

HB 7171

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CHAMBER ACTION

1 The Education Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to charter schools; creating s. 1002.335,
7 F.S.; providing findings and intent; establishing the
8 Florida Schools of Excellence Commission as a charter
9 school authorizing entity; providing for startup funds;
10 providing for membership of the commission; providing
11 powers and duties of the commission, including serving as
12 a sponsor of charter schools, approving certain entities
13 to act as cosponsors, approving or denying applications
14 for Florida Schools of Excellence (FSE) charter schools,
15 and developing standards for and evaluating the
16 performance of charter schools; requiring collaboration
17 with municipalities, state universities, community
18 colleges, and regional educational consortia as cosponsors
19 for FSE charter schools; providing requirements for
20 approval of cosponsors by the commission; providing
21 components of required cosponsor agreements; providing
22 causes for revocation of approval of a cosponsor;
23 providing for FSE charter school application and review

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24 | procedures; authorizing existing charter schools to apply
 25 | as FSE charter schools; providing for application of
 26 | specified provisions of law; requiring access to
 27 | information by parents; requiring the commission to submit
 28 | an annual report; requiring rulemaking; amending s.
 29 | 1002.33, F.S.; providing requirements with respect to the
 30 | right to appeal a charter school application denial;
 31 | revising provisions relating to reporting of charter
 32 | school student enrollment for purposes of funding;
 33 | revising requirements relating to charter school
 34 | facilities created to mitigate a certain educational
 35 | impact; providing appropriations and authorizing
 36 | positions; providing an effective date.

37 |

38 | Be It Enacted by the Legislature of the State of Florida:

39 |

40 | Section 1. Section 1002.335, Florida Statutes, is created
 41 | to read:

42 | 1002.335 Florida Schools of Excellence Commission.--

43 | (1) FINDINGS.--The Legislature finds that:

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

47 | (b) Charter schools provide valuable educational options
 48 | and innovative learning opportunities while expanding the
 49 | capacity of the state's system of public education and
 50 | empowering parents with the ability to make choices that best
 51 | fit the individual needs of their children.

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

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

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

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

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

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

76 (a) The Florida Schools of Excellence Commission is
77 established as an independent, state-level charter school
78 authorizing entity working in collaboration with the Department
79 of Education and under the supervision of the State Board of

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80 Education. Startup funds necessary to establish and operate the
81 commission may be received through private contributions and
82 federal and other institutional grants through the Grants and
83 Donations Trust Fund and the Educational Aids Trust Fund housed
84 within the department in addition to funds provided in the
85 General Appropriations Act. The department shall assist in
86 securing federal and other institutional grant funds to
87 establish the commission.

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

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

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

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

119 (4) POWERS AND DUTIES.--

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

121 1. Authorize and act as a sponsor of charter schools,
122 including the approval or denial of charter school applications
123 pursuant to subsection (8) and the nonrenewal or termination of
124 charter schools pursuant to s. 1002.33(8).

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

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

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

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136 1. Review charter school applications and assist in the
137 establishment of Florida Schools of Excellence (FSE) charter
138 schools throughout the state. An FSE charter school shall exist
139 as a public school within the state as a component of the
140 delivery of public education within Florida's K-20 education
141 system.

142 2. Develop, promote, and disseminate best practices for
143 charter schools and charter school sponsors in order to ensure
144 that high-quality charter schools are developed and
145 incentivized. At a minimum, the best practices shall encourage
146 the development and replication of academically and financially
147 proven charter school programs.

148 3. Develop, promote, and require high standards of
149 accountability for any school that applies and is granted a
150 charter under this section.

151 4. Monitor and annually review and evaluate the
152 performance of the charter schools it sponsors and hold the
153 schools accountable for their performance.

154 5. Report the student enrollment in each of its sponsored
155 charter schools to the district school board of the county in
156 which the school is located.

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

159 7. Direct charter schools and persons seeking to establish
160 charter schools to sources of private funding and support.

161 8. Actively seek, with the assistance of the department,
162 supplemental revenue from federal grant funds, institutional
163 grant funds, and philanthropic organizations. The commission

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164 may, through the department's Grants and Donations Trust Fund,
165 receive and expend gifts, grants, and donations of any kind from
166 any public or private entity to carry out the purposes of this
167 section.

168 9. Review and recommend to the Legislature any necessary
169 revisions to statutory requirements regarding the qualification
170 and approval of municipalities, state universities, community
171 colleges, and regional educational consortia as cosponsors for
172 FSE charter schools.

173 10. Review and recommend to the Legislature any necessary
174 revisions to statutory requirements regarding the standards for
175 accountability and criteria for revocation of approval of
176 cosponsors of FSE charter schools.

177 11. Assist its cosponsors and FSE charter schools in
178 cooperating with district school boards to allow the charter
179 schools to utilize unused space within district public schools.

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

186 a. Allow state universities and community colleges that
187 cosponsor FSE charter schools to enable students attending a
188 charter school to take college courses and receive high school
189 and college credit for such courses.

190 b. Be used to determine the feasibility of opening charter
191 schools for children with autism that work with and utilize the

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192 specialized expertise of the Centers for Autism and Related
193 Disabilities established and operated pursuant to s. 1004.55.

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

198 14. Meet the needs of charter schools and school districts
199 by uniformly administering high-quality charter schools, thereby
200 removing administrative burdens from the school districts.

201 15. Work with school districts to assist them in
202 effectively providing administrative services to their charter
203 schools.

204 16. Perform all of the duties of sponsors set forth in s.
205 1002.33 (5) (b) and (20).

206 (5) APPROVAL OF COSPONSORS.--

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

213 (b) The commission shall limit the number of charter
214 schools that a cosponsor may approve pursuant to its review of
215 the cosponsor's application under paragraph (c). Upon
216 application by the cosponsor and review by the commission of the
217 performance of a cosponsor's current charter schools, the
218 commission may approve a cosponsor's application to raise the
219 limit previously set by the commission.

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220 (c) Any entity set forth in paragraph (a) that is
221 interested in becoming a cosponsor pursuant to this section
222 shall prepare and submit an application to the commission that
223 provides evidence that the entity:

224 1. Has the necessary staff and infrastructure or has
225 established the necessary contractual or interagency
226 relationships to ensure its ability to handle all of the
227 administrative responsibilities required of a charter school
228 sponsor as set forth in s. 1002.33(20).

229 2. Has the necessary staff expertise and infrastructure or
230 has established the necessary contractual or interagency
231 relationships to ensure that it will approve and is able to
232 develop and maintain charter schools of the highest academic
233 quality.

234 3. Has and is committed to providing and pursuing the
235 necessary public and private financial resources and staff to
236 ensure that it can monitor and support charter schools that are
237 economically efficient and fiscally sound.

238 4. Is committed to providing equal access to all students
239 and to maintaining a diverse student population within its
240 charter schools.

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

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

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

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

252 (6) COSPONSOR AGREEMENT.--

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

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

259 2. Incorporation of the requirements of equal access for
260 all students, including any plans to provide transportation
261 reasonably necessary to provide access to as many students as
262 possible.

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

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

268 5. The conflict-of-interest policies referenced in the
269 application.

270 6. An explanation of the disposition of facilities and
271 assets upon termination and dissolution of a charter school
272 approved by the cosponsor.

273 7. A provision requiring the cosponsor to annually appear
274 before the commission and provide a report as to the information

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275 provided pursuant to s. 1002.33(9)(1) for each of its charter
276 schools.

277 8. A provision requiring that the cosponsor report the
278 student enrollment in each of its sponsored charter schools to
279 the district school board of the county in which the school is
280 located.

281 9. A provision requiring that the cosponsor work with the
282 commission to provide the necessary reports to the State Board
283 of Education.

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

286 (b) No cosponsor may receive applications for charter
287 schools until a cosponsor agreement with the commission has been
288 approved and signed by the commission and the appropriate
289 individuals or governing bodies of the cosponsor.

290 (c) The cosponsor agreement shall be proposed and
291 negotiated pursuant to the timeframes set forth in s.
292 1002.33(6)(i).

293 (d) The cosponsor agreement shall be attached to and shall
294 govern all charter school contracts entered into by the
295 cosponsor.

296 (7) CAUSES FOR REVOCATION OF APPROVAL OF A COSPONSOR.--If
297 at any time the commission finds that a cosponsor is not in
298 compliance, or is no longer willing to comply, with its contract
299 with a charter school or with its cosponsor agreement with the
300 commission, the commission shall provide notice and a hearing in
301 accordance with State Board of Education rule. If after a
302 hearing the commission confirms its initial finding, the

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303 commission shall revoke the cosponsor's approval. The commission
304 may assume sponsorship over any charter school sponsored by the
305 cosponsor at the time of revocation. Thereafter, the commission
306 may assume permanent sponsorship over such school or may direct
307 the school's governing body to apply to another cosponsor or to
308 the appropriate district school board for sponsorship.

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

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

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

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330 leased prior to the expiration or rescission of its contract
331 with a district school board sponsor.

332 (b) An application to the commission or one of its
333 cosponsors by a conversion charter school may only be submitted
334 upon consent of the district school board. In such instance, the
335 district school board may retain the facilities, equipment, and
336 other assets of the conversion charter school for its own use or
337 agree to reasonable terms for their continued use by the
338 conversion charter school.

339 (10) APPLICATION OF CHARTER SCHOOL STATUTE.--

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

343 (b) The provisions of s. 1002.33(20) shall apply to the
344 commission and the cosponsors and charter schools approved
345 pursuant to this section with the exception that the commission
346 or a cosponsor of a charter school approved pursuant to this
347 section may retain no more than the actual cost of its
348 administrative overhead costs expended to sponsor the charter
349 school not to exceed 5 percent of the funding provided to the
350 charter school.

351 (11) ACCESS TO INFORMATION.--The commission shall provide
352 maximum access to information to all parents in the state. It
353 shall maintain information systems, including, but not limited
354 to, a user-friendly Internet website, that will provide
355 information and data necessary for parents to make informed
356 decisions. At a minimum, the commission must provide parents
357 with information on its accountability standards, links to

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358 schools of excellence throughout the state, and public education
359 programs available in the state.

360 (12) ANNUAL REPORT.--Each year, the chair of the
361 commission shall appear before the State Board of Education and
362 submit a report regarding the academic performance and fiscal
363 responsibility of all charter schools and cosponsors approved
364 under this section.

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

368 Section 2. Paragraphs (d), (e), (f), (g), and (h) of
369 subsection (6) of section 1002.33, Florida Statutes, are
370 redesignated as paragraphs (e), (f), (g), (h), and (i),
371 respectively, a new paragraph (d) is added to that subsection,
372 and paragraph (a) of subsection (17) and paragraph (f) of
373 subsection (18) of that section are amended, to read:

374 1002.33 Charter schools.--

375 (6) APPLICATION PROCESS AND REVIEW.--Beginning September
376 1, 2003, applications are subject to the following requirements:

377 (d) The right to appeal an application denial under
378 paragraph (c) shall be contingent on the applicant having
379 submitted the same or a substantially similar application to the
380 Florida Schools of Excellence Commission or one of its
381 cosponsors. Any such applicant whose application is denied by
382 the commission or one of its cosponsors subsequent to its denial
383 by the district school board may exercise its right to appeal
384 the district school board's denial under paragraph (c) within 30
385 days after receipt of the commission's or cosponsor's denial or

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386 failure to act on the application. However, the applicant
387 forfeits its right to appeal under paragraph (c) if it fails to
388 submit its application to the commission or one of its
389 cosponsors by August 1 of the school year immediately following
390 the district school board's denial of the application.

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

396 (a) Each charter school shall report its student
397 enrollment to the sponsor ~~district school board~~ as required in
398 s. 1011.62, and in accordance with the definitions in s.
399 1011.61. The sponsor ~~district school board~~ shall include each
400 charter school's enrollment in the district's report of student
401 enrollment. All charter schools submitting student record
402 information required by the Department of Education shall comply
403 with the Department of Education's guidelines for electronic
404 data formats for such data, and all districts shall accept
405 electronic data that complies with the Department of Education's
406 electronic format.

407 (18) FACILITIES.--

408 (f) To the extent that charter school facilities are
409 specifically created to mitigate the educational impact created
410 by the development of new residential dwelling units, pursuant
411 to subparagraph (2)(c)4., some of or all of the educational
412 impact fees required to be paid in connection with the new
413 residential dwelling units may be designated instead for the

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414 construction of the charter school facilities that will mitigate
415 the student station impact. Such facilities shall be built to
416 the State Requirements for Educational Facilities and shall be
417 owned by a public or nonprofit entity. The sponsor ~~local school~~
418 ~~district~~ retains the right to monitor and inspect such
419 facilities to ensure compliance with the State Requirements for
420 Educational Facilities. If a facility ceases to be used for
421 public educational purposes, either the facility shall revert to
422 the sponsor ~~school district~~ subject to any debt owed on the
423 facility, or the owner of the facility shall have the option to
424 refund all educational impact fees utilized for the facility to
425 the sponsor ~~school district~~. The district and the owner of the
426 facility may contractually agree to another arrangement for the
427 facilities if the facilities cease to be used for educational
428 purposes. The owner of property planned or approved for new
429 residential dwelling units and the entity levying educational
430 impact fees shall enter into an agreement that designates the
431 educational impact fees that will be allocated for the charter
432 school student stations and that ensures the timely construction
433 of the charter school student stations concurrent with the
434 expected occupancy of the residential units. The application for
435 use of educational impact fees shall include an approved charter
436 school application. To assist the school district in forecasting
437 student station needs, the entity levying the impact fees shall
438 notify the affected district of any agreements it has approved
439 for the purpose of mitigating student station impact from the
440 new residential dwelling units.

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

445 (1) Three full-time equivalent positions and \$165,000 in
446 approved annual salary rate;

447 (2) The sum of \$214,630 from recurring general revenue
448 funds for salaries and benefits;

449 (3) The sum of \$199,238 from recurring general revenue
450 funds for expenses;

451 (4) The sum of \$5,700 from nonrecurring general revenue
452 funds for operating capital outlay; and

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

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