

FOR CONSIDERATION By the Committee on Education

581-359B-05

1 A bill to be entitled

2 An act relating to charter schools; amending s.

3 218.39, F.S.; requiring that a charter school

4 be notified of certain deteriorating financial

5 conditions; amending s. 1002.32, F.S.;

6 clarifying that charter laboratory schools are

7 included within provisions governing other

8 developmental research schools; deleting

9 obsolete provisions; amending s. 1002.33, F.S.;

10 requiring sponsors of charter schools to

11 implement specified policies and procedures by

12 the effective date of the act; providing

13 additional obligations of the sponsor; revising

14 requirements for the sponsor in monitoring a

15 charter school; requiring that the sponsor

16 conduct an annual review of the charter school;

17 requiring that the director and representative

18 of the school's governing board appear before

19 the sponsor under certain circumstances;

20 providing duties of the chief executive officer

21 of the sponsor; requiring that a charter school

22 review its achievement after its first full

23 year of operation and propose revisions to the

24 charter for consideration by the district

25 school board; requiring that the Department of

26 Education conduct an annual survey of the

27 governing boards of charter schools and report

28 the results to the State Board of Education;

29 revising application requirements; prohibiting

30 a sponsor from approving an application unless

31 it meets the requirements of the State Board of

1 Education; requiring that the district school
2 board notify the Department of Education of a
3 denial of a charter application; deleting
4 provisions providing for the review of certain
5 disputes by the Charter School Appeal
6 Commission; requiring that the department offer
7 or arrange for training and technical
8 assistance for applicants; decreasing the
9 period provided for an applicant and sponsor to
10 agree on the provisions of the charter;
11 providing requirements for mediation; providing
12 requirements for the application for a charter
13 school; revising provisions specifying issues
14 for inclusion in a charter; requiring that a
15 charter school file a financial-recovery plan
16 with the district school board after a finding
17 of a state of financial emergency; specifying
18 circumstances under which the sponsor is
19 required to not renew or to terminate the
20 charter; providing requirements for the sponsor
21 if the charter is terminated; requiring
22 applicants for a charter school to register
23 with the Department of Education; requiring
24 that the department maintain certain
25 information concerning charter schools;
26 requiring the department to develop an annual
27 financial report for use by charter schools,
28 along with guidelines; providing reporting and
29 monitoring requirements for the governing body
30 of a charter school; requiring that the sponsor
31 be an advocate for the charter school in

1 matters relating to interpretations of the fire
2 code; authorizing the State Board of Education
3 to adopt rules and enforce the provisions
4 governing charter schools; requiring that the
5 department provide or arrange for the provision
6 of specified assistance to potential
7 applicants, sponsors, charter schools, and
8 school district personnel; deleting provisions
9 establishing the Charter School Review Panel;
10 requiring the department to develop
11 financial-management indicators for use by
12 sponsors; requiring the department to include
13 information concerning schools at risk in an
14 annual report; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (5) of section 218.39, Florida
19 Statutes, is amended to read:

20 218.39 Annual financial audit reports.--

21 (5) At the conclusion of the audit, the auditor shall
22 discuss with the chair of each local governmental entity or
23 the chair's designee, or with the elected official of each
24 county agency or with the elected official's designee, or with
25 the chair of the district school board or the chair's
26 designee, or with the chair of the board of the charter school
27 or the chair's designee, or with the chair of the charter
28 technical career center or the chair's designee, as
29 appropriate, all of the auditor's comments that will be
30 included in the audit report. If the officer is not available
31 to discuss the auditor's comments, their discussion is

1 | presumed when the comments are delivered in writing to his or
2 | her office. The auditor shall notify each member of the
3 | governing body of a local governmental entity, ~~or~~ district
4 | school board, or charter school for which deteriorating
5 | financial conditions exist that may cause a condition
6 | described in s. 218.503(1) to occur if actions are not taken
7 | to address such conditions.

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

10 | 1002.32 Developmental research (laboratory) schools.--

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

13 | (c) All operating funds provided under this section
14 | shall be deposited in a Lab School Trust Fund and shall be
15 | expended for the purposes of this section. The university
16 | assigned a lab school or charter lab school shall be the
17 | fiscal agent for these funds, and all rules of the university
18 | governing the budgeting and expenditure of state funds shall
19 | apply to these funds unless otherwise provided by law or rule
20 | of the State Board of Education. The university board of
21 | trustees shall be the public employer of lab school personnel
22 | for collective bargaining purposes for lab schools ~~in~~
23 | ~~operation prior to the 2002-2003 fiscal year.~~ Employees of
24 | charter lab schools ~~authorized prior to June 1, 2003, but not~~
25 | ~~in operation prior to the 2002-2003 fiscal year~~ shall be
26 | employees of the entity holding the charter and must comply
27 | with the provisions of s. 1002.33(12). Lab schools are not
28 | subject to the payment of overhead or indirect costs as
29 | described in s. 216.346.

30 | Section 3. Section 1002.33, Florida Statutes, is
31 | amended to read:

1 1002.33 Charter schools.--

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

9 (2) GUIDING PRINCIPLES; PURPOSE.--

10 (a) Charter schools in Florida shall be guided by the
11 following principles:

12 1. Meet high standards of student achievement while
13 providing parents flexibility to choose among diverse
14 educational opportunities within the state's public school
15 system.

16 2. Promote enhanced academic success and financial
17 efficiency by aligning responsibility with accountability.

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

22 (b) Charter schools shall fulfill the following
23 purposes:

24 1. Improve student learning and academic achievement.

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

27 3. Create new professional opportunities for teachers,
28 including ownership of the learning program at the school
29 site.

30 4. Encourage the use of innovative learning methods.

31 5. Require the measurement of learning outcomes.

1 (c) Charter schools may fulfill the following
2 purposes:

- 3 1. Create innovative measurement tools.
- 4 2. Provide rigorous competition within the public
5 school district to stimulate continual improvement in all
6 public schools.
- 7 3. Expand the capacity of the public school system.
- 8 4. Mitigate the educational impact created by the
9 development of new residential dwelling units.

10 (3) APPLICATION FOR CHARTER STATUS.--

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

15 (b) An application for a conversion charter school
16 shall be made by the district school board, the principal,
17 teachers, parents, and/or the school advisory council at an
18 existing public school that has been in operation for at least
19 2 years prior to the application to convert, including a
20 public school-within-a-school that is designated as a school
21 by the district school board. An application submitted
22 proposing to convert an existing public school to a charter
23 school shall demonstrate the support of at least 50 percent of
24 the teachers employed at the school and 50 percent of the
25 parents voting whose children are enrolled at the school,
26 provided that a majority of the parents eligible to vote
27 participate in the ballot process, according to rules adopted
28 by the State Board of Education. A district school board
29 denying an application for a conversion charter school shall
30 provide notice of denial to the applicants in writing within
31 30 days after the meeting at which the district school board

1 denied the application. The notice must specify the exact
2 reasons for denial and must provide documentation supporting
3 those reasons. A private school, parochial school, or home
4 education program shall not be eligible for charter school
5 status.

6 (4) UNLAWFUL REPRISAL.--

7 (a) No district school board, or district school board
8 employee who has control over personnel actions, shall take
9 unlawful reprisal against another district school board
10 employee because that employee is either directly or
11 indirectly involved with an application to establish a charter
12 school. As used in this subsection, the term "unlawful
13 reprisal" means an action taken by a district school board or
14 a school system employee against an employee who is directly
15 or indirectly involved in a lawful application to establish a
16 charter school, which occurs as a direct result of that
17 involvement, and which results in one or more of the
18 following: disciplinary or corrective action; adverse transfer
19 or reassignment, whether temporary or permanent; suspension,
20 demotion, or dismissal; an unfavorable performance evaluation;
21 a reduction in pay, benefits, or rewards; elimination of the
22 employee's position absent of a reduction in workforce as a
23 result of lack of moneys or work; or other adverse significant
24 changes in duties or responsibilities that are inconsistent
25 with the employee's salary or employment classification. The
26 following procedures shall apply to an alleged unlawful
27 reprisal that occurs as a consequence of an employee's direct
28 or indirect involvement with an application to establish a
29 charter school:

30 1. Within 60 days after the date upon which a reprisal
31 prohibited by this subsection is alleged to have occurred, an

1 employee may file a complaint with the Department of
2 Education.

3 2. Within 3 working days after receiving a complaint
4 under this section, the Department of Education shall
5 acknowledge receipt of the complaint and provide copies of the
6 complaint and any other relevant preliminary information
7 available to each of the other parties named in the complaint,
8 which parties shall each acknowledge receipt of such copies to
9 the complainant.

10 3. If the Department of Education determines that the
11 complaint demonstrates reasonable cause to suspect that an
12 unlawful reprisal has occurred, the Department of Education
13 shall conduct an investigation to produce a fact-finding
14 report.

15 4. Within 90 days after receiving the complaint, the
16 Department of Education shall provide the district school
17 superintendent of the complainant's district and the
18 complainant with a fact-finding report that may include
19 recommendations to the parties or a proposed resolution of the
20 complaint. The fact-finding report shall be presumed
21 admissible in any subsequent or related administrative or
22 judicial review.

23 5. If the Department of Education determines that
24 reasonable grounds exist to believe that an unlawful reprisal
25 has occurred, is occurring, or is to be taken, and is unable
26 to conciliate a complaint within 60 days after receipt of the
27 fact-finding report, the Department of Education shall
28 terminate the investigation. Upon termination of any
29 investigation, the Department of Education shall notify the
30 complainant and the district school superintendent of the
31 termination of the investigation, providing a summary of

1 relevant facts found during the investigation and the reasons
2 for terminating the investigation. A written statement under
3 this paragraph is presumed admissible as evidence in any
4 judicial or administrative proceeding.

5 6. The Department of Education shall either contract
6 with the Division of Administrative Hearings under s. 120.65,
7 or otherwise provide for a complaint for which the Department
8 of Education determines reasonable grounds exist to believe
9 that an unlawful reprisal has occurred, is occurring, or is to
10 be taken, and is unable to conciliate, to be heard by a panel
11 of impartial persons. Upon hearing the complaint, the panel
12 shall make findings of fact and conclusions of law for a final
13 decision by the Department of Education.

14
15 It shall be an affirmative defense to any action brought
16 pursuant to this section that the adverse action was
17 predicated upon grounds other than, and would have been taken
18 absent, the employee's exercise of rights protected by this
19 section.

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

24 1. Reinstatement of the employee to the same position
25 held before the unlawful reprisal was commenced, or to an
26 equivalent position, or payment of reasonable front pay as
27 alternative relief.

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

30
31

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

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

8 5. Issuance of an injunction, if appropriate, by a
9 court of competent jurisdiction.

10 6. Temporary reinstatement to the employee's former
11 position or to an equivalent position, pending the final
12 outcome of the complaint, if it is determined that the action
13 was not made in bad faith or for a wrongful purpose, and did
14 not occur after a district school board's initiation of a
15 personnel action against the employee that includes
16 documentation of the employee's violation of a disciplinary
17 standard or performance deficiency.

18 (5) SPONSOR; DUTIES.--

19 (a) Sponsoring entities.--

20 1. A district school board may sponsor a charter
21 school in the county over which the district school board has
22 jurisdiction.

23 2. A state university may grant a charter to a lab
24 school created under s. 1002.32 and shall be considered to be
25 the school's sponsor. Such school shall be considered a
26 charter lab school.

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

1 a. An organizational structure and committed human and
2 financial resources necessary for conducting its sponsorship
3 duties efficiently;

4 b. A comprehensive application process that follows
5 fair procedures and rigorous criteria and grants a charter
6 only to those developers who demonstrate a strong capacity for
7 establishing and operating a quality charter school;

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

13 d. A process for efficient and effective contract
14 oversight which evaluates performance, monitors compliance,
15 informs intervention and renewal decisions, and ensures that
16 autonomy is provided under applicable law;

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

19 f. A process to advocate for charter schools in
20 dealing with local fire marshals when facilities are being
21 reviewed for compliance with the fire code.

22 (b) Sponsor duties.--

23 1. It is the obligation of the sponsor to participate
24 in the application and review and approval process of a
25 charter contract with good faith effort, fairness, due
26 diligence, and quality in order to further the establishment
27 and future operations of quality charter schools. Quality
28 charter schools provide parents with another option for public
29 school choice which best meets the needs of their child; thus
30 there is the likelihood of increased student achievement. The
31 sponsor shall monitor and review the charter school in its

1 progress toward meeting the terms of its application and
2 charter as defined in subsection (6) ~~the goals established in~~
3 the charter.

4 2. Beginning with the 2005-2006 school year, at a
5 minimum, the sponsor shall conduct an annual review by July 1
6 of each year to ascertain whether the terms of the contract
7 are being met. The sponsor shall notify in writing, by July
8 15, the charter school board of trustees and the director of
9 the results of the review for each contract component. The
10 sponsor shall specifically notify the board and the director
11 of any potential issues that may jeopardize the future renewal
12 of the charter, specifically identify contract issues, and
13 recommend strategies for corrective action by the school to
14 resolve the issues. The sponsor shall also certify to the
15 State Board of Education annually whether the charter school
16 is meeting the performance expectations established in its
17 charter.

18 3. The director and a representative of the governing
19 board of a charter school graded "D" or "F" shall appear
20 before the sponsor at a formal school board meeting or state
21 university trustee board meeting at least twice a year to
22 present information concerning each contract component having
23 noted deficiencies and to address corrective strategies that
24 are being implemented by the school. The sponsor shall
25 communicate at the meeting, and in writing to the director,
26 the services provided to the school to help the school address
27 its deficiencies.

28 4. The chief executive officer of the sponsoring
29 entity must certify in writing to its governing board that a
30 quality, fair, and judicious review of the application or
31 charter was conducted. The sponsoring entity must consider the

1 certification of a quality review in its proceedings to
2 approve, amend, or deny an application or charter. The chief
3 executive officer must include the following components in the
4 certification demonstrating that a quality, fair, and
5 judicious review was completed regarding:

6 a. A 5-year financial plan that contains anticipated
7 fund balances based on revenue projections and sources, a
8 spending plan based on projected revenues and expenses, and a
9 description of controls that will safeguard finances and
10 projected enrollment trends. The plan must be an accurate and
11 detailed description of the school's proposed budget and
12 fiscal plan.

13 b. A detailed curriculum plan that illustrates how
14 students will be provided services to attain the Sunshine
15 State Standards. The plan must include the focus of the
16 curriculum, the instructional methods to be used, any
17 distinctive instructional techniques to be employed, and an
18 identification and acquisition of appropriate technologies
19 needed to improve educational and administrative performance,
20 including a means for promoting safe, ethical, and appropriate
21 uses of technology which comply with legal and professional
22 standards. The curriculum and instructional strategies for
23 reading must be consistent with the Sunshine State Standards
24 and grounded in scientifically based reading research.

25 c. The inclusion of goals and objectives for improving
26 student learning and measuring that improvement. These goals
27 and objectives must indicate the degree of academic
28 improvement students are expected to show each year, how
29 success will be evaluated, and the specific results to be
30 attained through instruction.

31

1 d. A plan to ensure that reading is a primary focus of
2 the curriculum and that resources are provided to identify and
3 provide specialized instruction for students who are reading
4 below grade level. The plan must describe the reading
5 curriculum and differentiated strategies that will be used for
6 students reading at grade level or higher and a separate
7 curriculum and strategies for students who are reading below
8 grade level. A sponsor shall deny a charter if the school does
9 not propose a reading curriculum that is consistent with
10 effective teaching strategies that are grounded in
11 scientifically based reading research.

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

22 5. After a newly opened charter school completes a
23 full school year of operation, it must review the projected
24 outcomes of achievement in its charter and propose revisions
25 if the student population is significantly different than
26 anticipated in its original charter. The district school board
27 must consider the school's proposal to revise the charter.

28 ~~6.2.~~ The sponsor shall monitor at least on a quarterly
29 basis the revenues and expenditures of the charter school.

30 ~~7.3.~~ The sponsor may approve a charter for a charter
31 school before the applicant has secured space, equipment, or

1 personnel, if the applicant indicates approval is necessary
2 for it to raise working capital.

3 ~~8.4.~~ The sponsor's policies shall not apply to a
4 charter school.

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

8 ~~10.6.~~ The sponsor shall ensure that the charter school
9 participates in the state's education accountability system.

10 If a charter school falls short of performance measures
11 included in the approved charter, the sponsor shall report
12 such shortcomings to the Department of Education.

13
14 A community college may work with the school district or
15 school districts in its designated service area to develop
16 charter schools that offer secondary education. These charter
17 schools must include an option for students to receive an
18 associate degree upon high school graduation. District school
19 boards shall cooperate with and assist the community college
20 on the charter application. Community college applications for
21 charter schools are not subject to the time deadlines outlined
22 in subsection (6) and may be approved by the district school
23 board at any time during the year. Community colleges shall
24 not report FTE for any students who receive FTE funding
25 through the Florida Education Finance Program.

26 (c) Annual survey.--The Department of Education shall
27 conduct an annual survey of charter school governing boards to
28 determine the boards' satisfaction with the services received
29 from their sponsors and the Department of Education. The
30 survey results shall be reported to the State Board of
31 Education, which may recommend action for sponsors having an

1 inordinate number of complaints or sponsors that have been
2 determined not to have fulfilled their responsibilities as
3 described in this section.

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

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

9 1. ~~Demonstrates how the school will use the guiding~~
10 ~~principles and meet the statutorily defined purpose of a~~
11 ~~charter school.~~

12 2. ~~Provides a detailed curriculum plan that~~
13 ~~illustrates how students will be provided services to attain~~
14 ~~the Sunshine State Standards.~~

15 3. ~~Contains goals and objectives for improving student~~
16 ~~learning and measuring that improvement. These goals and~~
17 ~~objectives must indicate how much academic improvement~~
18 ~~students are expected to show each year, how success will be~~
19 ~~evaluated, and the specific results to be attained through~~
20 ~~instruction.~~

21 4. ~~Describes the reading curriculum and differentiated~~
22 ~~strategies that will be used for students reading at grade~~
23 ~~level or higher and a separate curriculum and strategies for~~
24 ~~students who are reading below grade level. A sponsor shall~~
25 ~~deny a charter if the school does not propose a reading~~
26 ~~curriculum that is consistent with effective teaching~~
27 ~~strategies that are grounded in scientifically based reading~~
28 ~~research.~~

29 5. ~~Contains an annual financial plan for each year~~
30 ~~requested by the charter for operation of the school for up to~~
31 ~~5 years. This plan must contain anticipated fund balances~~

1 ~~based on revenue projections, a spending plan based on~~
2 ~~projected revenues and expenses, and a description of controls~~
3 ~~that will safeguard finances and projected enrollment trends.~~

4 ~~(a)(b)~~ A district school board shall receive and
5 review all applications for a charter school. A district
6 school board shall receive and consider charter school
7 applications received on or before September 1 of each
8 calendar year for charter schools to be opened at the
9 beginning of the school district's next school year, or to be
10 opened at a time agreed to by the applicant and the district
11 school board. A district school board may receive applications
12 later than this date if it chooses. A sponsor may not charge
13 an applicant for a charter any fee for the processing or
14 consideration of an application, and a sponsor may not base
15 its consideration or approval of an application upon the
16 promise of future payment of any kind. A sponsor may not
17 approve an application unless the application meets the
18 specifications and criteria established by rule of the State
19 Board of Education.

20 1. In order to facilitate an accurate budget
21 projection process, a district school board shall be held
22 harmless for FTE students who are not included in the FTE
23 projection due to approval of charter school applications
24 after the FTE projection deadline. In a further effort to
25 facilitate an accurate budget projection, within 15 calendar
26 days after receipt of a charter school application, a district
27 school board or other sponsor shall report to the Department
28 of Education the name of the applicant entity, the proposed
29 charter school location, and its projected FTE.

30 ~~2. In order to ensure fiscal responsibility, an~~
31 ~~application for a charter school shall include a full~~

1 ~~accounting of expected assets, a projection of expected~~
2 ~~sources and amounts of income, including income derived from~~
3 ~~projected student enrollments and from community support, and~~
4 ~~an expense projection that includes full accounting of the~~
5 ~~costs of operation, including start up costs.~~

6 2.3. A district school board shall by a majority vote
7 approve or deny an application no later than 60 calendar days
8 after the application is received, unless the district school
9 board and the applicant mutually agree to temporarily postpone
10 the vote to a specific date, at which time the district school
11 board shall by a majority vote approve or deny the
12 application. If the district school board fails to act on the
13 application, an applicant may appeal to the State Board of
14 Education as provided in paragraph (c). If an application is
15 denied, the district school board shall, within 10 calendar
16 days, articulate in writing the specific reasons based upon
17 good cause supporting its denial of the charter application
18 and shall by letter notify the applicant as well as the
19 Department of Education of the specific reasons.

20 3.4. For budget projection purposes, the district
21 school board or other sponsor shall report to the Department
22 of Education the approval or denial of a charter application
23 within 10 calendar days after such approval or denial. In the
24 event of approval, the report to the Department of Education
25 shall include the final projected FTE for the approved charter
26 school.

27 4.5. Upon approval of a charter application, the
28 initial startup shall commence with the beginning of the
29 public school calendar for the district in which the charter
30 is granted unless the district school board allows a waiver of
31 this provision for good cause.

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

1 decision that the district school board approve or deny the
2 application. The district school board shall implement the
3 decision of the State Board of Education. The decision of the
4 State Board of Education is not subject to the provisions of
5 the Administrative Procedure Act, chapter 120.

6 ~~(c)(d)~~ The district school board shall act upon the
7 decision of the State Board of Education within 30 calendar
8 days after it is received. The State Board of Education's
9 decision is a final action subject to judicial review in the
10 district court of appeal.

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

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

1 3. The commissioner shall appoint the members of the
2 Charter School Appeal Commission. Members shall serve without
3 compensation but may be reimbursed for travel and per diem
4 expenses in conjunction with their service. One-half of the
5 members must represent currently operating charter schools,
6 and one-half of the members must represent school districts.
7 The commissioner or a named designee shall chair the Charter
8 School Appeal Commission.

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

15 5. Commission members shall thoroughly review the
16 materials presented to them from the appellant and the
17 sponsor. The commission may request information to clarify the
18 documentation presented to it. In the course of its review,
19 the commission may facilitate the postponement of an appeal in
20 those cases where additional time and communication may negate
21 the need for a formal appeal and both parties agree, in
22 writing, to postpone the appeal to the State Board of
23 Education. A new date certain for the appeal shall then be set
24 based upon the rules and procedures of the State Board of
25 Education. Commission members shall provide a written
26 recommendation to the state board as to whether the appeal
27 should be upheld or denied. A fact-based justification for the
28 recommendation must be included. The chair must ensure that
29 the written recommendation is submitted to the State Board of
30 Education members no later than 7 calendar days prior to the
31

1 date on which the appeal is to be heard. Both parties in the
2 case shall also be provided a copy of the recommendation.

3 ~~(e)(f)~~ The Department of Education must offer or
4 arrange for training and technical assistance to charter
5 school applicants in developing business plans and estimating
6 costs and income. This assistance must address estimating
7 start-up costs, projecting enrollment, and identifying the
8 types and amounts of state and federal financial assistance
9 the charter school will be eligible to receive. The Department
10 of Education may provide other technical assistance to an
11 applicant upon written request.

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

17 ~~(g)(h)~~ The terms and conditions for the operation of a
18 charter school shall be set forth by the sponsor and the
19 applicant in a written contractual agreement, called a
20 charter. The sponsor shall not impose unreasonable rules or
21 regulations that violate the intent of giving charter schools
22 greater flexibility to meet educational goals. The applicant
23 and sponsor shall have 90 days ~~6 months~~ in which to mutually
24 agree to the provisions of the charter. The Department of
25 Education shall provide mediation services for any dispute
26 regarding this section subsequent to the approval of a charter
27 application and for any dispute relating to the approved
28 charter, except disputes regarding charter school application
29 denials. The department shall notify the parties that a
30 request for mediation has been received within 10 working
31 days, schedule and commence mediation within 60 days following

1 the date the request is submitted to the department, and
2 establish whether mediation has been successful within 60 days
3 following conclusion of the mediation. If the Commissioner of
4 Education determines that the dispute cannot be settled
5 through mediation, the dispute may be appealed to an
6 administrative law judge appointed by the Division of
7 Administrative Hearings. The administrative law judge may rule
8 on issues of equitable treatment of the charter school as a
9 public school, whether proposed provisions of the charter
10 violate the intended flexibility granted charter schools by
11 statute, or on any other matter regarding this section except
12 a charter school application denial, and shall award the
13 prevailing party reasonable attorney's fees and costs incurred
14 to be paid by the losing party. The costs of the
15 administrative hearing shall be paid by the party whom the
16 administrative law judge rules against.

17 (7) CHARTER.--The major issues involving the operation
18 of a charter school shall be considered in advance and
19 included in the application for a charter school as required
20 by this section and written into the charter. The charter
21 shall be signed by the governing body of the charter school
22 and the sponsor, following a public hearing to ensure
23 community input.

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

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

29 ~~2. The focus of the curriculum, the instructional~~
30 ~~methods to be used, any distinctive instructional techniques~~
31 ~~to be employed, and identification and acquisition of~~

1 ~~appropriate technologies needed to improve educational and~~
2 ~~administrative performance which include a means for promoting~~
3 ~~safe, ethical, and appropriate uses of technology which comply~~
4 ~~with legal and professional standards. The charter shall~~
5 ~~ensure that reading is a primary focus of the curriculum and~~
6 ~~that resources are provided to identify and provide~~
7 ~~specialized instruction for students who are reading below~~
8 ~~grade level. The curriculum and instructional strategies for~~
9 ~~reading must be consistent with the Sunshine State Standards~~
10 ~~and grounded in scientifically based reading research.~~

11 ~~1.3.~~ The current incoming baseline standard of student
12 academic achievement, the outcomes to be achieved, and the
13 method of measurement that will be used. ~~The criteria listed~~
14 ~~in this subparagraph shall include a detailed description for~~
15 ~~each of the following:~~

16 a. ~~How the baseline student academic achievement~~
17 ~~levels and prior rates of academic progress will be~~
18 ~~established.~~

19 b. ~~How these baseline rates will be compared to rates~~
20 ~~of academic progress achieved by these same students while~~
21 ~~attending the charter school.~~

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

25
26 The district school board shall ~~is required to~~ provide
27 academic student performance data to charter schools for each
28 of their students coming from the district school system, as
29 well as rates of academic progress of comparable student
30 populations in the district school system.

31

1 ~~4. The methods used to identify the educational~~
2 ~~strengths and needs of students and how well educational goals~~
3 ~~and performance standards are met by students attending the~~
4 ~~charter school. Included in the methods is a means for the~~
5 ~~charter school to ensure accountability to its constituents by~~
6 ~~analyzing student performance data and by evaluating the~~
7 ~~effectiveness and efficiency of its major educational~~
8 ~~programs. Students in charter schools shall, at a minimum,~~
9 ~~participate in the statewide assessment program created under~~
10 ~~s. 1008.22.~~

11 2.5. In secondary charter schools, a method for
12 determining that a student has satisfied the requirements for
13 graduation in s. 1003.43.

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

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

18 ~~8. The ways by which the school will achieve a~~
19 ~~racial/ethnic balance reflective of the community it serves or~~
20 ~~within the racial/ethnic range of other public schools in the~~
21 ~~same school district.~~

22 ~~9. The financial and administrative management of the~~
23 ~~school, including a reasonable demonstration of the~~
24 ~~professional experience or competence of those individuals or~~
25 ~~organizations applying to operate the charter school or those~~
26 ~~hired or retained to perform such professional services and~~
27 ~~the description of clearly delineated responsibilities and the~~
28 ~~policies and practices needed to effectively manage the~~
29 ~~charter school. A description of internal audit procedures and~~
30 ~~establishment of controls to ensure that financial resources~~
31 ~~are properly managed must be included. Both public sector and~~

1 ~~private sector professional experience shall be equally valid~~
2 ~~in such a consideration.~~

3 ~~3.10.~~ The asset and liability projections required in
4 the application which are incorporated into the charter and
5 which shall be compared with information provided in the
6 annual report of the charter school. The charter shall ensure
7 that, if a charter school internal audit or annual financial
8 audit reveals a state of financial emergency as defined in s.
9 218.503 ~~deficit financial position~~, the auditors are required
10 to notify the charter school governing board, the sponsor, and
11 the Department of Education. The ~~internal~~ auditor shall report
12 such findings in the form of an exit interview to the
13 principal or the principal administrator of the charter school
14 and the chair of the governing board within 7 working days
15 after finding the state of financial emergency ~~deficit~~
16 ~~position~~. A final report shall be provided to the entire
17 governing board, the sponsor, and the Department of Education
18 within 14 working days after the exit interview. When a
19 charter school is in a state of financial emergency, the
20 charter school shall file a detailed financial-recovery plan
21 with the sponsoring district school board. The Department of
22 Education must establish guidelines for developing such plans.

23 ~~4.11.~~ A description of procedures that identify
24 various risks and provide for a comprehensive approach to
25 reduce the impact of losses; plans to ensure the safety and
26 security of students and staff; plans to identify, minimize,
27 and protect others from violent or disruptive student
28 behavior; and the manner in which the school will be insured,
29 including whether or not the school will be required to have
30 liability insurance, and, if so, the terms and conditions
31 thereof and the amounts of coverage.

1 5.12. The term of the charter which shall provide for
2 cancellation of the charter if insufficient progress has been
3 made in attaining the student achievement objectives of the
4 charter and if it is not likely that such objectives can be
5 achieved before expiration of the charter. The initial term of
6 a charter shall be for 3, 4, or 5 years. In order to
7 facilitate access to long-term financial resources for charter
8 school construction, charter schools that are operated by a
9 municipality or other public entity as provided by law are
10 eligible for up to a 15-year charter, subject to approval by
11 the district school board. A charter lab school is eligible
12 for a charter for a term of up to 15 years. In addition, to
13 facilitate access to long-term financial resources for charter
14 school construction, charter schools that are operated by a
15 private, not-for-profit, s. 501(c)(3) status corporation are
16 eligible for up to a 10-year charter, subject to approval by
17 the district school board. Such long-term charters remain
18 subject to annual review and may be terminated during the term
19 of the charter, but only for specific good cause according to
20 the provisions set forth in subsection (8).

21 6.13. The facilities to be used and their location.

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

25 7.15. The governance structure of the school,
26 including the status of the charter school as a public or
27 private employer as required in paragraph (12)(i).

28 ~~16. A timetable for implementing the charter which~~
29 ~~addresses the implementation of each element thereof and the~~
30 ~~date by which the charter shall be awarded in order to meet~~
31 ~~this timetable.~~

1 ~~8.17.~~ In the case of an existing public school being
2 converted to charter status, alternative arrangements for
3 current students who choose not to attend the charter school
4 and for current teachers who choose not to teach in the
5 charter school after conversion in accordance with the
6 existing collective bargaining agreement or district school
7 board rule in the absence of a collective bargaining
8 agreement. However, alternative arrangements shall not be
9 required for current teachers who choose not to teach in a
10 charter lab school, except as authorized by the employment
11 policies of the state university which grants the charter to
12 the lab school.

13 (b) A charter may be renewed every 5 school years,
14 provided that a program review demonstrates that ~~the criteria~~
15 ~~in paragraph (a) have been successfully accomplished and that~~
16 none of the grounds for nonrenewal established by paragraph
17 (8)(a) has been documented. In order to facilitate long-term
18 financing for charter school construction, charter schools
19 operating for a minimum of 2 years and demonstrating exemplary
20 academic programming and fiscal management are eligible for a
21 15-year charter renewal. Such long-term charter is subject to
22 annual review and may be terminated during the term of the
23 charter.

24 (c) A charter may be modified during its initial term
25 or any renewal term upon the recommendation of the sponsor or
26 the charter school governing board and the approval of both
27 parties to the agreement.

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

29 (a) At the end of the term of a charter, the sponsor
30 shall ~~may~~ choose not to renew or to terminate the charter for
31 any of the following grounds:

1 1. Failure to participate in the state's education
2 accountability system created in s. 1008.31, as required in
3 this section, ~~or~~ failure to meet the requirements for student
4 performance stated in the charter, or failure to meet the
5 performance standards as authorized by s. 1008.32 and
6 specified by rule of the State Board of Education.

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

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

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

17 ~~5.2.~~ Failure to meet generally accepted standards of
18 fiscal management.

19 ~~6.3.~~ Violation of law.

20 ~~7.4.~~ Other good cause shown.

21 (b) During the term of a charter, the sponsor may
22 terminate the charter for any of the grounds listed in
23 paragraph (a).

24 (c) At the end of the term of a charter or during the
25 term of a charter, the sponsor may not renew or shall
26 terminate the charter when the charter school receives a
27 school performance grade of "F" under s. 1008.34 for 2
28 consecutive years, unless the school has made adequate yearly
29 progress under the federal No Child Left Behind Act in at
30 least 1 of those 2 years.

31

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

5 ~~(e)(e)~~ At least 90 days prior to renewing or
6 terminating a charter, the sponsor shall notify the governing
7 body of the school of the proposed action in writing. The
8 notice shall state in reasonable detail the grounds for the
9 proposed action and stipulate that the school's governing body
10 may, within 14 calendar days after receiving the notice,
11 request an informal hearing before the sponsor. The sponsor
12 shall conduct the informal hearing within 30 calendar days
13 after receiving a written request. The charter school's
14 governing body may, within 14 calendar days after receiving
15 the sponsor's decision to terminate or refuse to renew the
16 charter, appeal the decision pursuant to the procedure
17 established in subsection (6).

18 ~~(f)(d)~~ A charter may be terminated immediately if the
19 sponsor determines that good cause has been shown or if the
20 health, safety, or welfare of the students is threatened. The
21 charter sponsor must notify in writing the charter school's
22 governing body, the school principal, and the Department of
23 Education if a charter is immediately terminated. The sponsor
24 shall clearly identify the issues that resulted in the
25 immediate termination and provide evidence of prior
26 notification of issues resulting in the immediate termination
27 when appropriate. The school district in which the charter
28 school is located shall assume operation of the school under
29 these circumstances. The charter school's governing board may,
30 within 14 days after receiving the sponsor's decision to
31

1 terminate the charter, appeal the decision pursuant to the
2 procedure established in subsection (6).

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

24 (h)~~(f)~~ If a charter is not renewed or is terminated,
25 the charter school is responsible for all debts of the charter
26 school. The district may not assume the debt from any contract
27 for services made between the governing body of the school and
28 a third party, except for a debt that is previously detailed
29 and agreed upon in writing by both the district and the
30 governing body of the school and that may not reasonably be
31 assumed to have been satisfied by the district.

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

5 (9) CHARTER SCHOOL REQUIREMENTS.--

6 (a) A charter school shall be nonsectarian in its
7 programs, admission policies, employment practices, and
8 operations.

9 (b) A charter school shall admit students as provided
10 in subsection (10).

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

13 (d) A charter school shall not charge tuition or
14 registration fees, except those fees normally charged by other
15 public schools. However, a charter lab school may charge a
16 student activity and service fee as authorized by s.
17 1002.32(5).

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

20 (f) A charter school shall not violate the
21 antidiscrimination provisions of s. 1000.05.

22 (g) A charter school shall provide for an annual
23 financial audit in accordance with s. 218.39. Financial audits
24 that yield a state of financial emergency as defined in s.
25 218.503 and conducted by a certified public accountant or
26 auditor in accordance with s. 218.39 shall be provided to the
27 governing body of the charter school within 7 working days
28 after finding that a state of financial emergency exists. When
29 a charter school is found to be in a state of financial
30 emergency by a certified public accountant or auditor, the
31 charter school must file a detailed financial-recovery plan

1 with the sponsoring district school board within 30 days after
2 receipt of the audit. The detailed financial-recovery plan
3 must comply with the requirements set forth by the Department
4 of Education.

5 (h) No organization shall hold more than 15 charters
6 statewide.

7 (i) Any individual, group, organization, or private or
8 nonprofit company that submits an application to operate a
9 charter school in this state, or that is contracted with by
10 the governing board of a charter school to operate a charter
11 school in this state, must register with the Department of
12 Education upon submission of its application to the sponsor.
13 The Department of Education shall maintain a database that
14 contains the name of each organization or entity applying for
15 a charter or operating by contract a charter school in this
16 state, principal contact information, a description of the
17 organization or entity, an identification of the number of
18 charter applications or contracts in the state, and disclosure
19 of charters terminated or renewed in this state and other
20 states. A sponsor may not approve an application for a charter
21 unless the governing board and contract operator of the school
22 have submitted a complete, accurate, and timely registration
23 with the Department of Education.

24 ~~(j)~~(i) In order to provide financial information that
25 is comparable to that reported for other public schools,
26 charter schools are to maintain all financial records which
27 constitute their accounting system:

28 1. In accordance with the accounts and codes
29 prescribed in the most recent issuance of the publication
30 titled "Financial and Program Cost Accounting and Reporting
31 for Florida Schools"; or

1 2. At the discretion of the charter school governing
2 board, a charter school may elect to follow generally accepted
3 accounting standards for not-for-profit organizations, but
4 must reformat this information for reporting according to this
5 paragraph.

6
7 Charter schools shall ~~are to~~ provide annual financial report
8 and program cost report information in the state-required
9 formats for inclusion in district reporting in compliance with
10 s. 1011.60(1). Charter schools that are operated by a
11 municipality or are a component unit of a parent nonprofit
12 organization may use the accounting system of the municipality
13 or the parent but must reformat this information for reporting
14 according to this paragraph. The Department of Education must
15 develop a modified annual financial report for use by charter
16 schools, which would allow districts and the state to include
17 charter school expenditures in their educational cost reports.
18 The department must develop guidelines that identify district
19 and department responsibilities for verifying the data in
20 these reports. These guidelines must require that each charter
21 school's annual financial report be signed by the school's
22 chief financial officer or the certified public accountant who
23 prepared the report.

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

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

28 ~~(m)(l)~~ The governing body of the charter school shall
29 report its performance ~~progress~~ annually to its sponsor, which
30 shall forward the report to the Commissioner of Education at
31 the same time as other annual school accountability reports.

1 The governing body shall monitor and review its school in
2 adherence and compliance with components of its application
3 and charter as defined in subsection (6). The Department of
4 Education shall include in its compilation a notation if a
5 school failed to file its report by the deadline established
6 by the department. The report shall include at least the
7 following components:

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

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

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

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

1 (m) A charter school shall not levy taxes or issue
2 bonds secured by tax revenues.

3 (n) A charter school shall provide instruction for at
4 least the number of days required by law for other public
5 schools, and may provide instruction for additional days.

6 (10) ELIGIBLE STUDENTS.--

7 (a) A charter school shall be open to any student
8 covered in an interdistrict agreement or residing in the
9 school district in which the charter school is located;
10 however, in the case of a charter lab school, the charter lab
11 school shall be open to any student eligible to attend the lab
12 school as provided in s. 1002.32 or who resides in the school
13 district in which the charter lab school is located. Any
14 eligible student shall be allowed interdistrict transfer to
15 attend a charter school when based on good cause.

16 (b) The charter school shall enroll an eligible
17 student who submits a timely application, unless the number of
18 applications exceeds the capacity of a program, class, grade
19 level, or building. In such case, all applicants shall have an
20 equal chance of being admitted through a random selection
21 process.

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

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

27 1. Students who are siblings of a student enrolled in
28 the charter school.

29 2. Students who are the children of a member of the
30 governing board of the charter school.

31

1 3. Students who are the children of an employee of the
2 charter school.

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

5 1. Students within specific age groups or grade
6 levels.

7 2. Students considered at risk of dropping out of
8 school or academic failure. Such students shall include
9 exceptional education students.

10 3. Students enrolling in a charter
11 school-in-the-workplace or charter school-in-a-municipality
12 established pursuant to subsection (15).

13 4. Students residing within a reasonable distance of
14 the charter school, as described in paragraph (20)(c). Such
15 students shall be subject to a random lottery and to the
16 racial/ethnic balance provisions described in rules of the
17 State Board of Education ~~subparagraph (7)(a)8.~~ or any federal
18 provisions that require a school to achieve a racial/ethnic
19 balance reflective of the community it serves or within the
20 racial/ethnic range of other public schools in the same school
21 district.

22 5. Students who meet reasonable academic, artistic, or
23 other eligibility standards established by the charter school
24 and included in the charter school application and charter or,
25 in the case of existing charter schools, standards that are
26 consistent with the school's mission and purpose. Such
27 standards shall be in accordance with current state law and
28 practice in public schools and may not discriminate against
29 otherwise qualified individuals.

30
31

1 6. Students articulating from one charter school to
2 another pursuant to an articulation agreement between the
3 charter schools that has been approved by the sponsor.

4 (f) Students with handicapping conditions and students
5 served in English for Speakers of Other Languages programs
6 shall have an equal opportunity of being selected for
7 enrollment in a charter school.

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

11 (h) The capacity of the charter school shall be
12 determined annually by the governing board, in conjunction
13 with the sponsor, of the charter school in consideration of
14 the factors identified in this subsection.

15 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
16 ACTIVITIES.--A charter school student is eligible to
17 participate in an interscholastic extracurricular activity at
18 the public school to which the student would be otherwise
19 assigned to attend pursuant to s. 1006.15(3)(d).

20 (12) EMPLOYEES OF CHARTER SCHOOLS.--

21 (a) A charter school shall select its own employees. A
22 charter school may contract with its sponsor for the services
23 of personnel employed by the sponsor.

24 (b) Charter school employees shall have the option to
25 bargain collectively. Employees may collectively bargain as a
26 separate unit or as part of the existing district collective
27 bargaining unit as determined by the structure of the charter
28 school.

29 (c) The employees of a conversion charter school shall
30 remain public employees for all purposes, unless such
31 employees choose not to do so.

1 (d) The teachers at a charter school may choose to be
2 part of a professional group that subcontracts with the
3 charter school to operate the instructional program under the
4 auspices of a partnership or cooperative that they
5 collectively own. Under this arrangement, the teachers would
6 not be public employees.

7 (e) Employees of a school district may take leave to
8 accept employment in a charter school upon the approval of the
9 district school board. While employed by the charter school
10 and on leave that is approved by the district school board,
11 the employee may retain seniority accrued in that school
12 district and may continue to be covered by the benefit
13 programs of that school district, if the charter school and
14 the district school board agree to this arrangement and its
15 financing. School districts shall not require resignations of
16 teachers desiring to teach in a charter school. This paragraph
17 shall not prohibit a district school board from approving
18 alternative leave arrangements consistent with chapter 1012.

19 (f) Teachers employed by or under contract to a
20 charter school shall be certified as required by chapter 1012.
21 A charter school governing board may employ or contract with
22 skilled selected noncertified personnel to provide
23 instructional services or to assist instructional staff
24 members as education paraprofessionals in the same manner as
25 defined in chapter 1012, and as provided by State Board of
26 Education rule for charter school governing boards. A charter
27 school may not knowingly employ an individual to provide
28 instructional services or to serve as an education
29 paraprofessional if the individual's certification or
30 licensure as an educator is suspended or revoked by this or
31 any other state. A charter school may not knowingly employ an

1 individual who has resigned from a school district in lieu of
2 disciplinary action with respect to child welfare or safety,
3 or who has been dismissed for just cause by any school
4 district with respect to child welfare or safety. The
5 qualifications of teachers shall be disclosed to parents.

6 (g) A charter school shall employ or contract with
7 employees who have undergone background screening as provided
8 in s. 1012.32. Members of the governing board of the charter
9 school shall also undergo background screening in a manner
10 similar to that provided in s. 1012.32.

11 (h) For the purposes of tort liability, the governing
12 body and employees of a charter school shall be governed by s.
13 768.28.

14 (i) A charter school shall organize as, or be operated
15 by, a nonprofit organization. A charter school may be operated
16 by a municipality or other public entity as provided for by
17 law. As such, the charter school may be either a private or a
18 public employer. As a public employer, a charter school may
19 participate in the Florida Retirement System upon application
20 and approval as a "covered group" under s. 121.021(34). If a
21 charter school participates in the Florida Retirement System,
22 the charter school employees shall be compulsory members of
23 the Florida Retirement System. As either a private or a public
24 employer, a charter school may contract for services with an
25 individual or group of individuals who are organized as a
26 partnership or a cooperative. Individuals or groups of
27 individuals who contract their services to the charter school
28 are not public employees.

29 (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may
30 enter into cooperative agreements to form charter school
31 cooperative organizations that may provide the following

1 services: charter school planning and development, direct
2 instructional services, and contracts with charter school
3 governing boards to provide personnel administrative services,
4 payroll services, human resource management, evaluation and
5 assessment services, teacher preparation, and professional
6 development.

7 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
8 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
9 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into
10 to borrow or otherwise secure funds for a charter school
11 authorized in this section from a source other than the state
12 or a school district shall indemnify the state and the school
13 district from any and all liability, including, but not
14 limited to, financial responsibility for the payment of the
15 principal or interest. Any loans, bonds, or other financial
16 agreements are not obligations of the state or the school
17 district but are obligations of the charter school authority
18 and are payable solely from the sources of funds pledged by
19 such agreement. The credit or taxing power of the state or the
20 school district shall not be pledged and no debts shall be
21 payable out of any moneys except those of the legal entity in
22 possession of a valid charter approved by a district school
23 board pursuant to this section.

24 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
25 SCHOOLS-IN-A-MUNICIPALITY.--

26 (a) In order to increase business partnerships in
27 education, to reduce school and classroom overcrowding
28 throughout the state, and to offset the high costs for
29 educational facilities construction, the Legislature intends
30 to encourage the formation of business partnership schools or
31

1 | satellite learning centers and municipal-operated schools
2 | through charter school status.

3 | (b) A charter school-in-the-workplace may be
4 | established when a business partner provides the school
5 | facility to be used; enrolls students based upon a random
6 | lottery that involves all of the children of employees of that
7 | business or corporation who are seeking enrollment, as
8 | provided for in subsection (10); and enrolls students
9 | according to the racial/ethnic balance provisions described in
10 | rules of the State Board of Education ~~subparagraph (7)(a)~~8.

11 | Any portion of a facility used for a public charter school
12 | shall be exempt from ad valorem taxes, as provided for in s.
13 | 1013.54, for the duration of its use as a public school.

14 | (c) A charter school-in-a-municipality designation may
15 | be granted to a municipality that possesses a charter; enrolls
16 | students based upon a random lottery that involves all of the
17 | children of the residents of that municipality who are seeking
18 | enrollment, as provided for in subsection (10); and enrolls
19 | students according to the racial/ethnic balance provisions
20 | described in rules of the State Board of Education

21 | ~~subparagraph (7)(a)~~8. When a municipality has submitted
22 | charter applications for the establishment of a charter school
23 | feeder pattern, consisting of elementary, middle, and senior
24 | high schools, and each individual charter application is
25 | approved by the district school board, such schools shall then
26 | be designated as one charter school for all purposes listed
27 | pursuant to this section. Any portion of the land and facility
28 | used for a public charter school shall be exempt from ad
29 | valorem taxes, as provided for in s. 1013.54, for the duration
30 | of its use as a public school.

31 |

1 (d) As used in this subsection, the terms "business
2 partner" or "municipality" may include more than one business
3 or municipality to form a charter school-in-the-workplace or
4 charter school-in-a-municipality.

5 (16) EXEMPTION FROM STATUTES.--

6 (a) A charter school shall operate in accordance with
7 its charter and shall be exempt from all statutes in chapters
8 1000-1013. However, a charter school shall be in compliance
9 with the following statutes in chapters 1000-1013:

10 1. Those statutes specifically applying to charter
11 schools, including this section.

12 2. Those statutes pertaining to the student assessment
13 program and school grading system.

14 3. Those statutes pertaining to the provision of
15 services to students with disabilities.

16 4. Those statutes pertaining to civil rights,
17 including s. 1000.05, relating to discrimination.

18 5. Those statutes pertaining to student health,
19 safety, and welfare.

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

22 1. Section 286.011, relating to public meetings and
23 records, public inspection, and criminal and civil penalties.

24 2. Chapter 119, relating to public records.

25 (17) FUNDING.--Students enrolled in a charter school,
26 regardless of the sponsorship, shall be funded as if they are
27 in a basic program or a special program, the same as students
28 enrolled in other public schools in the school district.
29 Funding for a charter lab school shall be as provided in s.
30 1002.32.

31

1 (a) Each charter school shall report its student
2 enrollment to the district school board as required in s.
3 1011.62, and in accordance with the definitions in s. 1011.61.
4 The district school board shall include each charter school's
5 enrollment in the district's report of student enrollment. All
6 charter schools submitting student record information required
7 by the Department of Education shall comply with the
8 Department of Education's guidelines for electronic data
9 formats for such data, and all districts shall accept
10 electronic data that complies with the Department of
11 Education's electronic format.

12 (b) The basis for the agreement for funding students
13 enrolled in a charter school shall be the sum of the school
14 district's operating funds from the Florida Education Finance
15 Program as provided in s. 1011.62 and the General
16 Appropriations Act, including gross state and local funds,
17 discretionary lottery funds, and funds from the school
18 district's current operating discretionary millage levy;
19 divided by total funded weighted full-time equivalent students
20 in the school district; multiplied by the weighted full-time
21 equivalent students for the charter school. Charter schools
22 whose students or programs meet the eligibility criteria in
23 law shall be entitled to their proportionate share of
24 categorical program funds included in the total funds
25 available in the Florida Education Finance Program by the
26 Legislature, including transportation. Total funding for each
27 charter school shall be recalculated during the year to
28 reflect the revised calculations under the Florida Education
29 Finance Program by the state and the actual weighted full-time
30 equivalent students reported by the charter school during the
31

1 full-time equivalent student survey periods designated by the
2 Commissioner of Education.

3 (c) If the district school board is providing programs
4 or services to students funded by federal funds, any eligible
5 students enrolled in charter schools in the school district
6 shall be provided federal funds for the same level of service
7 provided students in the schools operated by the district
8 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
9 10306, all charter schools shall receive all federal funding
10 for which the school is otherwise eligible, including Title I
11 funding, not later than 5 months after the charter school
12 first opens and within 5 months after any subsequent expansion
13 of enrollment.

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

1 balance from the expiration of the 30-day period until such
2 time as the warrant is issued.

3 (18) FACILITIES.--

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

17 (b) A charter school shall utilize facilities that
18 comply with the Florida Fire Prevention Code, pursuant to s.
19 633.025, as adopted by the authority in whose jurisdiction the
20 facility is located as provided in paragraph (a). The sponsor
21 of a charter school shall be an advocate for the charter
22 school in matters relating to interpretations of such fire
23 code.

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

28 (d) Charter school facilities are exempt from
29 assessments of fees for building permits, except as provided
30 in s. 553.80, and for building licenses and from assessments
31 of impact fees or service availability fees.

1 (e) If a district school board facility or property is
2 available because it is surplus, marked for disposal, or
3 otherwise unused, it shall be provided for a charter school's
4 use on the same basis as it is made available to other public
5 schools in the district. A charter school receiving property
6 from the school district may not sell or dispose of such
7 property without written permission of the school district.
8 Similarly, for an existing public school converting to charter
9 status, no rental or leasing fee for the existing facility or
10 for the property normally inventoried to the conversion school
11 may be charged by the district school board to the parents and
12 teachers organizing the charter school. The charter organizers
13 shall agree to reasonable maintenance provisions in order to
14 maintain the facility in a manner similar to district school
15 board standards. The Public Education Capital Outlay
16 maintenance funds or any other maintenance funds generated by
17 the facility operated as a conversion school shall remain with
18 the conversion school.

19 (f) To the extent that charter school facilities are
20 specifically created to mitigate the educational impact
21 created by the development of new residential dwelling units,
22 pursuant to subparagraph (2)(c)4., some of or all of the
23 educational impact fees required to be paid in connection with
24 the new residential dwelling units may be designated instead
25 for the construction of the charter school facilities that
26 will mitigate the student station impact. Such facilities
27 shall be built to the State Requirements for Educational
28 Facilities and shall be owned by a public or nonprofit entity.
29 The local school district retains the right to monitor and
30 inspect such facilities to ensure compliance with the State
31 Requirements for Educational Facilities. If a facility ceases

1 | to be used for public educational purposes, either the
2 | facility shall revert to the school district subject to any
3 | debt owed on the facility, or the owner of the facility shall
4 | have the option to refund all educational impact fees utilized
5 | for the facility to the school district. The district and the
6 | owner of the facility may contractually agree to another
7 | arrangement for the facilities if the facilities cease to be
8 | used for educational purposes. The owner of property planned
9 | or approved for new residential dwelling units and the entity
10 | levying educational impact fees shall enter into an agreement
11 | that designates the educational impact fees that will be
12 | allocated for the charter school student stations and that
13 | ensures the timely construction of the charter school student
14 | stations concurrent with the expected occupancy of the
15 | residential units. The application for use of educational
16 | impact fees shall include an approved charter school
17 | application. To assist the school district in forecasting
18 | student station needs, the entity levying the impact fees
19 | shall notify the affected district of any agreements it has
20 | approved for the purpose of mitigating student station impact
21 | from the new residential dwelling units.

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

24 | (20) SERVICES.--

25 | (a) A sponsor shall provide certain administrative and
26 | educational services to charter schools. These services shall
27 | include contract management services; full-time equivalent and
28 | data reporting services; exceptional student education
29 | administration services; test administration services,
30 | including payment of the costs of state-required or
31 | district-required student assessments; processing of teacher

1 certificate data services; and information services, including
2 equal access to student information systems that are used by
3 public schools in the district in which the charter school is
4 located. A total administrative fee for the provision of such
5 services shall be calculated based upon 5 percent of the
6 available funds defined in paragraph (17)(b) for all students.
7 However, a sponsor may only withhold a 5-percent
8 administrative fee for enrollment for up to and including 500
9 students. For charter schools with a population of 501 or more
10 students, the difference between the total administrative fee
11 calculation and the amount of the administrative fee withheld
12 may only be used for capital outlay purposes specified in s.
13 1013.62(2). Sponsors shall not charge charter schools any
14 additional fees or surcharges for administrative and
15 educational services in addition to the 5-percent
16 administrative fee withheld pursuant to this paragraph.

17 (b) If goods and services are made available to the
18 charter school through the contract with the school district,
19 they shall be provided to the charter school at a rate no
20 greater than the district's actual cost unless mutually agreed
21 upon by the charter school and the sponsor in a contract
22 negotiated separately from the charter. When mediation has
23 failed to resolve disputes over contracted services or
24 contractual matters not included in the charter, an appeal may
25 be made for a dispute resolution hearing before the Charter
26 School Appeal Commission. To maximize the use of state funds,
27 school districts shall allow charter schools to participate in
28 the sponsor's bulk purchasing program if applicable.

29 (c) Transportation of charter school students shall be
30 provided by the charter school consistent with the
31 requirements of subpart I.E. of chapter 1006 and s. 1012.45.

1 The governing body of the charter school may provide
2 transportation through an agreement or contract with the
3 district school board, a private provider, or parents. The
4 charter school and the sponsor shall cooperate in making
5 arrangements that ensure that transportation is not a barrier
6 to equal access for all students residing within a reasonable
7 distance of the charter school as determined in its charter.

8 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
9 Department of Education shall provide information to the
10 public, directly and through sponsors, both on how to form and
11 operate a charter school and on how to enroll in charter
12 schools once they are created. This information shall include
13 a standard application format which shall include the
14 information specified in subsection (7). This application
15 format may be used by chartering entities.

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

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

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

23 (c) The State Board of Education shall ensure that the
24 Department of Education provides or arranges for the provision
25 of the following services:

26 1. Assistance to potential charter applicants in
27 identifying available resources and information that would
28 enable the applicant to submit a stronger charter application.

29 2. Assistance to sponsors and charter schools in
30 developing a model charter contract that may be modified to
31 reflect local decisions. Such a model should not impede

1 creativity in delivering the educational program of the
2 charter school. The model should assist charter schools in
3 identifying the services a charter school receives for any
4 administrative assessment and in determining the per-student
5 cost of those services. The model should also address the
6 provision of food service and transportation.

7 3. Assistance to sponsors and charter school in
8 developing a model charter renewal evaluation process that may
9 be modified to reflect individual contracts and local
10 decisions.

11 4. Annual training opportunities for members of
12 charter school governing boards relating to current statutory
13 and financial requirements pertaining to charter schools.

14 5. Annual joint training opportunities for school
15 district personnel whose responsibilities involve working with
16 charter applicants and charter schools and for personnel of
17 charter schools. Such training should include current
18 statutory and financial requirements pertaining to charter
19 schools and other appropriate matters.

20 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE~~
21 ~~REVIEW.—~~

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

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

9 ~~(b) The Legislature shall review the operation of~~
10 ~~charter schools during the 2005 Regular Session of the~~
11 ~~Legislature.~~

12 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
13 receipt of the annual report required by paragraph (9)(1), the
14 Department of Education shall provide to the State Board of
15 Education, the Commissioner of Education, the Governor, the
16 President of the Senate, and the Speaker of the House of
17 Representatives an analysis and comparison of the overall
18 performance of charter school students, to include all
19 students whose scores are counted as part of the statewide
20 assessment program, versus comparable public school students
21 in the district as determined by the statewide assessment
22 program currently administered in the school district, and
23 other assessments administered pursuant to s. 1008.22(3).

24 (24) FINANCIAL MANAGEMENT.--The Department of
25 Education must develop a system that includes a comprehensive
26 list of financial-management indicators to be used by sponsors
27 for the early identification of charter schools at greatest
28 risk for financial difficulty. The Department of Education
29 must provide training and technical assistance to charter
30 schools at greatest risk for financial difficulty. The
31 Department of Education must report information on schools

1 identified as at risk for financial difficulty in the past
2 year and the actions that the department and local school
3 district have taken to assist each school in the annual report
4 required by paragraph (9)(m).

5 ~~(25)(24)~~ RULEMAKING.--The Department of Education,
6 after consultation with school districts and charter school
7 directors, shall recommend that the State Board of Education
8 adopt rules to implement specific subsections of this section.
9 Such rules shall require minimum paperwork and shall not limit
10 charter school flexibility authorized by statute.

11 Section 4. This act shall take effect July 1, 2005.

12 *****

13 *****
14 SENATE SUMMARY

15 Revises various provisions governing charter schools.
16 Requires that the sponsor of a charter school implement
17 certain policies and procedures. Provides requirements
18 for monitoring charter schools and for annual reviews.
19 Requires that the Department of Education conduct an
20 annual survey of the governing boards of charter schools
21 and report the results to the State Board of Education.
22 Requires that the district school board notify the
23 Department of Education of denial of a charter
24 application. Provides requirements for mediation.
25 Specifies circumstances under which the sponsor is
26 required to not renew or to terminate the charter.
27 Requires that applicants for a charter school register
28 with the Department of Education and that the department
29 maintain certain information concerning applicants and
30 charter schools. (See bill for details.)
31