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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 charter schools; requiring collaboration  
13      with municipalities, state universities, community  
14      colleges, and regional educational consortia as cosponsors  
15      for FSE charter schools; providing requirements for  
16      approval of cosponsors by the commission; providing  
17      components of required cosponsor agreements; providing  
18      causes for revocation of approval of a cosponsor;  
19      providing for FSE charter school application and review  
20      procedures; authorizing existing charter schools to apply  
21      as FSE charter schools; providing for application of  
22      specified provisions of law; requiring access to  
23      information by parents; requiring the commission to submit  
24      an annual report; requiring rulemaking; amending s.  
25      1002.33, F.S.; providing requirements with respect to the  
26      right to appeal a charter school application denial;  
27      revising provisions relating to reporting of charter  
28      school student enrollment for purposes of funding;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29           revising requirements relating to charter school  
 30           facilities created to mitigate a certain educational  
 31           impact; providing an effective date.

32  
 33 Be It Enacted by the Legislature of the State of Florida:

34  
 35           Section 1. Section 1002.335, Florida Statutes, is created  
 36 to read:

37           1002.335 Florida Schools of Excellence Commission.--

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

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

42           (b) Charter schools provide valuable educational options  
 43 and innovative learning opportunities while expanding the  
 44 capacity of the state's system of public education and  
 45 empowering parents with the ability to make choices that best  
 46 fit the individual needs of their children.

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

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

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

55           (a) There be established an independent, state-level  
 56 commission whose primary focus is the development and support of

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57 charter schools in order to better meet the growing and diverse  
58 needs of some of the increasing number and array of charter  
59 schools in the state and to further ensure that charter schools  
60 of the highest academic quality are approved and supported  
61 throughout the state in an efficient manner.

62 (b) New sources of community support in the form of  
63 municipalities with knowledge of the unique needs of a  
64 particular community or state universities, community colleges,  
65 or regional educational consortia with special education  
66 expertise should be authorized to participate in developing and  
67 supporting charter schools that maximize access to a wide  
68 variety of high-quality educational options for all students  
69 regardless of disability, race, or socioeconomic status.

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

71 (a) The Florida Schools of Excellence Commission is  
72 established as an independent, state-level charter school  
73 authorizing entity working in collaboration with the Department  
74 of Education and under the supervision of the State Board of  
75 Education. Startup funds necessary to establish and operate the  
76 commission may be received through private contributions and  
77 federal and other institutional grants through the Grants and  
78 Donations Trust Fund and the Educational Aids Trust Fund housed  
79 within the department in addition to funds provided in the  
80 General Appropriations Act. The department shall assist in  
81 securing federal and other institutional grant funds to  
82 establish the commission.

83 (b) The commission shall be appointed by the State Board  
84 of Education and shall be composed of three appointees

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85 recommended by the Governor, two appointees recommended by the  
86 President of the Senate, and two appointees recommended by the  
87 Speaker of the House of Representatives. The Governor, the  
88 President of the Senate, and the Speaker of the House of  
89 Representatives shall each recommend a list of no fewer than two  
90 nominees for any appointment to the commission. The appointments  
91 shall be made as soon as feasible but no later than September 1,  
92 2006. Each member shall serve a term of 2 years; however, for  
93 the purpose of providing staggered terms, of the initial  
94 appointments, three members shall be appointed to 1-year terms  
95 and four members shall be appointed to 2-year terms. Thereafter,  
96 each appointee shall serve a 2-year term unless the State Board  
97 of Education, after review, extends the appointment. If a  
98 vacancy occurs on the commission, it shall be filled by the  
99 State Board of Education from a recommendation by the  
100 appropriate authority according to the procedure set forth in  
101 this paragraph. The members of the commission shall annually  
102 vote to appoint a chair and a vice chair.

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

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

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

114 (4) POWERS AND DUTIES.--

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

116 1. Authorize and act as a sponsor of charter schools,  
117 including the approval or denial of charter school applications  
118 pursuant to subsection (8) and the nonrenewal or termination of  
119 charter schools pursuant to s. 1002.33(8).

120 2. Authorize municipalities, state universities, community  
121 colleges, and regional educational consortia to act as  
122 cosponsors of charter schools, including the approval or denial  
123 of cosponsor applications pursuant to State Board of Education  
124 rule and subsection (5) and the revocation of approval of  
125 cosponsors pursuant to State Board of Education rule and  
126 subsection (7).

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

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

131 1. Review charter school applications and assist in the  
132 establishment of Florida Schools of Excellence (FSE) charter  
133 schools throughout the state. An FSE charter school shall exist  
134 as a public school within the state as a component of the  
135 delivery of public education within Florida's K-20 education  
136 system.

137 2. Develop, promote, and disseminate best practices for  
138 charter schools and charter school sponsors in order to ensure

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139 that high-quality charter schools are developed and  
140 incentivized. At a minimum, the best practices shall encourage  
141 the development and replication of academically and financially  
142 proven charter school programs.

143 3. Develop, promote, and require high standards of  
144 accountability for any school that applies and is granted a  
145 charter under this section.

146 4. Monitor and annually review and evaluate the  
147 performance of the charter schools it sponsors and hold the  
148 schools accountable for their performance.

149 5. Report the student enrollment in each of its sponsored  
150 charter schools to the district school board of the county in  
151 which the school is located.

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

154 7. Direct charter schools and persons seeking to establish  
155 charter schools to sources of private funding and support.

156 8. Actively seek, with the assistance of the department,  
157 supplemental revenue from federal grant funds, institutional  
158 grant funds, and philanthropic organizations. The commission  
159 may, through the department's Grants and Donations Trust Fund,  
160 receive and expend gifts, grants, and donations of any kind from  
161 any public or private entity to carry out the purposes of this  
162 section.

163 9. Review and recommend to the Legislature any necessary  
164 revisions to statutory requirements regarding the qualification  
165 and approval of municipalities, state universities, community

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166 colleges, and regional educational consortia as cosponsors for  
167 FSE charter schools.

168 10. Review and recommend to the Legislature any necessary  
169 revisions to statutory requirements regarding the standards for  
170 accountability and criteria for revocation of approval of  
171 cosponsors of FSE charter schools.

172 11. Assist its cosponsors and FSE charter schools in  
173 cooperating with district school boards to allow the charter  
174 schools to utilize unused space within district public schools.

175 12. Collaborate with municipalities, state universities,  
176 community colleges, and regional educational consortia as  
177 cosponsors for FSE charter schools for the purpose of providing  
178 the highest level of public education to low-income, low-  
179 performing, and underserved student populations. Such  
180 collaborations shall:

181 a. Allow state universities and community colleges that  
182 cosponsor FSE charter schools to enable students attending a  
183 charter school to take college courses and receive high school  
184 and college credit for such courses.

185 b. Be used to determine the feasibility of opening charter  
186 schools for children with autism that work with and utilize the  
187 specialized expertise of the Centers for Autism and Related  
188 Disabilities established and operated pursuant to s. 1004.55.

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

193 14. Meet the needs of charter schools and school districts  
 194 by uniformly administering high-quality charter schools, thereby  
 195 removing administrative burdens from the school districts.

196 15. Work with school districts to assist them in  
 197 effectively providing administrative services to their charter  
 198 schools.

199 16. Perform all of the duties of sponsors set forth in s.  
 200 1002.33(5)(b) and (20).

201 (5) APPROVAL OF COSPONSORS.--

202 (a) The commission shall begin accepting applications by  
 203 municipalities, state universities, community colleges, and  
 204 regional educational consortia no later than January 31, 2007.  
 205 The commission shall have 90 days from receipt of an application  
 206 under this paragraph to approve or deny the application unless  
 207 the 90-day period is waived by the applicant.

208 (b) The commission shall limit the number of charter  
 209 schools that a cosponsor may approve pursuant to its review of  
 210 the cosponsor's application under paragraph (c). Upon  
 211 application by the cosponsor and review by the commission of the  
 212 performance of a cosponsor's current charter schools, the  
 213 commission may approve a cosponsor's application to raise the  
 214 limit previously set by the commission.

215 (c) Any entity set forth in paragraph (a) that is  
 216 interested in becoming a cosponsor pursuant to this section  
 217 shall prepare and submit an application to the commission that  
 218 provides evidence that the entity:

219 1. Has the necessary staff and infrastructure or has  
 220 established the necessary contractual or interagency



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221 relationships to ensure its ability to handle all of the  
222 administrative responsibilities required of a charter school  
223 sponsor as set forth in s. 1002.33(20).

224 2. Has the necessary staff expertise and infrastructure or  
225 has established the necessary contractual or interagency  
226 relationships to ensure that it will approve and is able to  
227 develop and maintain charter schools of the highest academic  
228 quality.

229 3. Has and is committed to providing and pursuing the  
230 necessary public and private financial resources and staff to  
231 ensure that it can monitor and support charter schools that are  
232 economically efficient and fiscally sound.

233 4. Is committed to providing equal access to all students  
234 and to maintaining a diverse student population within its  
235 charter schools.

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

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

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

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

247 (6) COSPONSOR AGREEMENT.--

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

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

254 2. Incorporation of the requirements of equal access for  
255 all students, including any plans to provide transportation  
256 reasonably necessary to provide access to as many students as  
257 possible.

258 3. Incorporation of the requirement to focus on low-  
259 income, low-performing, and underserved student populations.

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

263 5. The conflict-of-interest policies referenced in the  
264 application.

265 6. An explanation of the disposition of facilities and  
266 assets upon termination and dissolution of a charter school  
267 approved by the cosponsor.

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

272 8. A provision requiring that the cosponsor report the  
273 student enrollment in each of its sponsored charter schools to  
274 the district school board of the county in which the school is  
275 located.

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276 9. A provision requiring that the cosponsor work with the  
 277 commission to provide the necessary reports to the State Board  
 278 of Education.

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

281 (b) No cosponsor may receive applications for charter  
 282 schools until a cosponsor agreement with the commission has been  
 283 approved and signed by the commission and the appropriate  
 284 individuals or governing bodies of the cosponsor.

285 (c) The cosponsor agreement shall be proposed and  
 286 negotiated pursuant to the timeframes set forth in s.  
 287 1002.33(6)(i).

288 (d) The cosponsor agreement shall be attached to and shall  
 289 govern all charter school contracts entered into by the  
 290 cosponsor.

291 (7) CAUSES FOR REVOCATION OF APPROVAL OF A COSPONSOR.--If  
 292 at any time the commission finds that a cosponsor is not in  
 293 compliance, or is no longer willing to comply, with its contract  
 294 with a charter school or with its cosponsor agreement with the  
 295 commission, the commission shall provide notice and a hearing in  
 296 accordance with State Board of Education rule. If after a  
 297 hearing the commission confirms its initial finding, the  
 298 commission shall revoke the cosponsor's approval. The commission  
 299 may assume sponsorship over any charter school sponsored by the  
 300 cosponsor at the time of revocation. Thereafter, the commission  
 301 may assume permanent sponsorship over such school or may direct  
 302 the school's governing body to apply to another cosponsor or to  
 303 the appropriate district school board for sponsorship.

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304       (8) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter school  
305 applications submitted to the commission or to a cosponsor  
306 approved by the commission pursuant to subsection (5) shall be  
307 subject to the same requirements set forth in s. 1002.33(6). The  
308 commission or cosponsor shall receive and review all  
309 applications for FSE charter schools according to the provisions  
310 of s. 1002.33(6)(b). All references to a district school board  
311 in s. 1002.33(6)(b) shall refer to the commission or its  
312 cosponsors that receive applications for review.

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

314       (a) An application may be submitted pursuant to this  
315 section by an existing charter school approved by a district  
316 school board provided that the obligations of its charter  
317 contract with the district school board will expire prior to  
318 entering into a new charter contract with the commission or one  
319 of its cosponsors. A district school board may agree to rescind  
320 or waive the obligations of a current charter contract to allow  
321 an application to be submitted by an existing charter school  
322 pursuant to this section. A charter school that changes sponsors  
323 pursuant to this subsection shall be allowed to continue the use  
324 of all facilities, equipment, and other assets it owned or  
325 leased prior to the expiration or rescission of its contract  
326 with a district school board sponsor.

327       (b) An application to the commission or one of its  
328 cosponsors by a conversion charter school may only be submitted  
329 upon consent of the district school board. In such instance, the  
330 district school board may retain the facilities, equipment, and  
331 other assets of the conversion charter school for its own use or

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332 agree to reasonable terms for their continued use by the  
333 conversion charter school.

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

338 (11) ACCESS TO INFORMATION.--The commission shall provide  
339 maximum access to information to all parents in the state. It  
340 shall maintain information systems, including, but not limited  
341 to, a user-friendly Internet website, that will provide  
342 information and data necessary for parents to make informed  
343 decisions. At a minimum, the commission must provide parents  
344 with information on its accountability standards, links to  
345 schools of excellence throughout the state, and public education  
346 programs available in the state.

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

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

355 Section 2. Paragraphs (d), (e), (f), (g), and (h) of  
356 subsection (6) of section 1002.33, Florida Statutes, are  
357 redesignated as paragraphs (e), (f), (g), (h), and (i),  
358 respectively, a new paragraph (d) is added to that subsection,

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359 and paragraph (a) of subsection (17) and paragraph (f) of  
360 subsection (18) of that section are amended, to read:

361 1002.33 Charter schools.--

362 (6) APPLICATION PROCESS AND REVIEW.--Beginning September  
363 1, 2003, applications are subject to the following requirements:

364 (d) The right to appeal an application denial under  
365 paragraph (c) shall be contingent on the applicant having  
366 submitted the same or a substantially similar application to the  
367 Florida Schools of Excellence Commission or one of its  
368 cosponsors. Any such applicant whose application is denied by  
369 the commission or one of its cosponsors subsequent to its denial  
370 by the district school board may exercise its right to appeal  
371 the district school board's denial under paragraph (c) within 30  
372 days after receipt of the commission's or cosponsor's denial or  
373 failure to act on the application. However, the applicant  
374 forfeits its right to appeal under paragraph (c) if it fails to  
375 submit its application to the commission or one of its  
376 cosponsors by August 1 of the school year immediately following  
377 the district school board's denial of the application.

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

383 (a) Each charter school shall report its student  
384 enrollment to the sponsor ~~district school board~~ as required in  
385 s. 1011.62, and in accordance with the definitions in s.  
386 1011.61. The sponsor ~~district school board~~ shall include each

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387 charter school's enrollment in the district's report of student  
 388 enrollment. All charter schools submitting student record  
 389 information required by the Department of Education shall comply  
 390 with the Department of Education's guidelines for electronic  
 391 data formats for such data, and all districts shall accept  
 392 electronic data that complies with the Department of Education's  
 393 electronic format.

394 (18) FACILITIES.--

395 (f) To the extent that charter school facilities are  
 396 specifically created to mitigate the educational impact created  
 397 by the development of new residential dwelling units, pursuant  
 398 to subparagraph (2)(c)4., some of or all of the educational  
 399 impact fees required to be paid in connection with the new  
 400 residential dwelling units may be designated instead for the  
 401 construction of the charter school facilities that will mitigate  
 402 the student station impact. Such facilities shall be built to  
 403 the State Requirements for Educational Facilities and shall be  
 404 owned by a public or nonprofit entity. The sponsor ~~local school~~  
 405 ~~district~~ retains the right to monitor and inspect such  
 406 facilities to ensure compliance with the State Requirements for  
 407 Educational Facilities. If a facility ceases to be used for  
 408 public educational purposes, either the facility shall revert to  
 409 the sponsor ~~school district~~ subject to any debt owed on the  
 410 facility, or the owner of the facility shall have the option to  
 411 refund all educational impact fees utilized for the facility to  
 412 the sponsor ~~school district~~. The district and the owner of the  
 413 facility may contractually agree to another arrangement for the  
 414 facilities if the facilities cease to be used for educational

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415 | purposes. The owner of property planned or approved for new  
416 | residential dwelling units and the entity levying educational  
417 | impact fees shall enter into an agreement that designates the  
418 | educational impact fees that will be allocated for the charter  
419 | school student stations and that ensures the timely construction  
420 | of the charter school student stations concurrent with the  
421 | expected occupancy of the residential units. The application for  
422 | use of educational impact fees shall include an approved charter  
423 | school application. To assist the school district in forecasting  
424 | student station needs, the entity levying the impact fees shall  
425 | notify the affected district of any agreements it has approved  
426 | for the purpose of mitigating student station impact from the  
427 | new residential dwelling units.

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