

Bill No. CS for SB 1030

Barcode 153720

CHAMBER ACTION

Senate

House

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The Committee on Education Appropriations (Wise) recommended
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

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1 efficiency, and the improvement of all public schools.

2 (d) The greatest challenges to the continued
3 development and success of uniform, high-quality charter
4 schools are administrative issues, accountability issues, and
5 a lack of sufficient communication and support from sponsors.

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

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

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

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

24 (a) The Florida Schools of Excellence Commission is
25 established as an independent, state-level charter school
26 authorizing entity working in collaboration with the
27 Department of Education and under the supervision of the State
28 Board of Education. Startup funds necessary to establish and
29 operate the commission may be received through private
30 contributions and federal and other institutional grants
31 through the Grants and Donations Trust Fund and the

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1 Educational Aids Trust Fund housed within the department in
2 addition to funds provided in the General Appropriations Act.
3 The department shall assist in securing federal and other
4 institutional grant funds to establish the commission.

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

31 (c) The commission is encouraged to convene its first

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1 meeting no later than October 1, 2006, and, thereafter, shall
 2 meet each month at the call of the chair or upon the request
 3 of four members of the commission. Four members of the
 4 commission shall constitute a quorum.

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

8 (e) The members of the commission shall not be
 9 compensated for their services on the commission but may be
 10 reimbursed for per diem and travel expenses pursuant to s.
 11 112.061.

12 (4) POWERS AND DUTIES.--

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

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

18 2. Authorize only municipalities, state universities,
 19 community colleges, and regional educational consortia to act
 20 as cosponsors of charter schools, including the approval or
 21 denial of cosponsor applications pursuant to State Board of
 22 Education rule and subsection (5) and the revocation of
 23 approval of cosponsors pursuant to State Board of Education
 24 rule and subsection (7).

25 3. Approve or deny Florida Schools of Excellence (FSE)
 26 charter school applications and renew or terminate charters of
 27 FSE charter schools.

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

29 1. Review charter school applications and assist in
 30 the establishment of Florida Schools of Excellence (FSE)
 31 charter schools throughout the state. An FSE charter school

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1 shall exist as a public school within the state as a component
2 of the delivery of public education within Florida's K-20
3 education system.

4 2. Develop, promote, and disseminate best practices
5 for charter schools and charter school sponsors in order to
6 ensure that high-quality charter schools are developed and
7 incentivized. At a minimum, the best practices shall encourage
8 the development and replication of academically and
9 financially proven charter school programs.

10 3. Develop, promote, and require high standards of
11 accountability for any school that applies and is granted a
12 charter under this section.

13 4. Monitor and annually review and evaluate the
14 performance of the charter schools it sponsors and hold the
15 schools accountable for their performance.

16 5. Report the student enrollment in each of its
17 sponsored charter schools to the district school board of the
18 county in which the school is located.

19 6. Work with its cosponsors to monitor the financial
20 management of each FSE charter school.

21 7. Direct charter schools and persons seeking to
22 establish charter schools to sources of private funding and
23 support.

24 8. Actively seek, with the assistance of the
25 department, supplemental revenue from federal grant funds,
26 institutional grant funds, and philanthropic organizations.
27 The commission may, through the department's Grants and
28 Donations Trust Fund, receive and expend gifts, grants, and
29 donations of any kind from any public or private entity to
30 carry out the purposes of this section.

31 9. Review and recommend to the Legislature any

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1 necessary revisions to statutory requirements regarding the
 2 qualification and approval of municipalities, state
 3 universities, community colleges, and regional educational
 4 consortia as cosponsors for FSE charter schools.

5 10. Review and recommend to the Legislature any
 6 necessary revisions to statutory requirements regarding the
 7 standards for accountability and criteria for revocation of
 8 approval of cosponsors of FSE charter schools.

9 11. Assist its cosponsors and FSE charter schools in
 10 cooperating with district school boards to allow the charter
 11 schools to utilize unused space within district public
 12 schools.

13 12. Collaborate with municipalities, state
 14 universities, community colleges, and regional educational
 15 consortia as cosponsors for FSE charter schools for the
 16 purpose of providing the highest level of public education to
 17 low-income, low-performing, and underserved student
 18 populations. Such collaborations shall:

19 a. Allow state universities and community colleges
 20 that cosponsor FSE charter schools to enable students
 21 attending a charter school to take college courses and receive
 22 high school and college credit for such courses.

23 b. Be used to determine the feasibility of opening
 24 charter schools for children with autism that work with and
 25 utilize the specialized expertise of the Centers for Autism
 26 and Related Disabilities established and operated pursuant to
 27 s. 1004.55.

28 13. Support municipalities when the mayor or chief
 29 executive, through resolution passed by the governing body of
 30 the municipality, expresses an intent to cosponsor and
 31 establish charter schools within the municipal boundaries.

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1 14. Meet the needs of charter schools and school
 2 districts by uniformly administering high-quality charter
 3 schools, thereby removing administrative burdens from the
 4 school districts.

5 15. Work with school districts to assist them in
 6 effectively providing administrative services to their charter
 7 schools.

8 16. Perform all of the duties of sponsors set forth in
 9 s. 1002.33(5)(b) and (20).

10 (5) APPROVAL OF COSPONSORS.--

11 (a) The commission shall begin accepting applications
 12 by municipalities, state universities, community colleges, and
 13 regional educational consortia no later than January 31, 2007.
 14 The commission shall have 90 days from receipt of an
 15 application under this paragraph to approve or deny the
 16 application unless the 90-day period is waived by the
 17 applicant.

18 (b) The commission shall limit the number of charter
 19 schools that a cosponsor may approve pursuant to its review of
 20 the cosponsor's application under paragraph (c). Upon
 21 application by the cosponsor and review by the commission of
 22 the performance of a cosponsor's current charter schools, the
 23 commission may approve a cosponsor's application to raise the
 24 limit previously set by the commission.

25 (c) Any entity set forth in paragraph (a) that is
 26 interested in becoming a cosponsor pursuant to this section
 27 shall prepare and submit an application to the commission that
 28 provides evidence that the entity:

29 1. Has the necessary staff and infrastructure or has
 30 established the necessary contractual or interagency
 31 relationships to ensure its ability to handle all of the

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1 administrative responsibilities required of a charter school
2 sponsor as set forth in s. 1002.33(20).

3 2. Has the necessary staff expertise and
4 infrastructure or has established the necessary contractual or
5 interagency relationships to ensure that it will approve and
6 is able to develop and maintain charter schools of the highest
7 academic quality.

8 3. Has and is committed to providing and pursuing the
9 necessary public and private financial resources and staff to
10 ensure that it can monitor and support charter schools that
11 are economically efficient and fiscally sound.

12 4. Is committed to providing equal access to all
13 students and to maintaining a diverse student population
14 within its charter schools.

15 5. Is committed to focusing on low-income,
16 low-performing, and underserved student populations.

17 6. Has articulated annual goals and expected outcomes
18 for its charter schools as well as the methods and plans by
19 which it will achieve those goals and outcomes.

20 7. Has policies in place to protect its cosponsoring
21 practices from conflicts of interest.

22 (d) The commission's decision to deny an application
23 or to revoke approval of a cosponsor pursuant to subsection
24 (7) is not subject to chapter 120 and may be appealed to the
25 State Board of Education pursuant to s. 1002.33(6).

26 (6) COSPONSOR AGREEMENT.--

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

30 1. An explanation of the personnel, contractual and
31 interagency relationships, and potential revenue sources

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1 referenced in the application as required in paragraph (5)(c).

2 2. Incorporation of the requirements of equal access
3 for all students, including any plans to provide
4 transportation reasonably necessary to provide access to as
5 many students as possible.

6 3. Incorporation of the requirement to focus on
7 low-income, low-performing, and underserved student
8 populations.

9 4. An explanation of the goals and expected outcomes
10 for the cosponsor's charter schools and the method and plans
11 by which they will be achieved as referenced in the
12 application.

13 5. The conflict-of-interest policies referenced in the
14 application.

15 6. An explanation of the disposition of facilities and
16 assets upon termination and dissolution of a charter school
17 approved by the cosponsor.

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

22 8. A provision requiring that the cosponsor report the
23 student enrollment in each of its sponsored charter schools to
24 the district school board of the county in which the school is
25 located.

26 9. A provision requiring that the cosponsor work with
27 the commission to provide the necessary reports to the State
28 Board of Education.

29 10. Any other reasonable terms deemed appropriate by
30 the commission given the unique characteristics of the
31 cosponsor.

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1 (b) No cosponsor may receive applications for charter
 2 schools until a cosponsor agreement with the commission has
 3 been approved and signed by the commission and the appropriate
 4 individuals or governing bodies of the cosponsor.

5 (c) The cosponsor agreement shall be proposed and
 6 negotiated pursuant to the timeframes set forth in s.
 7 1002.33(6)(i).

8 (d) The cosponsor agreement shall be attached to and
 9 shall govern all charter school contracts entered into by the
 10 cosponsor.

11 (7) CAUSES FOR REVOCATION OF APPROVAL OF A
 12 COSPONSOR.--If at any time the commission finds that a
 13 cosponsor is not in compliance, or is no longer willing to
 14 comply, with its contract with a charter school or with its
 15 cosponsor agreement with the commission, the commission shall
 16 provide notice and a hearing in accordance with State Board of
 17 Education rule. If after a hearing the commission confirms its
 18 initial finding, the commission shall revoke the cosponsor's
 19 approval. The commission may assume sponsorship over any
 20 charter school sponsored by the cosponsor at the time of
 21 revocation. Thereafter, the commission may assume permanent
 22 sponsorship over such school or may direct the school's
 23 governing body to apply to another cosponsor or to the
 24 appropriate district school board for sponsorship.

25 (8) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter
 26 school applications submitted to the commission or to a
 27 cosponsor approved by the commission pursuant to subsection
 28 (5) shall be subject to the same requirements set forth in s.
 29 1002.33(6). The commission or cosponsor shall receive and
 30 review all applications for FSE charter schools according to
 31 the provisions of s. 1002.33(6)(b). All references to a

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1 district school board in s. 1002.33(6)(b) shall refer to the
2 commission or its cosponsors that receive applications for
3 review.

4 (9) APPLICATIONS OF EXISTING CHARTER SCHOOLS.--

5 (a) An application may be submitted pursuant to this
6 section by an existing charter school approved by a district
7 school board provided that the obligations of its charter
8 contract with the district school board will expire prior to
9 entering into a new charter contract with the commission or
10 one of its cosponsors. A district school board may agree to
11 rescind or waive the obligations of a current charter contract
12 to allow an application to be submitted by an existing charter
13 school pursuant to this section. A charter school that changes
14 sponsors pursuant to this subsection shall be allowed to
15 continue the use of all facilities, equipment, and other
16 assets it owned or leased prior to the expiration or
17 rescission of its contract with a district school board
18 sponsor.

19 (b) An application to the commission or one of its
20 cosponsors by a conversion charter school may only be
21 submitted upon consent of the district school board. In such
22 instance, the district school board may retain the facilities,
23 equipment, and other assets of the conversion charter school
24 for its own use or agree to reasonable terms for their
25 continued use by the conversion charter school.

26 (10) APPLICATION OF CHARTER SCHOOL STATUTE.--The
27 provisions of s. 1002.33(7)-(12), (14), and (16)-(19) shall
28 apply to the commission, cosponsors, and charter schools
29 approved pursuant to this section.

30 (11) ACCESS TO INFORMATION.--The commission shall
31 provide maximum access to information to all parents in the

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1 state. It shall maintain information systems, including, but
 2 not limited to, a user-friendly Internet website, that will
 3 provide information and data necessary for parents to make
 4 informed decisions. At a minimum, the commission must provide
 5 parents with information on its accountability standards,
 6 links to schools of excellence throughout the state, and
 7 public education programs available in the state.

8 (12) ANNUAL REPORT.--Each year, the chair of the
 9 commission shall appear before the State Board of Education
 10 and submit a report regarding the academic performance and
 11 fiscal responsibility of all charter schools and cosponsors
 12 approved under this section.

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

16 Section 2. Paragraphs (d), (e), (f), (g), and (h) of
 17 subsection (6) of section 1002.33, Florida Statutes, are
 18 redesignated as paragraphs (e), (f), (g), (h), and (i),
 19 respectively, a new paragraph (d) is added to that subsection,
 20 paragraph (o) is added to subsection (9) of that section, and
 21 paragraph (a) of subsection (17) and paragraph (f) of
 22 subsection (18) of that section are amended, to read:

23 1002.33 Charter schools.--

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

27 (d) The right to appeal an application denial under
 28 paragraph (c) shall be contingent on the applicant having
 29 submitted the same or a substantially similar application to
 30 the Florida Schools of Excellence Commission or one of its
 31 cosponsors. Any such applicant whose application is denied by

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1 the commission or one of its cosponsors subsequent to its
 2 denial by the district school board may exercise its right to
 3 appeal the district school board's denial under paragraph (c)
 4 within 30 days after receipt of the commission's or
 5 cosponsor's denial or failure to act on the application.
 6 However, the applicant forfeits its right to appeal under
 7 paragraph (c) if it fails to submit its application to the
 8 commission or one of its cosponsors by August 1 of the school
 9 year immediately following the district school board's denial
 10 of the application.

11 (9) CHARTER SCHOOL REQUIREMENTS.--

12 (o) As a public school, a charter school shall meet
 13 the class size requirements pursuant to s. 1003.03.

14 (17) FUNDING.--Students enrolled in a charter school,
 15 regardless of the sponsorship, shall be funded as if they are
 16 in a basic program or a special program, the same as students
 17 enrolled in other public schools in the school district.
 18 Funding for a charter lab school shall be as provided in s.
 19 1002.32.

20 (a) Each charter school shall report its student
 21 enrollment to the sponsor ~~district school board~~ as required in
 22 s. 1011.62, and in accordance with the definitions in s.
 23 1011.61. The sponsor ~~district school board~~ shall include each
 24 charter school's enrollment in the district's report of
 25 student enrollment. All charter schools submitting student
 26 record information required by the Department of Education
 27 shall comply with the Department of Education's guidelines for
 28 electronic data formats for such data, and all districts shall
 29 accept electronic data that complies with the Department of
 30 Education's electronic format.

31 (18) FACILITIES.--

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1 (f) To the extent that charter school facilities are
2 specifically created to mitigate the educational impact
3 created by the development of new residential dwelling units,
4 pursuant to subparagraph (2)(c)4., some of or all of the
5 educational impact fees required to be paid in connection with
6 the new residential dwelling units may be designated instead
7 for the construction of the charter school facilities that
8 will mitigate the student station impact. Such facilities
9 shall be built to the State Requirements for Educational
10 Facilities and shall be owned by a public or nonprofit entity.
11 The sponsor ~~local school district~~ retains the right to monitor
12 and inspect such facilities to ensure compliance with the
13 State Requirements for Educational Facilities. If a facility
14 ceases to be used for public educational purposes, either the
15 facility shall revert to the sponsor ~~school district~~ subject
16 to any debt owed on the facility, or the owner of the facility
17 shall have the option to refund all educational impact fees
18 utilized for the facility to the sponsor ~~school district~~. The
19 district and the owner of the facility may contractually agree
20 to another arrangement for the facilities if the facilities
21 cease to be used for educational purposes. The owner of
22 property planned or approved for new residential dwelling
23 units and the entity levying educational impact fees shall
24 enter into an agreement that designates the educational impact
25 fees that will be allocated for the charter school student
26 stations and that ensures the timely construction of the
27 charter school student stations concurrent with the expected
28 occupancy of the residential units. The application for use of
29 educational impact fees shall include an approved charter
30 school application. To assist the school district in
31 forecasting student station needs, the entity levying the

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1 impact fees shall notify the affected district of any
 2 agreements it has approved for the purpose of mitigating
 3 student station impact from the new residential dwelling
 4 units.

5 Section 3. This act shall take effect July 1, 2006.
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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
 17 Commission as a charter school authorizing
 18 entity; providing for startup funds; providing
 19 for membership of the commission; providing
 20 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
 25 schools, and developing standards for and
 26 evaluating the performance of charter schools;
 27 requiring collaboration with municipalities,
 28 state universities, community colleges, and
 29 regional educational consortia as cosponsors
 30 for FSE charter schools; providing requirements
 31 for approval of cosponsors by the commission;

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1 providing components of required cosponsor
2 agreements; providing causes for revocation of
3 approval of a cosponsor; providing for FSE
4 charter school application and review
5 procedures; authorizing existing charter
6 schools to apply as FSE charter schools;
7 providing for application of specified
8 provisions of law; requiring access to
9 information by parents; requiring the
10 commission to submit an annual report;
11 requiring rulemaking; amending s. 1002.33,
12 F.S.; providing requirements with respect to
13 the right to appeal a charter school
14 application denial; requiring that a charter
15 school meet class size requirements; revising
16 provisions relating to reporting of charter
17 school student enrollment for purposes of
18 funding; revising requirements relating to
19 charter school facilities created to mitigate a
20 certain educational impact; providing an
21 effective date.

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