

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representatives Flores and Legg offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 464-1710 and insert:

5 body to resolve the condition. If one or more of the conditions
6 in paragraphs(1) (a) - (d) exist, the Commissioner of Education may
7 ~~charter school sponsor has the authority to require and approve~~
8 a financial recovery plan, to be prepared by the charter school
9 governing body, prescribing actions that will cause the charter
10 school to no longer be subject to this section. ~~The Department~~
11 ~~of Education shall establish guidelines for developing such~~
12 ~~plans.~~

13 (b) Upon notification that one or more of the conditions
14 in subsection (1), the charter technical career center sponsor
15 or the sponsor's designee and the Commissioner of Education
16 shall contact the charter technical career center governing body

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17 to determine what actions have been taken by the charter
18 technical career center governing body to resolve the condition.
19 If one or more of the conditions in paragraphs(1) (a) through
20 (d) exist, the Commissioner of Education may require and approve
21 a financial recovery plan, to be prepared by the charter
22 technical career center governing body, prescribing actions that
23 will cause the charter technical career center to no longer be
24 subject to this section.

25 (c) The Commissioner of Education shall determine if the
26 charter school or charter technical career center needs a
27 financial recovery plan to resolve a condition in
28 paragraphs(1) (a) - (d). If the Commissioner of Education
29 determines that a financial recovery plan is needed, the charter
30 school or charter technical career center is considered to be in
31 a state of financial emergency.

32
33 The Department of Education, with the involvement of sponsors,
34 charter schools, and charter technical career centers, shall
35 establish guidelines for developing such plans.

36 Section 6. Section 218.504, Florida Statutes, is amended
37 to read:

38 218.504 Cessation of state action.--The Governor or the
39 Commissioner of Education, as appropriate, has the authority to
40 terminate all state actions pursuant to ss. 218.50-218.504.
41 Cessation of state action must not occur until the Governor or
42 the Commissioner of Education, as appropriate, has determined
43 that:

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44 (1) The local governmental entity, charter school, charter
45 technical career center, or district school board:

46 (a) Has established and is operating an effective
47 financial accounting and reporting system.

48 (b) Has resolved the conditions outlined in s. 218.503(1).

49 (2) None of the conditions outlined in s. 218.503(1)
50 exists.

51 Section 7. Paragraph (b) of subsection (5), paragraphs
52 (a), (b), and (d) of subsection (6), paragraphs (a) and (b) of
53 subsection (7), paragraphs (g) through (q) of subsection (9),
54 paragraphs (a) and (h) of subsection (10), paragraphs (b) and
55 (c) of subsection (17), paragraph (e) of subsection (18),
56 paragraph (a) of subsection (20), and subsections (21) and (23)
57 of section 1002.33, Florida Statutes, are amended, present
58 subsection (24) is renumbered as subsection (26), and new
59 subsections (24) and (25) are added to that section, to read:

60 1002.33 Charter schools.--

61 (5) SPONSOR; DUTIES.--

62 (b) Sponsor duties.--

63 1.a. The sponsor shall monitor and review the charter
64 school in its progress toward the goals established in the
65 charter.

66 b. The sponsor shall monitor the revenues and expenditures
67 of the charter school and perform the duties provided for in s.
68 1002.345.

69 c. The sponsor may approve a charter for a charter school
70 before the applicant has secured space, equipment, or personnel,

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71 if the applicant indicates approval is necessary for it to raise
72 working funds.

73 d. The sponsor's policies shall not apply to a charter
74 school unless mutually agreed to by both the sponsor and the
75 charter school.

76 e. The sponsor shall ensure that the charter is innovative
77 and consistent with the state education goals established by s.
78 1000.03(5).

79 f. The sponsor shall ensure that the charter school
80 participates in the state's education accountability system. If
81 a charter school falls short of performance measures included in
82 the approved charter, the sponsor shall report such shortcomings
83 to the Department of Education.

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

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

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

93 j. The sponsor shall not impose additional reporting
94 requirements on a charter school without providing reasonable
95 and specific justification in writing to the charter school.

96 2. Immunity for the sponsor of a charter school under
97 subparagraph 1. applies only with respect to acts or omissions

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98 not under the sponsor's direct authority as described in this
99 section.

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

102 4. A community college may work with the school district
103 or school districts in its designated service area to develop
104 charter schools that offer secondary education. These charter
105 schools must include an option for students to receive an
106 associate degree upon high school graduation. District school
107 boards shall cooperate with and assist the community college on
108 the charter application. Community college applications for
109 charter schools are not subject to the time deadlines outlined
110 in subsection (6) and may be approved by the district school
111 board at any time during the year. Community colleges shall not
112 report FTE for any students who receive FTE funding through the
113 Florida Education Finance Program.

114 (6) APPLICATION PROCESS AND REVIEW.--Charter school
115 applications are subject to the following requirements:

116 (a) A person or entity wishing to open a charter school
117 shall prepare and submit an application on a form developed by
118 the Department of Education, which ~~that~~:

119 1. Demonstrates how the school will use the guiding
120 principles and meet the statutorily defined purpose of a charter
121 school.

122 2. Provides a detailed curriculum plan that illustrates
123 how students will be provided services to attain the Sunshine
124 State Standards.

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125 3. Contains goals and objectives for improving student
126 learning and measuring that improvement. These goals and
127 objectives must indicate how much academic improvement students
128 are expected to show each year, how success will be evaluated,
129 and the specific results to be attained through instruction.

130 4. Describes the reading curriculum and differentiated
131 strategies that will be used for students reading at grade level
132 or higher and a separate curriculum and strategies for students
133 who are reading below grade level. A sponsor shall deny a
134 charter if the school does not propose a reading curriculum that
135 is consistent with effective teaching strategies that are
136 grounded in scientifically based reading research.

137 5. Contains an annual financial plan for each year
138 requested by the charter for operation of the school for up to 5
139 years. This plan must contain anticipated fund balances based on
140 revenue projections, a spending plan based on projected revenues
141 and expenses, and a description of controls that will safeguard
142 finances and projected enrollment trends.

143 (b) A sponsor shall receive and review all applications
144 for a charter school using an evaluation instrument developed by
145 the Department of Education. Beginning with the 2007-2008 school
146 year, a sponsor shall receive and consider charter school
147 applications received on or before August 1 of each calendar
148 year for charter schools to be opened at the beginning of the
149 school district's next school year, or to be opened at a time
150 agreed to by the applicant and the sponsor. A sponsor may
151 receive applications later than this date if it chooses. A
152 sponsor may not charge an applicant for a charter any fee for

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153 the processing or consideration of an application, and a sponsor
154 may not base its consideration or approval of an application
155 upon the promise of future payment of any kind.

156 1. In order to facilitate an accurate budget projection
157 process, a sponsor shall be held harmless for FTE students who
158 are not included in the FTE projection due to approval of
159 charter school applications after the FTE projection deadline.
160 In a further effort to facilitate an accurate budget projection,
161 within 15 calendar days after receipt of a charter school
162 application, a sponsor shall report to the Department of
163 Education the name of the applicant entity, the proposed charter
164 school location, and its projected FTE.

165 2. In order to ensure fiscal responsibility, an
166 application for a charter school shall include a full accounting
167 of expected assets, a projection of expected sources and amounts
168 of income, including income derived from projected student
169 enrollments and from community support, and an expense
170 projection that includes full accounting of the costs of
171 operation, including start-up costs.

172 3. A sponsor shall by a majority vote approve or deny an
173 application no later than 60 calendar days after the application
174 is received, unless the sponsor and the applicant mutually agree
175 in writing to temporarily postpone the vote to a specific date,
176 at which time the sponsor shall by a majority vote approve or
177 deny the application. If the sponsor fails to act on the
178 application, an applicant may appeal to the State Board of
179 Education as provided in paragraph (c). If an application is
180 denied, the sponsor shall, within 10 calendar days, articulate

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181 in writing the specific reasons, based upon good cause,
182 supporting its denial of the charter application and shall
183 provide the letter of denial and supporting documentation to the
184 applicant and to the Department of Education supporting those
185 reasons.

186 4. For budget projection purposes, the sponsor shall
187 report to the Department of Education the approval or denial of
188 a charter application within 10 calendar days after such
189 approval or denial. In the event of approval, the report to the
190 Department of Education shall include the final projected FTE
191 for the approved charter school.

192 5. Upon approval of a charter application, the initial
193 startup shall commence with the beginning of the public school
194 calendar for the district in which the charter is granted unless
195 the sponsor allows a waiver of this provision for good cause.

196 (d) For charter school applications in school districts
197 that have not been granted exclusive authority to sponsor
198 charter schools pursuant to s. 1002.335(5), the right to appeal
199 an application denial under paragraph (c) shall be contingent on
200 the applicant having submitted the same or a substantially
201 similar application to the district school board and the Florida
202 Schools of Excellence Commission or one of its cosponsors. Any
203 such applicant whose application is denied by the commission or
204 one of its cosponsors and ~~subsequent to its denial~~ by the
205 district school board may exercise its right to appeal the
206 district school board's denial under paragraph (c) within 30
207 days after receipt of the commission's or cosponsor's denial or
208 failure to act on the application. However, the applicant

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209 forfeits its right to appeal under paragraph (c) if it fails to
210 submit its application to the commission or one of its
211 cosponsors by August 1 of the school year immediately following
212 the district school board's denial of the application.

213 (7) CHARTER.--The major issues involving the operation of
214 a charter school shall be considered in advance and written into
215 the charter. The charter shall be signed by the governing body
216 of the charter school and the sponsor, following a public
217 hearing to ensure community input.

218 (a) The charter shall address, and criteria for approval
219 of the charter shall be based on:

220 1. The school's mission, the students to be served, and
221 the ages and grades to be included.

222 2. The focus of the curriculum, the instructional methods
223 to be used, any distinctive instructional techniques to be
224 employed, and identification and acquisition of appropriate
225 technologies needed to improve educational and administrative
226 performance which include a means for promoting safe, ethical,
227 and appropriate uses of technology which comply with legal and
228 professional standards. The charter shall ensure that reading is
229 a primary focus of the curriculum and that resources are
230 provided to identify and provide specialized instruction for
231 students who are reading below grade level. The curriculum and
232 instructional strategies for reading must be consistent with the
233 Sunshine State Standards and grounded in scientifically based
234 reading research.

235 3. The current incoming baseline standard of student
236 academic achievement, the outcomes to be achieved, and the

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237 method of measurement that will be used. The criteria listed in
238 this subparagraph shall include a detailed description for each
239 of the following:

240 a. How the baseline student academic achievement levels
241 and prior rates of academic progress will be established.

242 b. How these baseline rates will be compared to rates of
243 academic progress achieved by these same students while
244 attending the charter school.

245 c. To the extent possible, how these rates of progress
246 will be evaluated and compared with rates of progress of other
247 closely comparable student populations.

248
249 The district school board is required to provide academic
250 student performance data to charter schools for each of their
251 students coming from the district school system, as well as
252 rates of academic progress of comparable student populations in
253 the district school system.

254 4. The methods used to identify the educational strengths
255 and needs of students and how well educational goals and
256 performance standards are met by students attending the charter
257 school. Included in the methods is a means for the charter
258 school to ensure accountability to its constituents by analyzing
259 student performance data and by evaluating the effectiveness and
260 efficiency of its major educational programs. Students in
261 charter schools shall, at a minimum, participate in the
262 statewide assessment program created under s. 1008.22.

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HOUSE AMENDMENT

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263 5. In secondary charter schools, a method for determining
264 that a student has satisfied the requirements for graduation in
265 s. 1003.43.

266 6. A method for resolving conflicts between the governing
267 body of the charter school and the sponsor.

268 7. The admissions procedures and dismissal procedures,
269 including the school's code of student conduct.

270 8. The ways by which the school will achieve a
271 racial/ethnic balance reflective of the community it serves or
272 within the racial/ethnic range of other public schools in the
273 same school district.

274 9. The financial and administrative management of the
275 school, including a reasonable demonstration of the professional
276 experience or competence of those individuals or organizations
277 applying to operate the charter school or those hired or
278 retained to perform such professional services and the
279 description of clearly delineated responsibilities and the
280 policies and practices needed to effectively manage the charter
281 school. A description of internal audit procedures and
282 establishment of controls to ensure that financial resources are
283 properly managed must be included. Both public sector and
284 private sector professional experience shall be equally valid in
285 such a consideration.

286 10. The asset and liability projections required in the
287 application which are incorporated into the charter and which
288 shall be compared with information provided in the annual report
289 of the charter school. ~~The charter shall ensure that, if a~~
290 ~~charter school internal audit or annual financial audit reveals~~

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291 ~~a state of financial emergency as defined in s. 218.503 or~~
292 ~~deficit financial position, the auditors are required to notify~~
293 ~~the charter school governing board, the sponsor, and the~~
294 ~~Department of Education. The internal auditor shall report such~~
295 ~~findings in the form of an exit interview to the principal or~~
296 ~~the principal administrator of the charter school and the chair~~
297 ~~of the governing board within 7 working days after finding the~~
298 ~~state of financial emergency or deficit position. A final report~~
299 ~~shall be provided to the entire governing board, the sponsor,~~
300 ~~and the Department of Education within 14 working days after the~~
301 ~~exit interview. When a charter school is in a state of financial~~
302 ~~emergency, the charter school shall file a detailed financial~~
303 ~~recovery plan with the sponsor. The department, with the~~
304 ~~involvement of both sponsors and charter schools, shall~~
305 ~~establish guidelines for developing such plans.~~

306 11. A description of procedures that identify various
307 risks and provide for a comprehensive approach to reduce the
308 impact of losses; plans to ensure the safety and security of
309 students and staff; plans to identify, minimize, and protect
310 others from violent or disruptive student behavior; and the
311 manner in which the school will be insured, including whether or
312 not the school will be required to have liability insurance,
313 and, if so, the terms and conditions thereof and the amounts of
314 coverage.

315 12. The term of the charter which shall provide for
316 cancellation of the charter if insufficient progress has been
317 made in attaining the student achievement objectives of the
318 charter and if it is not likely that such objectives can be

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319 achieved before expiration of the charter. The initial term of a
320 charter shall be for 4 or 5 years. In order to facilitate access
321 to long-term financial resources for charter school
322 construction, charter schools that are operated by a
323 municipality or other public entity as provided by law are
324 eligible for up to a 15-year charter, subject to approval by the
325 district school board. A charter lab school is eligible for a
326 charter for a term of up to 15 years. In addition, to facilitate
327 access to long-term financial resources for charter school
328 construction, charter schools that are operated by a private,
329 not-for-profit, s. 501(c)(3) status corporation are eligible for
330 up to a 15-year charter, subject to approval by the district
331 school board. Such long-term charters remain subject to annual
332 review and may be terminated during the term of the charter, but
333 only according to the provisions set forth in subsection (8).

334 13. The facilities to be used and their location.

335 14. The qualifications to be required of the teachers and
336 the potential strategies used to recruit, hire, train, and
337 retain qualified staff to achieve best value.

338 15. The governance structure of the school, including the
339 status of the charter school as a public or private employer as
340 required in paragraph (12)(i).

341 16. A timetable for implementing the charter which
342 addresses the implementation of each element thereof and the
343 date by which the charter shall be awarded in order to meet this
344 timetable.

345 17. In the case of an existing public school being
346 converted to charter status, alternative arrangements for

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347 current students who choose not to attend the charter school and
348 for current teachers who choose not to teach in the charter
349 school after conversion in accordance with the existing
350 collective bargaining agreement or district school board rule in
351 the absence of a collective bargaining agreement. However,
352 alternative arrangements shall not be required for current
353 teachers who choose not to teach in a charter lab school, except
354 as authorized by the employment policies of the state university
355 which grants the charter to the lab school.

356 18. Full disclosure of the identity of all relatives
357 employed by the charter school who are related to the charter
358 school owner, president, chair of the governing board of
359 directors, superintendent, governing board member, principal,
360 assistant principal, or any other person employed by the charter
361 school having equivalent decisionmaking authority. For the
362 purpose of this subparagraph, the term "relative" means father,
363 mother, son, daughter, brother, sister, husband, wife, father-
364 in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-
365 law, sister-in-law, stepfather, stepmother, stepson,
366 stepdaughter, stepbrother, stepsister, half brother, or half
367 sister.

368 (b)~~1~~. A charter may be renewed if ~~provided that~~ a program
369 review demonstrates that the criteria in paragraph (a) have been
370 successfully accomplished and that none of the grounds for
371 nonrenewal established by paragraph (8)(a) has been documented.
372 In order to facilitate long-term financing for charter school
373 construction, a charter school that has operated schools
374 operating for a minimum of 3 years, that has received a school

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375 grade of at least a "C" pursuant to s. 1008.34 during the
376 previous 3 years, and that demonstrates ~~demonstrating~~ exemplary
377 ~~academic programming and~~ fiscal management must be offered ~~are~~
378 ~~eligible for~~ a 15-year charter renewal. Such long-term charter
379 is subject to annual review and may be terminated during the
380 term of the charter pursuant to subsection (8).

381 ~~2. The 15 year charter renewal that may be granted~~
382 ~~pursuant to subparagraph 1. shall be granted to a charter school~~
383 ~~that has received a school grade of "A" or "B" pursuant to s.~~
384 ~~1008.34 in 3 of the past 4 years and is not in a state of~~
385 ~~financial emergency or deficit position as defined by this~~
386 ~~section. Such long term charter is subject to annual review and~~
387 ~~may be terminated during the term of the charter pursuant to~~
388 ~~subsection (8).~~

389 (9) CHARTER SCHOOL REQUIREMENTS.--

390 ~~(g) A charter school shall provide for an annual financial~~
391 ~~audit in accordance with s. 218.39. Financial audits that reveal~~
392 ~~a state of financial emergency as defined in s. 218.503 and are~~
393 ~~conducted by a certified public accountant or auditor in~~
394 ~~accordance with s. 218.39 shall be provided to the governing~~
395 ~~body of the charter school within 7 working days after finding~~
396 ~~that a state of financial emergency exists. When a charter~~
397 ~~school is found to be in a state of financial emergency by a~~
398 ~~certified public accountant or auditor, the charter school must~~
399 ~~file a detailed financial recovery plan with the sponsor within~~
400 ~~30 days after receipt of the audit.~~

401 ~~(g)(h)~~ In order to provide financial information that is
402 comparable to that reported for other public schools, charter

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403 schools are to maintain all financial records which constitute
404 their accounting system:

405 1. In accordance with the accounts and codes prescribed in
406 the most recent issuance of the publication titled "Financial
407 and Program Cost Accounting and Reporting for Florida Schools";
408 or

409 2. At the discretion of the charter school governing
410 board, a charter school may elect to follow generally accepted
411 accounting standards for not-for-profit organizations, but must
412 reformat this information for reporting according to this
413 paragraph.

414
415 Charter schools shall provide annual financial report and
416 program cost report information in the state-required formats
417 for inclusion in district reporting in compliance with s.
418 1011.60(1). Charter schools that are operated by a municipality
419 or are a component unit of a parent nonprofit organization may
420 use the accounting system of the municipality or the parent but
421 must reformat this information for reporting according to this
422 paragraph. A charter school shall provide quarterly financial
423 statements to the sponsor, except that such statements shall be
424 provided monthly if a charter school is subject to corrective
425 action plan under s. 1002.345 or a financial recovery plan under
426 s. 218.503.

427 (h)-(i) The governing board of the charter school shall
428 annually adopt and maintain an operating budget.

429 (i)-(j) The governing body of the charter school shall
430 exercise continuing oversight over charter school operations.

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431 (j)~~(k)~~ The governing body of the charter school shall be
432 responsible for:

433 1. Ensuring that the charter school has retained the
434 services of a certified public accountant or auditor for the
435 annual financial audit, pursuant to s. 1002.345(2) paragraph
436 ~~(g)~~, who shall submit the report to the governing body.

437 2. Reviewing and approving the audit report, including
438 audit findings and recommendations for the financial recovery
439 plan.

440 3.a. Performing the duties provided for in s. 1002.345,
441 including monitoring a corrective action plan.

442 b. Monitoring a financial recovery plan in order to ensure
443 compliance.

444 4. Participating in governance training approved by the
445 department that must include government in the sunshine,
446 conflicts of interest, ethics, and financial responsibility.

447 (k)~~(l)~~ The governing body of the charter school shall
448 report its progress annually to its sponsor, which shall forward
449 the report to the Commissioner of Education at the same time as
450 other annual school accountability reports. The Department of
451 Education shall develop a uniform, online annual accountability
452 report format to be completed by charter schools. This report
453 shall be easy to utilize and contain demographic information,
454 student performance data, and financial accountability
455 information. A charter school may directly access, complete, and
456 correct school data and information in the online accountability
457 report. The sponsor shall review the report before final
458 submission to shall not be required to provide information and

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459 ~~data that is duplicative and already in the possession of the~~
460 department. The Department of Education shall include in its
461 compilation a notation if a school failed to file its report by
462 the deadline established by the department. The report shall
463 include at least the following components:

464 1. Student achievement performance data, including the
465 information required for the annual school report and the
466 education accountability system governed by ss. 1008.31 and
467 1008.345. Charter schools are subject to the same accountability
468 requirements as other public schools, including reports of
469 student achievement information that links baseline student data
470 to the school's performance projections identified in the
471 charter. The charter school shall identify reasons for any
472 difference between projected and actual student performance.

473 2. Financial status of the charter school which must
474 include revenues and expenditures at a level of detail that
475 allows for analysis of the school's ability to meet financial
476 obligations and timely repayment of debt.

477 3. Documentation of the facilities in current use and any
478 planned facilities for use by the charter school for instruction
479 of students, administrative functions, or investment purposes.

480 4. Descriptive information about the charter school's
481 personnel, including salary and benefit levels of charter school
482 employees, the proportion of instructional personnel who hold
483 professional or temporary certificates, and the proportion of
484 instructional personnel teaching in-field or out-of-field.

485 (1) ~~(m)~~ A charter school shall not levy taxes or issue
486 bonds secured by tax revenues.

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487 (m)~~(n)~~ A charter school shall provide instruction for at
488 least the number of days required by law for other public
489 schools, and may provide instruction for additional days.

490 (n)~~(o)~~ The director and a representative of the governing
491 body of a charter school that has received a school grade of "D"
492 under s. 1008.34(2) shall appear before the sponsor or the
493 sponsor's staff at least once a year to present information
494 concerning each contract component having noted deficiencies.
495 The sponsor shall communicate at the meeting, and in writing to
496 the director, the services provided to the school to help the
497 school address its deficiencies.

498 (o)~~(p)~~ Upon notification that a charter school receives a
499 school grade of "D" for 2 consecutive years or a school grade of
500 "F" under s. 1008.34(2), the charter school sponsor or the
501 sponsor's staff shall require the director and a representative
502 of the governing body to submit to the sponsor for approval a
503 school improvement plan to raise student achievement and to
504 implement the plan. The sponsor has the authority to approve a
505 school improvement plan that the charter school will implement
506 in the following school year. The sponsor may also consider the
507 State Board of Education's recommended action pursuant to s.
508 1008.33(1) as part of the school improvement plan. The
509 Department of Education shall offer technical assistance and
510 training to the charter school and its governing body and
511 establish guidelines for developing, submitting, and approving
512 such plans.

513 1. If the charter school fails to improve its student
514 performance from the year immediately prior to the

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515 implementation of the school improvement plan, the sponsor shall
516 place the charter school on probation and shall require the
517 charter school governing body to take one of the following
518 corrective actions:

519 a. Contract for the educational services of the charter
520 school;

521 b. Reorganize the school at the end of the school year
522 under a new director or principal who is authorized to hire new
523 staff and implement a plan that addresses the causes of
524 inadequate progress; or

525 c. Reconstitute the charter school.

526 2. A charter school that is placed on probation shall
527 continue the corrective actions required under subparagraph 1.
528 until the charter school improves its student performance from
529 the year prior to the implementation of the school improvement
530 plan.

531 3. Notwithstanding any provision of this paragraph, the
532 sponsor may terminate the charter at any time pursuant to the
533 provisions of subsection (8).

534 (p) ~~(q)~~ The director and a representative of the governing
535 body of a graded charter school that has submitted a school
536 improvement plan or has been placed on probation under paragraph
537 (o) ~~(p)~~ shall appear before the sponsor or the sponsor's staff
538 at least once a year to present information regarding the
539 corrective strategies that are being implemented by the school
540 pursuant to the school improvement plan. The sponsor shall
541 communicate at the meeting, and in writing to the director, the

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542 services provided to the school to help the school address its
543 deficiencies.

544 (10) ELIGIBLE STUDENTS.--

545 (a) A charter school shall be open to any student ~~covered~~
546 ~~in an interdistrict agreement or~~ residing in the school district
547 in which the charter school is located; however, in the case of
548 a charter lab school, the charter lab school shall be open to
549 any student eligible to attend the lab school as provided in s.
550 1002.32 or who resides in the school district in which the
551 charter lab school is located. Any ~~eligible~~ student shall be
552 allowed interdistrict transfer to attend a charter school when
553 based on good cause. Good cause shall include, but not be
554 limited to, geographic proximity to a charter school in a
555 neighboring school district.

556 (h) The capacity of the charter school shall be determined
557 annually by the governing board, in conjunction with the
558 sponsor, of the charter school in consideration of the factors
559 identified in this subsection. The calculation under s. 1003.03
560 for class size compliance for charter schools shall be the
561 average for the applicable grade grouping at the school level
562 established at the October student membership survey of the
563 district in which the charter school is operated.

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

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569 (b) The basis for the agreement for funding students
570 enrolled in a charter school shall be the sum of the school
571 district's operating funds from the Florida Education Finance
572 Program as provided in s. 1011.62 and the General Appropriations
573 Act, including gross state and local funds, discretionary
574 lottery funds, and funds from the school district's current
575 operating discretionary millage levy; divided by total funded
576 weighted full-time equivalent students in the school district;
577 multiplied by the weighted full-time equivalent students for the
578 charter school. Charter schools whose students or programs meet
579 the eligibility criteria in law shall be entitled to their
580 proportionate share of categorical program funds included in the
581 total funds available in the Florida Education Finance Program
582 by the Legislature, including transportation. Total funding for
583 each charter school shall be recalculated during the year to
584 reflect the revised calculations under the Florida Education
585 Finance Program by the state and the actual weighted full-time
586 equivalent students reported by the charter school during the
587 full-time equivalent student survey periods designated by the
588 Commissioner of Education. Florida Education Finance Program
589 funds for a charter school must be distributed to the charter
590 school by the district school board within 10 days after receipt
591 from the state.

592 (c) If the sponsor ~~district school board~~ is providing
593 programs or services to students funded by federal funds, any
594 eligible students enrolled in charter schools in the school
595 district shall be provided federal funds for the same level of
596 service provided students in the schools operated by the

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597 district school board. Pursuant to provisions of 20 U.S.C. 8061
598 s. 10306, all charter schools shall receive all federal funding
599 for which the school is otherwise eligible, including Title I
600 funding and funding under the Individuals with Disabilities
601 Education Act, not later than 5 months after the charter school
602 first opens and within 5 months after any subsequent expansion
603 of enrollment.

604 (18) FACILITIES.--

605 (e)1. If a district school board facility or property is
606 available because it is surplused ~~surplus~~, marked for disposal,
607 or otherwise unused:7

608 a. It shall be provided for a charter school's use on the
609 same basis as it is made available to other public schools in
610 the district. A charter school receiving property from the
611 school district under this subparagraph may not sell or dispose
612 of such property without written permission of the school
613 district.

614 b. It shall first be offered for purchase or lease to
615 charter schools within the district to be used for educational
616 purposes for a period of 45 days following a district school
617 board's decision to sell or lease such property.

618 2. ~~Similarly,~~ For an existing public school converting to
619 charter status, no rental or leasing fee for the existing
620 facility or for the property normally inventoried to the
621 conversion school may be charged by the district school board to
622 the parents and teachers organizing the charter school. The
623 charter school shall agree to reasonable maintenance provisions
624 in order to maintain the facility in a manner similar to

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625 district school board standards. The Public Education Capital
626 Outlay maintenance funds or any other maintenance funds
627 generated by the facility operated as a conversion school shall
628 remain with the conversion school.

629 (20) SERVICES.--

630 (a) A sponsor shall provide certain administrative and
631 educational services to charter schools. These services shall
632 include contract management services; full-time equivalent and
633 data reporting services; exceptional student education
634 administration services; services related to eligibility and
635 reporting duties required to ensure that school lunch services
636 under the federal lunch program, consistent with the needs of
637 the charter school, are provided by the school district at the
638 request of the charter school, that any funds due the charter
639 school under the federal lunch program be paid to the charter
640 school as soon as the charter school begins serving food under
641 the federal lunch program, and that the charter school is paid
642 at the same time and in the same manner under the federal lunch
643 program as other public schools serviced by the sponsor or
644 school district; test administration services, including payment
645 of the costs of state-required or district-required student
646 assessments; processing of teacher certificate data services;
647 and information services, including equal access to student
648 information systems that are used by public schools in the
649 district in which the charter school is located. Student
650 performance data for each student in a charter school,
651 including, but not limited to, FCAT scores, standardized test
652 scores, previous public school student report cards, and student

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653 performance measures, shall be provided by the sponsor to a
654 charter school in the same manner provided to other public
655 schools in the district. A total administrative fee for the
656 provision of such services shall be calculated based upon up to
657 5 percent of the available funds defined in paragraph (17)(b)
658 for all students. However, a sponsor may only withhold up to a
659 5-percent administrative fee for enrollment for up to and
660 including 500 students. For charter schools with a population of
661 501 or more students, the difference between the total
662 administrative fee calculation and the amount of the
663 administrative fee withheld may only be used for capital outlay
664 purposes specified in s. 1013.62(2). Sponsors shall not charge
665 charter schools any additional fees or surcharges for
666 administrative and educational services in addition to the
667 maximum 5-percent administrative fee withheld pursuant to this
668 paragraph.

669 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--

670 (a) The Department of Education shall provide information
671 to the public, directly and through sponsors, both on how to
672 form and operate a charter school and on how to enroll in
673 charter schools once they are created. This information shall
674 include a standard application format, charter format,
675 evaluation instrument, and charter renewal format which shall
676 include the information specified in subsection (7) and shall be
677 developed by consulting and negotiating with ~~both~~ school
678 districts, the Florida Schools of Excellence Commission, and
679 charter schools before implementation. These formats shall be
680 used ~~as guidelines~~ by charter school sponsors.

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681 (b)1. The Department of Education shall report student
682 assessment data pursuant to s. 1008.34(3)(b) which is reported
683 to schools that receive a school grade pursuant to s. 1008.34 or
684 student assessment data pursuant to s. 1008.341(3) which is
685 reported to alternative schools that receive a school
686 improvement rating pursuant to s. 1008.341 to each charter
687 school that:

688 a. Does not receive a school grade pursuant to s. 1008.34
689 or a school improvement rating pursuant to s. 1008.341; and

690 b. Serves at least 10 students who are tested on the
691 statewide assessment test pursuant to s. 1008.22.

692 2. The charter school shall report the information in
693 subparagraph 1. to each parent of a student at the charter
694 school, the district in which the charter school is located, and
695 the governing board of the charter school. This paragraph does
696 not abrogate the provisions of s. 1002.22, relating to student
697 records, and the requirements of 20 U.S.C. s. 1232g, the Family
698 Educational Rights and Privacy Act.

699 3.a. Pursuant to this paragraph, the Department of
700 Education shall compare the charter school student performance
701 data for each charter school in subparagraph 1. with the student
702 performance data in traditional public schools in the district
703 in which the charter school is located and other charter schools
704 in the state. For charter alternative schools, the department
705 shall compare the student performance data described in this
706 paragraph with all alternative schools in the state. The
707 comparative data shall be provided by the following grade
708 groupings:

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709 (I) Grades 3 through 5.

710 (II) Grades 6 through 8.

711 (III) Grades 9 through 11.

712 b. Each charter school shall make the information in this
713 paragraph available to the public.

714 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt
715 of the annual report required by paragraph (9)(k) ~~(9)(1)~~, the
716 Department of Education shall provide to the State Board of
717 Education, the Commissioner of Education, the Governor, the
718 President of the Senate, and the Speaker of the House of
719 Representatives an analysis and comparison of the overall
720 performance of charter school students, to include all students
721 whose scores are counted as part of the statewide assessment
722 program, versus comparable public school students in the
723 district as determined by the statewide assessment program
724 currently administered in the school district, and other
725 assessments administered pursuant to s. 1008.22(3).

726 (24) RESTRICTION ON EMPLOYMENT OF RELATIVES.--

727 (a) This subsection applies to charter school personnel in
728 a charter school operated by a private entity. Charter school
729 personnel in schools operated by a municipality or other public
730 entity are subject to s. 112.3135.

731 (b) As used in this subsection, the term:

732 1. "Charter school personnel" means a charter school
733 owner, president, chair of the governing board of directors,
734 superintendent, governing board member, principal, assistant
735 principal, or any other person employed by the charter school
736 having equivalent decisionmaking authority and in whom is vested

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737 the authority, or to whom the authority has been delegated, to
738 appoint, employ, promote, or advance individuals or to recommend
739 individuals for appointment, employment, promotion, or
740 advancement in connection with employment in a charter school,
741 including the authority as a member of a governing board of a
742 charter school to vote on the appointment, employment,
743 promotion, or advancement of individuals.

744 2. "Relative" means father, mother, son, daughter,
745 brother, sister, husband, wife, father-in-law, mother-in-law,
746 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
747 stepfather, stepmother, stepson, stepdaughter, stepbrother,
748 stepsister, half brother, or half sister.

749 3. "Supervise" means the appointment, employment,
750 promotion, or advancement of an individual or recommendation of
751 the appointment, employment, promotion, or advancement of an
752 individual.

753 (c) Charter school personnel may not supervise a relative
754 in the charter school in which the personnel serve unless the
755 governing board requests and obtains a waiver of this
756 requirement from the Commissioner of Education or his or her
757 designee.

758 (25) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.--

759 (a) A member of a governing board of a charter school,
760 including a charter school operated by a private entity, is
761 subject to the provisions of ss. 112.313(2), (3), (7), (12), and
762 (15) and 112.3143(3).

763 (b) A member of a governing board of a charter school
764 operated by a municipality or other public entity is subject to

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765 the provisions of s. 112.3144, relating to the disclosure of
766 financial interests.

767 Section 8. Subsection (5), paragraph (a) of subsection
768 (7), and paragraph (a) of subsection (11) of section 1002.335,
769 Florida Statutes, are amended to read:

770 1002.335 Florida Schools of Excellence Commission.--

771 (5) CHARTERING AUTHORITY.--

772 (a) A charter school applicant may submit an application
773 to the commission only if the school district in which the FSE
774 charter school is to be located has not retained exclusive
775 authority to authorize charter schools as provided in paragraph
776 (e). If a district school board has not retained exclusive
777 authority to authorize charter schools as provided in paragraph
778 (e), the district school board and the commission shall have
779 concurrent authority to authorize charter schools and FSE
780 charter schools, respectively, to be located within the
781 geographic boundaries of the school district. The district
782 school board shall monitor and oversee all charter schools
783 authorized by the district school board pursuant to s. 1002.33.
784 The commission shall monitor and oversee all FSE charter schools
785 sponsored by the commission pursuant to subsection (4).

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

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792 (c) For fiscal year 2008-2009 and every 4 fiscal years
793 thereafter ~~2007-2008 and for each fiscal year thereafter~~, a
794 district school board may seek ~~to retain~~ exclusive authority to
795 authorize charter schools within the geographic boundaries of
796 the school district by presenting to the State Board of
797 Education, on or before March 1 of the fiscal year prior to that
798 for which the exclusive authority is to apply, a written
799 resolution adopted by the district school board indicating the
800 intent to seek ~~retain~~ exclusive authority to authorize charter
801 schools. ~~A district school board may seek to retain the~~
802 ~~exclusive authority to authorize charter schools by presenting~~
803 ~~to the state board the written resolution on or before a date 60~~
804 ~~days after establishment of the commission.~~ The written
805 resolution shall be accompanied by a written description
806 addressing the elements described in paragraph (e). The district
807 school board shall provide a complete copy of the resolution,
808 including the description, to each charter school authorized by
809 the district school board on or before the date it submits the
810 resolution to the state board.

811 (d) A party may challenge the grant of exclusive authority
812 made by the State Board of Education pursuant to paragraph (e)
813 by filing with the state board a notice of challenge within 30
814 days after the state board grants exclusive authority. The
815 notice shall be accompanied by a specific written description of
816 the basis for the challenge. The challenging party, at the time
817 of filing notice with the state board, shall provide a copy of
818 the notice of challenge to the district school board that has
819 been granted exclusive authority. The state board shall permit

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820 the district school board the opportunity to appear and respond
821 in writing to the challenge. The state board shall make a
822 determination upon the challenge within 60 days after receiving
823 the notice of challenge.

824 (e) The State Board of Education shall grant to a district
825 school board exclusive authority to authorize charter schools
826 within the geographic boundaries of the school district if the
827 state board determines, after adequate notice, in a public
828 hearing, and after receiving input from any charter school
829 authorized by the district school board, that the district
830 school board has provided fair and equitable treatment to its
831 charter schools during the 4 years prior to the district school
832 board's submission of the resolution described in paragraph (c).
833 The state board's review of the resolution shall, at a minimum,
834 include consideration of the following:

- 835 1. Compliance with the provisions of s. 1002.33.
- 836 2. Compliance with full and accurate accounting practices
837 and charges for central administrative overhead costs.
- 838 3. Compliance with requirements allowing a charter school,
839 at its discretion, to purchase certain services or a combination
840 of services at actual cost to the district.
- 841 4. The absence of a district school board moratorium
842 regarding charter schools or the absence of any districtwide
843 charter school enrollment limits.
- 844 5. Compliance with valid orders of the state board.
- 845 6. The provision of assistance to charter schools to meet
846 their facilities needs by including those needs in local bond
847 issues or otherwise providing available land and facilities that

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848 are comparable to those provided to other public school students
849 in the same grade levels within the school district.

850 7. The distribution to charter schools authorized by the
851 district school board of a pro rata share of federal and state
852 grants received by the district school board, except for any
853 grant received for a particular purpose which, by its express
854 terms, is intended to benefit a student population not able to
855 be served by, or a program not able to be offered at, a charter
856 school that did not receive a proportionate share of such grant
857 proceeds.

858 8. The provision of adequate staff and other resources to
859 serve charter schools authorized by the district school board,
860 which services are provided by the district school board at a
861 cost to the charter schools that does not exceed their actual
862 cost to the district school board.

863 9. The lack of a policy or practice of imposing individual
864 charter school enrollment limits, except as otherwise provided
865 by law.

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

871 (f) The decision of the State Board of Education to grant
872 or deny exclusive authority to a district school board pursuant
873 to paragraph (e) shall be effective for 4 fiscal years, shall
874 not be subject to the provisions of chapter 120, and shall be a

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875 final action subject to judicial review by the district court of
876 appeal.

877 (g) For district school boards that have no discernible
878 history of authorizing charter schools, the State Board of
879 Education may not grant exclusive authority unless the district
880 school board demonstrates that no approvable application has
881 come before the district school board.

882 ~~(h) A grant of exclusive authority by the State Board of~~
883 ~~Education shall continue so long as a district school board~~
884 ~~continues to comply with this section and has presented a~~
885 ~~written resolution to the state board as set forth in paragraph~~
886 ~~(e).~~

887 ~~(h)-(i)~~ Notwithstanding any other provision of this section
888 to the contrary, a district school board may permit the
889 establishment of one or more FSE charter schools within the
890 geographic boundaries of the school district by adopting a
891 favorable resolution and submitting the resolution to the State
892 Board of Education. The resolution shall be effective until it
893 is rescinded by resolution of the district school board.

894 (7) COSPONSOR AGREEMENT.--

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

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

901 2. Incorporation of the requirements of equal access for
902 all students, including any plans to provide food service or

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903 transportation reasonably necessary to provide access to as many
904 students as possible.

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

907 4. An explanation of the academic and financial goals and
908 expected outcomes for the cosponsor's charter schools and the
909 method and plans by which they will be measured and achieved as
910 referenced in the application.

911 5. The conflict-of-interest policies referenced in the
912 application.

913 6. An explanation of the disposition of facilities and
914 assets upon termination and dissolution of a charter school
915 approved by the cosponsor.

916 7.a. A provision requiring the cosponsor to annually
917 appear before the commission and provide a report as to the
918 information provided pursuant to s. 1002.33(9) (k) ~~(l)~~ for each of
919 its charter schools.

920 b. A provision requiring the cosponsor to perform the
921 duties provided for in s. 1002.345.

922 c. A provision requiring the governing board to perform
923 the duties provided for in s. 1002.345, including monitoring the
924 corrective action plan.

925 8. A provision requiring that the cosponsor report the
926 student enrollment in each of its sponsored charter schools to
927 the district school board of the county in which the school is
928 located.

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929 9. A provision requiring that the cosponsor work with the
930 commission to provide the necessary reports to the State Board
931 of Education.

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

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

935 (a) The provisions of s. 1002.33(7)-(12), (14), ~~and~~ (16)-
936 (19), (21)(b), (24), and (25) ~~shall~~ apply to the commission and
937 the cosponsors and charter schools approved pursuant to this
938 section.

939 Section 9. Subsections (4) and (5), paragraphs (d) and (f)
940 of subsection (6), subsection (8), paragraph (c) of subsection
941 (10), and subsection (13) of section 1002.34, Florida Statutes,
942 are amended to read:

943 1002.34 Charter technical career centers.--

944 (4) CHARTER.--A sponsor may designate centers as provided
945 in this section. An application to establish a center may be
946 submitted by a sponsor or another organization that is
947 determined, by rule of the State Board of Education, to be
948 appropriate. However, an independent school is not eligible for
949 status as a center. The charter must be signed by the governing
950 body of the center and the sponsor, and must be approved by the
951 district school board and community college board of trustees in
952 whose geographic region the facility is located. If a charter
953 technical career center is established by the conversion to
954 charter status of a public technical center formerly governed by
955 a district school board, the charter status of that center takes
956 precedence in any question of governance. The governance of the

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957 center or of any program within the center remains with its
958 board of directors unless the board agrees to a change in
959 governance or its charter is revoked as provided in subsection
960 (15). Such a conversion charter technical career center is not
961 affected by a change in the governance of public technical
962 centers or of programs within other centers that are or have
963 been governed by district school boards. A charter technical
964 career center, or any program within such a center, that was
965 governed by a district school board and transferred to a
966 community college prior to the effective date of this act is not
967 affected by this provision. An applicant who wishes to establish
968 a center must submit to the district school board or community
969 college board of trustees, or a consortium of one or more of
970 each, an application on a form developed by the Department of
971 Education that includes:

972 (a) The name of the proposed center.

973 (b) The proposed structure of the center, including a list
974 of proposed members of the board of directors or a description
975 of the qualifications for and method of their appointment or
976 election.

977 (c) The workforce development goals of the center, the
978 curriculum to be offered, and the outcomes and the methods of
979 assessing the extent to which the outcomes are met.

980 (d) The admissions policy and criteria for evaluating the
981 admission of students.

982 (e) A description of the staff responsibilities and the
983 proposed qualifications of the teaching staff.

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984 (f) A description of the procedures to be implemented to
985 ensure significant involvement of representatives of business
986 and industry in the operation of the center.

987 (g) A method for determining whether a student has
988 satisfied the requirements for graduation specified in s.
989 1003.43 and for completion of a postsecondary certificate or
990 degree.

991 (h) A method for granting secondary and postsecondary
992 diplomas, certificates, and degrees.

993 (i) A description of and address for the physical facility
994 in which the center will be located.

995 (j) A method of resolving conflicts between the governing
996 body of the center and the sponsor and between consortium
997 members, if applicable.

998 (k) A method for reporting student data as required by law
999 and rule.

1000 (l) The identity of all relatives employed by the charter
1001 technical career center who are related to the center owner,
1002 president, chair of the governing board of directors,
1003 superintendent, governing board member, principal, assistant
1004 principal, or any other person employed by the center who has
1005 equivalent decisionmaking authority. As used in this paragraph,
1006 the term "relative" means father, mother, son, daughter,
1007 brother, sister, husband, wife, father-in-law, mother-in-law,
1008 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
1009 stepfather, stepmother, stepson, stepdaughter, stepbrother,
1010 stepsister, half brother, or half sister.

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1011 (m)~~(l)~~ Other information required by the district school
1012 board or community college board of trustees.

1013
1014 Students at a center must meet the same testing and academic
1015 performance standards as those established by law and rule for
1016 students at public schools and public technical centers. The
1017 students must also meet any additional assessment indicators
1018 that are included within the charter approved by the district
1019 school board or community college board of trustees.

1020 (5) APPLICATION.--An application to establish a center
1021 must be submitted by February 1 of the year preceding the school
1022 year in which the center will begin operation. The sponsor must
1023 review the application using an evaluation instrument developed
1024 by the Department of Education and make a final decision on
1025 whether to approve the application and grant the charter by
1026 March 1, and may condition the granting of a charter on the
1027 center's taking certain actions or maintaining certain
1028 conditions. Such actions and conditions must be provided to the
1029 applicant in writing. The district school board or community
1030 college board of trustees is not required to issue a charter to
1031 any person.

1032 (6) SPONSOR.--A district school board or community college
1033 board of trustees or a consortium of one or more of each may
1034 sponsor a center in the county in which the board has
1035 jurisdiction.

1036 (d) The Department of Education shall offer or arrange for
1037 training and technical assistance to applicants in developing
1038 business plans and estimating costs and income. This assistance

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1039 shall address estimating startup costs, projecting enrollment,
1040 and identifying the types and amounts of state and federal
1041 financial assistance the center will be eligible to receive. The
1042 training shall include instruction in accurate financial
1043 planning and good business practices ~~may provide technical~~
1044 ~~assistance to an applicant upon written request.~~

1045 (f) The sponsor shall monitor and review the center's
1046 progress toward charter goals and shall monitor the center's
1047 revenues and expenditures. The sponsor shall perform the duties
1048 provided for in s. 1002.345.

1049 (8) ELIGIBLE STUDENTS.--

1050 (a) A center must be open to all students as space is
1051 available and may not discriminate in admissions policies or
1052 practices on the basis of an individual's physical disability or
1053 proficiency in English or on any other basis that would be
1054 unlawful if practiced by a public school or a community college.
1055 A center may establish reasonable criteria by which to evaluate
1056 prospective students, which criteria must be outlined in the
1057 charter.

1058 (b) The calculation under s. 1003.03 for class size
1059 compliance for a center shall be the average for the applicable
1060 grade grouping at the school level established at the October
1061 student membership survey of the district in which the center is
1062 operated.

1063 (10) EXEMPTION FROM STATUTES.--

1064 (c) A center must comply with the antidiscrimination
1065 provisions of s. 1000.05 and the provisions of s. 1002.33(24)
1066 relating to the employment of relatives.

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1067 (13) BOARD OF DIRECTORS AUTHORITY.--The board of directors
1068 of a center may decide matters relating to the operation of the
1069 school, including budgeting, curriculum, and operating
1070 procedures, subject to the center's charter. The board of
1071 directors is responsible for performing the duties provided for
1072 in s. 1002.345, including monitoring the corrective action plan.
1073 The board of directors must comply with the provisions of s.
1074 1002.33 (25).

1075 Section 10. Section 1002.345, Florida Statutes, is created
1076 to read:

1077 1002.345 Determination of financial weaknesses and
1078 financial emergencies for charter schools and charter technical
1079 career centers.--This section applies to charter schools
1080 operating pursuant to ss. 1002.33 and 1002.335, and to charter
1081 technical career centers operating pursuant to s. 1002.34.

1082 (1) FINANCIAL WEAKNESS; REQUIREMENTS.--

1083 (a) A charter school and a charter technical career center
1084 shall be subject to an expedited review by the sponsor when any
1085 one of the following conditions occurs:

1086 1. An end-of-year financial deficit.

1087 2. A substantial decline in student enrollment without a
1088 commensurate reduction in expenses.

1089 3. Insufficient revenues to pay current operating
1090 expenses.

1091 4. Insufficient revenues to pay long-term expenses.

1092 5. Disproportionate administrative expenses.

1093 6. Excessive debt.

1094 7. Excessive expenditures.

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- 1095 8. Inadequate fund balances or reserves.
- 1096 9. Failure to meet financial reporting requirements
1097 pursuant to s. 1002.33(9), s. 1002.335(7)(a)7., or s.
1098 1002.34(14).
- 1099 10. Weak financial controls or other adverse financial
1100 conditions identified through an annual audit conducted pursuant
1101 to s. 218.39.
- 1102 11. Negative financial findings cited in reports by the
1103 Auditor General or the Office of Program Policy Analysis and
1104 Government Accountability.
- 1105 (b) A sponsor shall notify the governing board within 7
1106 working days when one or more of the conditions specified in
1107 paragraph (a) occur.
- 1108 (c) The governing board and the sponsor shall develop a
1109 corrective action plan and file the plan with the Commissioner
1110 of Education within 30 working days. If the governing board and
1111 the sponsor are unable to agree on a corrective action plan, the
1112 Commissioner of Education shall determine the components of the
1113 plan. The governing board shall implement the plan.
- 1114 (d) The governing board shall include the corrective
1115 action plan and the status of its implementation in the annual
1116 progress report to the sponsor that is required under s.
1117 1002.33(9)(k), s. 1002.335(7)(a)7., or s. 1002.34(14).
- 1118 (e) If the governing board fails to implement the
1119 corrective action plan within 1 year, the State Board of
1120 Education shall prescribe any steps necessary for the charter
1121 school or the charter technical career center to comply with
1122 state requirements.

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1123 (f) The chair of the governing board shall annually appear
1124 before the State Board of Education and report on the
1125 implementation of the State Board of Education's requirements.

1126 (2) FINANCIAL EMERGENCY; DEFICIT FUND BALANCE; DEFICIT NET
1127 ASSETS; REQUIREMENTS.--

1128 (a) A charter school and a charter technical career center
1129 shall provide for a certified public accountant or auditor to
1130 conduct an annual financial audit in accordance with s. 218.39.

1131 (b) The charter shall ensure that, if an annual financial
1132 audit of a charter school or charter technical career center
1133 reveals one or more of the conditions in s. 218.503(1) have
1134 occurred or will occur if action is not taken or if a charter
1135 school or charter technical career center has a deficit fund
1136 balance or deficit net assets, the auditor must notify the
1137 governing board of the charter school or charter technical
1138 career center, as appropriate, the sponsor, and the Commissioner
1139 of Education.

1140 (c)1. When a financial audit conducted by a certified
1141 public accountant in accordance with s. 218.39 reveals that one
1142 or more of the conditions in s. 218.503(1) have occurred or will
1143 occur if action is not taken or when a deficit fund balance or
1144 deficit net assets exist, the auditor shall notify and provide
1145 the financial audit to the governing board of the charter school
1146 or charter technical career center, as appropriate, the sponsor,
1147 and the Commissioner of Education within 7 working days after
1148 the finding is made.

1149 2. When the charter school or charter technical career
1150 center is found to be in a state of financial emergency pursuant

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1151 to s. 218.503(4), the charter school or charter technical career
1152 center shall file a detailed financial recovery plan as provided
1153 for in s. 218.503 with the sponsor within 30 days after being
1154 notified by the Commissioner of Education that a financial
1155 recovery plan is needed.

1156 (d) The sponsor shall file a copy of the financial
1157 recovery plan with the Commissioner of Education.

1158 (e) The governing board shall include the financial
1159 recovery plan and the status of its implementation in the annual
1160 progress report to the sponsor which is required under s.
1161 1002.33(9)(k), s. 1002.335(7)(a)7., or s. 1002.34(14).

1162 (3) REPORT.--The Commissioner of Education shall annually
1163 report to the State Board of Education each charter school and
1164 charter technical career center that is subject to a financial
1165 recovery plan or a corrective action plan under this section.

1166 (4) RULES.--The State Board of Education shall adopt rules
1167 pursuant to ss. 120.536(1) and 120.54 for developing financial
1168 recovery and corrective action plans and establishing the
1169 criteria for defining each of the conditions in subsection (1).

1170 (5) TECHNICAL ASSISTANCE.--The Department of Education
1171 shall provide technical assistance to charter schools, charter
1172 technical career centers, governing boards, and sponsors in
1173 developing financial recovery and corrective action plans.

1174 (6) FAILURE TO CORRECT DEFICIENCIES.--The sponsor may
1175 choose not to renew or may terminate a charter if the charter
1176 school or charter technical career center fails to correct the
1177 deficiencies noted in the corrective action plan within 1 year
1178 or exhibits one or more financial emergency conditions as

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1179 provided in s. 218.503(1)(a)-(d) for 2 consecutive years. This
1180 subsection is not intended to affect a sponsor's authority to
1181 terminate or not renew a charter pursuant to s. 1002.33(8).

1182 Section 11. Paragraph (f) is added to subsection (2) of
1183 section 1013.62, Florida Statutes, to read:

1184 1013.62 Charter schools capital outlay funding.--

1185 (2) A charter school's governing body may use charter
1186 school capital outlay funds for the following purposes:

1187 (f) Any of the purposes set forth in s. 1011.71(2).

1188
1189 Conversion charter schools may use capital outlay funds received
1190 through the reduction in the administrative fee provided in s.
1191 1002.33(20) for renovation, repair, and maintenance of school
1192 facilities that are owned by the sponsor.

1193
1194
1195 -----
1196 **T I T L E A M E N D M E N T**

1197 Remove lines 34-92 and insert:

1198 charter schools to provide quarterly or monthly financial
1199 statements under specified circumstances; revising
1200 provisions relating to a charter school's annual report;
1201 revising provisions relating to student eligibility to
1202 attend a charter school; revising the calculation
1203 requirements for class size compliance by charter schools;
1204 providing requirements for distribution of funds to
1205 charter schools; providing priority to charter schools for
1206 the lease or purchase of surplus, disposed, or unused

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1207 public school property and facilities; requiring a sponsor
1208 to provide additional services relating to school lunches
1209 under the federal lunch program; providing for the
1210 disclosure of the performance of charter schools that are
1211 not given a school grade or school improvement rating;
1212 providing reporting requirements; providing restrictions
1213 for the employment of relatives by charter school
1214 personnel; providing that members of a charter school
1215 governing board are subject to certain standards of
1216 conduct and financial disclosure; amending s. 1002.335,
1217 F.S., relating to the Florida Schools of Excellence
1218 Commission; revising provisions relating to exclusive
1219 authority to authorize charter schools; eliminating the
1220 requirement for district school boards to annually seek
1221 continued exclusivity from the State Board of Education;
1222 providing that a grant or denial of exclusivity shall be
1223 effective for 4 fiscal years; specifying additional
1224 components of cosponsor agreements; providing for
1225 application of performance disclosure requirements for
1226 charter schools that are not graded or rated; providing
1227 for application of restrictions on the employment of
1228 relatives and certain standards of conduct and financial
1229 disclosure; amending s. 1002.34, F.S.; providing
1230 additional duties for charter technical career centers,
1231 applicants, sponsors, and governing boards; requiring the
1232 Department of Education to offer or arrange training and
1233 assistance to applicants for a charter technical career
1234 center; revising the calculation requirements for class

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1235 size compliance by charter technical career centers;
1236 providing for application of restrictions on the
1237 employment of relatives and certain standards of conduct
1238 and financial disclosure; creating s. 1002.345, F.S.;
1239 establishing criteria and requirements for charter schools
1240 and charter technical career centers that have financial
1241 weaknesses or are in a state of financial emergency;
1242 establishing requirements for charter schools, charter
1243 technical career centers, governing boards, and sponsors;
1244 requiring financial audits of charter schools and charter
1245 technical career centers; providing for corrective action
1246 and financial recovery plans; providing for duties of
1247 auditors, the Commissioner of Education, and the
1248 Department of Education; requiring the State Board of
1249 Education to adopt rules; providing grounds for
1250 termination or nonrenewal of a charter; amending s.
1251 1013.62, F.S.; authorizing additional uses for charter
1252 school capital outlay funds; providing an effective date.