

Bill No. CS for CS for CS for SB 1030

Barcode 053938

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Wise moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 1002.335, Florida Statutes, is created to read:

1002.335 Florida Schools of Excellence Commission.--

(1) FINDINGS.--The Legislature finds that:

(a) Charter schools are a critical component in the state's efforts to provide efficient and high-quality schools within the state's uniform system of public education.

(b) Charter schools provide valuable educational options and innovative learning opportunities while expanding the capacity of the state's system of public education and empowering parents with the ability to make choices that best fit the individual needs of their children.

(c) The growth of charter schools in the state has contributed to enhanced student performance, greater efficiency, and the improvement of all public schools.

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1       (2) INTENT.--It is the intent of the Legislature that:

2       (a) There be established an independent, state-level  
3 commission whose primary focus is the development and support  
4 of charter schools in order to better meet the growing and  
5 diverse needs of some of the increasing number and array of  
6 charter schools in the state and to further ensure that  
7 charter schools of the highest academic quality are approved  
8 and supported throughout the state in an efficient manner.

9       (b) New sources of community support in the form of  
10 municipalities with knowledge of the unique needs of a  
11 particular community or state universities, community  
12 colleges, or regional educational consortia with special  
13 education expertise should be authorized to participate in  
14 developing and supporting charter schools that maximize access  
15 to a wide variety of high-quality educational options for all  
16 students regardless of disability, race, or socioeconomic  
17 status.

18       (3) FLORIDA SCHOOLS OF EXCELLENCE COMMISSION.--

19       (a) The Florida Schools of Excellence Commission is  
20 established as an independent, state-level charter school  
21 authorizing entity working in collaboration with the  
22 Department of Education and under the supervision of the State  
23 Board of Education. Startup funds necessary to establish and  
24 operate the commission may be received through private  
25 contributions and federal and other institutional grants  
26 through the Grants and Donations Trust Fund and the  
27 Educational Aids Trust Fund housed within the department in  
28 addition to funds provided in the General Appropriations Act.  
29 The department shall assist in securing federal and other  
30 institutional grant funds to establish the commission.

31       (b) The commission shall be appointed by the State

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 Board of Education and shall be composed of three appointees  
2 recommended by the Governor, two appointees recommended by the  
3 President of the Senate, and two appointees recommended by the  
4 Speaker of the House of Representatives. The Governor, the  
5 President of the Senate, and the Speaker of the House of  
6 Representatives shall each recommend a list of no fewer than  
7 two nominees for any appointment to the commission. The  
8 appointments shall be made as soon as feasible but no later  
9 than September 1, 2006. Each member shall serve a term of 2  
10 years; however, for the purpose of providing staggered terms,  
11 of the initial appointments, three members shall be appointed  
12 to 1-year terms and four members shall be appointed to 2-year  
13 terms. Thereafter, each appointee shall serve a 2-year term  
14 unless the State Board of Education, after review, extends the  
15 appointment. If a vacancy occurs on the commission, it shall  
16 be filled by the State Board of Education from a  
17 recommendation by the appropriate authority according to the  
18 procedure set forth in this paragraph. The members of the  
19 commission shall annually vote to appoint a chair and a vice  
20 chair. Each member of the commission must hold a bachelor's  
21 degree or higher, and the commission must include individuals  
22 who have experience in finance, administration, law,  
23 education, and school governance.

24 (c) The commission is encouraged to convene its first  
25 meeting no later than October 1, 2006, and, thereafter, shall  
26 meet each month at the call of the chair or upon the request  
27 of four members of the commission. Four members of the  
28 commission shall constitute a quorum.

29 (d) The commission shall appoint an executive director  
30 who shall employ such staff as is necessary to perform the  
31 administrative duties and responsibilities of the commission.

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1       (e) The members of the commission shall not be  
 2 compensated for their services on the commission but may be  
 3 reimbursed for per diem and travel expenses pursuant to s.  
 4 112.061.

5       (4) POWERS AND DUTIES.--

6       (a) The commission shall have the power to:

7           1. Authorize and act as a sponsor of charter schools,  
 8 including the approval or denial of charter school  
 9 applications pursuant to subsection (9) and the nonrenewal or  
 10 termination of charter schools pursuant to s. 1002.33(8).

11           2. Authorize municipalities, state universities,  
 12 community colleges, and regional educational consortia to act  
 13 as cosponsors of charter schools, including the approval or  
 14 denial of cosponsor applications pursuant to State Board of  
 15 Education rule and subsection (6) and the revocation of  
 16 approval of cosponsors pursuant to State Board of Education  
 17 rule and subsection (8).

18           3. Approve or deny Florida Schools of Excellence (FSE)  
 19 charter school applications and renew or terminate charters of  
 20 FSE charter schools.

21           4. Conduct facility and curriculum reviews of charter  
 22 schools approved by the commission or one of its cosponsors.

23       (b) The commission shall have the following duties:

24           1. Review charter school applications and assist in  
 25 the establishment of Florida Schools of Excellence (FSE)  
 26 charter schools throughout the state. An FSE charter school  
 27 shall exist as a public school within the state as a component  
 28 of the delivery of public education within Florida's K-20  
 29 education system.

30           2. Develop, promote, and disseminate best practices  
 31 for charter schools and charter school sponsors in order to

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 ensure that high-quality charter schools are developed and  
2 incentivized. At a minimum, the best practices shall encourage  
3 the development and replication of academically and  
4 financially proven charter school programs.

5 3. Develop, promote, and require high standards of  
6 accountability for any school that applies for and is granted  
7 a charter under this section.

8 4. Monitor and annually review the performance of  
9 cosponsors approved pursuant to this section and hold the  
10 cosponsors accountable for their performance pursuant to the  
11 provisions of paragraph (6)(c). The commission shall annually  
12 review and evaluate the performance of each cosponsor based  
13 upon the financial and administrative support provided to the  
14 cosponsor's charter schools and the quality of charter schools  
15 approved by the cosponsor, including the academic performance  
16 of the students that attend those schools.

17 5. Monitor and annually review and evaluate the  
18 academic and financial performance of the charter schools it  
19 sponsors and hold the schools accountable for their  
20 performance pursuant to the provisions of chapter 1008.

21 6. Report the student enrollment in each of its  
22 sponsored charter schools to the district school board of the  
23 county in which the school is located.

24 7. Work with its cosponsors to monitor the financial  
25 management of each FSE charter school.

26 8. Direct charter schools and persons seeking to  
27 establish charter schools to sources of private funding and  
28 support.

29 9. Actively seek, with the assistance of the  
30 department, supplemental revenue from federal grant funds,  
31 institutional grant funds, and philanthropic organizations.

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 The commission may, through the department's Grants and  
2 Donations Trust Fund, receive and expend gifts, grants, and  
3 donations of any kind from any public or private entity to  
4 carry out the purposes of this section.

5 10. Review and recommend to the Legislature any  
6 necessary revisions to statutory requirements regarding the  
7 qualification and approval of municipalities, state  
8 universities, community colleges, and regional educational  
9 consortia as cosponsors for FSE charter schools.

10 11. Review and recommend to the Legislature any  
11 necessary revisions to statutory requirements regarding the  
12 standards for accountability and criteria for revocation of  
13 approval of cosponsors of FSE charter schools.

14 12. Act as liaison for cosponsors and FSE charter  
15 schools in cooperating with district school boards that may  
16 choose to allow charter schools to utilize excess space within  
17 district public school facilities.

18 13. Collaborate with municipalities, state  
19 universities, community colleges, and regional educational  
20 consortia as cosponsors for FSE charter schools for the  
21 purpose of providing the highest level of public education to  
22 low-income, low-performing, gifted, or underserved student  
23 populations. Such collaborations shall:

24 a. Allow state universities and community colleges  
25 that cosponsor FSE charter schools to enable students  
26 attending a charter school to take college courses and receive  
27 high school and college credit for such courses.

28 b. Be used to determine the feasibility of opening  
29 charter schools for students with disabilities, including, but  
30 not limited to, charter schools for children with autism that  
31 work with and utilize the specialized expertise of the Centers

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 for Autism and Related Disabilities established and operated  
 2 pursuant to s. 1004.55.

3 14. Support municipalities when the mayor or chief  
 4 executive, through resolution passed by the governing body of  
 5 the municipality, expresses an intent to cosponsor and  
 6 establish charter schools within the municipal boundaries.

7 15. Meet the needs of charter schools and school  
 8 districts by uniformly administering high-quality charter  
 9 schools, thereby removing administrative burdens from the  
 10 school districts.

11 16. Assist FSE charter schools in negotiating and  
 12 contracting with district school boards that choose to provide  
 13 certain administrative or transportation services to the  
 14 charter schools on a contractual basis.

15 17. Provide training for members of FSE charter school  
 16 governing bodies within 90 days after approval of the charter  
 17 school. The training shall include, but not be limited to,  
 18 best practices on charter school governance, the  
 19 constitutional and statutory requirements relating to public  
 20 records and meetings, and the requirements of applicable  
 21 statutes and State Board of Education rules.

22 18. Perform all of the duties of sponsors set forth in  
 23 s. 1002.33(5)(b) and (20).

24 (5) CHARTERING AUTHORITY.--

25 (a) A charter school applicant may submit an  
 26 application to the commission only if the school district in  
 27 which the FSE charter school is to be located has not retained  
 28 exclusive authority to authorize charter schools as provided  
 29 in paragraph (e). If a district school board has not retained  
 30 exclusive authority to authorize charter schools as provided  
 31 in paragraph (e), the district school board and the commission

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 shall have concurrent authority to authorize charter schools  
 2 and FSE charter schools, respectively, to be located within  
 3 the geographic boundaries of the school district. The district  
 4 school board shall monitor and oversee all charter schools  
 5 authorized by the district school board pursuant to s.  
 6 1002.33. The commission shall monitor and oversee all FSE  
 7 charter schools sponsored by the commission pursuant to  
 8 subsection (4).

9       (b) Paragraph (e) may not be construed to eliminate  
 10 the ability of a district school board to authorize charter  
 11 schools pursuant to s. 1002.33. A district school board shall  
 12 retain the authority to reauthorize and to oversee any charter  
 13 school that it has authorized, except with respect to any  
 14 charter school that is converted to an FSE charter school  
 15 under this section.

16       (c) For fiscal year 2007-2008 and for each fiscal year  
 17 thereafter, a district school board may seek to retain  
 18 exclusive authority to authorize charter schools within the  
 19 geographic boundaries of the school district by presenting to  
 20 the State Board of Education, on or before March 1 of the  
 21 fiscal year prior to that for which the exclusive authority is  
 22 to apply, a written resolution adopted by the district school  
 23 board indicating the intent to retain exclusive authority to  
 24 authorize charter schools. A district school board may seek to  
 25 retain the exclusive authority to authorize charter schools by  
 26 presenting to the state board the written resolution on or  
 27 before a date 60 days after establishment of the commission.  
 28 The written resolution shall be accompanied by a written  
 29 description addressing the elements described in paragraph  
 30 (e). The district school board shall provide a complete copy  
 31 of the resolution, including the description, to each charter



Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 school authorized by the district school board on or before  
2 the date it submits the resolution to the state board.

3 (d) A party may challenge the grant of exclusive  
4 authority made by the State Board of Education pursuant to  
5 paragraph (e) by filing with the state board a notice of  
6 challenge within 30 days after the state board grants  
7 exclusive authority. The notice shall be accompanied by a  
8 specific written description of the basis for the challenge.  
9 The challenging party, at the time of filing notice with the  
10 state board, shall provide a copy of the notice of challenge  
11 to the district school board that has been granted exclusive  
12 authority. The state board shall permit the district school  
13 board the opportunity to appear and respond in writing to the  
14 challenge. The state board shall make a determination upon the  
15 challenge within 60 days after receiving the notice of  
16 challenge.

17 (e) The State Board of Education shall grant to a  
18 district school board exclusive authority to authorize charter  
19 schools within the geographic boundaries of the school  
20 district if the state board determines, after adequate notice,  
21 in a public hearing, and after receiving input from any  
22 charter school authorized by the district school board, that  
23 the district school board has provided fair and equitable  
24 treatment to its charter schools during the 4 years prior to  
25 the district school board's submission of the resolution  
26 described in paragraph (c). The state board's review of the  
27 resolution shall, at a minimum, include consideration of the  
28 following:

- 29 1. Compliance with the provisions of s. 1002.33.
- 30 2. Compliance with full and accurate accounting
- 31 practices and charges for central administrative overhead

1 costs.

2 3. Compliance with requirements allowing a charter  
3 school, at its discretion, to purchase certain services or a  
4 combination of services at actual cost to the district.

5 4. The absence of a district school board moratorium  
6 regarding charter schools or the absence of any districtwide  
7 charter school enrollment limits.

8 5. Compliance with valid orders of the state board.

9 6. The provision of assistance to charter schools to  
10 meet their facilities needs by including those needs in local  
11 bond issues or otherwise providing available land and  
12 facilities that are comparable to those provided to other  
13 public school students in the same grade levels within the  
14 school district.

15 7. The distribution to charter schools authorized by  
16 the district school board of a pro rata share of federal and  
17 state grants received by the district school board, except for  
18 any grant received for a particular purpose which, by its  
19 express terms, is intended to benefit a student population not  
20 able to be served by, or a program not able to be offered at,  
21 a charter school that did not receive a proportionate share of  
22 such grant proceeds.

23 8. The provision of adequate staff and other resources  
24 to serve charter schools authorized by the district school  
25 board, which services are provided by the district school  
26 board at a cost to the charter schools that does not exceed  
27 their actual cost to the district school board.

28 9. The lack of a policy or practice of imposing  
29 individual charter school enrollment limits, except as  
30 otherwise provided by law.

31 10. The provision of an adequate number of educational

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 choice programs to serve students exercising their rights to  
2 transfer pursuant to the "No Child Left Behind Act of 2001,"  
3 Pub. L. No. 107-110, and a history of charter school approval  
4 that encourages chartering.

5 (f) The decision of the State Board of Education  
6 pursuant to paragraph (e) shall not be subject to the  
7 provisions of chapter 120 and shall be a final action subject  
8 to judicial review by the district court of appeal.

9 (g) For district school boards that have no  
10 discernable history of authorizing charter schools, the State  
11 Board of Education may not grant exclusive authority unless  
12 the district school board demonstrates that no approvable  
13 application has come before the district school board.

14 (h) A grant of exclusive authority by the State Board  
15 of Education shall continue so long as a district school board  
16 continues to comply with this section and has presented a  
17 written resolution to the state board as set forth in  
18 paragraph (c).

19 (i) Notwithstanding any other provision of this  
20 section to the contrary, a district school board may permit  
21 the establishment of one or more FSE charter schools within  
22 the geographic boundaries of the school district by adopting a  
23 favorable resolution and submitting the resolution to the  
24 State Board of Education. The resolution shall be effective  
25 until it is rescinded by resolution of the district school  
26 board.

27 (6) APPROVAL OF COSPONSORS.--

28 (a) The commission shall begin accepting applications  
29 by municipalities, state universities, community colleges, and  
30 regional educational consortia no later than January 31, 2007.  
31 The commission shall review and evaluate all applications for

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 compliance with the provisions of paragraph (c) and shall have  
2 90 days after receipt of an application to approve or deny the  
3 application unless the 90-day period is waived by the  
4 applicant.

5 (b) The commission shall limit the number of charter  
6 schools that a cosponsor may approve pursuant to its review of  
7 the cosponsor's application under paragraph (c). Upon  
8 application by the cosponsor and review by the commission of  
9 the performance of a cosponsor's current charter schools, the  
10 commission may approve a cosponsor's application to raise the  
11 limit previously set by the commission.

12 (c) Any entity set forth in paragraph (a) that is  
13 interested in becoming a cosponsor pursuant to this section  
14 shall prepare and submit an application to the commission that  
15 provides evidence that the entity:

16 1. Has the necessary staff and infrastructure or has  
17 established the necessary contractual or interagency  
18 relationships to ensure its ability to handle all of the  
19 administrative responsibilities required of a charter school  
20 sponsor as set forth in s. 1002.33(20).

21 2. Has the necessary staff expertise and  
22 infrastructure or has established the necessary contractual or  
23 interagency relationships to ensure that it will approve and  
24 is able to develop and maintain charter schools of the highest  
25 academic quality.

26 3. Is able to provide the necessary public and private  
27 financial resources and staff to ensure that it can monitor  
28 and support charter schools that are economically efficient  
29 and fiscally sound.

30 4. Is committed to providing equal access to all  
31 students and to maintaining a diverse student population

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 within its charter schools, including compliance with all  
2 applicable requirements of federal law.

3 5. Is committed to serving low-income, low-performing,  
4 gifted, or underserved student populations.

5 6. Has articulated annual academic and financial goals  
6 and expected outcomes for its charter schools as well as the  
7 methods and plans by which it will measure and achieve those  
8 goals and outcomes.

9 7. Has policies in place to protect its cosponsoring  
10 practices from conflicts of interest.

11 (d) The commission's decision to deny an application  
12 or to revoke approval of a cosponsor pursuant to subsection  
13 (8) is not subject to chapter 120 and may be appealed to the  
14 State Board of Education pursuant to s. 1002.33(6).

15 (7) COSPONSOR AGREEMENT.--

16 (a) Upon approval of a cosponsor, the commission and  
17 the cosponsor shall enter into an agreement that defines the  
18 cosponsor's rights and obligations and includes the following:

19 1. An explanation of the personnel, contractual and  
20 interagency relationships, and potential revenue sources  
21 referenced in the application as required in paragraph (6)(c).

22 2. Incorporation of the requirements of equal access  
23 for all students, including any plans to provide food service  
24 or transportation reasonably necessary to provide access to as  
25 many students as possible.

26 3. Incorporation of the requirement to serve  
27 low-income, low-performing, gifted, or underserved student  
28 populations.

29 4. An explanation of the academic and financial goals  
30 and expected outcomes for the cosponsor's charter schools and  
31 the method and plans by which they will be measured and

1 achieved as referenced in the application.

2 5. The conflict-of-interest policies referenced in the  
3 application.

4 6. An explanation of the disposition of facilities and  
5 assets upon termination and dissolution of a charter school  
6 approved by the cosponsor.

7 7. A provision requiring the cosponsor to annually  
8 appear before the commission and provide a report as to the  
9 information provided pursuant to s. 1002.33(9)(1) for each of  
10 its charter schools.

11 8. A provision requiring that the cosponsor report the  
12 student enrollment in each of its sponsored charter schools to  
13 the district school board of the county in which the school is  
14 located.

15 9. A provision requiring that the cosponsor work with  
16 the commission to provide the necessary reports to the State  
17 Board of Education.

18 10. Any other reasonable terms deemed appropriate by  
19 the commission given the unique characteristics of the  
20 cosponsor.

21 (b) No cosponsor may receive applications for charter  
22 schools until a cosponsor agreement with the commission has  
23 been approved and signed by the commission and the appropriate  
24 individuals or governing bodies of the cosponsor.

25 (c) The cosponsor agreement shall be proposed and  
26 negotiated pursuant to the timeframes set forth in s.  
27 1002.33(6)(i).

28 (d) The cosponsor agreement shall be attached to and  
29 shall govern all charter school contracts entered into by the  
30 cosponsor.

31 (8) CAUSES FOR REVOCATION OF APPROVAL OF A

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 COSPONSOR.--If at any time the commission finds that a  
2 cosponsor is not in compliance, or is no longer willing to  
3 comply, with its contract with a charter school or with its  
4 cosponsor agreement with the commission, the commission shall  
5 provide notice and a hearing in accordance with State Board of  
6 Education rule. If after a hearing the commission confirms its  
7 initial finding, the commission shall revoke the cosponsor's  
8 approval. The commission shall assume temporary sponsorship  
9 over any charter school sponsored by the cosponsor at the time  
10 of revocation. Thereafter, the commission may assume permanent  
11 sponsorship over such school or allow the school's governing  
12 body to apply to another sponsor or cosponsor.

13 (9) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter  
14 school applications submitted to the commission or to a  
15 cosponsor approved by the commission pursuant to subsection  
16 (6) shall be subject to the same requirements set forth in s.  
17 1002.33(6). The commission or cosponsor shall receive and  
18 review all applications for FSE charter schools according to  
19 the provisions for review of charter school applications under  
20 s. 1002.33(6)(b).

21 (10) APPLICATIONS OF EXISTING CHARTER SCHOOLS.--

22 (a) An application may be submitted pursuant to this  
23 section by an existing charter school approved by a district  
24 school board provided that the obligations of its charter  
25 contract with the district school board will expire prior to  
26 entering into a new charter contract with the commission or  
27 one of its cosponsors. A district school board may agree to  
28 rescind or waive the obligations of a current charter contract  
29 to allow an application to be submitted by an existing charter  
30 school pursuant to this section. A charter school that changes  
31 sponsors pursuant to this subsection shall be allowed to

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 continue the use of all facilities, equipment, and other  
2 assets it owned or leased prior to the expiration or  
3 rescission of its contract with a district school board  
4 sponsor.

5 (b) An application to the commission or one of its  
6 cosponsors by a conversion charter school may only be  
7 submitted upon consent of the district school board. In such  
8 instance, the district school board may retain the facilities,  
9 equipment, and other assets of the conversion charter school  
10 for its own use or agree to reasonable terms for their  
11 continued use by the conversion charter school.

12 (11) APPLICATION OF CHARTER SCHOOL STATUTE.--

13 (a) The provisions of s. 1002.33(7)-(12), (14), and  
14 (16)-(19) shall apply to the commission and the cosponsors and  
15 charter schools approved pursuant to this section.

16 (b) The provisions of s. 1002.33(20) shall apply to  
17 the commission and the cosponsors and charter schools approved  
18 pursuant to this section with the exception that the  
19 commission or a cosponsor of a charter school approved  
20 pursuant to this section may retain no more than the actual  
21 cost of its administrative overhead costs expended to sponsor  
22 the charter school not to exceed 5 percent of the funding  
23 provided to the charter school.

24 (12) ACCESS TO INFORMATION.--The commission shall  
25 provide maximum access to information to all parents in the  
26 state. It shall maintain information systems, including, but  
27 not limited to, a user-friendly Internet website, that will  
28 provide information and data necessary for parents to make  
29 informed decisions. At a minimum, the commission must provide  
30 parents with information on its accountability standards,  
31 links to schools of excellence throughout the state, and



Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 public education programs available in the state.

2       (13) ANNUAL REPORT.--Each year, the chair of the  
3 commission shall appear before the State Board of Education  
4 and submit a report regarding the academic performance and  
5 fiscal responsibility of all charter schools and cosponsors  
6 approved under this section.

7       (14) IMPLEMENTATION.--The State Board of Education  
8 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
9 necessary to facilitate the implementation of this section.

10           Section 2. Paragraphs (d) through (h) of subsection  
11 (6) of section 1002.33, Florida Statutes, are redesignated as  
12 paragraphs (e) through (i), respectively, a new paragraph (d)  
13 is added to that subsection, and paragraph (b) of subsection  
14 (5), paragraph (f) of subsection (8), and paragraph (a) of  
15 subsection (17) of that section are amended, to read:

16           1002.33 Charter schools.--

17           (5) SPONSOR; DUTIES.--

18           (b) Sponsor duties.--

19           1.a. The sponsor shall monitor and review the charter  
20 school in its progress toward the goals established in the  
21 charter.

22           ~~b.2.~~ The sponsor shall monitor the revenues and  
23 expenditures of the charter school.

24           ~~c.3.~~ The sponsor may approve a charter for a charter  
25 school before the applicant has secured space, equipment, or  
26 personnel, if the applicant indicates approval is necessary  
27 for it to raise working capital.

28           ~~d.4.~~ The sponsor's policies shall not apply to a  
29 charter school.

30           ~~e.5.~~ The sponsor shall ensure that the charter is  
31 innovative and consistent with the state education goals

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 established by s. 1000.03(5).

2 ~~f.6.~~ The sponsor shall ensure that the charter school  
3 participates in the state's education accountability system.  
4 If a charter school falls short of performance measures  
5 included in the approved charter, the sponsor shall report  
6 such shortcomings to the Department of Education.

7 g. The sponsor shall not be liable for civil damages  
8 under state law for personal injury, property damage, or death  
9 resulting from an act or omission of an officer, employee,  
10 agent, or governing body of the charter school.

11 h. The sponsor shall not be liable for civil damages  
12 under state law for any employment actions taken by an  
13 officer, employee, agent, or governing body of the charter  
14 school.

15 i. The sponsor's duties to monitor the charter school  
16 shall not constitute the basis for a private cause of action.

17 2. Immunity for the sponsor of a charter school under  
18 subparagraph 1. applies only with respect to acts or omissions  
19 not under the sponsor's direct authority as described in this  
20 section.

21 3. Nothing contained in this paragraph shall be  
22 considered a waiver of sovereign immunity by a district school  
23 board.

24 4. A community college may work with the school  
25 district or school districts in its designated service area to  
26 develop charter schools that offer secondary education. These  
27 charter schools must include an option for students to receive  
28 an associate degree upon high school graduation. District  
29 school boards shall cooperate with and assist the community  
30 college on the charter application. Community college  
31 applications for charter schools are not subject to the time

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 deadlines outlined in subsection (6) and may be approved by  
 2 the district school board at any time during the year.  
 3 Community colleges shall not report FTE for any students who  
 4 receive FTE funding through the Florida Education Finance  
 5 Program.

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

9 (d) For charter school applications in school  
 10 districts that have not been granted exclusive authority to  
 11 sponsor charter schools pursuant to s. 1002.335(5), the right  
 12 to appeal an application denial under paragraph (c) shall be  
 13 contingent on the applicant having submitted the same or a  
 14 substantially similar application to the Florida Schools of  
 15 Excellence Commission or one of its cosponsors. Any such  
 16 applicant whose application is denied by the commission or one  
 17 of its cosponsors subsequent to its denial by the district  
 18 school board may exercise its right to appeal the district  
 19 school board's denial under paragraph (c) within 30 days after  
 20 receipt of the commission's or cosponsor's denial or failure  
 21 to act on the application. However, the applicant forfeits its  
 22 right to appeal under paragraph (c) if it fails to submit its  
 23 application to the commission or one of its cosponsors by  
 24 August 1 of the school year immediately following the district  
 25 school board's denial of the application.

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

27 (f) If a charter is not renewed or is terminated, the  
 28 charter school is responsible for all debts of the charter  
 29 school. The district may not assume the debt from any contract  
 30 ~~for services~~ made between the governing body of the school and  
 31 a third party, except for a debt that is previously detailed

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 and agreed upon in writing by both the district and the  
 2 governing body of the school and that may not reasonably be  
 3 assumed to have been satisfied by the district.

4 (17) FUNDING.--Students enrolled in a charter school,  
 5 regardless of the sponsorship, shall be funded as if they are  
 6 in a basic program or a special program, the same as students  
 7 enrolled in other public schools in the school district.  
 8 Funding for a charter lab school shall be as provided in s.  
 9 1002.32.

10 (a) Each charter school shall report its student  
 11 enrollment to the sponsor ~~district school board~~ as required in  
 12 s. 1011.62, and in accordance with the definitions in s.  
 13 1011.61. The sponsor ~~district school board~~ shall include each  
 14 charter school's enrollment in the district's report of  
 15 student enrollment. All charter schools submitting student  
 16 record information required by the Department of Education  
 17 shall comply with the Department of Education's guidelines for  
 18 electronic data formats for such data, and all districts shall  
 19 accept electronic data that complies with the Department of  
 20 Education's electronic format.

21 Section 3. The following sums of money and full-time  
 22 equivalent positions are appropriated from general revenue to  
 23 the State Board of Education for the 2006-2007 fiscal year for  
 24 the purpose of administering this act:

25 (1) Three full-time equivalent positions and 165,000  
 26 in approved annual salary rate.

27 (2) The sum of \$214,630 from recurring general revenue  
 28 funds for salaries and benefits.

29 (3) The sum of \$199,238 from recurring general revenue  
 30 funds for expenses.

31 (4) The sum of \$5,700 from nonrecurring general

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 revenue funds for operating capital outlay.

2       (5) The sum of \$1,179 from recurring general revenue  
3 funds for transfer to the Department of Management Services  
4 for the Human Resource Services Statewide Contract.

5       Section 4. This act shall take effect July 1, 2006.

6

7

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

9 And the title is amended as follows:

10       Delete everything before the enacting clause

11

12 and insert:

13

          A bill to be entitled

14

          An act relating to charter schools; creating s.

15

          1002.335, F.S.; providing findings and intent;

16

          establishing the Florida Schools of Excellence

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          Commission as a charter school authorizing

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          entity; providing for startup funds; providing

19

          for membership of the commission; providing

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          powers and duties of the commission, including

21

          serving as a sponsor of charter schools,

22

          approving certain entities to act as

23

          cosponsors, approving or denying applications

24

          for Florida Schools of Excellence (FSE) charter

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          schools, and developing standards for and

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          evaluating the performance of cosponsors and

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          charter schools; requiring collaboration with

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          municipalities, state universities, community

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          colleges, and regional educational consortia as

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          cosponsors for FSE charter schools; providing

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          chartering authority; prescribing procedures

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 under which a district school board may become  
2 the exclusive authority to authorize charter  
3 schools within a school district; providing for  
4 challenges to grants of exclusive authority;  
5 prescribing conditions to be considered by the  
6 State Board of Education in determining whether  
7 to grant exclusive authority; providing  
8 requirements for approval of cosponsors by the  
9 commission; providing components of required  
10 cosponsor agreements; providing causes for  
11 revocation of approval of a cosponsor;  
12 providing for FSE charter school application  
13 and review procedures; authorizing existing  
14 charter schools to apply as FSE charter  
15 schools; providing for application of specified  
16 provisions of law; requiring access to  
17 information by parents; requiring the  
18 commission to submit an annual report;  
19 requiring rulemaking; amending s. 1002.33,  
20 F.S.; providing that the sponsor of a charter  
21 school shall not be liable for civil damages  
22 for certain actions; providing that the duty to  
23 monitor a charter school shall not be the basis  
24 for a private cause of action; prescribing  
25 limits on immunities of a charter school  
26 sponsor; providing requirements with respect to  
27 the right to appeal the denial of a charter  
28 school application; expanding a school  
29 district's immunity from assumption of  
30 contractual debts; revising provisions relating  
31 to reporting of charter school student

Bill No. CS for CS for CS for SB 1030

Barcode 053938

1 enrollment for purposes of funding; providing  
2 appropriations and authorizing positions;  
3 providing an effective date.  
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