

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Greenstein, Stargel, Legg, and Arza offered
2 the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 1002.335 Florida Schools of Excellence Commission.--

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

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

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

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

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

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

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

29 (b) New sources of community support in the form of
30 municipalities with knowledge of the unique needs of a
31 particular community or state universities, community colleges,
32 or regional educational consortia with special education
33 expertise should be authorized to participate in developing and
34 supporting charter schools that maximize access to a wide
35 variety of high-quality educational options for all students
36 regardless of disability, race, or socioeconomic status.

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

38 (a) The Florida Schools of Excellence Commission is
39 established as an independent, state-level charter school
40 authorizing entity working in collaboration with the Department
41 of Education and under the supervision of the State Board of
42 Education. Startup funds necessary to establish and operate the
43 commission may be received through private contributions and
44 federal and other institutional grants through the Grants and
45 Donations Trust Fund and the Educational Aids Trust Fund housed
46 within the department in addition to funds provided in the

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

47 General Appropriations Act. The department shall assist in
48 securing federal and other institutional grant funds to
49 establish the commission.

50 (b) The commission shall be appointed by the State Board
51 of Education and shall be composed of three appointees
52 recommended by the Governor, two appointees recommended by the
53 President of the Senate, and two appointees recommended by the
54 Speaker of the House of Representatives. The Governor, the
55 President of the Senate, and the Speaker of the House of
56 Representatives shall each recommend a list of no fewer than two
57 nominees for any appointment to the commission. The appointments
58 shall be made as soon as feasible but no later than September 1,
59 2006. Each member shall serve a term of 2 years; however, for
60 the purpose of providing staggered terms, of the initial
61 appointments, three members shall be appointed to 1-year terms
62 and four members shall be appointed to 2-year terms. Thereafter,
63 each appointee shall serve a 2-year term unless the State Board
64 of Education, after review, extends the appointment. If a
65 vacancy occurs on the commission, it shall be filled by the
66 State Board of Education from a recommendation by the
67 appropriate authority according to the procedure set forth in
68 this paragraph. The members of the commission shall annually
69 vote to appoint a chair and a vice chair. Each member of the
70 commission must hold a bachelor's degree or higher, and the
71 commission must include individuals who have experience in
72 finance, administration, law, education, and school governance.

73 (c) The commission is encouraged to convene its first
74 meeting no later than October 1, 2006, and, thereafter, shall
75 meet each month at the call of the chair or upon the request of
565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

76 four members of the commission. Four members of the commission
77 shall constitute a quorum.

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

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

84 (4) POWERS AND DUTIES.--

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

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

90 2. Authorize municipalities, state universities, community
91 colleges, and regional educational consortia to act as
92 cosponsors of charter schools, including the approval or denial
93 of cosponsor applications pursuant to State Board of Education
94 rule and subsection (6) and the revocation of approval of
95 cosponsors pursuant to State Board of Education rule and
96 subsection (8).

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

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

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

103 1. Review charter school applications and assist in the
104 establishment of Florida Schools of Excellence (FSE) charter

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

105 schools throughout the state. An FSE charter school shall exist
106 as a public school within the state as a component of the
107 delivery of public education within Florida's K-20 education
108 system.

109 2. Develop, promote, and disseminate best practices for
110 charter schools and charter school sponsors in order to ensure
111 that high-quality charter schools are developed and
112 incentivized. At a minimum, the best practices shall encourage
113 the development and replication of academically and financially
114 proven charter school programs.

115 3. Develop, promote, and require high standards of
116 accountability for any school that applies for and is granted a
117 charter under this section.

118 4. Monitor and annually review the performance of
119 cosponsors approved pursuant to this section and hold the
120 cosponsors accountable for their performance pursuant to the
121 provisions of paragraph (6)(c). The commission shall annually
122 review and evaluate the performance of each cosponsor based upon
123 the financial and administrative support provided to the
124 cosponsor's charter schools and the quality of charter schools
125 approved by the cosponsor, including the academic performance of
126 the students that attend those schools.

127 5. Monitor and annually review and evaluate the academic
128 and financial performance of the charter schools it sponsors and
129 hold the schools accountable for their performance pursuant to
130 the provisions of chapter 1008.

131 6. Report the student enrollment in each of its sponsored
132 charter schools to the district school board of the county in
133 which the school is located.

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

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

136 8. Direct charter schools and persons seeking to establish
137 charter schools to sources of private funding and support.

138 9. Actively seek, with the assistance of the department,
139 supplemental revenue from federal grant funds, institutional
140 grant funds, and philanthropic organizations. The commission
141 may, through the department's Grants and Donations Trust Fund,
142 receive and expend gifts, grants, and donations of any kind from
143 any public or private entity to carry out the purposes of this
144 section.

145 10. Review and recommend to the Legislature any necessary
146 revisions to statutory requirements regarding the qualification
147 and approval of municipalities, state universities, community
148 colleges, and regional educational consortia as cosponsors for
149 FSE charter schools.

150 11. Review and recommend to the Legislature any necessary
151 revisions to statutory requirements regarding the standards for
152 accountability and criteria for revocation of approval of
153 cosponsors of FSE charter schools.

154 12. Act as liaison for cosponsors and FSE charter schools
155 in cooperating with district school boards that may choose to
156 allow charter schools to utilize excess space within district
157 public school facilities.

158 13. Collaborate with municipalities, state universities,
159 community colleges, and regional educational consortia as
160 cosponsors for FSE charter schools for the purpose of providing
161 the highest level of public education to low-income, low-

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

162 performing, gifted, or underserved student populations. Such
163 collaborations shall:

164 a. Allow state universities and community colleges that
165 cosponsor FSE charter schools to enable students attending a
166 charter school to take college courses and receive high school
167 and college credit for such courses.

168 b. Be used to determine the feasibility of opening charter
169 schools for students with disabilities, including, but not
170 limited to, charter schools for children with autism that work
171 with and utilize the specialized expertise of the Centers for
172 Autism and Related Disabilities established and operated
173 pursuant to s. 1004.55.

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

178 15. Meet the needs of charter schools and school districts
179 by uniformly administering high-quality charter schools, thereby
180 removing administrative burdens from the school districts.

181 16. Assist FSE charter schools in negotiating and
182 contracting with district school boards that choose to provide
183 certain administrative or transportation services to the charter
184 schools on a contractual basis.

185 17. Provide training for members of FSE charter school
186 governing bodies within 90 days after approval of the charter
187 school. The training shall include, but not be limited to, best
188 practices on charter school governance, the constitutional and
189 statutory requirements relating to public records and meetings,

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

190 and the requirements of applicable statutes and State Board of
191 Education rules.

192 18. Perform all of the duties of sponsors set forth in s.
193 1002.33(5)(b) and (20).

194 (5) CHARTERING AUTHORITY.--

195 (a) A charter school applicant may submit an application
196 to the commission only if the school district in which the FSE
197 charter school is to be located has not retained exclusive
198 authority to authorize charter schools as provided in paragraph
199 (e). If a district school board has not retained exclusive
200 authority to authorize charter schools as provided in paragraph
201 (e), the district school board and the commission shall have
202 concurrent authority to authorize charter schools and FSE
203 charter schools, respectively, to be located within the
204 geographic boundaries of the school district. The district
205 school board shall monitor and oversee all charter schools
206 authorized by the district school board pursuant to s. 1002.33.
207 The commission shall monitor and oversee all FSE charter schools
208 sponsored by the commission pursuant to subsection (4).

209 (b) Paragraph (e) may not be construed to eliminate the
210 ability of a district school board to authorize charter schools
211 pursuant to s. 1002.33. A district school board shall retain the
212 authority to reauthorize and to oversee any charter school that
213 it has authorized, except with respect to any charter school
214 that is converted to an FSE charter school under this section.

215 (c) For fiscal year 2007-2008 and for each fiscal year
216 thereafter, a district school board may seek to retain exclusive
217 authority to authorize charter schools within the geographic
218 boundaries of the school district by presenting to the State

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

219 Board of Education, on or before March 1 of the fiscal year
220 prior to that for which the exclusive authority is to apply, a
221 written resolution adopted by the district school board
222 indicating the intent to retain exclusive authority to authorize
223 charter schools. A district school board may seek to retain the
224 exclusive authority to authorize charter schools by presenting
225 to the state board the written resolution on or before a date 60
226 days after establishment of the commission. The written
227 resolution shall be accompanied by a written description
228 addressing the elements described in paragraph (e). The district
229 school board shall provide a complete copy of the resolution,
230 including the description, to each charter school authorized by
231 the district school board on or before the date it submits the
232 resolution to the state board.

233 (d) A party may challenge the grant of exclusive authority
234 made by the State Board of Education pursuant to paragraph (e)
235 by filing with the state board a notice of challenge within 30
236 days after the state board grants exclusive authority. The
237 notice shall be accompanied by a specific written description of
238 the basis for the challenge. The challenging party, at the time
239 of filing notice with the state board, shall provide a copy of
240 the notice of challenge to the district school board that has
241 been granted exclusive authority. The state board shall permit
242 the district school board the opportunity to appear and respond
243 in writing to the challenge. The state board shall make a
244 determination upon the challenge within 60 days after receiving
245 the notice of challenge.

246 (e) The State Board of Education shall grant to a district
247 school board exclusive authority to authorize charter schools

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

248 within the geographic boundaries of the school district if the
249 state board determines, after adequate notice, in a public
250 hearing, and after receiving input from any charter school
251 authorized by the district school board, that the district
252 school board has provided fair and equitable treatment to its
253 charter schools during the 4 years prior to the district school
254 board's submission of the resolution described in paragraph (c).
255 The state board's review of the resolution shall, at a minimum,
256 include consideration of the following:

257 1. Compliance with the provisions of s. 1002.33.

258 2. Compliance with full and accurate accounting practices
259 and charges for central administrative overhead costs.

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

263 4. The absence of a district school board moratorium
264 regarding charter schools or the absence of any districtwide
265 charter school enrollment limits.

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

267 6. The provision of assistance to charter schools to meet
268 their facilities needs by including those needs in local bond
269 issues or otherwise providing available land and facilities that
270 are comparable to those provided to other public school students
271 in the same grade levels within the school district.

272 7. The distribution to charter schools authorized by the
273 district school board of a pro rata share of federal and state
274 grants received by the district school board, except for any
275 grant received for a particular purpose which, by its express
276 terms, is intended to benefit a student population not able to

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

277 be served by, or a program not able to be offered at, a charter
278 school that did not receive a proportionate share of such grant
279 proceeds.

280 8. The provision of adequate staff and other resources to
281 serve charter schools authorized by the district school board,
282 which services are provided by the district school board at a
283 cost to the charter schools that does not exceed their actual
284 cost to the district school board.

285 9. The lack of a policy or practice of imposing individual
286 charter school enrollment limits, except as otherwise provided
287 by law.

288 10. The provision of an adequate number of educational
289 choice programs to serve students exercising their rights to
290 transfer pursuant to the "No Child Left Behind Act of 2001,"
291 Pub. L. No. 107-110, and a history of charter school approval
292 that encourages chartering.

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

297 (g) For district school boards that have no discernable
298 history of authorizing charter schools, the State Board of
299 Education may not grant exclusive authority unless the district
300 school board demonstrates that no approvable application has
301 come before the district school board.

302 (h) A grant of exclusive authority by the State Board of
303 Education shall continue so long as a district school board
304 continues to comply with this section and has presented a

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

305 written resolution to the state board as set forth in paragraph
306 (c).

307 (i) Notwithstanding any other provision of this section to
308 the contrary, a district school board may permit the
309 establishment of one or more FSE charter schools within the
310 geographic boundaries of the school district by adopting a
311 favorable resolution and submitting the resolution to the State
312 Board of Education. The resolution shall be effective until it
313 is rescinded by resolution of the district school board.

314 (6) APPROVAL OF COSPONSORS.--

315 (a) The commission shall begin accepting applications by
316 municipalities, state universities, community colleges, and
317 regional educational consortia no later than January 31, 2007.
318 The commission shall review and evaluate all applications for
319 compliance with the provisions of paragraph (c) and shall have
320 90 days after receipt of an application to approve or deny the
321 application unless the 90-day period is waived by the applicant.

322 (b) The commission shall limit the number of charter
323 schools that a cosponsor may approve pursuant to its review of
324 the cosponsor's application under paragraph (c). Upon
325 application by the cosponsor and review by the commission of the
326 performance of a cosponsor's current charter schools, the
327 commission may approve a cosponsor's application to raise the
328 limit previously set by the commission.

329 (c) Any entity set forth in paragraph (a) that is
330 interested in becoming a cosponsor pursuant to this section
331 shall prepare and submit an application to the commission that
332 provides evidence that the entity:

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

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

338 2. Has the necessary staff expertise and infrastructure or
339 has established the necessary contractual or interagency
340 relationships to ensure that it will approve and is able to
341 develop and maintain charter schools of the highest academic
342 quality.

343 3. Is able to provide the necessary public and private
344 financial resources and staff to ensure that it can monitor and
345 support charter schools that are economically efficient and
346 fiscally sound.

347 4. Is committed to providing equal access to all students
348 and to maintaining a diverse student population within its
349 charter schools, including compliance with all applicable
350 requirements of federal law.

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

353 6. Has articulated annual academic and financial goals and
354 expected outcomes for its charter schools as well as the methods
355 and plans by which it will measure and achieve those goals and
356 outcomes.

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

359 (d) The commission's decision to deny an application or to
360 revoke approval of a cosponsor pursuant to subsection (8) is not

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

361 subject to chapter 120 and may be appealed to the State Board of
362 Education pursuant to s. 1002.33(6).

363 (7) COSPONSOR AGREEMENT.--

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

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

370 2. Incorporation of the requirements of equal access for
371 all students, including any plans to provide food service or
372 transportation reasonably necessary to provide access to as many
373 students as possible.

374 3. Incorporation of the requirement to serve low-income,
375 low-performing, gifted, or underserved student populations.

376 4. An explanation of the academic and financial goals and
377 expected outcomes for the cosponsor's charter schools and the
378 method and plans by which they will be measured and achieved as
379 referenced in the application.

380 5. The conflict-of-interest policies referenced in the
381 application.

382 6. An explanation of the disposition of facilities and
383 assets upon termination and dissolution of a charter school
384 approved by the cosponsor.

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

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

389 8. A provision requiring that the cosponsor report the
390 student enrollment in each of its sponsored charter schools to
391 the district school board of the county in which the school is
392 located.

393 9. A provision requiring that the cosponsor work with the
394 commission to provide the necessary reports to the State Board
395 of Education.

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

398 (b) No cosponsor may receive applications for charter
399 schools until a cosponsor agreement with the commission has been
400 approved and signed by the commission and the appropriate
401 individuals or governing bodies of the cosponsor.

402 (c) The cosponsor agreement shall be proposed and
403 negotiated pursuant to the timeframes set forth in s.
404 1002.33(6)(i).

405 (d) The cosponsor agreement shall be attached to and shall
406 govern all charter school contracts entered into by the
407 cosponsor.

408 (8) CAUSES FOR REVOCATION OF APPROVAL OF A COSPONSOR.--If
409 at any time the commission finds that a cosponsor is not in
410 compliance, or is no longer willing to comply, with its contract
411 with a charter school or with its cosponsor agreement with the
412 commission, the commission shall provide notice and a hearing in
413 accordance with State Board of Education rule. If after a
414 hearing the commission confirms its initial finding, the
415 commission shall revoke the cosponsor's approval. The commission
416 shall assume temporary sponsorship over any charter school
417 sponsored by the cosponsor at the time of revocation.

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

418 Thereafter, the commission may assume permanent sponsorship over
419 such school or allow the school's governing body to apply to
420 another sponsor or cosponsor.

421 (9) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter school
422 applications submitted to the commission or to a cosponsor
423 approved by the commission pursuant to subsection (6) shall be
424 subject to the same requirements set forth in s. 1002.33(6). The
425 commission or cosponsor shall receive and review all
426 applications for FSE charter schools according to the provisions
427 for review of charter school applications under s.
428 1002.33(6)(b).

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

430 (a) An application may be submitted pursuant to this
431 section by an existing charter school approved by a district
432 school board provided that the obligations of its charter
433 contract with the district school board will expire prior to
434 entering into a new charter contract with the commission or one
435 of its cosponsors. A district school board may agree to rescind
436 or waive the obligations of a current charter contract to allow
437 an application to be submitted by an existing charter school
438 pursuant to this section. A charter school that changes sponsors
439 pursuant to this subsection shall be allowed to continue the use
440 of all facilities, equipment, and other assets it owned or
441 leased prior to the expiration or rescission of its contract
442 with a district school board sponsor.

443 (b) An application to the commission or one of its
444 cosponsors by a conversion charter school may only be submitted
445 upon consent of the district school board. In such instance, the
446 district school board may retain the facilities, equipment, and
565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

447 other assets of the conversion charter school for its own use or
448 agree to reasonable terms for their continued use by the
449 conversion charter school.

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

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

454 (b) The provisions of s. 1002.33(20) shall apply to the
455 commission and the cosponsors and charter schools approved
456 pursuant to this section with the exception that the commission
457 or a cosponsor of a charter school approved pursuant to this
458 section may retain no more than the actual cost of its
459 administrative overhead costs expended to sponsor the charter
460 school not to exceed 5 percent of the funding provided to the
461 charter school.

462 (12) ACCESS TO INFORMATION.--The commission shall provide
463 maximum access to information to all parents in the state. It
464 shall maintain information systems, including, but not limited
465 to, a user-friendly Internet website, that will provide
466 information and data necessary for parents to make informed
467 decisions. At a minimum, the commission must provide parents
468 with information on its accountability standards, links to
469 schools of excellence throughout the state, and public education
470 programs available in the state.

471 (13) ANNUAL REPORT.--Each year, the chair of the
472 commission shall appear before the State Board of Education and
473 submit a report regarding the academic performance and fiscal
474 responsibility of all charter schools and cosponsors approved
475 under this section.

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

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

479 Section 2. Paragraphs (d) through (h) of subsection (6) of
480 section 1002.33, Florida Statutes, are redesignated as
481 paragraphs (e) through (i), respectively, a new paragraph (d) is
482 added to that subsection, and paragraph (b) of subsection (5),
483 paragraph (f) of subsection (8), and paragraph (a) of subsection
484 (17) of that section are amended, to read:

485 1002.33 Charter schools.--

486 (5) SPONSOR; DUTIES.--

487 (b) Sponsor duties.--

488 1.a. The sponsor shall monitor and review the charter
489 school in its progress toward the goals established in the
490 charter.

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

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

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

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

502 ~~f.6-~~ The sponsor shall ensure that the charter school
503 participates in the state's education accountability system. If
504 a charter school falls short of performance measures included in
565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

505 the approved charter, the sponsor shall report such shortcomings
506 to the Department of Education.

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

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

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

516 2. Immunity for the sponsor of a charter school under
517 subparagraph 1. applies only with respect to acts or omissions
518 not under the sponsor's direct authority as described in this
519 section.

520 3. Nothing contained in this paragraph shall be considered
521 a waiver of sovereign immunity by a district school board.

522 4. A community college may work with the school district
523 or school districts in its designated service area to develop
524 charter schools that offer secondary education. These charter
525 schools must include an option for students to receive an
526 associate degree upon high school graduation. District school
527 boards shall cooperate with and assist the community college on
528 the charter application. Community college applications for
529 charter schools are not subject to the time deadlines outlined
530 in subsection (6) and may be approved by the district school
531 board at any time during the year. Community colleges shall not
532 report FTE for any students who receive FTE funding through the
533 Florida Education Finance Program.

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

534 (6) APPLICATION PROCESS AND REVIEW.--Beginning September
535 1, 2003, applications are subject to the following requirements:

536 (d) For charter school applications in school districts
537 that have not been granted exclusive authority to sponsor
538 charter schools pursuant to s. 1002.335(5), the right to appeal
539 an application denial under paragraph (c) shall be contingent on
540 the applicant having submitted the same or a substantially
541 similar application to the Florida Schools of Excellence
542 Commission or one of its cosponsors. Any such applicant whose
543 application is denied by the commission or one of its cosponsors
544 subsequent to its denial by the district school board may
545 exercise its right to appeal the district school board's denial
546 under paragraph (c) within 30 days after receipt of the
547 commission's or cosponsor's denial or failure to act on the
548 application. However, the applicant forfeits its right to appeal
549 under paragraph (c) if it fails to submit its application to the
550 commission or one of its cosponsors by August 1 of the school
551 year immediately following the district school board's denial of
552 the application.

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

554 (f) If a charter is not renewed or is terminated, the
555 charter school is responsible for all debts of the charter
556 school. The district may not assume the debt from any contract
557 ~~for services~~ made between the governing body of the school and a
558 third party, except for a debt that is previously detailed and
559 agreed upon in writing by both the district and the governing
560 body of the school and that may not reasonably be assumed to
561 have been satisfied by the district.

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

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

567 (a) Each charter school shall report its student
568 enrollment to the sponsor ~~district school board~~ as required in
569 s. 1011.62, and in accordance with the definitions in s.
570 1011.61. The sponsor ~~district school board~~ shall include each
571 charter school's enrollment in the district's report of student
572 enrollment. All charter schools submitting student record
573 information required by the Department of Education shall comply
574 with the Department of Education's guidelines for electronic
575 data formats for such data, and all districts shall accept
576 electronic data that complies with the Department of Education's
577 electronic format.

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

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

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

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

588 (4) The sum of \$5,700 from nonrecurring general revenue
589 funds for operating capital outlay.

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

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

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

594

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

596 Remove the entire title and insert:

597 A bill to be entitled

598 An act relating to charter schools; creating s. 1002.335,
599 F.S.; providing findings and intent; establishing the
600 Florida Schools of Excellence Commission as a charter
601 school authorizing entity; providing for startup funds;
602 providing for membership of the commission; providing
603 powers and duties of the commission, including serving as
604 a sponsor of charter schools, approving certain entities
605 to act as cosponsors, approving or denying applications
606 for Florida Schools of Excellence (FSE) charter schools,
607 and developing standards for and evaluating the
608 performance of cosponsors and charter schools; requiring
609 collaboration with municipalities, state universities,
610 community colleges, and regional educational consortia as
611 cosponsors for FSE charter schools; providing chartering
612 authority; prescribing procedures under which a district
613 school board may become the exclusive authority to
614 authorize charter schools within a school district;
615 providing for challenges to grants of exclusive authority;
616 prescribing conditions to be considered by the State Board
617 of Education in determining whether to grant exclusive
618 authority; providing requirements for approval of

565789

4/26/2006 8:59:53 AM

Amendment No. (for drafter's use only)

619 | cosponsors by the commission; providing components of
620 | required cosponsor agreements; providing causes for
621 | revocation of approval of a cosponsor; providing for FSE
622 | charter school application and review procedures;
623 | authorizing existing charter schools to apply as FSE
624 | charter schools; providing for application of specified
625 | provisions of law; requiring access to information by
626 | parents; requiring the commission to submit an annual
627 | report; requiring rulemaking; amending s. 1002.33, F.S.;
628 | providing that the sponsor of a charter school shall not
629 | be liable for civil damages for certain actions; providing
630 | that the duty to monitor a charter school shall not be the
631 | basis for a private cause of action; prescribing limits on
632 | immunities of a charter school sponsor; providing
633 | requirements with respect to the right to appeal the
634 | denial of a charter school application; expanding a school
635 | district's immunity from assumption of contractual debts;
636 | revising provisions relating to reporting of charter
637 | school student enrollment for purposes of funding;
638 | providing appropriations and authorizing positions;
639 | providing an effective date.