

By the Committees on Education; Education Appropriations;
Judiciary; and Senator Wise

581-2397-06

1 A bill to be entitled
2 An act relating to charter schools; creating s.
3 1002.335, F.S.; providing findings and intent;
4 providing chartering authority; prescribing
5 procedures under which a district school board
6 may become the exclusive authority to authorize
7 charter schools within a school district;
8 providing for challenges to grants of exclusive
9 authority; prescribing conditions to be
10 considered by the state board in determining
11 whether to grant exclusive authority;
12 establishing the Florida Schools of Excellence
13 Commission as a charter school authorizing
14 entity; providing for startup funds; providing
15 for membership of the commission; providing
16 powers and duties of the commission, including
17 serving as a sponsor of charter schools,
18 approving certain entities to act as
19 cosponsors, approving or denying applications
20 for Florida Schools of Excellence (FSE) charter
21 schools, and developing standards for and
22 evaluating the performance of charter schools;
23 requiring collaboration with municipalities,
24 state universities, community colleges, and
25 regional educational consortia as cosponsors
26 for FSE charter schools; providing requirements
27 for approval of cosponsors by the commission;
28 providing components of required cosponsor
29 agreements; providing causes for revocation of
30 approval of a cosponsor; providing for FSE
31 charter school application and review

1 | procedures; authorizing existing charter
2 | schools to apply as FSE charter schools;
3 | providing for application of specified
4 | provisions of law; requiring access to
5 | information by parents; requiring the
6 | commission to submit an annual report;
7 | requiring rulemaking; amending s. 1002.33,
8 | F.S.; providing that the sponsor of a charter
9 | school is not liable for civil damages for
10 | certain actions; providing that the duty to
11 | monitor a charter school shall not be the basis
12 | for a private cause of action; prescribing
13 | limits on immunities of a charter school
14 | sponsor; providing that nothing related to a
15 | sponsor's duties shall be considered a waiver
16 | of sovereign immunity by a sponsor; providing
17 | requirements with respect to the right to
18 | appeal a charter school application denial;
19 | expanding a school district's immunity from
20 | assumption of contractual debts; requiring that
21 | a charter school meet class size requirements;
22 | revising provisions relating to reporting of
23 | charter school student enrollment for purposes
24 | of funding; revising requirements relating to
25 | charter school facilities created to mitigate a
26 | certain educational impact; providing an
27 | effective date.

28 |
29 | Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 1002.335, Florida Statutes, is
2 created to read:

3 1002.335 Florida Schools of Excellence Commission.--

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

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

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

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

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

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

21 (a) There be established an independent, state-level
22 commission whose primary focus is the development and support
23 of charter schools in order to better meet the growing and
24 diverse needs of some of the increasing number and array of
25 charter schools in the state and to further ensure that
26 charter schools of the highest academic quality are approved
27 and supported throughout the state in an efficient manner.

28 (b) New sources of community support in the form of
29 municipalities with knowledge of the unique needs of a
30 particular community or state universities, community
31 colleges, or regional educational consortia with special

1 education expertise should be authorized to participate in
2 developing and supporting charter schools that maximize access
3 to a wide variety of high-quality educational options for all
4 students regardless of disability, race, or socioeconomic
5 status.

6 (3) CHARTERING AUTHORITY.--

7 (a) A charter school applicant may submit an
8 application to the Florida Schools of Excellence Commission
9 only if the school district in which the FSE charter school is
10 to be located has not retained exclusive authority to
11 authorize charter schools as provided in paragraph (e). If a
12 school district has not retained exclusive authority to
13 authorize charter schools as provided in paragraph (e), the
14 school district and the Florida Schools of Excellence
15 Commission shall have concurrent authority to authorize
16 charter schools and FSE charter schools, respectively, to be
17 located within the geographic boundaries of the school
18 district. The school district shall monitor and oversee all
19 charter schools authorized by the school district as provided
20 by general law. The Florida Schools of Excellence Commission
21 shall monitor and oversee all FSE charter schools authorized
22 by the commission as provided in paragraph (e).

23 (b) Paragraph (e) may not be construed to eliminate
24 the ability of a school district to authorize charter schools
25 pursuant to current statute. A school district shall retain
26 the authority to reauthorize and to oversee any charter school
27 that it has authorized, except with respect to any charter
28 school that is converted to an FSE charter school under this
29 section.

30 (c) For fiscal year 2007-2008 and for each fiscal year
31 thereafter, a district school board may seek to retain

1 exclusive authority to authorize charter schools within the
2 geographic boundaries of the school district by presenting to
3 the state board, on or before March 1 of the fiscal year prior
4 to that for which the exclusive authority is to apply, a
5 written resolution adopted by the district school board
6 indicating the intent to retain exclusive authority to
7 authorize charter schools. A district school board may seek to
8 retain the exclusive authority to authorize charters by
9 presenting to the state board the written resolution on or
10 before a date 60 days after establishment of the Florida
11 Schools of Excellence Commission. The written resolution shall
12 be accompanied by a written description of those elements
13 described in paragraph (e) which the school district shall
14 demonstrate. The district school board shall provide a
15 complete copy of the resolution, including the description, to
16 each charter school authorized by the district school board on
17 or before the date it submits the resolution to the state
18 board.

19 (d) A party may challenge the grant of exclusive
20 authority made by the state board pursuant to paragraph (e) by
21 filing with the state board a notice of challenge within 30
22 days after the state board grants exclusive authority. The
23 notice shall be accompanied by a specific written description
24 of the basis for the challenge. The challenging party, at the
25 time of filing notice with the state board, shall provide a
26 copy of the notice of challenge to the school district that
27 has been granted exclusive authority. The state board shall
28 permit the school district the opportunity to appear and
29 respond in writing to the challenge. The state board shall
30 make a determination upon the challenge within 60 days after
31 receiving the notice of challenge.

1 (e) The state board shall grant to a district school
2 board exclusive authority to authorize charter schools within
3 the geographic boundaries of the school district if the state
4 board determines, after adequate notice and in a public
5 hearing and after receiving input from any charter school
6 authorized by the district school board, that the district
7 school board has provided fair and equitable treatment to its
8 charter schools during the 4 years prior to the district
9 school board's submission of the resolution described in
10 paragraph (c), through the district board's demonstration of:
11 1. Full compliance with the provisions of current
12 charter statute, which includes, at a minimum:
13 a. Compliance with full and accurate accounting
14 practices and charges for central administrative overhead
15 costs;
16 b. Compliance with requirements allowing a charter
17 school to purchase, at its discretion, certain services or a
18 combination of services at actual cost to the district;
19 c. The absence of a school district moratorium
20 regarding charter schools or the absence of any district-wide
21 charter school enrollment limits; and
22 d. Compliance with valid orders of the state board;
23 and
24 2. Any combination of the following:
25 a. The provision of assistance to charter schools to
26 meet their facilities needs by including those needs in local
27 bond issues or otherwise providing available land and
28 facilities that are comparable to those provided to other
29 public school students in the same grade levels within the
30 school district;
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1 b. The distribution to charter schools authorized by
2 the district board of a pro rata share of federal and state
3 grants received by the school district, except for any grant
4 received for a particular purpose which by its express terms
5 is intended to benefit a student population not able to be
6 served by, or a program not able to be offered at, a charter
7 school that did not receive a proportionate share of such
8 grant proceeds;

9 c. The provision of adequate staff and other resources
10 to serve charter schools authorized by the district board,
11 which services are provided by the school district at a cost
12 to the charter schools which does not exceed their actual cost
13 to the school district;

14 d. The lack of a policy or practice of imposing
15 individual charter school enrollment limits, except as
16 otherwise provided in statute; or

17 e. The provision of an adequate number of educational
18 choice programs to serve students exercising their rights to
19 transfer pursuant to the "No Child Left Behind Act of 2001,"
20 Pub. L. No. 107-110, and a history of charter school approval
21 that encourages chartering.

22 (f) For school districts that have no discernable
23 history of authorizing charter schools, the state board may
24 not grant exclusive authority unless the school district
25 demonstrates that no approvable application has come before
26 the district.

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

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1 (h) Notwithstanding any other provision of this
2 section to the contrary, a district school board may permit
3 the establishment of one or more FSE charter schools within
4 the geographic boundaries of the school district by adopting a
5 favorable resolution and submitting the resolution to the
6 state board. The resolution shall be effective until it is
7 rescinded by resolution of the district school board.

8 (4) FLORIDA SCHOOLS OF EXCELLENCE COMMISSION.--

9 (a) The Florida Schools of Excellence Commission is
10 established as an independent, state-level charter school
11 authorizing entity working in collaboration with the
12 Department of Education and under the supervision of the State
13 Board of Education. Startup funds necessary to establish and
14 operate the commission may be received through private
15 contributions and federal and other institutional grants
16 through the Grants and Donations Trust Fund and the
17 Educational Aids Trust Fund housed within the department in
18 addition to funds provided in the General Appropriations Act.
19 The department shall assist in securing federal and other
20 institutional grant funds to establish the commission.

21 (b) The commission shall be appointed by the State
22 Board of Education and shall be composed of three appointees
23 recommended by the Governor, one of whom shall be the
24 Commissioner of Education or his or her designee, two
25 appointees recommended by the President of the Senate, and two
26 appointees recommended by the Speaker of the House of
27 Representatives. The Governor, the President of the Senate,
28 and the Speaker of the House of Representatives shall each
29 recommend a list of no fewer than two nominees for any
30 appointment to the commission. The appointments shall be made
31 as soon as feasible but no later than September 1, 2006. Each

1 member shall serve a term of 2 years; however, for the purpose
2 of providing staggered terms, of the initial appointments,
3 three members shall be appointed to 1-year terms and four
4 members shall be appointed to 2-year terms. Thereafter, each
5 appointee shall serve a 2-year term unless the State Board of
6 Education, after review, extends the appointment. If a vacancy
7 occurs on the commission, it shall be filled by the State
8 Board of Education from a recommendation by the appropriate
9 authority according to the procedure set forth in this
10 paragraph. The members of the commission shall annually vote
11 to appoint a chair and a vice chair. Each member of the
12 commission must hold a bachelor's degree or higher, and the
13 commission must include individuals who have experience in
14 finance, administration, law, education, and school
15 governance.

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

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

24 (e) The members of the commission shall not be
25 compensated for their services on the commission but may be
26 reimbursed for per diem and travel expenses pursuant to s.
27 112.061.

28 (5) POWERS AND DUTIES.--

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

30 1. Authorize and act as a sponsor of charter schools,
31 including the approval or denial of charter school

1 applications pursuant to subsection (9) and the nonrenewal or
2 termination of charter schools pursuant to s. 1002.33(8).

3 2. Authorize only municipalities, state universities,
4 community colleges, and regional educational consortia to act
5 as cosponsors of charter schools, including the approval or
6 denial of cosponsor applications pursuant to State Board of
7 Education rule and subsection (6) and the revocation of
8 approval of cosponsors pursuant to State Board of Education
9 rule and subsection (8).

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

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

14 1. Review charter school applications and assist in
15 the establishment of Florida Schools of Excellence (FSE)
16 charter schools throughout the state. An FSE charter school
17 shall exist as a public school within the state as a component
18 of the delivery of public education within Florida's K-20
19 education system.

20 2. Develop, promote, and disseminate best practices
21 for charter schools and charter school sponsors in order to
22 ensure that high-quality charter schools are developed. At a
23 minimum, the best practices shall encourage the development
24 and replication of academically and financially proven charter
25 school programs.

26 3. Develop, promote, and require high standards of
27 accountability for any school that applies and is granted a
28 charter under this section.

29 4. Monitor and annually review and evaluate the
30 performance of the charter schools it sponsors and hold the
31 schools accountable for their performance.

1 5. Report the student enrollment in each of its
2 sponsored charter schools to the district school board of the
3 county in which the school is located.

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

6 7. Direct charter schools and persons seeking to
7 establish charter schools to sources of private funding and
8 support.

9 8. Actively seek, with the assistance of the
10 department, supplemental revenue from federal grant funds,
11 institutional grant funds, and philanthropic organizations.
12 The commission may, through the department's Grants and
13 Donations Trust Fund, receive and expend gifts, grants, and
14 donations of any kind from any public or private entity to
15 carry out the purposes of this section.

16 9. Review and recommend to the Legislature any
17 necessary revisions to statutory requirements regarding the
18 qualification and approval of municipalities, state
19 universities, community colleges, and regional educational
20 consortia as cosponsors for FSE charter schools.

21 10. Review and recommend to the Legislature any
22 necessary revisions to statutory requirements regarding the
23 standards for accountability and criteria for revocation of
24 approval of cosponsors of FSE charter schools.

25 11. Assist its cosponsors and FSE charter schools in
26 cooperating with district school boards to allow the charter
27 schools to utilize unused space within district public
28 schools.

29 12. Collaborate with municipalities, state
30 universities, community colleges, and regional educational
31 consortia as cosponsors for FSE charter schools for the

1 purpose of providing the highest level of public education to
2 low-income, low-performing, and underserved student
3 populations. Such collaborations shall:

4 a. Allow state universities and community colleges
5 that cosponsor FSE charter schools to enable students
6 attending a charter school to take college courses and receive
7 high school and college credit for such courses.

8 b. Be used to determine the feasibility of opening
9 charter schools for children with autism that work with and
10 utilize the specialized expertise of the Centers for Autism
11 and Related Disabilities established and operated pursuant to
12 s. 1004.55.

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

17 14. Meet the needs of charter schools and school
18 districts by uniformly administering high-quality charter
19 schools, thereby removing administrative burdens from the
20 school districts.

21 15. Work with school districts to assist them in
22 effectively providing administrative services to their charter
23 schools.

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

26 (6) APPROVAL OF COSPONSORS.--

27 (a) The commission shall begin accepting applications
28 by municipalities, state universities, community colleges, and
29 regional educational consortia no later than January 31, 2007.
30 The commission shall have 90 days from receipt of an
31 application under this paragraph to approve or deny the

1 application unless the 90-day period is waived by the
2 applicant.

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

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

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

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

24 3. Has and is committed to providing and pursuing the
25 necessary public and private financial resources and staff to
26 ensure that it can monitor and support charter schools that
27 are economically efficient and fiscally sound.

28 4. Is committed to providing equal access to all
29 students and to maintaining a diverse student population
30 within its charter schools.

31

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

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

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

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

12 (7) COSPONSOR AGREEMENT.--

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

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

19 2. Incorporation of the requirements of equal access
20 for all students, including any plans to provide
21 transportation reasonably necessary to provide access to as
22 many students as possible.

23 3. Incorporation of the requirement to focus on
24 low-income, low-performing, and underserved student
25 populations.

26 4. An explanation of the goals and expected outcomes
27 for the cosponsor's charter schools and the method and plans
28 by which they will be achieved as referenced in the
29 application.

30 5. The conflict-of-interest policies referenced in the
31 application.

1 6. An explanation of the disposition of facilities and
2 assets upon termination and dissolution of a charter school
3 approved by the cosponsor.

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

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

12 9. A provision requiring that the cosponsor work with
13 the commission to provide the necessary reports to the State
14 Board of Education.

15 10. Any other reasonable terms deemed appropriate by
16 the commission given the unique characteristics of the
17 cosponsor.

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

22 (c) The cosponsor agreement shall be proposed and
23 negotiated pursuant to the timeframes set forth in s.
24 1002.33(6)(i).

25 (d) The cosponsor agreement shall be attached to and
26 shall govern all charter school contracts entered into by the
27 cosponsor.

28 (8) CAUSES FOR REVOCATION OF APPROVAL OF A
29 COSPONSOR.--If at any time the commission finds that a
30 cosponsor is not in compliance, or is no longer willing to
31 comply, with its contract with a charter school or with its

1 cosponsor agreement with the commission, the commission shall
2 provide notice and a hearing in accordance with State Board of
3 Education rule. If after a hearing the commission confirms its
4 initial finding, the commission shall revoke the cosponsor's
5 approval. The commission may assume sponsorship over any
6 charter school sponsored by the cosponsor at the time of
7 revocation. Thereafter, the commission may assume permanent
8 sponsorship over such school or may direct the school's
9 governing body to apply to another cosponsor or to the
10 appropriate district school board for sponsorship.

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

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

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

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

25 (13) ANNUAL REPORT.--Each year, the chair of the
26 commission shall appear before the State Board of Education
27 and submit a report regarding the academic performance and
28 fiscal responsibility of all charter schools and cosponsors
29 approved under this section.

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

4 Section 2. Paragraph (b) of subsection (5) and
5 paragraph (f) of subsection (8) of section 1002.33, Florida
6 Statutes, are amended, paragraphs (d), (e), (f), (g), and (h)
7 of subsection (6) of that section are redesignated as
8 paragraphs (e), (f), (g), (h), and (i), respectively, a new
9 paragraph (d) is added to that subsection, paragraph (o) is
10 added to subsection (9) of that section, and paragraph (a) of
11 subsection (17) and paragraph (f) of subsection (18) of that
12 section are amended, to read:

13 1002.33 Charter schools.--

14 (5) SPONSOR; DUTIES.--

15 (b) Sponsor duties.--

16 1.a. The sponsor shall monitor and review the charter
17 school in its progress toward the goals established in the
18 charter.

19 ~~b.2-~~ The sponsor shall monitor the revenues and
20 expenditures of the charter school.

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

25 ~~d.4-~~ The sponsor's policies shall not apply to a
26 charter school.

27 ~~e.5-~~ The sponsor shall ensure that the charter is
28 innovative and consistent with the state education goals
29 established by s. 1000.03(5).

30 ~~f.6-~~ The sponsor shall ensure that the charter school
31 participates in the state's education accountability system.

1 If a charter school falls short of performance measures
2 included in the approved charter, the sponsor shall report
3 such shortcomings to the Department of Education.

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

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

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

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

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

20
21 A community college may work with the school district or
22 school districts in its designated service area to develop
23 charter schools that offer secondary education. These charter
24 schools must include an option for students to receive an
25 associate degree upon high school graduation. District school
26 boards shall cooperate with and assist the community college
27 on the charter application. Community college applications for
28 charter schools are not subject to the time deadlines outlined
29 in subsection (6) and may be approved by the district school
30 board at any time during the year. Community colleges shall
31

1 not report FTE for any students who receive FTE funding
2 through the Florida Education Finance Program.

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

6 (d) The right to appeal an application denial under
7 paragraph (c) shall be contingent on the applicant having
8 submitted the same or a substantially similar application to
9 the Florida Schools of Excellence Commission or one of its
10 cosponsors. Any such applicant whose application is denied by
11 the commission or one of its cosponsors subsequent to its
12 denial by the district school board may exercise its right to
13 appeal the district school board's denial under paragraph (c)
14 within 30 days after receipt of the commission's or
15 cosponsor's denial or failure to act on the application.
16 However, the applicant forfeits its right to appeal under
17 paragraph (c) if it fails to submit its application to the
18 commission or one of its cosponsors by August 1 of the school
19 year immediately following the district school board's denial
20 of the application.

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

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

30 (9) CHARTER SCHOOL REQUIREMENTS.--

31

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

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

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

20 (18) FACILITIES.--

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

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

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

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/CS for Senate Bill 1030

4 This committee substitute provides:

- 5 - Creates a procedure for local district school boards
6 to retain exclusive jurisdiction over authorizing
7 charter schools by establishing a State Board of
8 Education approval and challenge process, to begin
9 with a district school board's submission of a
10 resolution;
- 11 - Establishes criterion to be used by the state board
12 in approving the resolution, to include that the
13 district school board has provided fair and
14 equitable treatment to its charter schools, such as
15 a showing of full compliance with provisions of the
16 charter statute, certain accounting practices,
17 provision of assistance to charter schools to meet
18 their facilities needs through local bond
19 availability, and the absence of an enrollment limit
20 policy;
- 21 - Provides alternatively for the local district school
22 board and the Florida Schools of Excellence (FSE) to
23 share concurrent control to authorize charter
24 schools;
- 25 - Specifies that an approved charter school shall be
26 monitored and supervised solely by the entity that
27 authorized its existence;
- 28 - Clarifies that local school districts retain the
29 authority to reauthorize and oversee current charter
30 schools, unless the school has converted to an FSE
31 charter school; and
- Clarifies that a district school board may permit
 the establishment of FSE charter schools in its
 geographic jurisdiction by submitting a resolution
 to the state board.