

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

28 charter schools; providing for application of specified
 29 provisions of law; requiring access to information by
 30 parents; requiring the commission to submit an annual
 31 report; requiring rulemaking; amending s. 1002.33, F.S.;
 32 providing that the sponsor of a charter school shall not
 33 be liable for civil damages for certain actions; providing
 34 that the duty to monitor a charter school shall not be the
 35 basis for a private cause of action; prescribing limits on
 36 immunities of a charter school sponsor; providing
 37 requirements with respect to the right to appeal the
 38 denial of a charter school application; expanding a school
 39 district's immunity from assumption of contractual debts;
 40 revising provisions relating to reporting of charter
 41 school student enrollment for purposes of funding;
 42 providing appropriations and authorizing positions;
 43 providing an effective date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. Section 1002.335, Florida Statutes, is created
 48 to read:

49 1002.335 Florida Schools of Excellence Commission.--
 50 (1) FINDINGS.--The Legislature finds that:
 51 (a) Charter schools are a critical component in the
 52 state's efforts to provide efficient and high-quality schools
 53 within the state's uniform system of public education.

54 (b) Charter schools provide valuable educational options
55 and innovative learning opportunities while expanding the
56 capacity of the state's system of public education and
57 empowering parents with the ability to make choices that best
58 fit the individual needs of their children.

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

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

63 (a) There be established an independent, state-level
64 commission whose primary focus is the development and support of
65 charter schools in order to better meet the growing and diverse
66 needs of some of the increasing number and array of charter
67 schools in the state and to further ensure that charter schools
68 of the highest academic quality are approved and supported
69 throughout the state in an efficient manner.

70 (b) New sources of community support in the form of
71 municipalities with knowledge of the unique needs of a
72 particular community or state universities, community colleges,
73 or regional educational consortia with special education
74 expertise should be authorized to participate in developing and
75 supporting charter schools that maximize access to a wide
76 variety of high-quality educational options for all students
77 regardless of disability, race, or socioeconomic status.

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

79 (a) The Florida Schools of Excellence Commission is
80 established as an independent, state-level charter school

81 authorizing entity working in collaboration with the Department
82 of Education and under the supervision of the State Board of
83 Education. Startup funds necessary to establish and operate the
84 commission may be received through private contributions and
85 federal and other institutional grants through the Grants and
86 Donations Trust Fund and the Educational Aids Trust Fund housed
87 within the department in addition to funds provided in the
88 General Appropriations Act. The department shall assist in
89 securing federal and other institutional grant funds to
90 establish the commission.

91 (b) The commission shall be appointed by the State Board
92 of Education and shall be composed of three appointees
93 recommended by the Governor, two appointees recommended by the
94 President of the Senate, and two appointees recommended by the
95 Speaker of the House of Representatives. The Governor, the
96 President of the Senate, and the Speaker of the House of
97 Representatives shall each recommend a list of no fewer than two
98 nominees for any appointment to the commission. The appointments
99 shall be made as soon as feasible but no later than September 1,
100 2006. Each member shall serve a term of 2 years; however, for
101 the purpose of providing staggered terms, of the initial
102 appointments, three members shall be appointed to 1-year terms
103 and four members shall be appointed to 2-year terms. Thereafter,
104 each appointee shall serve a 2-year term unless the State Board
105 of Education, after review, extends the appointment. If a
106 vacancy occurs on the commission, it shall be filled by the
107 State Board of Education from a recommendation by the

108 appropriate authority according to the procedure set forth in
109 this paragraph. The members of the commission shall annually
110 vote to appoint a chair and a vice chair. Each member of the
111 commission must hold a bachelor's degree or higher, and the
112 commission must include individuals who have experience in
113 finance, administration, law, education, and school governance.

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

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

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

125 (4) POWERS AND DUTIES.--

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

127 1. Authorize and act as a sponsor of charter schools,
128 including the approval or denial of charter school applications
129 pursuant to subsection (9) and the nonrenewal or termination of
130 charter schools pursuant to s. 1002.33(8).

131 2. Authorize municipalities, state universities, community
132 colleges, and regional educational consortia to act as
133 cosponsors of charter schools, including the approval or denial
134 of cosponsor applications pursuant to State Board of Education

135 rule and subsection (6) and the revocation of approval of
136 cosponsors pursuant to State Board of Education rule and
137 subsection (8).

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

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

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

144 1. Review charter school applications and assist in the
145 establishment of Florida Schools of Excellence (FSE) charter
146 schools throughout the state. An FSE charter school shall exist
147 as a public school within the state as a component of the
148 delivery of public education within Florida's K-20 education
149 system.

150 2. Develop, promote, and disseminate best practices for
151 charter schools and charter school sponsors in order to ensure
152 that high-quality charter schools are developed and
153 incentivized. At a minimum, the best practices shall encourage
154 the development and replication of academically and financially
155 proven charter school programs.

156 3. Develop, promote, and require high standards of
157 accountability for any school that applies for and is granted a
158 charter under this section.

159 4. Monitor and annually review the performance of
160 cosponsors approved pursuant to this section and hold the
161 cosponsors accountable for their performance pursuant to the

162 provisions of paragraph (6) (c). The commission shall annually
163 review and evaluate the performance of each cosponsor based upon
164 the financial and administrative support provided to the
165 cosponsor's charter schools and the quality of charter schools
166 approved by the cosponsor, including the academic performance of
167 the students that attend those schools.

168 5. Monitor and annually review and evaluate the academic
169 and financial performance of the charter schools it sponsors and
170 hold the schools accountable for their performance pursuant to
171 the provisions of chapter 1008.

172 6. Report the student enrollment in each of its sponsored
173 charter schools to the district school board of the county in
174 which the school is located.

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

177 8. Direct charter schools and persons seeking to establish
178 charter schools to sources of private funding and support.

179 9. Actively seek, with the assistance of the department,
180 supplemental revenue from federal grant funds, institutional
181 grant funds, and philanthropic organizations. The commission
182 may, through the department's Grants and Donations Trust Fund,
183 receive and expend gifts, grants, and donations of any kind from
184 any public or private entity to carry out the purposes of this
185 section.

186 10. Review and recommend to the Legislature any necessary
187 revisions to statutory requirements regarding the qualification
188 and approval of municipalities, state universities, community

189 colleges, and regional educational consortia as cosponsors for
190 FSE charter schools.

191 11. Review and recommend to the Legislature any necessary
192 revisions to statutory requirements regarding the standards for
193 accountability and criteria for revocation of approval of
194 cosponsors of FSE charter schools.

195 12. Act as liaison for cosponsors and FSE charter schools
196 in cooperating with district school boards that may choose to
197 allow charter schools to utilize excess space within district
198 public school facilities.

199 13. Collaborate with municipalities, state universities,
200 community colleges, and regional educational consortia as
201 cosponsors for FSE charter schools for the purpose of providing
202 the highest level of public education to low-income, low-
203 performing, gifted, or underserved student populations. Such
204 collaborations shall:

205 a. Allow state universities and community colleges that
206 cosponsor FSE charter schools to enable students attending a
207 charter school to take college courses and receive high school
208 and college credit for such courses.

209 b. Be used to determine the feasibility of opening charter
210 schools for students with disabilities, including, but not
211 limited to, charter schools for children with autism that work
212 with and utilize the specialized expertise of the Centers for
213 Autism and Related Disabilities established and operated
214 pursuant to s. 1004.55.

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

219 15. Meet the needs of charter schools and school districts
220 by uniformly administering high-quality charter schools, thereby
221 removing administrative burdens from the school districts.

222 16. Assist FSE charter schools in negotiating and
223 contracting with district school boards that choose to provide
224 certain administrative or transportation services to the charter
225 schools on a contractual basis.

226 17. Provide training for members of FSE charter school
227 governing bodies within 90 days after approval of the charter
228 school. The training shall include, but not be limited to, best
229 practices on charter school governance, the constitutional and
230 statutory requirements relating to public records and meetings,
231 and the requirements of applicable statutes and State Board of
232 Education rules.

233 18. Perform all of the duties of sponsors set forth in s.
234 1002.33(5)(b) and (20).

235 (5) CHARTERING AUTHORITY.--

236 (a) A charter school applicant may submit an application
237 to the commission only if the school district in which the FSE
238 charter school is to be located has not retained exclusive
239 authority to authorize charter schools as provided in paragraph
240 (e). If a district school board has not retained exclusive
241 authority to authorize charter schools as provided in paragraph

242 (e), the district school board and the commission shall have
243 concurrent authority to authorize charter schools and FSE
244 charter schools, respectively, to be located within the
245 geographic boundaries of the school district. The district
246 school board shall monitor and oversee all charter schools
247 authorized by the district school board pursuant to s. 1002.33.
248 The commission shall monitor and oversee all FSE charter schools
249 sponsored by the commission pursuant to subsection (4).

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

256 (c) For fiscal year 2007-2008 and for each fiscal year
257 thereafter, a district school board may seek to retain exclusive
258 authority to authorize charter schools within the geographic
259 boundaries of the school district by presenting to the State
260 Board of Education, on or before March 1 of the fiscal year
261 prior to that for which the exclusive authority is to apply, a
262 written resolution adopted by the district school board
263 indicating the intent to retain exclusive authority to authorize
264 charter schools. A district school board may seek to retain the
265 exclusive authority to authorize charter schools by presenting
266 to the state board the written resolution on or before a date 60
267 days after establishment of the commission. The written
268 resolution shall be accompanied by a written description

269 addressing the elements described in paragraph (e). The district
270 school board shall provide a complete copy of the resolution,
271 including the description, to each charter school authorized by
272 the district school board on or before the date it submits the
273 resolution to the state board.

274 (d) A party may challenge the grant of exclusive authority
275 made by the State Board of Education pursuant to paragraph (e)
276 by filing with the state board a notice of challenge within 30
277 days after the state board grants exclusive authority. The
278 notice shall be accompanied by a specific written description of
279 the basis for the challenge. The challenging party, at the time
280 of filing notice with the state board, shall provide a copy of
281 the notice of challenge to the district school board that has
282 been granted exclusive authority. The state board shall permit
283 the district school board the opportunity to appear and respond
284 in writing to the challenge. The state board shall make a
285 determination upon the challenge within 60 days after receiving
286 the notice of challenge.

287 (e) The State Board of Education shall grant to a district
288 school board exclusive authority to authorize charter schools
289 within the geographic boundaries of the school district if the
290 state board determines, after adequate notice, in a public
291 hearing, and after receiving input from any charter school
292 authorized by the district school board, that the district
293 school board has provided fair and equitable treatment to its
294 charter schools during the 4 years prior to the district school
295 board's submission of the resolution described in paragraph (c).

- 296 The state board's review of the resolution shall, at a minimum,
297 include consideration of the following:
- 298 1. Compliance with the provisions of s. 1002.33.
 - 299 2. Compliance with full and accurate accounting practices
300 and charges for central administrative overhead costs.
 - 301 3. Compliance with requirements allowing a charter school,
302 at its discretion, to purchase certain services or a combination
303 of services at actual cost to the district.
 - 304 4. The absence of a district school board moratorium
305 regarding charter schools or the absence of any districtwide
306 charter school enrollment limits.
 - 307 5. Compliance with valid orders of the state board.
 - 308 6. The provision of assistance to charter schools to meet
309 their facilities needs by including those needs in local bond
310 issues or otherwise providing available land and facilities that
311 are comparable to those provided to other public school students
312 in the same grade levels within the school district.
 - 313 7. The distribution to charter schools authorized by the
314 district school board of a pro rata share of federal and state
315 grants received by the district school board, except for any
316 grant received for a particular purpose which, by its express
317 terms, is intended to benefit a student population not able to
318 be served by, or a program not able to be offered at, a charter
319 school that did not receive a proportionate share of such grant
320 proceeds.
 - 321 8. The provision of adequate staff and other resources to
322 serve charter schools authorized by the district school board,

323 which services are provided by the district school board at a
324 cost to the charter schools that does not exceed their actual
325 cost to the district school board.

326 9. The lack of a policy or practice of imposing individual
327 charter school enrollment limits, except as otherwise provided
328 by law.

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

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

338 (g) For district school boards that have no discernable
339 history of authorizing charter schools, the State Board of
340 Education may not grant exclusive authority unless the district
341 school board demonstrates that no approvable application has
342 come before the district school board.

343 (h) A grant of exclusive authority by the State Board of
344 Education shall continue so long as a district school board
345 continues to comply with this section and has presented a
346 written resolution to the state board as set forth in paragraph
347 (c).

348 (i) Notwithstanding any other provision of this section to
349 the contrary, a district school board may permit the

350 establishment of one or more FSE charter schools within the
351 geographic boundaries of the school district by adopting a
352 favorable resolution and submitting the resolution to the State
353 Board of Education. The resolution shall be effective until it
354 is rescinded by resolution of the district school board.

355 (6) APPROVAL OF COSPONSORS.--

356 (a) The commission shall begin accepting applications by
357 municipalities, state universities, community colleges, and
358 regional educational consortia no later than January 31, 2007.
359 The commission shall review and evaluate all applications for
360 compliance with the provisions of paragraph (c) and shall have
361 90 days after receipt of an application to approve or deny the
362 application unless the 90-day period is waived by the applicant.

363 (b) The commission shall limit the number of charter
364 schools that a cosponsor may approve pursuant to its review of
365 the cosponsor's application under paragraph (c). Upon
366 application by the cosponsor and review by the commission of the
367 performance of a cosponsor's current charter schools, the
368 commission may approve a cosponsor's application to raise the
369 limit previously set by the commission.

370 (c) Any entity set forth in paragraph (a) that is
371 interested in becoming a cosponsor pursuant to this section
372 shall prepare and submit an application to the commission that
373 provides evidence that the entity:

374 1. Has the necessary staff and infrastructure or has
375 established the necessary contractual or interagency
376 relationships to ensure its ability to handle all of the

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

379 2. Has the necessary staff expertise and infrastructure or
380 has established the necessary contractual or interagency
381 relationships to ensure that it will approve and is able to
382 develop and maintain charter schools of the highest academic
383 quality.

384 3. Is able to provide the necessary public and private
385 financial resources and staff to ensure that it can monitor and
386 support charter schools that are economically efficient and
387 fiscally sound.

388 4. Is committed to providing equal access to all students
389 and to maintaining a diverse student population within its
390 charter schools, including compliance with all applicable
391 requirements of federal law.

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

394 6. Has articulated annual academic and financial goals and
395 expected outcomes for its charter schools as well as the methods
396 and plans by which it will measure and achieve those goals and
397 outcomes.

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

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

404 (7) COSPONSOR AGREEMENT.--

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

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

411 2. Incorporation of the requirements of equal access for
412 all students, including any plans to provide food service or
413 transportation reasonably necessary to provide access to as many
414 students as possible.

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

417 4. An explanation of the academic and financial goals and
418 expected outcomes for the cosponsor's charter schools and the
419 method and plans by which they will be measured and achieved as
420 referenced in the application.

421 5. The conflict-of-interest policies referenced in the
422 application.

423 6. An explanation of the disposition of facilities and
424 assets upon termination and dissolution of a charter school
425 approved by the cosponsor.

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

430 8. A provision requiring that the cosponsor report the
431 student enrollment in each of its sponsored charter schools to
432 the district school board of the county in which the school is
433 located.

434 9. A provision requiring that the cosponsor work with the
435 commission to provide the necessary reports to the State Board
436 of Education.

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

439 (b) No cosponsor may receive applications for charter
440 schools until a cosponsor agreement with the commission has been
441 approved and signed by the commission and the appropriate
442 individuals or governing bodies of the cosponsor.

443 (c) The cosponsor agreement shall be proposed and
444 negotiated pursuant to the timeframes set forth in s.
445 1002.33(6)(i).

446 (d) The cosponsor agreement shall be attached to and shall
447 govern all charter school contracts entered into by the
448 cosponsor.

449 (8) CAUSES FOR REVOCATION OF APPROVAL OF A COSPONSOR.--If
450 at any time the commission finds that a cosponsor is not in
451 compliance, or is no longer willing to comply, with its contract
452 with a charter school or with its cosponsor agreement with the
453 commission, the commission shall provide notice and a hearing in
454 accordance with State Board of Education rule. If after a
455 hearing the commission confirms its initial finding, the
456 commission shall revoke the cosponsor's approval. The commission

457 shall assume temporary sponsorship over any charter school
458 sponsored by the cosponsor at the time of revocation.
459 Thereafter, the commission may assume permanent sponsorship over
460 such school or allow the school's governing body to apply to
461 another sponsor or cosponsor.

462 (9) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter school
463 applications submitted to the commission or to a cosponsor
464 approved by the commission pursuant to subsection (6) shall be
465 subject to the same requirements set forth in s. 1002.33(6). The
466 commission or cosponsor shall receive and review all
467 applications for FSE charter schools according to the provisions
468 for review of charter school applications under s.
469 1002.33(6)(b).

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

471 (a) An application may be submitted pursuant to this
472 section by an existing charter school approved by a district
473 school board provided that the obligations of its charter
474 contract with the district school board will expire prior to
475 entering into a new charter contract with the commission or one
476 of its cosponsors. A district school board may agree to rescind
477 or waive the obligations of a current charter contract to allow
478 an application to be submitted by an existing charter school
479 pursuant to this section. A charter school that changes sponsors
480 pursuant to this subsection shall be allowed to continue the use
481 of all facilities, equipment, and other assets it owned or
482 leased prior to the expiration or rescission of its contract
483 with a district school board sponsor.

484 (b) An application to the commission or one of its
485 cosponsors by a conversion charter school may only be submitted
486 upon consent of the district school board. In such instance, the
487 district school board may retain the facilities, equipment, and
488 other assets of the conversion charter school for its own use or
489 agree to reasonable terms for their continued use by the
490 conversion charter school.

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

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

495 (b) The provisions of s. 1002.33(20) shall apply to the
496 commission and the cosponsors and charter schools approved
497 pursuant to this section with the exception that the commission
498 or a cosponsor of a charter school approved pursuant to this
499 section may retain no more than the actual cost of its
500 administrative overhead costs expended to sponsor the charter
501 school not to exceed 5 percent of the funding provided to the
502 charter school.

503 (12) ACCESS TO INFORMATION.--The commission shall provide
504 maximum access to information to all parents in the state. It
505 shall maintain information systems, including, but not limited
506 to, a user-friendly Internet website, that will provide
507 information and data necessary for parents to make informed
508 decisions. At a minimum, the commission must provide parents
509 with information on its accountability standards, links to

510 schools of excellence throughout the state, and public education
511 programs available in the state.

512 (13) ANNUAL REPORT.--Each year, the chair of the
513 commission shall appear before the State Board of Education and
514 submit a report regarding the academic performance and fiscal
515 responsibility of all charter schools and cosponsors approved
516 under this section.

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

520 Section 2. Paragraphs (d) through (h) of subsection (6) of
521 section 1002.33, Florida Statutes, are redesignated as
522 paragraphs (e) through (i), respectively, a new paragraph (d) is
523 added to that subsection, and paragraph (b) of subsection (5),
524 paragraph (f) of subsection (8), and paragraph (a) of subsection
525 (17) of that section are amended, to read:

526 1002.33 Charter schools.--

527 (5) SPONSOR; DUTIES.--

528 (b) Sponsor duties.--

529 1.a. The sponsor shall monitor and review the charter
530 school in its progress toward the goals established in the
531 charter.

532 ~~b.2.~~ The sponsor shall monitor the revenues and
533 expenditures of the charter school.

534 ~~c.3.~~ The sponsor may approve a charter for a charter
535 school before the applicant has secured space, equipment, or

536 personnel, if the applicant indicates approval is necessary for
537 it to raise working capital.

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

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

543 ~~f.6.~~ The sponsor shall ensure that the charter school
544 participates in the state's education accountability system. If
545 a charter school falls short of performance measures included in
546 the approved charter, the sponsor shall report such shortcomings
547 to the Department of Education.

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

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

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

557 2. Immunity for the sponsor of a charter school under
558 subparagraph 1. applies only with respect to acts or omissions
559 not under the sponsor's direct authority as described in this
560 section.

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

563 4. A community college may work with the school district
564 or school districts in its designated service area to develop
565 charter schools that offer secondary education. These charter
566 schools must include an option for students to receive an
567 associate degree upon high school graduation. District school
568 boards shall cooperate with and assist the community college on
569 the charter application. Community college applications for
570 charter schools are not subject to the time deadlines outlined
571 in subsection (6) and may be approved by the district school
572 board at any time during the year. Community colleges shall not
573 report FTE for any students who receive FTE funding through the
574 Florida Education Finance Program.

575 (6) APPLICATION PROCESS AND REVIEW.--Beginning September
576 1, 2003, applications are subject to the following requirements:

577 (d) For charter school applications in school districts
578 that have not been granted exclusive authority to sponsor
579 charter schools pursuant to s. 1002.335(5), the right to appeal
580 an application denial under paragraph (c) shall be contingent on
581 the applicant having submitted the same or a substantially
582 similar application to the Florida Schools of Excellence
583 Commission or one of its cosponsors. Any such applicant whose
584 application is denied by the commission or one of its cosponsors
585 subsequent to its denial by the district school board may
586 exercise its right to appeal the district school board's denial
587 under paragraph (c) within 30 days after receipt of the
588 commission's or cosponsor's denial or failure to act on the
589 application. However, the applicant forfeits its right to appeal

590 under paragraph (c) if it fails to submit its application to the
 591 commission or one of its cosponsors by August 1 of the school
 592 year immediately following the district school board's denial of
 593 the application.

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

595 (f) If a charter is not renewed or is terminated, the
 596 charter school is responsible for all debts of the charter
 597 school. The district may not assume the debt from any contract
 598 ~~for services~~ made between the governing body of the school and a
 599 third party, except for a debt that is previously detailed and
 600 agreed upon in writing by both the district and the governing
 601 body of the school and that may not reasonably be assumed to
 602 have been satisfied by the district.

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

608 (a) Each charter school shall report its student
 609 enrollment to the sponsor ~~district school board~~ as required in
 610 s. 1011.62, and in accordance with the definitions in s.
 611 1011.61. The sponsor ~~district school board~~ shall include each
 612 charter school's enrollment in the district's report of student
 613 enrollment. All charter schools submitting student record
 614 information required by the Department of Education shall comply
 615 with the Department of Education's guidelines for electronic
 616 data formats for such data, and all districts shall accept

617 | electronic data that complies with the Department of Education's
618 | electronic format.

619 | Section 3. The following sums of money and full-time
620 | equivalent positions are appropriated from general revenue to
621 | the State Board of Education for the 2006-2007 fiscal year for
622 | the purpose of administering this act:

623 | (1) Three full-time equivalent positions and 165,000 in
624 | approved annual salary rate.

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

627 | (3) The sum of \$199,238 from recurring general revenue
628 | funds for expenses.

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

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

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