

1 school is not liable for civil damages for
2 certain actions; providing that the duty to
3 monitor a charter school shall not be the basis
4 for a private cause of action; prescribing
5 limits on immunities of a charter school
6 sponsor; providing that nothing related to a
7 sponsor's duties shall be considered a waiver
8 of sovereign immunity by a sponsor; providing
9 requirements with respect to the right to
10 appeal a charter school application denial;
11 expanding a school district's immunity from
12 assumption of contractual debts; requiring that
13 a charter school meet class size requirements;
14 revising provisions relating to reporting of
15 charter school student enrollment for purposes
16 of funding; revising requirements relating to
17 charter school facilities created to mitigate a
18 certain educational impact; providing an
19 effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 1002.335, Florida Statutes, is
24 created to read:

25 1002.335 Florida Schools of Excellence Commission.--

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

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

30 (b) Charter schools provide valuable educational
31 options and innovative learning opportunities while expanding

1 the capacity of the state's system of public education and
2 empowering parents with the ability to make choices that best
3 fit the individual needs of their children.

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

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

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

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

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

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

29 (a) The Florida Schools of Excellence Commission is
30 established as an independent, state-level charter school
31 authorizing entity working in collaboration with the

1 Department of Education and under the supervision of the State
2 Board of Education. Startup funds necessary to establish and
3 operate the commission may be received through private
4 contributions and federal and other institutional grants
5 through the Grants and Donations Trust Fund and the
6 Educational Aids Trust Fund housed within the department in
7 addition to funds provided in the General Appropriations Act.
8 The department shall assist in securing federal and other
9 institutional grant funds to establish the commission.

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

1 commission must hold a bachelor's degree or higher, and the
2 commission must include individuals who have experience in
3 finance, administration, law, education, and school
4 governance.

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

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

13 (e) The members of the commission shall not be
14 compensated for their services on the commission but may be
15 reimbursed for per diem and travel expenses pursuant to s.
16 112.061.

17 (4) POWERS AND DUTIES.--

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

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

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

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

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

5 1. Review charter school applications and assist in
6 the establishment of Florida Schools of Excellence (FSE)
7 charter schools throughout the state. An FSE charter school
8 shall exist as a public school within the state as a component
9 of the delivery of public education within Florida's K-20
10 education system.

11 2. Develop, promote, and disseminate best practices
12 for charter schools and charter school sponsors in order to
13 ensure that high-quality charter schools are developed and
14 incentivized. At a minimum, the best practices shall encourage
15 the development and replication of academically and
16 financially proven charter school programs.

17 3. Develop, promote, and require high standards of
18 accountability for any school that applies and is granted a
19 charter under this section.

20 4. Monitor and annually review and evaluate the
21 performance of the charter schools it sponsors and hold the
22 schools accountable for their performance.

23 5. Report the student enrollment in each of its
24 sponsored charter schools to the district school board of the
25 county in which the school is located.

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

28 7. Direct charter schools and persons seeking to
29 establish charter schools to sources of private funding and
30 support.

31

1 8. Actively seek, with the assistance of the
2 department, supplemental revenue from federal grant funds,
3 institutional grant funds, and philanthropic organizations.
4 The commission may, through the department's Grants and
5 Donations Trust Fund, receive and expend gifts, grants, and
6 donations of any kind from any public or private entity to
7 carry out the purposes of this section.

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

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

17 11. Assist its cosponsors and FSE charter schools in
18 cooperating with district school boards to allow the charter
19 schools to utilize unused space within district public
20 schools.

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

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

31

1 b. Be used to determine the feasibility of opening
2 charter schools for children with autism that work with and
3 utilize the specialized expertise of the Centers for Autism
4 and Related Disabilities established and operated pursuant to
5 s. 1004.55.

6 13. Support municipalities when the mayor or chief
7 executive, through resolution passed by the governing body of
8 the municipality, expresses an intent to cosponsor and
9 establish charter schools within the municipal boundaries.

10 14. Meet the needs of charter schools and school
11 districts by uniformly administering high-quality charter
12 schools, thereby removing administrative burdens from the
13 school districts.

14 15. Work with school districts to assist them in
15 effectively providing administrative services to their charter
16 schools.

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

19 (5) APPROVAL OF COSPONSORS.--

20 (a) The commission shall begin accepting applications
21 by municipalities, state universities, community colleges, and
22 regional educational consortia no later than January 31, 2007.
23 The commission shall have 90 days from receipt of an
24 application under this paragraph to approve or deny the
25 application unless the 90-day period is waived by the
26 applicant.

27 (b) The commission shall limit the number of charter
28 schools that a cosponsor may approve pursuant to its review of
29 the cosponsor's application under paragraph (c). Upon
30 application by the cosponsor and review by the commission of
31 the performance of a cosponsor's current charter schools, the

1 commission may approve a cosponsor's application to raise the
2 limit previously set by the commission.

3 (c) Any entity set forth in paragraph (a) that is
4 interested in becoming a cosponsor pursuant to this section
5 shall prepare and submit an application to the commission that
6 provides evidence that the entity:

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

12 2. Has the necessary staff expertise and
13 infrastructure or has established the necessary contractual or
14 interagency relationships to ensure that it will approve and
15 is able to develop and maintain charter schools of the highest
16 academic quality.

17 3. Has and is committed to providing and pursuing the
18 necessary public and private financial resources and staff to
19 ensure that it can monitor and support charter schools that
20 are economically efficient and fiscally sound.

21 4. Is committed to providing equal access to all
22 students and to maintaining a diverse student population
23 within its charter schools.

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

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

29 7. Has policies in place to protect its cosponsoring
30 practices from conflicts of interest.

31

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

5 (6) COSPONSOR AGREEMENT.--

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

9 1. An explanation of the personnel, contractual and
10 interagency relationships, and potential revenue sources
11 referenced in the application as required in paragraph (5)(c).

12 2. Incorporation of the requirements of equal access
13 for all students, including any plans to provide
14 transportation reasonably necessary to provide access to as
15 many students as possible.

16 3. Incorporation of the requirement to focus on
17 low-income, low-performing, and underserved student
18 populations.

19 4. An explanation of the goals and expected outcomes
20 for the cosponsor's charter schools and the method and plans
21 by which they will be achieved as referenced in the
22 application.

23 5. The conflict-of-interest policies referenced in the
24 application.

25 6. An explanation of the disposition of facilities and
26 assets upon termination and dissolution of a charter school
27 approved by the cosponsor.

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

1 8. A provision requiring that the cosponsor report the
2 student enrollment in each of its sponsored charter schools to
3 the district school board of the county in which the school is
4 located.

5 9. A provision requiring that the cosponsor work with
6 the commission to provide the necessary reports to the State
7 Board of Education.

8 10. Any other reasonable terms deemed appropriate by
9 the commission given the unique characteristics of the
10 cosponsor.

11 (b) No cosponsor may receive applications for charter
12 schools until a cosponsor agreement with the commission has
13 been approved and signed by the commission and the appropriate
14 individuals or governing bodies of the cosponsor.

15 (c) The cosponsor agreement shall be proposed and
16 negotiated pursuant to the timeframes set forth in s.
17 1002.33(6)(i).

18 (d) The cosponsor agreement shall be attached to and
19 shall govern all charter school contracts entered into by the
20 cosponsor.

21 (7) CAUSES FOR REVOCATION OF APPROVAL OF A
22 COSPONSOR.--If at any time the commission finds that a
23 cosponsor is not in compliance, or is no longer willing to
24 comply, with its contract with a charter school or with its
25 cosponsor agreement with the commission, the commission shall
26 provide notice and a hearing in accordance with State Board of
27 Education rule. If after a hearing the commission confirms its
28 initial finding, the commission shall revoke the cosponsor's
29 approval. The commission may assume sponsorship over any
30 charter school sponsored by the cosponsor at the time of
31 revocation. Thereafter, the commission may assume permanent

1 sponsorship over such school or may direct the school's
2 governing body to apply to another cosponsor or to the
3 appropriate district school board for sponsorship.

4 (8) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter
5 school applications submitted to the commission or to a
6 cosponsor approved by the commission pursuant to subsection
7 (5) shall be subject to the same requirements set forth in s.
8 1002.33(6). The commission or cosponsor shall receive and
9 review all applications for FSE charter schools according to
10 the provisions of s. 1002.33(6)(b). All references to a
11 district school board in s. 1002.33(6)(b) shall refer to the
12 commission or its cosponsors that receive applications for
13 review.

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

15 (a) An application may be submitted pursuant to this
16 section by an existing charter school approved by a district
17 school board provided that the obligations of its charter
18 contract with the district school board will expire prior to
19 entering into a new charter contract with the commission or
20 one of its cosponsors. A district school board may agree to
21 rescind or waive the obligations of a current charter contract
22 to allow an application to be submitted by an existing charter
23 school pursuant to this section. A charter school that changes
24 sponsors pursuant to this subsection shall be allowed to
25 continue the use of all facilities, equipment, and other
26 assets it owned or leased prior to the expiration or
27 rescission of its contract with a district school board
28 sponsor.

29 (b) An application to the commission or one of its
30 cosponsors by a conversion charter school may only be
31 submitted upon consent of the district school board. In such

1 instance, the district school board may retain the facilities,
2 equipment, and other assets of the conversion charter school
3 for its own use or agree to reasonable terms for their
4 continued use by the conversion charter school.

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

9 (11) ACCESS TO INFORMATION.--The commission shall
10 provide maximum access to information to all parents in the
11 state. It shall maintain information systems, including, but
12 not limited to, a user-friendly Internet website, that will
13 provide information and data necessary for parents to make
14 informed decisions. At a minimum, the commission must provide
15 parents with information on its accountability standards,
16 links to schools of excellence throughout the state, and
17 public education programs available in the state.

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

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

26 Section 2. Paragraph (b) of subsection (5) and
27 paragraph (f) of subsection (8) of section 1002.33, Florida
28 Statutes, are amended, paragraphs (d), (e), (f), (g), and (h)
29 of subsection (6) of that section are redesignated as
30 paragraphs (e), (f), (g), (h), and (i), respectively, a new
31 paragraph (d) is added to that subsection, paragraph (o) is

1 added to subsection (9) of that section, and paragraph (a) of
2 subsection (17) and paragraph (f) of subsection (18) of that
3 section are amended, to read:

4 1002.33 Charter schools.--

5 (5) SPONSOR; DUTIES.--

6 (b) Sponsor duties.--

7 1.a. The sponsor shall monitor and review the charter
8 school in its progress toward the goals established in the
9 charter.

10 ~~b.2.~~ The sponsor shall monitor the revenues and
11 expenditures of the charter school.

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

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

18 ~~e.5.~~ The sponsor shall ensure that the charter is
19 innovative and consistent with the state education goals
20 established by s. 1000.03(5).

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

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

30 h. The sponsor shall not be liable for civil damages
31 under state law for any employment actions taken by an

1 officer, employee, agent, or governing body of the charter
2 school.

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

5 2. Immunity for the sponsor of a charter school under
6 this paragraph applies only with respect to acts or omissions
7 that are not under the sponsor's direct authority as described
8 in this section.

9 3. Nothing contained in this paragraph shall be
10 considered a waiver of sovereign immunity by a sponsor.

11
12 A community college may work with the school district or
13 school districts in its designated service area to develop
14 charter schools that offer secondary education. These charter
15 schools must include an option for students to receive an
16 associate degree upon high school graduation. District school
17 boards shall cooperate with and assist the community college
18 on the charter application. Community college applications for
19 charter schools are not subject to the time deadlines outlined
20 in subsection (6) and may be approved by the district school
21 board at any time during the year. Community colleges shall
22 not report FTE for any students who receive FTE funding
23 through the Florida Education Finance Program.

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

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

12 (f) If a charter is not renewed or is terminated, the
13 charter school is responsible for all debts of the charter
14 school. The district may not assume the debt from any contract
15 ~~for services~~ made between the governing body of the school and
16 a third party, except for a debt that is previously detailed
17 and agreed upon in writing by both the district and the
18 governing body of the school and that may not reasonably be
19 assumed to have been satisfied by the district.

20 (9) CHARTER SCHOOL REQUIREMENTS.--

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

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

29 (a) Each charter school shall report its student
30 enrollment to the sponsor ~~district school board~~ as required in
31 s. 1011.62, and in accordance with the definitions in s.

1 | 1011.61. The sponsor ~~district school board~~ shall include each
2 | charter school's enrollment in the district's report of
3 | student enrollment. All charter schools submitting student
4 | record information required by the Department of Education
5 | shall comply with the Department of Education's guidelines for
6 | electronic data formats for such data, and all districts shall
7 | accept electronic data that complies with the Department of
8 | Education's electronic format.

9 | (18) FACILITIES.--

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

1 units and the entity levying educational impact fees shall
2 enter into an agreement that designates the educational impact
3 fees that will be allocated for the charter school student
4 stations and that ensures the timely construction of the
5 charter school student stations concurrent with the expected
6 occupancy of the residential units. The application for use of
7 educational impact fees shall include an approved charter
8 school application. To assist the school district in
9 forecasting student station needs, the entity levying the
10 impact fees shall notify the affected district of any
11 agreements it has approved for the purpose of mitigating
12 student station impact from the new residential dwelling
13 units.

14 Section 3. This act shall take effect July 1, 2006.

15

16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 CS for Senate Bill 1030

18

19 Creates the Florida Schools of Excellence Commission as an
20 independent, state-level charter school authorizing entity to
21 sponsor charter schools; to approve or deny charter school
22 applications; to authorize only community colleges, state
23 universities, municipalities, and regional education consortia
24 as cosponsors of charter schools; to terminate charters; to
25 monitor and review charter school performance; to monitor
26 charter school finances; and to collaborate with cosponsors
27 for charter school administration.

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