

Bill No. CS for CS for SB 1030

Barcode 101920

CHAMBER ACTION

Senate

House

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Comm: RCS
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The Committee on Education (King) recommended the following amendment:

Senate Amendment (with title amendment)

On page 3, between lines 27 and 28,

insert:

(3) CHARTERING AUTHORITY.--

(a) A charter school applicant may submit an application to the Florida Schools of Excellence Commission only if the school district in which the FSE charter school is to be located has not retained exclusive authority to authorize charter schools as provided in paragraph (e). If a school district has not retained exclusive authority to authorize charter schools as provided in paragraph (e), the school district and the Florida Schools of Excellence Commission shall have concurrent authority to authorize charter schools and FSE charter schools, respectively, to be located within the geographic boundaries of the school district. The school district shall monitor and oversee all charter schools authorized by the school district as provided

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1 by general law. The Florida Schools of Excellence Commission
2 shall monitor and oversee all FSE charter schools authorized
3 by the commission as provided in paragraph (e).

4 (b) Paragraph (e) may not be construed to eliminate
5 the ability of a school district to authorize charter schools
6 pursuant to current statute. A school district shall retain
7 the authority to reauthorize and to oversee any charter school
8 that it has authorized, except with respect to any charter
9 school that is converted to an FSE charter school under this
10 section.

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

31 (d) A party may challenge the grant of exclusive

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

13 (e) The state board shall grant to a district school
 14 board exclusive authority to authorize charter schools within
 15 the geographic boundaries of the school district if the state
 16 board determines, after adequate notice and in a public
 17 hearing and after receiving input from any charter school
 18 authorized by the district school board, that the district
 19 school board has provided fair and equitable treatment to its
 20 charter schools during the 4 years prior to the district
 21 school board's submission of the resolution described in
 22 paragraph (c), through the district board's demonstration of:

23 1. Full compliance with the provisions of current
 24 charter statute, which includes, at a minimum:

25 a. Compliance with full and accurate accounting
 26 practices and charges for central administrative overhead
 27 costs;

28 b. Compliance with requirements allowing a charter
 29 school to purchase, at its discretion, certain services or a
 30 combination of services at actual cost to the district;

31 c. The absence of a school district moratorium

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1 regarding charter schools or the absence of any district-wide
2 charter school enrollment limits; and

3 d. Compliance with valid orders of the state board;
4 and

5 2. Any combination of the following:

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

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

20 c. The provision of adequate staff and other resources
21 to serve charter schools authorized by the district board,
22 which services are provided by the school district at a cost
23 to the charter schools which does not exceed their actual cost
24 to the school district;

25 d. The lack of a policy or practice of imposing
26 individual charter school enrollment limits, except as
27 otherwise provided in statute; or

28 e. The provision of an adequate number of educational
29 choice programs to serve students exercising their rights to
30 transfer pursuant to the "No Child Left Behind Act of 2001,"
31 Pub. L. No. 107-110, and a history of charter school approval

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1 that encourages chartering.

2 (f) For school districts that have no discernable
3 history of authorizing charter schools, the state board may
4 not grant exclusive authority unless the school district
5 demonstrates that no approvable application has come before
6 the district.

7 (g) A grant of exclusive authority by the state board
8 shall continue so long as a school district continues to
9 comply with this section and has presented a written
10 resolution to the state board as set forth in paragraph (c).

11 (h) Notwithstanding any other provision of this
12 section to the contrary, a district school board may permit
13 the establishment of one or more FSE charter schools within
14 the geographic boundaries of the school district by adopting a
15 favorable resolution and submitting the resolution to the
16 state board. The resolution shall be effective until it is
17 rescinded by resolution of the district school board.

18
19 (Renumber subsequent subsections.)

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21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, line 3, following the second semicolon

25
26 insert:

27 providing chartering authority; prescribing
28 procedures under which a district school board
29 may become the exclusive authority to authorize
30 charter schools within a school district;
31 providing for challenges to grants of exclusive

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1 authority; prescribing conditions to be
2 considered by the state board in determining
3 whether to grant exclusive authority;
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