensive approach to reduce the  
14 impact of losses; plans to ensure the safety and security of  
15 students and staff; plans to identify, minimize, and protect  
16 others from violent or disruptive student behavior; and the  
17 manner in which the school will be insured, including whether  
18 or not the school will be required to have liability  
19 insurance, and, if so, the terms and conditions thereof and  
20 the amounts of coverage.

21       12. The term of the charter which shall provide for  
22 cancellation of the charter if insufficient progress has been  
23 made in attaining the student achievement objectives of the  
24 charter and if it is not likely that such objectives can be  
25 achieved before expiration of the charter. The initial term of  
26 a charter shall be for ~~3, 4, or~~ 5 years. In order to  
27 facilitate access to long-term financial resources for charter  
28 school construction, charter schools that are operated by a  
29 municipality or other public entity as provided by law are  
30 eligible for up to a 15-year charter, subject to approval by  
31 the district school board. A charter lab school is eligible

1 for a charter for a term of up to 15 years. In addition, to  
2 facilitate access to long-term financial resources for charter  
3 school construction, charter schools that are operated by a  
4 private, not-for-profit, s. 501(c)(3) status corporation are  
5 eligible for up to a 10-year charter, subject to approval by  
6 the district school board. Such long-term charters remain  
7 subject to annual review and may be terminated during the term  
8 of the charter, but only in accordance with ~~for specific good~~  
9 ~~cause according to the provisions set forth in~~ subsection (8).

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

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

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

17 16. A timetable for implementing the charter which  
18 addresses the implementation of each element thereof and the  
19 date by which the charter shall be awarded in order to meet  
20 this timetable.

21 17. If ~~In the case of~~ an existing public school is  
22 being converted to charter status, alternative arrangements  
23 for current students who choose not to attend the charter  
24 school and for current teachers who choose not to teach in the  
25 charter school after conversion in accordance with the  
26 existing collective bargaining agreement or district school  
27 board rule in the absence of a collective bargaining  
28 agreement. However, alternative arrangements shall not be  
29 required for current teachers who choose not to teach in a  
30 charter lab school, except as authorized by the employment  
31

1 policies of the state university which grants the charter to  
2 the lab school.

3 (b) A charter may be renewed ~~every 5 school years,~~  
4 provided that a program review demonstrates that the criteria  
5 in paragraph (a) have been successfully accomplished and that  
6 none of the grounds for nonrenewal established by paragraph  
7 (8)(a) has been documented. In order to facilitate long-term  
8 financing for charter school construction, a charter school  
9 that operates ~~charter schools operating~~ for a minimum of 2  
10 years and demonstrates ~~demonstrating~~ exemplary academic  
11 programming and fiscal management must be granted ~~are eligible~~  
12 ~~for~~ a 15-year charter renewal. Such a long-term charter is  
13 subject to annual review and may be terminated during the term  
14 of the charter.

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

16 (a) At the end of the term of a charter, the sponsor  
17 may choose not to renew the charter for any of the following  
18 grounds:

19 1. Failure to participate in the state's education  
20 accountability system created in s. 1008.31, as required in  
21 this section, or failure to meet the requirements for student  
22 performance stated in the charter.

23 2. Failure to meet generally accepted standards of  
24 fiscal management.

25 3. Violation of law.

26 4. A threat to the health, safety, or welfare of the  
27 students, as determined by the sponsor ~~Other good cause shown.~~

28 (c) At least 90 days before ~~prior to~~ renewing or  
29 terminating a charter, the sponsor shall notify the governing  
30 body of the school of the proposed action in writing. The  
31 notice must ~~shall~~ state in reasonable detail the grounds for

1 | the proposed action and stipulate that the school's governing  
2 | body may, within 14 calendar days after receiving the notice,  
3 | request an informal hearing before the sponsor. The sponsor  
4 | shall conduct the informal hearing within 30 calendar days  
5 | after receiving a written request. The charter school's  
6 | governing body may, within 14 calendar days after receiving  
7 | the sponsor's decision to terminate or refuse to renew the  
8 | charter, appeal the decision pursuant to the procedure  
9 | established in subsection (6).

10 |         (d) A charter may be terminated immediately if the  
11 | sponsor determines that ~~good cause has been shown or~~ if the  
12 | health, safety, or welfare of the students is threatened. The  
13 | school district in which the charter school is located shall  
14 | assume operation of the school under these circumstances. The  
15 | charter school's governing board may, within 14 days after  
16 | receiving the sponsor's decision to terminate the charter,  
17 | appeal the decision pursuant to the procedure established in  
18 | subsection (6).

19 |         (e) When a charter is not renewed or is terminated,  
20 | the school shall be dissolved under the provisions of law  
21 | under which the school was organized, and any unencumbered  
22 | public funds, except for capital outlay funds, from the  
23 | charter school shall revert to the district school board.  
24 | Capital outlay funds provided pursuant to s. 1013.62 that are  
25 | unencumbered shall revert to the department to be  
26 | redistributed among eligible charter schools. If ~~In the event~~  
27 | a charter school is dissolved or is otherwise terminated, all  
28 | district school board property and improvements, furnishings,  
29 | and equipment purchased with public funds shall automatically  
30 | revert to full ownership by the district school board, subject  
31 | to complete satisfaction of any lawful liens or encumbrances.

1 Any unencumbered public funds from the charter school,  
2 district school board property and improvements, furnishings,  
3 and equipment purchased with public funds, or financial or  
4 other records pertaining to the charter school, in the  
5 possession of any person, entity, or holding company, other  
6 than the charter school, shall be held in trust upon the  
7 district school board's request, until any appeal status is  
8 resolved.

9 (9) CHARTER SCHOOL REQUIREMENTS.--

10 (h) An ~~No~~ organization may not ~~shall~~ hold more than 25  
11 15 charters statewide.

12 (i) In order to provide financial information that is  
13 comparable to that reported for other public schools, charter  
14 schools are to maintain all financial records that ~~which~~  
15 constitute their accounting system:

16 1. In accordance with the accounts and codes  
17 prescribed in the most recent issuance of the publication  
18 titled "Financial and Program Cost Accounting and Reporting  
19 for Florida Schools"; or

20 2. At the discretion of the charter school governing  
21 board, a charter school may elect to follow generally accepted  
22 accounting standards for not-for-profit organizations, but  
23 must reformat this information for reporting according to this  
24 paragraph.

25  
26 Charter schools are to provide annual financial report and  
27 program cost report information in the state-required formats  
28 for inclusion in district reporting in compliance with s.  
29 1011.60(1). Charter schools that are operated by a  
30 municipality or are a component unit of a parent nonprofit  
31 organization may use the accounting system of the municipality

1 or the parent but must reformat this information for reporting  
2 according to this paragraph.

3 (17) FUNDING.--Students enrolled in a charter school,  
4 regardless of the sponsorship, shall be funded as if they are  
5 in a basic program or a special program, the same as students  
6 enrolled in other public schools in the school district.  
7 Funding for a charter lab school shall be as provided in s.  
8 1002.32.

9 (d) District school boards shall make ~~every effort to~~  
10 ~~ensure that charter schools receive~~ timely and efficient  
11 payment and reimbursement to charter schools, including  
12 processing paperwork required to access special state and  
13 federal funding for which they may be eligible. The district  
14 school board may distribute funds to a charter school for up  
15 to 3 months based on the projected full-time equivalent  
16 student membership of the charter school. Thereafter, the  
17 results of full-time equivalent student membership surveys  
18 shall be used in adjusting the amount of funds distributed  
19 monthly to the charter school for the remainder of the fiscal  
20 year. The payment shall be issued no later than 10 working  
21 days after the district school board receives a distribution  
22 of state or federal funds. If a warrant for payment is not  
23 issued within 10 ~~30~~ working days after receipt of funding by  
24 the district school board, the school district shall pay to  
25 the charter school, in addition to the amount of the scheduled  
26 disbursement, interest at a rate of 5 ~~1~~ percent per month  
27 calculated on a daily basis on the unpaid balance from the  
28 expiration of the 10-day ~~30-day~~ period until ~~such time as~~ the  
29 warrant is issued. Failure of the school district to make  
30 timely payments and reimbursements may result in the  
31



1 Commissioner of Education's withholding the distribution of  
2 additional funds to the school district.

3 (18) FACILITIES.--

4 (a) A charter school shall use ~~utilize~~ facilities that  
5 ~~which~~ comply with the Florida Building Code pursuant to  
6 chapter 553 except for the State Requirements for Educational  
7 Facilities. Charter schools need ~~are not required to~~ comply,  
8 but may choose to comply, with the State Requirements for  
9 Educational Facilities of the Florida Building Code adopted  
10 under ~~pursuant to~~ s. 1013.37. The local governing authority  
11 may ~~shall~~ not adopt or impose local building requirements or  
12 restrictions that are more stringent than those found in the  
13 Florida Building Code. The agency having jurisdiction for  
14 inspection of a facility and issuance of a certificate of  
15 occupancy shall be the local municipality or, if in an  
16 unincorporated area, the county governing authority.

17 (d) Charter school facilities are exempt from  
18 assessments of fees for building permits, except as provided  
19 in s. 553.80, and for building and occupational licenses and  
20 from assessments of impact fees or service availability fees.

21 (e) If a district school board facility or property is  
22 available because it is surplus, marked for disposal, or  
23 otherwise unused, it shall be provided for a charter school's  
24 use on the same basis as it is made available to other public  
25 schools in the district. A charter school receiving property  
26 from the school district may not sell or dispose of such  
27 property without written permission of the school district.  
28 Similarly, for an existing public school converting to charter  
29 status, no rental or leasing fee for the existing facility or  
30 for the property normally inventoried to the conversion school  
31 may be charged by the district school board to the parents and

1 teachers organizing the charter school. The charter school  
2 ~~must~~ ~~organizers shall~~ agree to reasonable maintenance  
3 provisions in order to maintain the facility in a manner  
4 similar to district school board standards. The Public  
5 Education Capital Outlay maintenance funds or any other  
6 maintenance funds generated by the facility operated as a  
7 conversion school shall remain with the conversion school.

8 (20) SERVICES.--

9 (a) A sponsor shall provide certain administrative and  
10 educational services to charter schools. These services shall  
11 include contract management services; full-time equivalent and  
12 data reporting services; exceptional student education  
13 administration and evaluation services; such eligibility and  
14 reporting duties as are required to ensure school lunch  
15 services, consistent with the needs of charter school  
16 students; test administration services, including payment of  
17 the costs of state-required or district-required student  
18 assessments; processing of teacher certificate data services;  
19 and information services, including equal access to student  
20 information systems that are used by public schools in the  
21 district in which the charter school is located. A total  
22 administrative fee for the provision of such services shall be  
23 calculated based upon 5 percent of the available funds defined  
24 in paragraph (17)(b) for all students. However, a sponsor may  
25 only withhold a 5-percent administrative fee for enrollment  
26 for up to and including 500 students. For a charter school  
27 that has ~~charter schools with~~ a population of 501 or more  
28 students, the difference between the total administrative fee  
29 calculation and the amount of the administrative fee withheld  
30 may ~~only~~ be used only for capital outlay purposes specified in  
31 s. 1013.62(2). Sponsors shall not charge charter schools any

1 additional fees or surcharges for administrative and  
2 educational services in addition to the 5-percent  
3 administrative fee withheld pursuant to this paragraph. The  
4 Department of Education shall conduct a study of the  
5 administrative fee withheld by the sponsor. The study must  
6 include, but is not limited to, the total amount of the funds  
7 withheld, the number of charter school students served, and  
8 the services provided. By December 1, 2005, the department  
9 shall report its findings to the Governor, the President of  
10 the Senate, the Speaker of the House of Representatives, and  
11 the Commissioner of Education.

12 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The  
13 Department of Education shall provide information to the  
14 public, directly and through sponsors, both on how to form and  
15 operate a charter school and on how to enroll in charter  
16 schools once they are created. This information shall include  
17 a standard application format, charter format, and charter  
18 renewal format, which ~~must shall~~ include the information  
19 specified in subsection (7). These formats shall be used as  
20 guidelines by charter school sponsors. This application format  
21 ~~may be used by chartering entities.~~

22 (22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE  
23 REVIEW.--

24 (a) The Department of Education shall staff and  
25 regularly convene a Charter School Review Panel in order to  
26 review issues, practices, and policies regarding charter  
27 schools. The composition of the review panel shall include  
28 individuals with experience in finance, administration, law,  
29 education, and school governance, and individuals familiar  
30 with charter school construction and operation. The panel  
31 shall include two appointees each from the Commissioner of

1 Education, the President of the Senate, and the Speaker of the  
2 House of Representatives. The Governor shall appoint three  
3 members of the panel and shall designate the chair. Each  
4 member of the panel shall serve a 1-year term, unless renewed  
5 by the office making the appointment. The panel shall make  
6 recommendations to the Legislature, to the Department of  
7 Education, to charter schools, and to school districts for  
8 improving charter school operations and oversight and for  
9 ensuring best business practices at and fair business  
10 relationships with charter schools.

11 (b) The Legislature shall review the operation of  
12 charter schools during the 2010 ~~2005~~ Regular Session of the  
13 Legislature.

14 (24) FLORIDA CHARTER SCHOOL ACCOUNTABILITY  
15 AUTHORITY.--

16 (a) Responsibilities.--The Florida Charter School  
17 Accountability Authority (FCSAA) is a component of the  
18 delivery of public education within the K-20 education system  
19 in this state and shall be funded through the Department of  
20 Education. Unless otherwise provided by law, the authority  
21 shall comply with all laws and rules applicable to state  
22 agencies. The authority shall report to the State Board of  
23 Education and the Chancellor for K-12 Public Schools, as  
24 required.

25 (b) Mission.--The mission of the FCSAA is to encourage  
26 and facilitate innovation, educational excellence, and high  
27 standards of financial and educational accountability for  
28 charter schools in this state.

29 (c) Board of Trustees of the Florida Charter School  
30 Accountability Authority.--There is created a Board of  
31 Trustees of the Florida Charter School Accountability

1 Authority which shall consist of nine members, three of whom  
2 are appointed by the Governor, two of whom are appointed by  
3 the President of the Senate, two of whom are appointed by the  
4 Speaker of the House of Representatives, and two of whom are  
5 appointed by the Commissioner of Education. The Governor shall  
6 designate one of the Governor's appointees to act as chair of  
7 the FCSAA. The Governor may remove any member for cause, and a  
8 vacancy shall be filled by the entity that first made the  
9 appointment.

10 1. Each member of the authority must:

11 a. Have had experience as a charter school board  
12 member or founder of a charter school;

13 b. Have been a public school administrator with  
14 experience working with charter schools;

15 c. Have had experience in financial management;

16 d. Have detailed knowledge of charter school law;

17 e. Have had experience as a public school teacher;

18 f. Have school district special education expertise;

19 or

20 g. Have expertise in curriculum and assessment.

21 3. Each member of the board shall be appointed to  
22 serve a term of 2 years.

23 4. The FCSAA Board of Trustees shall hold public  
24 meetings at least quarterly. Additional meetings may be called  
25 by the chair or upon the request of three members of the  
26 authority. Five members of the board constitute a quorum. The  
27 FCSAA Board of Trustees shall employ an executive director and  
28 staff. The board shall at all times act in accordance with the  
29 rules of the State Board of Education.

30 5. The FCSAA shall establish regional offices as  
31 necessary to accomplish the duties and functions of the board,

1 including coordination and collaboration with the district  
2 school boards.

3 (d) Duties.--The FCSAA shall:

4 1. Develop, promote, and disseminate best practices  
5 and provide technical assistance to charter schools and  
6 charter school sponsors.

7 2. Develop, promote, and disseminate high standards of  
8 financial and educational accountability.

9 3. Oversee and establish charter schools under this  
10 section.

11 4. Deliver to the Department of Education accurate  
12 information about subjects including, but not limited to, best  
13 practices, financial management and charter school budgets,  
14 student performance and assessment, and accountability  
15 standards. This information must be included on the  
16 department's website for charter schools.

17 5. Be designated as a local educational agency.

18 6. Annually review and evaluate the performance of  
19 charter schools authorized by the FCSAA and measure the  
20 charter schools' compliance with the terms and requirements of  
21 their respective charters. This review and evaluation must  
22 include, but is not limited to, an assessment of student  
23 achievement in the various charter schools.

24 7. Direct charter schools and persons who seek to  
25 establish charter schools to sources of private, state, and  
26 federal funding and grant opportunities.

27 8. Have the authority to adopt rules under ss.  
28 120.536(1) and 120.54.

29 9. Have the authority to contract for services with  
30 the school district at a rate no greater than the district's  
31

1 actual cost unless a different rate is mutually agreed to by  
2 the parties.

3 (e) Funding.--

4 1. The authority may receive and expend gifts, grants,  
5 and donations of any kind from any public or private entity to  
6 carry out the purposes of this section, subject to the terms  
7 and conditions under which the gifts, grants, and donations  
8 are given; however, a gift, grant, or donation may not be  
9 accepted if the terms and conditions attached thereto are  
10 contrary to law.

11 2. The authority need not commence operations  
12 necessary to receive applications until there is at least  
13 \$100,000 in the fund, whether received from gifts, grants,  
14 donations, or other sources.

15 3. The authority may retain up to 5 percent of the  
16 available funds as defined in paragraph (17)(b) as an  
17 administrative fee for services provided.

18 ~~(25)(24)~~ RULEMAKING.--The Department of Education,  
19 after consultation with school districts and charter school  
20 directors, shall recommend that the State Board of Education  
21 adopt rules to implement specific subsections of this section.  
22 Such rules shall require minimum paperwork and shall not limit  
23 charter school flexibility authorized by statute.

24 Section 2. Subsection (2) of section 1012.74, Florida  
25 Statutes, is amended to read:

26 1012.74 Florida educators professional liability  
27 insurance protection.--

28 (2)(a) Educator professional liability coverage for  
29 all instructional personnel, including instructional personnel  
30 in charter schools, as defined by s. 1012.01(2), who are  
31 full-time personnel, as defined by the district school board

1 policy, shall be provided by specific appropriations under the  
2 General Appropriations Act.

3 (b) Educator professional liability coverage shall be  
4 extended at cost to all instructional personnel, including  
5 instructional personnel in charter schools, as defined by s.  
6 1012.01(2), who are part-time personnel, as defined by the  
7 district school board policy, and choose to participate in the  
8 state-provided program.

9 (c) Educator professional liability coverage shall be  
10 extended at cost to all administrative personnel, including  
11 administrative personnel in charter schools, as defined by s.  
12 1012.01(3), who choose to participate in the state-provided  
13 program.

14 Section 3. This act shall take effect July 1, 2005.  
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SENATE SUMMARY

1 Provides that a charter school may be formed by  
2 reconstituting an existing charter school. Amends the  
3 list of allowable purposes for charter schools.  
4 Authorizes the Florida Charter School Accountability  
5 Authority (FCSAA) to be a charter school sponsor.  
6 Provides for the sponsor's policies to apply to a charter  
7 school by mutual agreement. Amends provisions relating to  
8 postponing the deadline for the school board's vote on  
9 approving an applicant for a charter. Provides for the  
10 appeal of an FCSAA decision. Revises application  
11 deadlines and procedures. Provides limitations on matters  
12 that are subject to the ruling of an administrative law  
13 judge. Sets the permissible term of a charter at 5 years,  
14 rather than "3, 4, or 5 years". Requires, rather than  
15 merely allowing, that a charter renewal be granted to a  
16 charter school that meets specified conditions. Revises  
17 the list of causes for nonrenewal or termination of a  
18 charter. Increases from 15 to 25 the number of charters  
19 that an organization may hold statewide. Requires  
20 district school boards to make timely and efficient  
21 payment and reimbursement to charter schools. Tightens  
22 deadlines and increases administrative penalties for the  
23 failure to make such reimbursements. Exempts charter  
24 school facilities from the assessment of occupational  
25 license fees. Revises the list of services that a sponsor  
26 must provide. Requires the Department of Education to  
27 conduct a study of the administrative fee withheld by the  
28 sponsors and to submit a report, as specified. Requires  
29 the department to provide to the public information on a  
30 charter format and a charter renewal format, as well as  
31 an application format, to be used by sponsors as  
guidelines. Creates the Florida Charter School  
Accountability Authority. Provides for the funding,  
administration, mission, and duties of the authority.  
Creates the Board of Trustees of the Florida Charter  
School Accountability Authority. Provides for board  
membership, qualifications, and meetings and for regional  
offices to assist the board. Provides for the FCSAA to  
accept funding from various sources. Delays FCSAA  
activation until the amount of accrued funding reaches  
\$100,000. Authorizes the FCSAA to retain a 5-percent  
administrative fee. Provides to instructional and  
administrative personnel in charter schools the option of  
obtaining educator professional liability coverage at  
cost.