

1 A bill to be entitled  
2 An act relating to charter schools; amending s. 1002.32,  
3 F.S.; authorizing a private university or a public entity  
4 to sponsor a charter lab school; providing for authority  
5 and responsibilities related to sponsorship by such  
6 entities; conforming cross-references; amending s.  
7 1002.33, F.S.; authorizing a private university or a  
8 public entity to grant a charter to a lab school;  
9 providing for appeal by a district school board of certain  
10 decisions relating to a charter application for a lab  
11 school; correcting cross-references to high school  
12 graduation requirements; providing eligibility  
13 requirements for designation as a high-performing charter  
14 school; providing that a high-performing charter school is  
15 entitled to certain renewal, increase in enrollment,  
16 startup grants, capital outlay funds, and application  
17 procedures; requiring good cause to be shown to the  
18 Commissioner of Education for purposes of nonrenewal or  
19 termination of a charter; revising requirements for  
20 providing financial statements to a sponsor; deleting  
21 obsolete provisions; revising requirements for the  
22 establishment of a charter school-in-the-workplace;  
23 providing that a charter school-in-the-workplace is  
24 eligible for capital outlay funding; including certain  
25 federal funding; requiring a charter school to be in  
26 compliance with constitutional class size requirements  
27 calculated at the school-level average; authorizing  
28 funding for a charter school from the district school

29 capital improvement millage; prohibiting a school district  
 30 from imposing certain restrictions relating to charter  
 31 school facilities; providing for an exemption from certain  
 32 exactions; removing a reporting requirement relating to  
 33 student assessment data; revising restrictions on the  
 34 employment of relatives by charter school personnel;  
 35 providing an exception; conforming cross-references;  
 36 amending s. 1011.71, F.S.; providing that district school  
 37 boards shall levy the capital improvement millage for  
 38 charter schools; amending s. 1013.62, F.S.; authorizing  
 39 additional uses for charter school capital outlay funds;  
 40 conforming cross-references; amending ss. 163.3180,  
 41 1002.34, 1002.345, 1011.68, and 1012.32, F.S.; conforming  
 42 cross-references; providing an effective date.

43  
 44 Be It Enacted by the Legislature of the State of Florida:

45  
 46 Section 1. Paragraph (c) of subsection (9) of section  
 47 1002.32, Florida Statutes, is amended, subsections (10) and (11)  
 48 are renumbered as subsections (11) and (12), respectively, and a  
 49 new subsection (10) is added to that section, to read:

50 1002.32 Developmental research (laboratory) schools.—  
 51 (9) FUNDING.—Funding for a lab school, including a charter  
 52 lab school, shall be provided as follows:

53 (c) All operating funds provided under this section shall  
 54 be deposited in a Lab School Trust Fund and shall be expended  
 55 for the purposes of this section. The university assigned a lab  
 56 school shall be the fiscal agent for these funds, and all rules

57 of the university governing the budgeting and expenditure of  
 58 state funds shall apply to these funds unless otherwise provided  
 59 by law or rule of the State Board of Education. The university  
 60 board of trustees shall be the public employer of lab school  
 61 personnel for collective bargaining purposes for lab schools in  
 62 operation prior to the 2002-2003 fiscal year. Employees of  
 63 charter lab schools authorized prior to June 1, 2003, but not in  
 64 operation prior to the 2002-2003 fiscal year shall be employees  
 65 of the entity holding the charter and must comply with the  
 66 provisions of s. 1002.33~~(13)~~~~(12)~~.

67 (10) CHARTER LAB SCHOOL SPONSORED BY PRIVATE UNIVERSITY OR  
 68 PUBLIC ENTITY.—In addition to and notwithstanding the provisions  
 69 of this section and s. 1013.62, a lab school may be sponsored  
 70 by, and issued a charter under s. 1002.33(5)(a)2. by, a private  
 71 university or a public entity. For purposes of implementing this  
 72 subsection, the authority and responsibilities of a state  
 73 university with respect to the lab school for which it is a  
 74 sponsor shall be assigned to a private university or a public  
 75 entity that sponsors a charter lab school.

76 Section 2. Section 1002.33, Florida Statutes, is amended  
 77 to read:

78 1002.33 Charter schools.—

79 (1) AUTHORIZATION.—Charter schools shall be part of the  
 80 state's program of public education. All charter schools in  
 81 Florida are public schools. A charter school may be formed by  
 82 creating a new school or converting an existing public school to  
 83 charter status. A public school may not use the term charter in  
 84 its name unless it has been approved under this section.

85 (2) GUIDING PRINCIPLES; PURPOSE.—

86 (a) Charter schools in Florida shall be guided by the  
87 following principles:

88 1. Meet high standards of student achievement while  
89 providing parents flexibility to choose among diverse  
90 educational opportunities within the state's public school  
91 system.

92 2. Promote enhanced academic success and financial  
93 efficiency by aligning responsibility with accountability.

94 3. Provide parents with sufficient information on whether  
95 their child is reading at grade level and whether the child  
96 gains at least a year's worth of learning for every year spent  
97 in the charter school.

98 (b) Charter schools shall fulfill the following purposes:

99 1. Improve student learning and academic achievement.

100 2. Increase learning opportunities for all students, with  
101 special emphasis on low-performing students and reading.

102 3. Encourage the use of innovative learning methods.

103 4. Require the measurement of learning outcomes.

104 (c) Charter schools may fulfill the following purposes:

105 1. Create innovative measurement tools.

106 2. Provide rigorous competition within the public school  
107 district to stimulate continual improvement in all public  
108 schools.

109 3. Expand the capacity of the public school system.

110 4. Mitigate the educational impact created by the  
111 development of new residential dwelling units.

112 5. Create new professional opportunities for teachers,

113 including ownership of the learning program at the school site.

114 (3) APPLICATION FOR CHARTER STATUS.—

115 (a) An application for a new charter school may be made by  
 116 an individual, teachers, parents, a group of individuals, a  
 117 municipality, or a legal entity organized under the laws of this  
 118 state.

119 (b) An application for a conversion charter school shall  
 120 be made by the district school board, the principal, teachers,  
 121 parents, and/or the school advisory council at an existing  
 122 public school that has been in operation for at least 2 years  
 123 prior to the application to convert. A public school-within-a-  
 124 school that is designated as a school by the district school  
 125 board may also submit an application to convert to charter  
 126 status. An application submitted proposing to convert an  
 127 existing public school to a charter school shall demonstrate the  
 128 support of at least 50 percent of the teachers employed at the  
 129 school and 50 percent of the parents voting whose children are  
 130 enrolled at the school, provided that a majority of the parents  
 131 eligible to vote participate in the ballot process, according to  
 132 rules adopted by the State Board of Education. A district school  
 133 board denying an application for a conversion charter school  
 134 shall provide notice of denial to the applicants in writing  
 135 within 10 days after the meeting at which the district school  
 136 board denied the application. The notice must articulate in  
 137 writing the specific reasons for denial and must provide  
 138 documentation supporting those reasons. A private school,  
 139 parochial school, or home education program shall not be  
 140 eligible for charter school status.

HB 1569

2010

141 (4) UNLAWFUL REPRISAL.—

142 (a) No district school board, or district school board  
143 employee who has control over personnel actions, shall take  
144 unlawful reprisal against another district school board employee  
145 because that employee is either directly or indirectly involved  
146 with an application to establish a charter school. As used in  
147 this subsection, the term "unlawful reprisal" means an action  
148 taken by a district school board or a school system employee  
149 against an employee who is directly or indirectly involved in a  
150 lawful application to establish a charter school, which occurs  
151 as a direct result of that involvement, and which results in one  
152 or more of the following: disciplinary or corrective action;  
153 adverse transfer or reassignment, whether temporary or  
154 permanent; suspension, demotion, or dismissal; an unfavorable  
155 performance evaluation; a reduction in pay, benefits, or  
156 rewards; elimination of the employee's position absent of a  
157 reduction in workforce as a result of lack of moneys or work; or  
158 other adverse significant changes in duties or responsibilities  
159 that are inconsistent with the employee's salary or employment  
160 classification. The following procedures shall apply to an  
161 alleged unlawful reprisal that occurs as a consequence of an  
162 employee's direct or indirect involvement with an application to  
163 establish a charter school:

164 1. Within 60 days after the date upon which a reprisal  
165 prohibited by this subsection is alleged to have occurred, an  
166 employee may file a complaint with the Department of Education.

167 2. Within 3 working days after receiving a complaint under  
168 this section, the Department of Education shall acknowledge

HB 1569

2010

169 receipt of the complaint and provide copies of the complaint and  
170 any other relevant preliminary information available to each of  
171 the other parties named in the complaint, which parties shall  
172 each acknowledge receipt of such copies to the complainant.

173 3. If the Department of Education determines that the  
174 complaint demonstrates reasonable cause to suspect that an  
175 unlawful reprisal has occurred, the Department of Education  
176 shall conduct an investigation to produce a fact-finding report.

177 4. Within 90 days after receiving the complaint, the  
178 Department of Education shall provide the district school  
179 superintendent of the complainant's district and the complainant  
180 with a fact-finding report that may include recommendations to  
181 the parties or a proposed resolution of the complaint. The fact-  
182 finding report shall be presumed admissible in any subsequent or  
183 related administrative or judicial review.

184 5. If the Department of Education determines that  
185 reasonable grounds exist to believe that an unlawful reprisal  
186 has occurred, is occurring, or is to be taken, and is unable to  
187 conciliate a complaint within 60 days after receipt of the fact-  
188 finding report, the Department of Education shall terminate the  
189 investigation. Upon termination of any investigation, the  
190 Department of Education shall notify the complainant and the  
191 district school superintendent of the termination of the  
192 investigation, providing a summary of relevant facts found  
193 during the investigation and the reasons for terminating the  
194 investigation. A written statement under this paragraph is  
195 presumed admissible as evidence in any judicial or  
196 administrative proceeding.

HB 1569

2010

197           6. The Department of Education shall either contract with  
198 the Division of Administrative Hearings under s. 120.65, or  
199 otherwise provide for a complaint for which the Department of  
200 Education determines reasonable grounds exist to believe that an  
201 unlawful reprisal has occurred, is occurring, or is to be taken,  
202 and is unable to conciliate, to be heard by a panel of impartial  
203 persons. Upon hearing the complaint, the panel shall make  
204 findings of fact and conclusions of law for a final decision by  
205 the Department of Education.

206

207 It shall be an affirmative defense to any action brought  
208 pursuant to this section that the adverse action was predicated  
209 upon grounds other than, and would have been taken absent, the  
210 employee's exercise of rights protected by this section.

211           (b) In any action brought under this section for which it  
212 is determined reasonable grounds exist to believe that an  
213 unlawful reprisal has occurred, is occurring, or is to be taken,  
214 the relief shall include the following:

215           1. Reinstatement of the employee to the same position held  
216 before the unlawful reprisal was commenced, or to an equivalent  
217 position, or payment of reasonable front pay as alternative  
218 relief.

219           2. Reinstatement of the employee's full fringe benefits  
220 and seniority rights, as appropriate.

221           3. Compensation, if appropriate, for lost wages, benefits,  
222 or other lost remuneration caused by the unlawful reprisal.

223           4. Payment of reasonable costs, including attorney's fees,  
224 to a substantially prevailing employee, or to the prevailing



225 employer if the employee filed a frivolous action in bad faith.

226 5. Issuance of an injunction, if appropriate, by a court  
227 of competent jurisdiction.

228 6. Temporary reinstatement to the employee's former  
229 position or to an equivalent position, pending the final outcome  
230 of the complaint, if it is determined that the action was not  
231 made in bad faith or for a wrongful purpose, and did not occur  
232 after a district school board's initiation of a personnel action  
233 against the employee that includes documentation of the  
234 employee's violation of a disciplinary standard or performance  
235 deficiency.

236 (5) SPONSOR; DUTIES.—

237 (a) Sponsoring entities.—

238 1. A district school board may sponsor a charter school in  
239 the county over which the district school board has  
240 jurisdiction.

241 2. A state university, a private university, or a public  
242 entity may grant a charter to a lab school created under s.  
243 1002.32 and shall be considered to be the school's sponsor. Such  
244 school shall be considered a charter lab school.

245 (b) Sponsor duties.—

246 1.a. The sponsor shall monitor and review the charter  
247 school in its progress toward the goals established in the  
248 charter.

249 b. The sponsor shall monitor the revenues and expenditures  
250 of the charter school and perform the duties provided in s.  
251 1002.345.

252 c. The sponsor may approve a charter for a charter school

253 before the applicant has identified space, equipment, or  
254 personnel, if the applicant indicates approval is necessary for  
255 it to raise working funds.

256 d. The sponsor's policies shall not apply to a charter  
257 school unless mutually agreed to by both the sponsor and the  
258 charter school.

259 e. The sponsor shall ensure that the charter is innovative  
260 and consistent with the state education goals established by s.  
261 1000.03(5).

262 f. The sponsor shall ensure that the charter school  
263 participates in the state's education accountability system. If  
264 a charter school falls short of performance measures included in  
265 the approved charter, the sponsor shall report such shortcomings  
266 to the Department of Education.

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

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

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

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

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

281 not under the sponsor's direct authority as described in this  
 282 section.

283 3. This paragraph does not waive a district school board's  
 284 sovereign immunity.

285 4. A community college may work with the school district  
 286 or school districts in its designated service area to develop  
 287 charter schools that offer secondary education. These charter  
 288 schools must include an option for students to receive an  
 289 associate degree upon high school graduation. District school  
 290 boards shall cooperate with and assist the community college on  
 291 the charter application. Community college applications for  
 292 charter schools are not subject to the time deadlines outlined  
 293 in subsection (6) and may be approved by the district school  
 294 board at any time during the year. Community colleges may not  
 295 report FTE for any students who receive FTE funding through the  
 296 Florida Education Finance Program.

297 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
 298 applications are subject to the following requirements:

299 (a) A person or entity wishing to open a charter school  
 300 shall prepare and submit an application on a model application  
 301 form prepared by the Department of Education which:

302 1. Demonstrates how the school will use the guiding  
 303 principles and meet the statutorily defined purpose of a charter  
 304 school.

305 2. Provides a detailed curriculum plan that illustrates  
 306 how students will be provided services to attain the Sunshine  
 307 State Standards.

308 3. Contains goals and objectives for improving student

309 learning and measuring that improvement. These goals and  
310 objectives must indicate how much academic improvement students  
311 are expected to show each year, how success will be evaluated,  
312 and the specific results to be attained through instruction.

313 4. Describes the reading curriculum and differentiated  
314 strategies that will be used for students reading at grade level  
315 or higher and a separate curriculum and strategies for students  
316 who are reading below grade level. A sponsor shall deny a  
317 charter if the school does not propose a reading curriculum that  
318 is consistent with effective teaching strategies that are  
319 grounded in scientifically based reading research.

320 5. Contains an annual financial plan for each year  
321 requested by the charter for operation of the school for up to 5  
322 years. This plan must contain anticipated fund balances based on  
323 revenue projections, a spending plan based on projected revenues  
324 and expenses, and a description of controls that will safeguard  
325 finances and projected enrollment trends.

326 6. Documents that the applicant has participated in the  
327 training required in subparagraph (g)2. A sponsor may require an  
328 applicant to provide additional information as an addendum to  
329 the charter school application described in this paragraph.

330 (b) A sponsor shall receive and review all applications  
331 for a charter school using an evaluation instrument developed by  
332 the Department of Education. Beginning with the 2007-2008 school  
333 year, a sponsor shall receive and consider charter school  
334 applications received on or before August 1 of each calendar  
335 year for charter schools to be opened at the beginning of the  
336 school district's next school year, or to be opened at a time

337 | agreed to by the applicant and the sponsor. A sponsor may  
338 | receive applications later than this date if it chooses. A  
339 | sponsor may not charge an applicant for a charter any fee for  
340 | the processing or consideration of an application, and a sponsor  
341 | may not base its consideration or approval of an application  
342 | upon the promise of future payment of any kind.

343 |         1. In order to facilitate an accurate budget projection  
344 | process, a sponsor shall be held harmless for FTE students who  
345 | are not included in the FTE projection due to approval of  
346 | charter school applications after the FTE projection deadline.  
347 | In a further effort to facilitate an accurate budget projection,  
348 | within 15 calendar days after receipt of a charter school  
349 | application, a sponsor shall report to the Department of  
350 | Education the name of the applicant entity, the proposed charter  
351 | school location, and its projected FTE.

352 |         2. In order to ensure fiscal responsibility, an  
353 | application for a charter school shall include a full accounting  
354 | of expected assets, a projection of expected sources and amounts  
355 | of income, including income derived from projected student  
356 | enrollments and from community support, and an expense  
357 | projection that includes full accounting of the costs of  
358 | operation, including start-up costs.

359 |         3. A sponsor shall by a majority vote approve or deny an  
360 | application no later than 60 calendar days after the application  
361 | is received, unless the sponsor and the applicant mutually agree  
362 | in writing to temporarily postpone the vote to a specific date,  
363 | at which time the sponsor shall by a majority vote approve or  
364 | deny the application. If the sponsor fails to act on the

365 application, an applicant may appeal to the State Board of  
366 Education as provided in paragraph (c). If an application is  
367 denied, the sponsor shall, within 10 calendar days after such  
368 denial, articulate in writing the specific reasons, based upon  
369 good cause, supporting its denial of the charter application and  
370 shall provide the letter of denial and supporting documentation  
371 to the applicant and to the Department of Education supporting  
372 those reasons.

373 4. For budget projection purposes, the sponsor shall  
374 report to the Department of Education the approval or denial of  
375 a charter application within 10 calendar days after such  
376 approval or denial. In the event of approval, the report to the  
377 Department of Education shall include the final projected FTE  
378 for the approved charter school.

379 5. Upon approval of a charter application, the initial  
380 startup shall commence with the beginning of the public school  
381 calendar for the district in which the charter is granted unless  
382 the sponsor allows a waiver of this subparagraph for good cause.

383 (c) An applicant may appeal any denial of that applicant's  
384 application or failure to act on an application to the State  
385 Board of Education no later than 30 calendar days after receipt  
386 of the sponsor's decision or failure to act and shall notify the  
387 sponsor of its appeal. Any response of the sponsor shall be  
388 submitted to the State Board of Education within 30 calendar  
389 days after notification of the appeal. Upon receipt of  
390 notification from the State Board of Education that a charter  
391 school applicant is filing an appeal, the Commissioner of  
392 Education shall convene a meeting of the Charter School Appeal

HB 1569

2010

393 Commission to study and make recommendations to the State Board  
394 of Education regarding its pending decision about the appeal.  
395 The commission shall forward its recommendation to the state  
396 board no later than 7 calendar days prior to the date on which  
397 the appeal is to be heard. The State Board of Education shall by  
398 majority vote accept or reject the decision of the sponsor no  
399 later than 90 calendar days after an appeal is filed in  
400 accordance with State Board of Education rule. The Charter  
401 School Appeal Commission may reject an appeal submission for  
402 failure to comply with procedural rules governing the appeals  
403 process. The rejection shall describe the submission errors. The  
404 appellant may have up to 15 calendar days from notice of  
405 rejection to resubmit an appeal that meets requirements of State  
406 Board of Education rule. An application for appeal submitted  
407 subsequent to such rejection shall be considered timely if the  
408 original appeal was filed within 30 calendar days after receipt  
409 of notice of the specific reasons for the sponsor's denial of  
410 the charter application. The State Board of Education shall  
411 remand the application to the sponsor with its written decision  
412 that the sponsor approve or deny the application. The sponsor  
413 shall implement the decision of the State Board of Education.  
414 The decision of the State Board of Education is not subject to  
415 the provisions of the Administrative Procedure Act, chapter 120.

416 (d) For charter school applications in school districts  
417 that have not been granted exclusive authority to sponsor  
418 charter schools pursuant to s. 1002.335(5), the right to appeal  
419 an application denial under paragraph (c) shall be contingent on  
420 the applicant having submitted the same or a substantially

421 similar application to the Florida Schools of Excellence  
422 Commission or one of its cosponsors. Any such applicant whose  
423 application is denied by the commission or one of its cosponsors  
424 subsequent to its denial by the district school board may  
425 exercise its right to appeal the district school board's denial  
426 under paragraph (c) within 30 days after receipt of the  
427 commission's or cosponsor's denial or failure to act on the  
428 application. However, the applicant forfeits its right to appeal  
429 under paragraph (c) if it fails to submit its application to the  
430 commission or one of its cosponsors by August 1 of the school  
431 year immediately following the district school board's denial of  
432 the application.

433 (e) The sponsor shall act upon the decision of the State  
434 Board of Education within 30 calendar days after it is received.  
435 The State Board of Education's decision is a final action  
436 subject to judicial review in the district court of appeal.

437 (f)1. A Charter School Appeal Commission is established to  
438 assist the commissioner and the State Board of Education with a  
439 fair and impartial review of appeals by applicants whose charter  
440 applications have been denied, whose charter contracts have not  
441 been renewed, or whose charter contracts have been terminated by  
442 their sponsors.

443 2. The Charter School Appeal Commission may receive copies  
444 of the appeal documents forwarded to the State Board of  
445 Education, review the documents, gather other applicable  
446 information regarding the appeal, and make a written  
447 recommendation to the commissioner. The recommendation must  
448 state whether the appeal should be upheld or denied and include



449 the reasons for the recommendation being offered. The  
450 commissioner shall forward the recommendation to the State Board  
451 of Education no later than 7 calendar days prior to the date on  
452 which the appeal is to be heard. The state board must consider  
453 the commission's recommendation in making its decision, but is  
454 not bound by the recommendation. The decision of the Charter  
455 School Appeal Commission is not subject to the provisions of the  
456 Administrative Procedure Act, chapter 120.

457 3. The commissioner shall appoint the members of the  
458 Charter School Appeal Commission. Members shall serve without  
459 compensation but may be reimbursed for travel and per diem  
460 expenses in conjunction with their service. One-half of the  
461 members must represent currently operating charter schools, and  
462 one-half of the members must represent sponsors. The  
463 commissioner or a named designee shall chair the Charter School  
464 Appeal Commission.

465 4. The chair shall convene meetings of the commission and  
466 shall ensure that the written recommendations are completed and  
467 forwarded in a timely manner. In cases where the commission  
468 cannot reach a decision, the chair shall make the written  
469 recommendation with justification, noting that the decision was  
470 rendered by the chair.

471 5. Commission members shall thoroughly review the  
472 materials presented to them from the appellant and the sponsor.  
473 The commission may request information to clarify the  
474 documentation presented to it. In the course of its review, the  
475 commission may facilitate the postponement of an appeal in those  
476 cases where additional time and communication may negate the

HB 1569

2010

477 need for a formal appeal and both parties agree, in writing, to  
478 postpone the appeal to the State Board of Education. A new date  
479 certain for the appeal shall then be set based upon the rules  
480 and procedures of the State Board of Education. Commission  
481 members shall provide a written recommendation to the state  
482 board as to whether the appeal should be upheld or denied. A  
483 fact-based justification for the recommendation must be  
484 included. The chair must ensure that the written recommendation  
485 is submitted to the State Board of Education members no later  
486 than 7 calendar days prior to the date on which the appeal is to  
487 be heard. Both parties in the case shall also be provided a copy  
488 of the recommendation.

489 (g)1. The Department of Education shall offer or arrange  
490 for training and technical assistance to charter school  
491 applicants in developing business plans and estimating costs and  
492 income. This assistance shall address estimating startup costs,  
493 projecting enrollment, and identifying the types and amounts of  
494 state and federal financial assistance the charter school may be  
495 eligible to receive. The department may provide other technical  
496 assistance to an applicant upon written request.

497 2. A charter school applicant must participate in the  
498 training provided by the Department of Education before filing  
499 an application. However, a sponsor may require the charter  
500 school applicant to attend training provided by the sponsor in  
501 lieu of the department's training if the sponsor's training  
502 standards meet or exceed the standards developed by the  
503 Department of Education. The training shall include instruction  
504 in accurate financial planning and good business practices. If

HB 1569

2010

505 the applicant is a management company or other nonprofit  
506 organization, the charter school principal and the chief  
507 financial officer or his or her equivalent must also participate  
508 in the training.

509 (h) In considering charter applications for a lab school,  
510 a state university, a private university, or a public entity  
511 shall consult with the district school board of the county in  
512 which the lab school is located. The decision of a state  
513 university, a private university, or a public entity may be  
514 appealed by the district school board of the county in which the  
515 lab school is located pursuant to the procedure established in  
516 this subsection.

517 (i) The terms and conditions for the operation of a  
518 charter school shall be set forth by the sponsor and the  
519 applicant in a written contractual agreement, called a charter.  
520 The sponsor shall not impose unreasonable rules or regulations  
521 that violate the intent of giving charter schools greater  
522 flexibility to meet educational goals. The sponsor shall have 60  
523 days to provide an initial proposed charter contract to the  
524 charter school. The applicant and the sponsor shall have 75 days  
525 thereafter to negotiate and notice the charter contract for  
526 final approval by the sponsor unless both parties agree to an  
527 extension. The proposed charter contract shall be provided to  
528 the charter school at least 7 calendar days prior to the date of  
529 the meeting at which the charter is scheduled to be voted upon  
530 by the sponsor. The Department of Education shall provide  
531 mediation services for any dispute regarding this section  
532 subsequent to the approval of a charter application and for any

HB 1569

2010

533 dispute relating to the approved charter, except disputes  
534 regarding charter school application denials. If the  
535 Commissioner of Education determines that the dispute cannot be  
536 settled through mediation, the dispute may be appealed to an  
537 administrative law judge appointed by the Division of  
538 Administrative Hearings. The administrative law judge may rule  
539 on issues of equitable treatment of the charter school as a  
540 public school, whether proposed provisions of the charter  
541 violate the intended flexibility granted charter schools by  
542 statute, or on any other matter regarding this section except a  
543 charter school application denial, a charter termination, or a  
544 charter nonrenewal and shall award the prevailing party  
545 reasonable attorney's fees and costs incurred to be paid by the  
546 losing party. The costs of the administrative hearing shall be  
547 paid by the party whom the administrative law judge rules  
548 against.

549 (7) CHARTER.—The major issues involving the operation of a  
550 charter school shall be considered in advance and written into  
551 the charter. The charter shall be signed by the governing body  
552 of the charter school and the sponsor, following a public  
553 hearing to ensure community input.

554 (a) The charter shall address and criteria for approval of  
555 the charter shall be based on:

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

558 2. The focus of the curriculum, the instructional methods  
559 to be used, any distinctive instructional techniques to be  
560 employed, and identification and acquisition of appropriate

HB 1569

2010

561 technologies needed to improve educational and administrative  
562 performance which include a means for promoting safe, ethical,  
563 and appropriate uses of technology which comply with legal and  
564 professional standards. The charter shall ensure that reading is  
565 a primary focus of the curriculum and that resources are  
566 provided to identify and provide specialized instruction for  
567 students who are reading below grade level. The curriculum and  
568 instructional strategies for reading must be consistent with the  
569 Sunshine State Standards and grounded in scientifically based  
570 reading research.

571 3. The current incoming baseline standard of student  
572 academic achievement, the outcomes to be achieved, and the  
573 method of measurement that will be used. The criteria listed in  
574 this subparagraph shall include a detailed description of:

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

577 b. How these baseline rates will be compared to rates of  
578 academic progress achieved by these same students while  
579 attending the charter school.

580 c. To the extent possible, how these rates of progress  
581 will be evaluated and compared with rates of progress of other  
582 closely comparable student populations.

583

584 The district school board is required to provide academic  
585 student performance data to charter schools for each of their  
586 students coming from the district school system, as well as  
587 rates of academic progress of comparable student populations in  
588 the district school system.

HB 1569

2010

589 4. The methods used to identify the educational strengths  
590 and needs of students and how well educational goals and  
591 performance standards are met by students attending the charter  
592 school. The methods shall provide a means for the charter school  
593 to ensure accountability to its constituents by analyzing  
594 student performance data and by evaluating the effectiveness and  
595 efficiency of its major educational programs. Students in  
596 charter schools shall, at a minimum, participate in the  
597 statewide assessment program created under s. 1008.22.

598 5. In secondary charter schools, a method for determining  
599 that a student has satisfied the requirements for graduation in  
600 s. 1003.428, s. 1003.429, or s. 1003.43.

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

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

605 8. The ways by which the school will achieve a  
606 racial/ethnic balance reflective of the community it serves or  
607 within the racial/ethnic range of other public schools in the  
608 same school district.

609 9. The financial and administrative management of the  
610 school, including a reasonable demonstration of the professional  
611 experience or competence of those individuals or organizations  
612 applying to operate the charter school or those hired or  
613 retained to perform such professional services and the  
614 description of clearly delineated responsibilities and the  
615 policies and practices needed to effectively manage the charter  
616 school. A description of internal audit procedures and

HB 1569

2010

617 establishment of controls to ensure that financial resources are  
618 properly managed must be included. Both public sector and  
619 private sector professional experience shall be equally valid in  
620 such a consideration.

621 10. The asset and liability projections required in the  
622 application which are incorporated into the charter and shall be  
623 compared with information provided in the annual report of the  
624 charter school.

625 11. A description of procedures that identify various  
626 risks and provide for a comprehensive approach to reduce the  
627 impact of losses; plans to ensure the safety and security of  
628 students and staff; plans to identify, minimize, and protect  
629 others from violent or disruptive student behavior; and the  
630 manner in which the school will be insured, including whether or  
631 not the school will be required to have liability insurance,  
632 and, if so, the terms and conditions thereof and the amounts of  
633 coverage.

634 12. The term of the charter which shall provide for  
635 cancellation of the charter if insufficient progress has been  
636 made in attaining the student achievement objectives of the  
637 charter and if it is not likely that such objectives can be  
638 achieved before expiration of the charter. The initial term of a  
639 charter shall be for 4 or 5 years. In order to facilitate access  
640 to long-term financial resources for charter school  
641 construction, charter schools that are operated by a  
642 municipality or other public entity as provided by law are  
643 eligible for up to a 15-year charter, subject to approval by the  
644 district school board. A charter lab school is eligible for a

HB 1569

2010

645 charter for a term of up to 15 years. In addition, to facilitate  
646 access to long-term financial resources for charter school  
647 construction, charter schools that are operated by a private,  
648 not-for-profit, s. 501(c)(3) status corporation are eligible for  
649 up to a 15-year charter, subject to approval by the district  
650 school board. Such long-term charters remain subject to annual  
651 review and may be terminated during the term of the charter, but  
652 only according to the provisions set forth in subsection (9)~~(8)~~.

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

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

657 15. The governance structure of the school, including the  
658 status of the charter school as a public or private employer as  
659 required in paragraph (13)~~(12)~~(i).

660 16. A timetable for implementing the charter which  
661 addresses the implementation of each element thereof and the  
662 date by which the charter shall be awarded in order to meet this  
663 timetable.

664 17. In the case of an existing public school that is being  
665 converted to charter status, alternative arrangements for  
666 current students who choose not to attend the charter school and  
667 for current teachers who choose not to teach in the charter  
668 school after conversion in accordance with the existing  
669 collective bargaining agreement or district school board rule in  
670 the absence of a collective bargaining agreement. However,  
671 alternative arrangements shall not be required for current  
672 teachers who choose not to teach in a charter lab school, except



HB 1569

2010

673 as authorized by the employment policies of the state university  
674 which grants the charter to the lab school.

675 18. Full disclosure of the identity of all relatives  
676 employed by the charter school who are related to the charter  
677 school owner, president, chairperson of the governing board of  
678 directors, superintendent, governing board member, principal,  
679 assistant principal, or any other person employed by the charter  
680 school who has equivalent decisionmaking authority. For the  
681 purpose of this subparagraph, the term "relative" means father,  
682 mother, son, daughter, brother, sister, uncle, aunt, first  
683 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
684 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
685 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
686 stepsister, half brother, or half sister.

687 (b)1. A charter may be renewed provided that a program  
688 review demonstrates that the criteria in paragraph (a) have been  
689 successfully accomplished and that none of the grounds for  
690 nonrenewal established by paragraph (9)~~(8)~~(a) has been  
691 documented. In order to facilitate long-term financing for  
692 charter school construction, charter schools operating for a  
693 minimum of 3 years and demonstrating exemplary academic  
694 programming and fiscal management are eligible for a 15-year  
695 charter renewal. Such long-term charter is subject to annual  
696 review and may be terminated during the term of the charter.

697 2. The 15-year charter renewal that may be granted  
698 pursuant to subparagraph 1. shall be granted to a charter school  
699 that has received a school grade of "A" or "B" pursuant to s.  
700 1008.34 in 3 of the past 4 years and is not in a state of

701 financial emergency or deficit position as defined by this  
 702 section. Such long-term charter is subject to annual review and  
 703 may be terminated during the term of the charter pursuant to  
 704 subsection (9) ~~(8)~~.

705 (c) A charter may be modified during its initial term or  
 706 any renewal term upon the recommendation of the sponsor or the  
 707 charter school governing board and the approval of both parties  
 708 to the agreement.

709 (8) HIGH-PERFORMING CHARTER SCHOOLS.-

710 (a) A charter school is designated as a high-performing  
 711 charter school if it meets all of the following criteria:

712 1. Has received a school grade of "A" or "B" pursuant to  
 713 s. 1008.34 for 3 consecutive years.

714 2. Has received unqualified opinions on its annual audited  
 715 financial statements for 3 consecutive years.

716 3. Has maintained positive fund balances for 3 consecutive  
 717 years.

718 (b) A high-performing charter school is entitled to:

719 1. Automatically renew its charter for 15 years.

720 2. Increase its enrollment in excess of the maximum  
 721 enrollment specified in its charter.

722 3. Automatically qualify for startup grants for new  
 723 applicants.

724 4. Receive capital outlay funds under s. 1013.62 beginning  
 725 with the first year it receives a high-performing charter school  
 726 designation.

727 5. Receive an extension of time until January 1 to submit  
 728 an initial application pursuant to subsection (6) to replicate a

729 successful charter school.

730 (9)~~(8)~~ CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

731 (a) The sponsor may choose not to renew or may terminate  
732 the charter for any of the following grounds:

733 1. Failure to participate in the state's education  
734 accountability system created in s. 1008.31, as required in this  
735 section, or failure to meet the requirements for student  
736 performance stated in the charter.

737 2. Failure to meet generally accepted standards of fiscal  
738 management.

739 3. Violation of law.

740 4. Other good cause shown to the Commissioner of  
741 Education.

742 (b) At least 90 days prior to renewing or terminating a  
743 charter, the sponsor shall notify the governing body of the  
744 school of the proposed action in writing. The notice shall state  
745 in reasonable detail the grounds for the proposed action and  
746 stipulate that the school's governing body may, within 14  
747 calendar days after receiving the notice, request an informal  
748 hearing before the sponsor. The sponsor shall conduct the  
749 informal hearing within 30 calendar days after receiving a  
750 written request.

751 (c) If a charter is not renewed or is terminated pursuant  
752 to paragraph (b), the sponsor shall, within 10 calendar days,  
753 articulate in writing the specific reasons for its nonrenewal or  
754 termination of the charter and must provide the letter of  
755 nonrenewal or termination and documentation supporting the  
756 reasons to the charter school governing body, the charter school

HB 1569

2010

757 principal, and the Department of Education. The charter school's  
758 governing body may, within 30 calendar days after receiving the  
759 sponsor's final written decision to refuse to renew or to  
760 terminate the charter, appeal the decision pursuant to the  
761 procedure established in subsection (6).

762 (d) A charter may be terminated immediately if the sponsor  
763 determines that good cause has been shown or if the health,  
764 safety, or welfare of the students is threatened. The sponsor's  
765 determination is not subject to an informal hearing under  
766 paragraph (b) or pursuant to chapter 120. The sponsor shall  
767 notify in writing the charter school's governing body, the  
768 charter school principal, and the department if a charter is  
769 immediately terminated. The sponsor shall clearly identify the  
770 specific issues that resulted in the immediate termination and  
771 provide evidence of prior notification of issues resulting in  
772 the immediate termination when appropriate. The school district  
773 in which the charter school is located shall assume operation of  
774 the school under these circumstances. The charter school's  
775 governing board may, within 30 days after receiving the  
776 sponsor's decision to terminate the charter, appeal the decision  
777 pursuant to the procedure established in subsection (6).

778 (e) When a charter is not renewed or is terminated, the  
779 school shall be dissolved under the provisions of law under  
780 which the school was organized, and any unencumbered public  
781 funds, except for capital outlay funds and federal charter  
782 school program grant funds, from the charter school shall revert  
783 to the sponsor. Capital outlay funds provided pursuant to s.  
784 1013.62 and federal charter school program grant funds that are

HB 1569

2010

785 unencumbered shall revert to the department to be redistributed  
786 among eligible charter schools. In the event a charter school is  
787 dissolved or is otherwise terminated, all district school board  
788 property and improvements, furnishings, and equipment purchased  
789 with public funds shall automatically revert to full ownership  
790 by the district school board, subject to complete satisfaction  
791 of any lawful liens or encumbrances. Any unencumbered public  
792 funds from the charter school, district school board property  
793 and improvements, furnishings, and equipment purchased with  
794 public funds, or financial or other records pertaining to the  
795 charter school, in the possession of any person, entity, or  
796 holding company, other than the charter school, shall be held in  
797 trust upon the district school board's request, until any appeal  
798 status is resolved.

799 (f) If a charter is not renewed or is terminated, the  
800 charter school is responsible for all debts of the charter  
801 school. The district may not assume the debt from any contract  
802 made between the governing body of the school and a third party,  
803 except for a debt that is previously detailed and agreed upon in  
804 writing by both the district and the governing body of the  
805 school and that may not reasonably be assumed to have been  
806 satisfied by the district.

807 (g) If a charter is not renewed or is terminated, a  
808 student who attended the school may apply to, and shall be  
809 enrolled in, another public school. Normal application deadlines  
810 shall be disregarded under such circumstances.

811 (10)~~(9)~~ CHARTER SCHOOL REQUIREMENTS.—

812 (a) A charter school shall be nonsectarian in its

HB 1569

2010

813 programs, admission policies, employment practices, and  
814 operations.

815 (b) A charter school shall admit students as provided in  
816 subsection (11) ~~(10)~~.

817 (c) A charter school shall be accountable to its sponsor  
818 for performance as provided in subsection (7).

819 (d) A charter school shall not charge tuition or  
820 registration fees, except those fees normally charged by other  
821 public schools. However, a charter lab school may charge a  
822 student activity and service fee as authorized by s. 1002.32(5).

823 (e) A charter school shall meet all applicable state and  
824 local health, safety, and civil rights requirements.

825 (f) A charter school shall not violate the  
826 antidiscrimination provisions of s. 1000.05.

827 (g) In order to provide financial information that is  
828 comparable to that reported for other public schools, charter  
829 schools are to maintain all financial records that constitute  
830 their accounting system:

831 1. In accordance with the accounts and codes prescribed in  
832 the most recent issuance of the publication titled "Financial  
833 and Program Cost Accounting and Reporting for Florida Schools";  
834 or

835 2. At the discretion of the charter school governing  
836 board, a charter school may elect to follow generally accepted  
837 accounting standards for not-for-profit organizations, but must  
838 reformat this information for reporting according to this  
839 paragraph.

840

841 Charter schools shall provide annual financial report and  
 842 program cost report information in the state-required formats  
 843 for inclusion in district reporting in compliance with s.  
 844 1011.60(1). Charter schools that are operated by a municipality  
 845 or are a component unit of a parent nonprofit organization may  
 846 use the accounting system of the municipality or the parent but  
 847 must reformat this information for reporting according to this  
 848 paragraph. A charter school shall provide a quarterly ~~monthly~~  
 849 financial statement to the sponsor unless the charter school is  
 850 determined to be in a state of financial emergency pursuant to  
 851 s. 1002.345, in which case the charter school shall provide a  
 852 monthly financial statement. The ~~monthly~~ financial statement  
 853 required under this paragraph shall be in a form prescribed by  
 854 the Department of Education.

855 (h) The governing board of the charter school shall  
 856 annually adopt and maintain an operating budget.

857 (i) The governing body of the charter school shall  
 858 exercise continuing oversight over charter school operations.

859 (j) The governing body of the charter school shall be  
 860 responsible for:

861 1. Ensuring that the charter school has retained the  
 862 services of a certified public accountant or auditor for the  
 863 annual financial audit, pursuant to s. 1002.345(2), who shall  
 864 submit the report to the governing body.

865 2. Reviewing and approving the audit report, including  
 866 audit findings and recommendations for the financial recovery  
 867 plan.

868 3.a. Performing the duties in s. 1002.345, including

869 monitoring a corrective action plan.

870       b. Monitoring a financial recovery plan in order to ensure  
871 compliance.

872       4. Participating in governance training approved by the  
873 department which must include government in the sunshine,  
874 conflicts of interest, ethics, and financial responsibility.

875       (k) The governing body of the charter school shall report  
876 its progress annually to its sponsor, which shall forward the  
877 report to the Commissioner of Education at the same time as  
878 other annual school accountability reports. The Department of  
879 Education shall develop a uniform, online annual accountability  
880 report to be completed by charter schools. This report shall be  
881 easy to utilize and contain demographic information, student  
882 performance data, and financial accountability information. A  
883 charter school shall not be required to provide information and  
884 data that is duplicative and already in the possession of the  
885 department. The Department of Education shall include in its  
886 compilation a notation if a school failed to file its report by  
887 the deadline established by the department. The report shall  
888 include at least the following components:

889       1. Student achievement performance data, including the  
890 information required for the annual school report and the  
891 education accountability system governed by ss. 1008.31 and  
892 1008.345. Charter schools are subject to the same accountability  
893 requirements as other public schools, including reports of  
894 student achievement information that links baseline student data  
895 to the school's performance projections identified in the  
896 charter. The charter school shall identify reasons for any



HB 1569

2010

897 | difference between projected and actual student performance.

898 |       2. Financial status of the charter school which must  
899 | include revenues and expenditures at a level of detail that  
900 | allows for analysis of the charter school's ability to meet  
901 | financial obligations and timely repayment of debt.

902 |       3. Documentation of the facilities in current use and any  
903 | planned facilities for use by the charter school for instruction  
904 | of students, administrative functions, or investment purposes.

905 |       4. Descriptive information about the charter school's  
906 | personnel, including salary and benefit levels of charter school  
907 | employees, the proportion of instructional personnel who hold  
908 | professional or temporary certificates, and the proportion of  
909 | instructional personnel teaching in-field or out-of-field.

910 |       (1) A charter school shall not levy taxes or issue bonds  
911 | secured by tax revenues.

912 |       (m) A charter school shall provide instruction for at  
913 | least the number of days required by law for other public  
914 | schools and may provide instruction for additional days.

915 |       (n) The director and a representative of the governing  
916 | body of a charter school that has received a school grade of "D"  
917 | under s. 1008.34(2) shall appear before the sponsor or the  
918 | sponsor's staff at least once a year to present information  
919 | concerning each contract component having noted deficiencies.  
920 | The sponsor shall communicate at the meeting, and in writing to  
921 | the director, the services provided to the school to help the  
922 | school address its deficiencies.

923 |       (o) Upon notification that a charter school receives a  
924 | school grade of "D" for 2 consecutive years or a school grade of

HB 1569

2010

925 "F" under s. 1008.34(2), the charter school sponsor or the  
926 sponsor's staff shall require the director and a representative  
927 of the governing body to submit to the sponsor for approval a  
928 school improvement plan to raise student achievement and to  
929 implement the plan. The sponsor has the authority to approve a  
930 school improvement plan that the charter school will implement  
931 in the following school year. ~~The sponsor may also consider the~~  
932 ~~State Board of Education's recommended action pursuant to s.~~  
933 ~~1008.33(1) as part of the school improvement plan.~~ The  
934 Department of Education shall offer technical assistance and  
935 training to the charter school and its governing body and  
936 establish guidelines for developing, submitting, and approving  
937 such plans.

938 1. If the charter school fails to improve its student  
939 performance from the year immediately prior to the  
940 implementation of the school improvement plan, the sponsor shall  
941 place the charter school on probation and shall require the  
942 charter school governing body to take one of the following  
943 corrective actions:

944 a. Contract for the educational services of the charter  
945 school;

946 b. Reorganize the school at the end of the school year  
947 under a new director or principal who is authorized to hire new  
948 staff and implement a plan that addresses the causes of  
949 inadequate progress; or

950 c. Reconstitute the charter school.

951 2. A charter school that is placed on probation shall  
952 continue the corrective actions required under subparagraph 1.

953 | until the charter school improves its student performance from  
 954 | the year prior to the implementation of the school improvement  
 955 | plan.

956 |         3. Notwithstanding any provision of this paragraph, the  
 957 | sponsor may terminate the charter at any time pursuant to  
 958 | subsection (9) ~~(8)~~.

959 |         (p) The director and a representative of the governing  
 960 | body of a graded charter school that has submitted a school  
 961 | improvement plan or has been placed on probation under paragraph  
 962 | (o) shall appear before the sponsor or the sponsor's staff at  
 963 | least once a year to present information regarding the  
 964 | corrective strategies that are being implemented by the school  
 965 | pursuant to the school improvement plan. The sponsor shall  
 966 | communicate at the meeting, and in writing to the director, the  
 967 | services provided to the school to help the school address its  
 968 | deficiencies.

969 |         (11) ~~(10)~~ ELIGIBLE STUDENTS.—

970 |         (a) A charter school shall be open to any student covered  
 971 | in an interdistrict agreement or residing in the school district  
 972 | in which the charter school is located; however, in the case of  
 973 | a charter lab school, the charter lab school shall be open to  
 974 | any student eligible to attend the lab school as provided in s.  
 975 | 1002.32 or who resides in the school district in which the  
 976 | charter lab school is located. Any eligible student shall be  
 977 | allowed interdistrict transfer to attend a charter school when  
 978 | based on good cause. Good cause shall include, but is not  
 979 | limited to, geographic proximity to a charter school in a  
 980 | neighboring school district.

981 (b) The charter school shall enroll an eligible student  
 982 who submits a timely application, unless the number of  
 983 applications exceeds the capacity of a program, class, grade  
 984 level, or building. In such case, all applicants shall have an  
 985 equal chance of being admitted through a random selection  
 986 process.

987 (c) When a public school converts to charter status,  
 988 enrollment preference shall be given to students who would have  
 989 otherwise attended that public school. The district school board  
 990 shall consult and negotiate with the conversion charter school  
 991 every 3 years to determine whether realignment of the conversion  
 992 charter school's attendance zone is appropriate in order to  
 993 ensure that students residing closest to the charter school are  
 994 provided with an enrollment preference.

995 (d) A charter school may give enrollment preference to the  
 996 following student populations:

997 1. Students who are siblings of a student enrolled in the  
 998 charter school.

999 2. Students who are the children of a member of the  
 1000 governing board of the charter school.

1001 3. Students who are the children of an employee of the  
 1002 charter school.

1003 (e) A charter school may limit the enrollment process only  
 1004 to target the following student populations:

1005 1. Students within specific age groups or grade levels.

1006 2. Students considered at risk of dropping out of school  
 1007 or academic failure. Such students shall include exceptional  
 1008 education students.

HB 1569

2010

1009           3. Students enrolling in a charter school-in-the-workplace  
1010 or charter school-in-a-municipality established pursuant to  
1011 subsection (16) ~~(15)~~.

1012           4. Students residing within a reasonable distance of the  
1013 charter school, as described in paragraph (21) ~~(20)~~ (c). Such  
1014 students shall be subject to a random lottery and to the  
1015 racial/ethnic balance provisions described in subparagraph  
1016 (7) (a)8. or any federal provisions that require a school to  
1017 achieve a racial/ethnic balance reflective of the community it  
1018 serves or within the racial/ethnic range of other public schools  
1019 in the same school district.

1020           5. Students who meet reasonable academic, artistic, or  
1021 other eligibility standards established by the charter school  
1022 and included in the charter school application and charter or,  
1023 in the case of existing charter schools, standards that are  
1024 consistent with the school's mission and purpose. Such standards  
1025 shall be in accordance with current state law and practice in  
1026 public schools and may not discriminate against otherwise  
1027 qualified individuals.

1028           6. Students articulating from one charter school to  
1029 another pursuant to an articulation agreement between the  
1030 charter schools that has been approved by the sponsor.

1031           (f) Students with disabilities and students served in  
1032 English for Speakers of Other Languages programs shall have an  
1033 equal opportunity of being selected for enrollment in a charter  
1034 school.

1035           (g) A student may withdraw from a charter school at any  
1036 time and enroll in another public school as determined by

1037 district school board rule.

1038 (h) The capacity of the charter school shall be determined  
 1039 annually by the governing board, in conjunction with the  
 1040 sponsor, of the charter school in consideration of the factors  
 1041 identified in this subsection.

1042 (12)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
 1043 ACTIVITIES.—A charter school student is eligible to participate  
 1044 in an interscholastic extracurricular activity at the public  
 1045 school to which the student would be otherwise assigned to  
 1046 attend pursuant to s. 1006.15(3)(d).

1047 (13)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

1048 (a) A charter school shall select its own employees. A  
 1049 charter school may contract with its sponsor for the services of  
 1050 personnel employed by the sponsor.

1051 (b) Charter school employees shall have the option to  
 1052 bargain collectively. Employees may collectively bargain as a  
 1053 separate unit or as part of the existing district collective  
 1054 bargaining unit as determined by the structure of the charter  
 1055 school.

1056 (c) The employees of a conversion charter school shall  
 1057 remain public employees for all purposes, unless such employees  
 1058 choose not to do so.

1059 (d) The teachers at a charter school may choose to be part  
 1060 of a professional group that subcontracts with the charter  
 1061 school to operate the instructional program under the auspices  
 1062 of a partnership or cooperative that they collectively own.  
 1063 Under this arrangement, the teachers would not be public  
 1064 employees.

HB 1569

2010

1065 (e) Employees of a school district may take leave to  
1066 accept employment in a charter school upon the approval of the  
1067 district school board. While employed by the charter school and  
1068 on leave that is approved by the district school board, the  
1069 employee may retain seniority accrued in that school district  
1070 and may continue to be covered by the benefit programs of that  
1071 school district, if the charter school and the district school  
1072 board agree to this arrangement and its financing. School  
1073 districts shall not require resignations of teachers desiring to  
1074 teach in a charter school. This paragraph shall not prohibit a  
1075 district school board from approving alternative leave  
1076 arrangements consistent with chapter 1012.

1077 (f) Teachers employed by or under contract to a charter  
1078 school shall be certified as required by chapter 1012. A charter  
1079 school governing board may employ or contract with skilled  
1080 selected noncertified personnel to provide instructional  
1081 services or to assist instructional staff members as education  
1082 paraprofessionals in the same manner as defined in chapter 1012,  
1083 and as provided by State Board of Education rule for charter  
1084 school governing boards. A charter school may not knowingly  
1085 employ an individual to provide instructional services or to  
1086 serve as an education paraprofessional if the individual's  
1087 certification or licensure as an educator is suspended or  
1088 revoked by this or any other state. A charter school may not  
1089 knowingly employ an individual who has resigned from a school  
1090 district in lieu of disciplinary action with respect to child  
1091 welfare or safety, or who has been dismissed for just cause by  
1092 any school district with respect to child welfare or safety. The

HB 1569

2010

1093 qualifications of teachers shall be disclosed to parents.

1094 (g)1. A charter school shall employ or contract with  
1095 employees who have undergone background screening as provided in  
1096 s. 1012.32. Members of the governing board of the charter school  
1097 shall also undergo background screening in a manner similar to  
1098 that provided in s. 1012.32.

1099 2. A charter school shall disqualify instructional  
1100 personnel and school administrators, as defined in s. 1012.01,  
1101 from employment in any position that requires direct contact  
1102 with students if the personnel or administrators are ineligible  
1103 for such employment under s. 1012.315.

1104 3. The governing board of a charter school shall adopt  
1105 policies establishing standards of ethical conduct for  
1106 instructional personnel and school administrators. The policies  
1107 must require all instructional personnel and school  
1108 administrators, as defined in s. 1012.01, to complete training  
1109 on the standards; establish the duty of instructional personnel  
1110 and school administrators to report, and procedures for  
1111 reporting, alleged misconduct by other instructional personnel  
1112 and school administrators which affects the health, safety, or  
1113 welfare of a student; and include an explanation of the  
1114 liability protections provided under ss. 39.203 and 768.095. A  
1115 charter school, or any of its employees, may not enter into a  
1116 confidentiality agreement regarding terminated or dismissed  
1117 instructional personnel or school administrators, or personnel  
1118 or administrators who resign in lieu of termination, based in  
1119 whole or in part on misconduct that affects the health, safety,  
1120 or welfare of a student, and may not provide instructional



1121 personnel or school administrators with employment references or  
 1122 discuss the personnel's or administrators' performance with  
 1123 prospective employers in another educational setting, without  
 1124 disclosing the personnel's or administrators' misconduct. Any  
 1125 part of an agreement or contract that has the purpose or effect  
 1126 of concealing misconduct by instructional personnel or school  
 1127 administrators which affects the health, safety, or welfare of a  
 1128 student is void, is contrary to public policy, and may not be  
 1129 enforced.

1130 4. Before employing instructional personnel or school  
 1131 administrators in any position that requires direct contact with  
 1132 students, a charter school shall conduct employment history  
 1133 checks of each of the personnel's or administrators' previous  
 1134 employers, screen the instructional personnel or school  
 1135 administrators through use of the educator screening tools  
 1136 described in s. 1001.10(5), and document the findings. If unable  
 1137 to contact a previous employer, the charter school must document  
 1138 efforts to contact the employer.

1139 5. The sponsor of a charter school that knowingly fails to  
 1140 comply with this paragraph shall terminate the charter under  
 1141 subsection (9) ~~(8)~~.

1142 (h) For the purposes of tort liability, the governing body  
 1143 and employees of a charter school shall be governed by s.  
 1144 768.28.

1145 (i) A charter school shall organize as, or be operated by,  
 1146 a nonprofit organization. A charter school may be operated by a  
 1147 municipality or other public entity as provided for by law. As  
 1148 such, the charter school may be either a private or a public

HB 1569

2010

1149 | employer. As a public employer, a charter school may participate  
 1150 | in the Florida Retirement System upon application and approval  
 1151 | as a "covered group" under s. 121.021(34). If a charter school  
 1152 | participates in the Florida Retirement System, the charter  
 1153 | school employees shall be compulsory members of the Florida  
 1154 | Retirement System. As either a private or a public employer, a  
 1155 | charter school may contract for services with an individual or  
 1156 | group of individuals who are organized as a partnership or a  
 1157 | cooperative. Individuals or groups of individuals who contract  
 1158 | their services to the charter school are not public employees.

1159 | (14)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may  
 1160 | enter into cooperative agreements to form charter school  
 1161 | cooperative organizations that may provide the following  
 1162 | services: charter school planning and development, direct  
 1163 | instructional services, and contracts with charter school  
 1164 | governing boards to provide personnel administrative services,  
 1165 | payroll services, human resource management, evaluation and  
 1166 | assessment services, teacher preparation, and professional  
 1167 | development.

1168 | (15)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
 1169 | INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
 1170 | TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to  
 1171 | borrow or otherwise secure funds for a charter school authorized  
 1172 | in this section from a source other than the state or a school  
 1173 | district shall indemnify the state and the school district from  
 1174 | any and all liability, including, but not limited to, financial  
 1175 | responsibility for the payment of the principal or interest. Any  
 1176 | loans, bonds, or other financial agreements are not obligations

HB 1569

2010

1177 of the state or the school district but are obligations of the  
 1178 charter school authority and are payable solely from the sources  
 1179 of funds pledged by such agreement. The credit or taxing power  
 1180 of the state or the school district shall not be pledged and no  
 1181 debts shall be payable out of any moneys except those of the  
 1182 legal entity in possession of a valid charter approved by a  
 1183 district school board pursuant to this section.

1184 (16) ~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER  
 1185 SCHOOLS-IN-A-MUNICIPALITY.-

1186 (a) In order to increase business partnerships in  
 1187 education, to reduce school and classroom overcrowding  
 1188 throughout the state, and to offset the high costs for  
 1189 educational facilities construction, the Legislature intends to  
 1190 encourage the formation of business partnership schools or  
 1191 satellite learning centers and municipal-operated schools  
 1192 through charter school status.

1193 (b) A charter school-in-the-workplace may be established  
 1194 when a business partner:

1195 1. Provides one of the following:

1196 a. Access to a ~~the~~ school facility to be used;

1197 b. Resources that materially reduce the cost of  
 1198 constructing a school facility;

1199 c. Land for a school facility; or

1200 d. Resources to maintain a school facility;

1201 2. Enrolls students based upon a random lottery that  
 1202 involves all of the children of employees of that business or  
 1203 corporation who are seeking enrollment, as provided for in  
 1204 subsection (11) ~~(10)~~; and

1205           3. Enrolls students according to the racial/ethnic balance  
 1206 provisions described in subparagraph (7)(a)8.

1207  
 1208 A charter school-in-the-workplace is eligible for capital outlay  
 1209 funding under s. 1013.62. Any portion of a facility used for a  
 1210 public charter school shall be exempt from ad valorem taxes, as  
 1211 provided for in s. 1013.54, for the duration of its use as a  
 1212 public school.

1213           (c) A charter school-in-a-municipality designation may be  
 1214 granted to a municipality that possesses a charter; enrolls  
 1215 students based upon a random lottery that involves all of the  
 1216 children of the residents of that municipality who are seeking  
 1217 enrollment, as provided for in subsection (11) ~~(10)~~; and enrolls  
 1218 students according to the racial/ethnic balance provisions  
 1219 described in subparagraph (7)(a)8. When a municipality has  
 1220 submitted charter applications for the establishment of a  
 1221 charter school feeder pattern, consisting of elementary, middle,  
 1222 and senior high schools, and each individual charter application  
 1223 is approved by the district school board, such schools shall  
 1224 then be designated as one charter school for all purposes listed  
 1225 pursuant to this section. Any portion of the land and facility  
 1226 used for a public charter school shall be exempt from ad valorem  
 1227 taxes, as provided for in s. 1013.54, for the duration of its  
 1228 use as a public school.

1229           (d) As used in this subsection, the terms "business  
 1230 partner" or "municipality" may include more than one business or  
 1231 municipality to form a charter school-in-the-workplace or  
 1232 charter school-in-a-municipality.

1233 (17)~~(16)~~ EXEMPTION FROM STATUTES.—

1234 (a) A charter school shall operate in accordance with its  
 1235 charter and shall be exempt from all statutes in chapters 1000-  
 1236 1013. However, a charter school shall be in compliance with the  
 1237 following statutes in chapters 1000-1013:

- 1238 1. Those statutes specifically applying to charter  
 1239 schools, including this section.
- 1240 2. Those statutes pertaining to the student assessment  
 1241 program and school grading system.
- 1242 3. Those statutes pertaining to the provision of services  
 1243 to students with disabilities.
- 1244 4. Those statutes pertaining to civil rights, including s.  
 1245 1000.05, relating to discrimination.
- 1246 5. Those statutes pertaining to student health, safety,  
 1247 and welfare.

1248 (b) Additionally, a charter school shall be in compliance  
 1249 with the following statutes and constitutional provisions:

- 1250 1. Section 286.011, relating to public meetings and  
 1251 records, public inspection, and criminal and civil penalties.
- 1252 2. Chapter 119, relating to public records.
- 1253 3. Section 1, Art. IX of the State Constitution, relating  
 1254 to the maximum class size requirements, which shall be  
 1255 calculated at the school-level average in the specified grade  
 1256 groupings.

1257 (18)~~(17)~~ FUNDING.—Students enrolled in a charter school,  
 1258 regardless of the sponsorship, shall be funded as if they are in  
 1259 a basic program or a special program, the same as students  
 1260 enrolled in other public schools in the school district. Funding

1261 for a charter lab school shall be as provided in s. 1002.32.

1262 (a) Each charter school shall report its student  
 1263 enrollment to the sponsor as required in s. 1011.62, and in  
 1264 accordance with the definitions in s. 1011.61. The sponsor shall  
 1265 include each charter school's enrollment in the district's  
 1266 report of student enrollment. All charter schools submitting  
 1267 student record information required by the Department of  
 1268 Education shall comply with the Department of Education's  
 1269 guidelines for electronic data formats for such data, and all  
 1270 districts shall accept electronic data that complies with the  
 1271 Department of Education's electronic format.

1272 (b) The basis for the agreement for funding students  
 1273 enrolled in a charter school shall be the sum of the school  
 1274 district's operating funds from the Florida Education Finance  
 1275 Program as provided in s. 1011.62 and the General Appropriations  
 1276 Act, including gross state and local funds, discretionary  
 1277 lottery funds, district school capital improvement millage as  
 1278 provided in s. 1011.71(2), and funds from the school district's  
 1279 current operating discretionary millage levy; divided by total  
 1280 funded weighted full-time equivalent students in the school  
 1281 district; multiplied by the weighted full-time equivalent  
 1282 students for the charter school. Charter schools whose students  
 1283 or programs meet the eligibility criteria in law shall be  
 1284 entitled to their proportionate share of categorical program  
 1285 funds included in the total funds available in the Florida  
 1286 Education Finance Program by the Legislature, including  
 1287 transportation. Total funding for each charter school shall be  
 1288 recalculated during the year to reflect the revised calculations

HB 1569

2010

1289 | under the Florida Education Finance Program by the state and the  
1290 | actual weighted full-time equivalent students reported by the  
1291 | charter school during the full-time equivalent student survey  
1292 | periods designated by the Commissioner of Education.

1293 |       (c) If the district school board is providing programs or  
1294 | services to students funded by federal funds, any eligible  
1295 | students enrolled in charter schools in the school district  
1296 | shall be provided federal funds for the same level of service  
1297 | provided students in the schools operated by the district school  
1298 | board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
1299 | charter schools shall receive all federal funding for which the  
1300 | school is otherwise eligible, including Title I and IDEA  
1301 | funding, not later than 5 months after the charter school first  
1302 | opens and within 5 months after any subsequent expansion of  
1303 | enrollment.

1304 |       (d) Charter schools shall be included by the Department of  
1305 | Education and the district school board in requests for federal  
1306 | stimulus funds in the same manner as district school board-  
1307 | operated public schools, including Title I and IDEA funds and  
1308 | shall be entitled to receive such funds. Charter schools are  
1309 | eligible to participate in federal competitive grants that are  
1310 | available as part of the federal stimulus funds.

1311 |       (e) District school boards shall make timely and efficient  
1312 | payment and reimbursement to charter schools, including  
1313 | processing paperwork required to access special state and  
1314 | federal funding for which they may be eligible. The district  
1315 | school board may distribute funds to a charter school for up to  
1316 | 3 months based on the projected full-time equivalent student

1317 membership of the charter school. Thereafter, the results of  
 1318 full-time equivalent student membership surveys shall be used in  
 1319 adjusting the amount of funds distributed monthly to the charter  
 1320 school for the remainder of the fiscal year. The payment shall  
 1321 be issued no later than 10 working days after the district  
 1322 school board receives a distribution of state or federal funds.  
 1323 If a warrant for payment is not issued within 10 working days  
 1324 after receipt of funding by the district school board, the  
 1325 school district shall pay to the charter school, in addition to  
 1326 the amount of the scheduled disbursement, interest at a rate of  
 1327 1 percent per month calculated on a daily basis on the unpaid  
 1328 balance from the expiration of the 10 working days until such  
 1329 time as the warrant is issued.

1330 (19)~~(18)~~ FACILITIES.—

1331 (a) A startup charter school shall utilize facilities  
 1332 which comply with the Florida Building Code pursuant to chapter  
 1333 553 except for the State Requirements for Educational  
 1334 Facilities. Conversion charter schools shall utilize facilities  
 1335 that comply with the State Requirements for Educational  
 1336 Facilities provided that the school district and the charter  
 1337 school have entered into a mutual management plan for the  
 1338 reasonable maintenance of such facilities. The mutual management  
 1339 plan shall contain a provision by which the district school  
 1340 board agrees to maintain charter school facilities in the same  
 1341 manner as its other public schools within the district. Charter  
 1342 schools, with the exception of conversion charter schools, are  
 1343 not required to comply, but may choose to comply, with the State  
 1344 Requirements for Educational Facilities of the Florida Building



1345 Code adopted pursuant to s. 1013.37. The local governing  
 1346 authority shall not adopt or impose local building requirements  
 1347 or restrictions that are more stringent than those found in the  
 1348 Florida Building Code. The agency having jurisdiction for  
 1349 inspection of a facility and issuance of a certificate of  
 1350 occupancy shall be the local municipality or, if in an  
 1351 unincorporated area, the county governing authority. The school  
 1352 district shall not impose any restrictions that are more  
 1353 stringent than those of the agency having jurisdiction.

1354 (b) A charter school shall utilize facilities that comply  
 1355 with the Florida Fire Prevention Code, pursuant to s. 633.025,  
 1356 as adopted by the authority in whose jurisdiction the facility  
 1357 is located as provided in paragraph (a).

1358 (c) Any facility, or portion thereof, used to house a  
 1359 charter school whose charter has been approved by the sponsor  
 1360 and the governing board, pursuant to subsection (7), shall be  
 1361 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
 1362 community service, museum, performing arts, theatre, cinema,  
 1363 church, community college, college, and university facilities  
 1364 may provide space to charter schools within their facilities  
 1365 under their preexisting zoning and land use designations.

1366 (d) Charter school facilities are exempt from assessments  
 1367 of fees for building permits, except as provided in s. 553.80,  
 1368 fees for building and occupational licenses, impact fees or  
 1369 exactions under s. 163.3180(13)(e)2., service availability fees,  
 1370 and assessments for special benefits.

1371 (e) If a district school board facility or property is  
 1372 available because it is surplus, marked for disposal, or

HB 1569

2010

1373 otherwise unused, it shall be provided for a charter school's  
1374 use on the same basis as it is made available to other public  
1375 schools in the district. A charter school receiving property  
1376 from the school district may not sell or dispose of such  
1377 property without written permission of the school district.  
1378 Similarly, for an existing public school converting to charter  
1379 status, no rental or leasing fee for the existing facility or  
1380 for the property normally inventoried to the conversion school  
1381 may be charged by the district school board to the parents and  
1382 teachers organizing the charter school. The charter school shall  
1383 agree to reasonable maintenance provisions in order to maintain  
1384 the facility in a manner similar to district school board  
1385 standards. The Public Education Capital Outlay maintenance funds  
1386 or any other maintenance funds generated by the facility  
1387 operated as a conversion school shall remain with the conversion  
1388 school.

1389 (f) To the extent that charter school facilities are  
1390 specifically created to mitigate the educational impact created  
1391 by the development of new residential dwelling units, pursuant  
1392 to subparagraph (2)(c)4., some of or all of the educational  
1393 impact fees required to be paid in connection with the new  
1394 residential dwelling units may be designated instead for the  
1395 construction of the charter school facilities that will mitigate  
1396 the student station impact. Such facilities shall be built to  
1397 the State Requirements for Educational Facilities and shall be  
1398 owned by a public or nonprofit entity. The local school district  
1399 retains the right to monitor and inspect such facilities to  
1400 ensure compliance with the State Requirements for Educational

HB 1569

2010

1401 Facilities. If a facility ceases to be used for public  
1402 educational purposes, either the facility shall revert to the  
1403 school district subject to any debt owed on the facility, or the  
1404 owner of the facility shall have the option to refund all  
1405 educational impact fees utilized for the facility to the school  
1406 district. The district and the owner of the facility may  
1407 contractually agree to another arrangement for the facilities if  
1408 the facilities cease to be used for educational purposes. The  
1409 owner of property planned or approved for new residential  
1410 dwelling units and the entity levying educational impact fees  
1411 shall enter into an agreement that designates the educational  
1412 impact fees that will be allocated for the charter school  
1413 student stations and that ensures the timely construction of the  
1414 charter school student stations concurrent with the expected  
1415 occupancy of the residential units. The application for use of  
1416 educational impact fees shall include an approved charter school  
1417 application. To assist the school district in forecasting  
1418 student station needs, the entity levying the impact fees shall  
1419 notify the affected district of any agreements it has approved  
1420 for the purpose of mitigating student station impact from the  
1421 new residential dwelling units.

1422 (g) Each school district shall annually provide to the  
1423 Department of Education as part of its 5-year work plan the  
1424 number of existing vacant classrooms in each school that the  
1425 district does not intend to use or does not project will be  
1426 needed for educational purposes for the following school year.  
1427 The department may recommend that a district make such space  
1428 available to an appropriate charter school.

1429        (20)~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are  
 1430 eligible for capital outlay funds pursuant to s. 1013.62.

1431        (21)~~(20)~~ SERVICES.—

1432        (a) A sponsor shall provide certain administrative and  
 1433 educational services to charter schools. These services shall  
 1434 include contract management services; full-time equivalent and  
 1435 data reporting services; exceptional student education  
 1436 administration services; services related to eligibility and  
 1437 reporting duties required to ensure that school lunch services  
 1438 under the federal lunch program, consistent with the needs of  
 1439 the charter school, are provided by the school district at the  
 1440 request of the charter school, that any funds due to the charter  
 1441 school under the federal lunch program be paid to the charter  
 1442 school as soon as the charter school begins serving food under  
 1443 the federal lunch program, and that the charter school is paid  
 1444 at the same time and in the same manner under the federal lunch  
 1445 program as other public schools serviced by the sponsor or the  
 1446 school district; test administration services, including payment  
 1447 of the costs of state-required or district-required student  
 1448 assessments; processing of teacher certificate data services;  
 1449 and information services, including equal access to student  
 1450 information systems that are used by public schools in the  
 1451 district in which the charter school is located. Student  
 1452 performance data for each student in a charter school,  
 1453 including, but not limited to, FCAT scores, standardized test  
 1454 scores, previous public school student report cards, and student  
 1455 performance measures, shall be provided by the sponsor to a  
 1456 charter school in the same manner provided to other public

HB 1569

2010

1457 schools in the district. A total administrative fee for the  
1458 provision of such services shall be calculated based upon up to  
1459 5 percent of the available funds defined in paragraph  
1460 (18)~~(17)~~(b) for all students. However, a sponsor may only  
1461 withhold up to a 5-percent administrative fee for enrollment for  
1462 up to and including 500 students. For charter schools with a  
1463 population of 501 or more students, the difference between the  
1464 total administrative fee calculation and the amount of the  
1465 administrative fee withheld may only be used for capital outlay  
1466 purposes specified in s. 1013.62(2). Each charter school shall  
1467 receive 100 percent of the funds awarded to that school pursuant  
1468 to s. 1012.225. Sponsors shall not charge charter schools any  
1469 additional fees or surcharges for administrative and educational  
1470 services in addition to the maximum 5-percent administrative fee  
1471 withheld pursuant to this paragraph.

1472 (b) If goods and services are made available to the  
1473 charter school through the contract with the school district,  
1474 they shall be provided to the charter school at a rate no  
1475 greater than the district's actual cost unless mutually agreed  
1476 upon by the charter school and the sponsor in a contract  
1477 negotiated separately from the charter. When mediation has  
1478 failed to resolve disputes over contracted services or  
1479 contractual matters not included in the charter, an appeal may  
1480 be made for a dispute resolution hearing before the Charter  
1481 School Appeal Commission. To maximize the use of state funds,  
1482 school districts shall allow charter schools to participate in  
1483 the sponsor's bulk purchasing program if applicable.

1484 (c) Transportation of charter school students shall be

1485 provided by the charter school consistent with the requirements  
 1486 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
 1487 body of the charter school may provide transportation through an  
 1488 agreement or contract with the district school board, a private  
 1489 provider, or parents. The charter school and the sponsor shall  
 1490 cooperate in making arrangements that ensure that transportation  
 1491 is not a barrier to equal access for all students residing  
 1492 within a reasonable distance of the charter school as determined  
 1493 in its charter.

1494 (22)~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1495 (a) The Department of Education shall provide information  
 1496 to the public, directly and through sponsors, on how to form and  
 1497 operate a charter school and how to enroll in a charter school  
 1498 once it is created. This information shall include a standard  
 1499 application format, charter format, evaluation instrument, and  
 1500 charter renewal format, which shall include the information  
 1501 specified in subsection (7) and shall be developed by consulting  
 1502 and negotiating with both school districts and charter schools  
 1503 before implementation. The charter and charter renewal formats  
 1504 shall be used by charter school sponsors.

1505 (b)1. The Department of Education shall report student  
 1506 assessment data pursuant to s. 1008.34(3)(c) which is reported  
 1507 to schools that receive a school grade or student assessment  
 1508 data pursuant to s. 1008.341(3) which is reported to alternative  
 1509 schools that receive a school improvement rating to each charter  
 1510 school that:

1511 a. Does not receive a school grade pursuant to s. 1008.34  
 1512 or a school improvement rating pursuant to s. 1008.341; and

HB 1569

2010

1513 b. Serves at least 10 students who are tested on the  
1514 statewide assessment test pursuant to s. 1008.22.

1515 ~~2. The charter school shall report the information in~~  
1516 ~~subparagraph 1. to each parent of a student at the charter~~  
1517 ~~school, the parent of a child on a waiting list for the charter~~  
1518 ~~school, the district in which the charter school is located, and~~  
1519 ~~the governing board of the charter school. This paragraph does~~  
1520 ~~not abrogate the provisions of s. 1002.22, relating to student~~  
1521 ~~records, or the requirements of 20 U.S.C. s. 1232g, the Family~~  
1522 ~~Educational Rights and Privacy Act.~~

1523 2.3.a. Pursuant to this paragraph, the Department of  
1524 Education shall compare the charter school student performance  
1525 data for each charter school in subparagraph 1. with the student  
1526 performance data in traditional public schools in the district  
1527 in which the charter school is located and other charter schools  
1528 in the state. For alternative charter schools, the department  
1529 shall compare the student performance data described in this  
1530 paragraph with all alternative schools in the state. The  
1531 comparative data shall be provided by the following grade  
1532 groupings:

- 1533 (I) Grades 3 through 5;
- 1534 (II) Grades 6 through 8; and
- 1535 (III) Grades 9 through 11.

1536 b. Each charter school shall provide the information  
1537 specified in this paragraph on its Internet website and also  
1538 provide notice to the public at large in a manner provided by  
1539 the rules of the State Board of Education. The State Board of  
1540 Education shall adopt rules to administer the notice

HB 1569

2010

1541 requirements of this subparagraph pursuant to ss. 120.536(1) and  
 1542 120.54. The website shall include, through links or actual  
 1543 content, other information related to school performance.

1544 (23)~~(22)~~ CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE  
 1545 REVIEW.—

1546 (a) The Department of Education shall staff and regularly  
 1547 convene a Charter School Review Panel in order to review issues,  
 1548 practices, and policies regarding charter schools. The  
 1549 composition of the review panel shall include individuals with  
 1550 experience in finance, administration, law, education, and  
 1551 school governance, and individuals familiar with charter school  
 1552 construction and operation. The panel shall include two  
 1553 appointees each from the Commissioner of Education, the  
 1554 President of the Senate, and the Speaker of the House of  
 1555 Representatives. The Governor shall appoint three members of the  
 1556 panel and shall designate the chair. Each member of the panel  
 1557 shall serve a 1-year term, unless renewed by the office making  
 1558 the appointment. The panel shall make recommendations to the  
 1559 Legislature, to the Department of Education, to charter schools,  
 1560 and to school districts for improving charter school operations  
 1561 and oversight and for ensuring best business practices at and  
 1562 fair business relationships with charter schools.

1563 (b) The Legislature shall review the operation of charter  
 1564 schools during the 2010 Regular Session of the Legislature.

1565 (24)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon  
 1566 receipt of the annual report required by paragraph (10)~~(9)~~(k),  
 1567 the Department of Education shall provide to the State Board of  
 1568 Education, the Commissioner of Education, the Governor, the



1569 President of the Senate, and the Speaker of the House of  
 1570 Representatives an analysis and comparison of the overall  
 1571 performance of charter school students, to include all students  
 1572 whose scores are counted as part of the statewide assessment  
 1573 program, versus comparable public school students in the  
 1574 district as determined by the statewide assessment program  
 1575 currently administered in the school district, and other  
 1576 assessments administered pursuant to s. 1008.22(3).

1577 (25)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1578 (a) This subsection applies to charter school personnel in  
 1579 a charter school operated by a private entity. As used in this  
 1580 subsection, the term:

1581 1. "Charter school personnel" means a charter school  
 1582 owner, president, chairperson of the governing board of  
 1583 directors, superintendent, governing board member, principal,  
 1584 assistant principal, or any other person employed by the charter  
 1585 school who has equivalent decisionmaking authority and in whom  
 1586 is vested the authority, or to whom the authority has been  
 1587 delegated, to appoint, employ, promote, or advance individuals  
 1588 or to recommend individuals for appointment, employment,  
 1589 promotion, or advancement in connection with employment in a  
 1590 charter school, including the authority as a member of a  
 1591 governing body of a charter school to vote on the appointment,  
 1592 employment, promotion, or advancement of individuals.

1593 2. "Relative" means father, mother, son, daughter,  
 1594 brother, sister, uncle, aunt, first cousin, nephew, niece,  
 1595 husband, wife, father-in-law, mother-in-law, son-in-law,  
 1596 daughter-in-law, brother-in-law, sister-in-law, stepfather,

HB 1569

2010

1597 stepmother, stepson, stepdaughter, stepbrother, stepsister, half  
 1598 brother, or half sister.

1599 (b)1. Charter school personnel may not knowingly recommend  
 1600 or engage in the ~~appoint, employ, promote, or advance, or~~  
 1601 ~~advocate for appointment,~~ employment, promotion, or assignment  
 1602 of an individual or employee to a work location if that action  
 1603 will create a situation in which one employee will be  
 1604 responsible for the direct supervision of, or exercise  
 1605 ~~advancement, in or to a position in the charter school in which~~  
 1606 ~~the personnel are serving or over which the personnel exercises~~  
 1607 ~~jurisdiction or control~~ over, another employee ~~any individual~~  
 1608 who is a relative. The Commissioner of Education or the sponsor  
 1609 may make exceptions to this paragraph if such personnel actions  
 1610 would cause undue hardship on students or seriously disrupt a  
 1611 charter school's operations.

1612 2. This paragraph does not prohibit the employment of  
 1613 relatives in the same work location if neither person is  
 1614 directly supervised by the other. ~~An individual may not be~~  
 1615 ~~appointed, employed, promoted, or advanced in or to a position~~  
 1616 ~~in a charter school if such appointment, employment, promotion,~~  
 1617 ~~or advancement has been advocated by charter school personnel~~  
 1618 ~~who serve in or exercise jurisdiction or control over the~~  
 1619 ~~charter school and who is a relative of the individual or if~~  
 1620 ~~such appointment, employment, promotion, or advancement is made~~  
 1621 ~~by the governing board of which a relative of the individual is~~  
 1622 ~~a member.~~

1623 (c) The approval of budgets does not constitute  
 1624 "jurisdiction or control" for the purposes of this subsection.

1625  
 1626 Charter school personnel in schools operated by a municipality  
 1627 or other public entity are subject to s. 112.3135.

1628 (26)~~(25)~~ STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1629 (a) A member of a governing board of a charter school,  
 1630 including a charter school operated by a private entity, is  
 1631 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1632 (b) A member of a governing board of a charter school  
 1633 operated by a municipality or other public entity is subject to  
 1634 s. 112.3144, which relates to the disclosure of financial  
 1635 interests.

1636 (27)~~(26)~~ RULEMAKING.—The Department of Education, after  
 1637 consultation with school districts and charter school directors,  
 1638 shall recommend that the State Board of Education adopt rules to  
 1639 implement specific subsections of this section. Such rules shall  
 1640 require minimum paperwork and shall not limit charter school  
 1641 flexibility authorized by statute. The State Board of Education  
 1642 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
 1643 implement a charter model application form, evaluation  
 1644 instrument, and charter and charter renewal formats in  
 1645 accordance with this section.

1646 Section 3. Subsection (2) of section 1011.71, Florida  
 1647 Statutes, is amended to read:

1648 1011.71 District school tax.—

1649 (2) In addition to the maximum millage levy as provided in  
 1650 subsection (1), each school board may levy not more than 1.5  
 1651 mills against the taxable value for school purposes for district  
 1652 schools, including charter schools ~~at the discretion of the~~

1653 ~~school board~~, to fund:

1654 (a) New construction and remodeling projects, as set forth  
 1655 in s. 1013.64(3)(b) and (6)(b) and included in the district's  
 1656 educational plant survey pursuant to s. 1013.31, without regard  
 1657 to prioritization, sites and site improvement or expansion to  
 1658 new sites, existing sites, auxiliary facilities, athletic  
 1659 facilities, or ancillary facilities.

1660 (b) Maintenance, renovation, and repair of existing school  
 1661 plants or of leased facilities to correct deficiencies pursuant  
 1662 to s. 1013.15(2).

1663 (c) The purchase, lease-purchase, or lease of school  
 1664 buses.

1665 (d) Effective July 1, 2008, the purchase, lease-purchase,  
 1666 or lease of new and replacement equipment, and enterprise  
 1667 resource software applications that are classified as capital  
 1668 assets in accordance with definitions of the Governmental  
 1669 Accounting Standards Board, have a useful life of at least 5  
 1670 years, and are used to support districtwide administration or  
 1671 state-mandated reporting requirements.

1672 (e) Payments for educational facilities and sites due  
 1673 under a lease-purchase agreement entered into by a district  
 1674 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
 1675 exceeding, in the aggregate, an amount equal to three-fourths of  
 1676 the proceeds from the millage levied by a district school board  
 1677 pursuant to this subsection. For the 2009-2010 fiscal year, the  
 1678 three-fourths limit is waived for lease-purchase agreements  
 1679 entered into before June 30, 2009, by a district school board  
 1680 pursuant to this paragraph.

1681 (f) Payment of loans approved pursuant to ss. 1011.14 and  
 1682 1011.15.

1683 (g) Payment of costs directly related to complying with  
 1684 state and federal environmental statutes, rules, and regulations  
 1685 governing school facilities.

1686 (h) Payment of costs of leasing relocatable educational  
 1687 facilities, of renting or leasing educational facilities and  
 1688 sites pursuant to s. 1013.15(2), or of renting or leasing  
 1689 buildings or space within existing buildings pursuant to s.  
 1690 1013.15(4).

1691 (i) Payment of the cost of school buses when a school  
 1692 district contracts with a private entity to provide student  
 1693 transportation services if the district meets the requirements  
 1694 of this paragraph.

1695 1. The district's contract must require that the private  
 1696 entity purchase, lease-purchase, or lease, and operate and  
 1697 maintain, one or more school buses of a specific type and size  
 1698 that meet the requirements of s. 1006.25.

1699 2. Each such school bus must be used for the daily  
 1700 transportation of public school students in the manner required  
 1701 by the school district.

1702 3. Annual payment for each such school bus may not exceed  
 1703 10 percent of the purchase price of the state pool bid.

1704 4. The proposed expenditure of the funds for this purpose  
 1705 must have been included in the district school board's notice of  
 1706 proposed tax for school capital outlay as provided in s.  
 1707 200.065(10).

1708 (j) Payment of the cost of the opening day collection for

1709 the library media center of a new school.

1710 Section 4. Paragraph (e) of subsection (1) and subsections  
 1711 (2) and (3) of section 1013.62, Florida Statutes, are amended to  
 1712 read:

1713 1013.62 Charter schools capital outlay funding.—

1714 (1) In each year in which funds are appropriated for  
 1715 charter school capital outlay purposes, the Commissioner of  
 1716 Education shall allocate the funds among eligible charter  
 1717 schools.

1718 (e) Unless otherwise provided in the General  
 1719 Appropriations Act, the funding allocation for each eligible  
 1720 charter school is determined by multiplying the school's  
 1721 projected student enrollment by one-fifteenth of the cost-per-  
 1722 student station specified in s. 1013.64(6)(b) for an elementary,  
 1723 middle, or high school, as appropriate. If the funds  
 1724 appropriated are not sufficient, the commissioner shall prorate  
 1725 the available funds among eligible charter schools. However, a  
 1726 charter school or charter lab school may not receive state  
 1727 charter school capital outlay funds greater than the one-  
 1728 fifteenth cost per student station formula if the charter  
 1729 school's combination of state charter school capital outlay  
 1730 funds, capital outlay funds calculated through the reduction in  
 1731 the administrative fee provided in s. 1002.33(21)(~~20~~), and  
 1732 capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds  
 1733 the one-fifteenth cost per student station formula.

1734 (2) A charter school's governing body may use charter  
 1735 school capital outlay funds for the following purposes:

1736 (a) Purchase of real property.

- 1737 (b) Construction of school facilities.
- 1738 (c) Purchase, lease-purchase, or lease of permanent or  
1739 relocatable school facilities.
- 1740 (d) Purchase of vehicles to transport students to and from  
1741 the charter school.
- 1742 (e) Renovation, repair, and maintenance of school  
1743 facilities that the charter school owns or is purchasing through  
1744 a lease-purchase or long-term lease of 5 years or longer.
- 1745 (f) Effective July 1, 2008, purchase, lease-purchase, or  
1746 lease of new and replacement equipment, and enterprise resource  
1747 software applications that are classified as capital assets in  
1748 accordance with definitions of the Governmental Accounting  
1749 Standards Board, have a useful life of at least 5 years, and are  
1750 used to support schoolwide administration or state-mandated  
1751 reporting requirements.
- 1752 (g) Payment of the cost of premiums for property and  
1753 casualty insurance necessary to insure the school facilities.
- 1754 (h) Purchase, lease-purchase, or lease of driver's  
1755 education vehicles; motor vehicles used for the maintenance or  
1756 operation of plants and equipment; security vehicles; or  
1757 vehicles used in storing or distributing materials and  
1758 equipment.
- 1759 (i) Purchase of computer software, hardware, and network  
1760 systems.
- 1761 (j) Purchase of furniture and equipment.
- 1762
- 1763 Conversion charter schools may use capital outlay funds received  
1764 through the reduction in the administrative fee provided in s.

HB 1569

2010

1765 1002.33 (21) ~~(20)~~ for renovation, repair, and maintenance of  
 1766 school facilities that are owned by the sponsor.

1767 (3) When a charter school is nonrenewed or terminated, any  
 1768 unencumbered funds and all equipment and property purchased with  
 1769 district public funds shall revert to the ownership of the  
 1770 district school board, as provided for in s. 1002.33 (9) ~~(8)~~ (e)  
 1771 and (f). In the case of a charter lab school, any unencumbered  
 1772 funds and all equipment and property purchased with university  
 1773 public funds shall revert to the ownership of the state  
 1774 university that issued the charter. The reversion of such  
 1775 equipment, property, and furnishings shall focus on recoverable  
 1776 assets, but not on intangible or irrecoverable costs such as  
 1777 rental or leasing fees, normal maintenance, and limited  
 1778 renovations. The reversion of all property secured with public  
 1779 funds is subject to the complete satisfaction of all lawful  
 1780 liens or encumbrances. If there are additional local issues such  
 1781 as the shared use of facilities or partial ownership of  
 1782 facilities or property, these issues shall be agreed to in the  
 1783 charter contract prior to the expenditure of funds.

1784 Section 5. Paragraph (e) of subsection (13) of section  
 1785 163.3180, Florida Statutes, is amended to read:

1786 163.3180 Concurrency.—

1787 (13) School concurrency shall be established on a  
 1788 districtwide basis and shall include all public schools in the  
 1789 district and all portions of the district, whether located in a  
 1790 municipality or an unincorporated area unless exempt from the  
 1791 public school facilities element pursuant to s. 163.3177(12).  
 1792 The application of school concurrency to development shall be



1793 based upon the adopted comprehensive plan, as amended. All local  
 1794 governments within a county, except as provided in paragraph  
 1795 (f), shall adopt and transmit to the state land planning agency  
 1796 the necessary plan amendments, along with the interlocal  
 1797 agreement, for a compliance review pursuant to s. 163.3184(7)  
 1798 and (8). The minimum requirements for school concurrency are the  
 1799 following:

1800 (e) Availability standard.—Consistent with the public  
 1801 welfare, a local government may not deny an application for site  
 1802 plan, final subdivision approval, or the functional equivalent  
 1803 for a development or phase of a development authorizing  
 1804 residential development for failure to achieve and maintain the  
 1805 level-of-service standard for public school capacity in a local  
 1806 school concurrency management system where adequate school  
 1807 facilities will be in place or under actual construction within  
 1808 3 years after the issuance of final subdivision or site plan  
 1809 approval, or the functional equivalent. School concurrency is  
 1810 satisfied if the developer executes a legally binding commitment  
 1811 to provide mitigation proportionate to the demand for public  
 1812 school facilities to be created by actual development of the  
 1813 property, including, but not limited to, the options described  
 1814 in subparagraph 1. Options for proportionate-share mitigation of  
 1815 impacts on public school facilities must be established in the  
 1816 public school facilities element and the interlocal agreement  
 1817 pursuant to s. 163.31777.

1818 1. Appropriate mitigation options include the contribution  
 1819 of land; the construction, expansion, or payment for land  
 1820 acquisition or construction of a public school facility; the

HB 1569

2010

1821 construction of a charter school that complies with the  
1822 requirements of s. 1002.33 (19) ~~(18)~~; or the creation of  
1823 mitigation banking based on the construction of a public school  
1824 facility in exchange for the right to sell capacity credits.  
1825 Such options must include execution by the applicant and the  
1826 local government of a development agreement that constitutes a  
1827 legally binding commitment to pay proportionate-share mitigation  
1828 for the additional residential units approved by the local  
1829 government in a development order and actually developed on the  
1830 property, taking into account residential density allowed on the  
1831 property prior to the plan amendment that increased the overall  
1832 residential density. The district school board must be a party  
1833 to such an agreement. As a condition of its entry into such a  
1834 development agreement, the local government may require the  
1835 landowner to agree to continuing renewal of the agreement upon  
1836 its expiration.

1837 2. If the education facilities plan and the public  
1838 educational facilities element authorize a contribution of land;  
1839 the construction, expansion, or payment for land acquisition;  
1840 the construction or expansion of a public school facility, or a  
1841 portion thereof; or the construction of a charter school that  
1842 complies with the requirements of s. 1002.33 (19) ~~(18)~~, as  
1843 proportionate-share mitigation, the local government shall  
1844 credit such a contribution, construction, expansion, or payment  
1845 toward any other impact fee or exaction imposed by local  
1846 ordinance for the same need, on a dollar-for-dollar basis at  
1847 fair market value.

1848 3. Any proportionate-share mitigation must be directed by

1849 the school board toward a school capacity improvement identified  
 1850 in a financially feasible 5-year district work plan that  
 1851 satisfies the demands created by the development in accordance  
 1852 with a binding developer's agreement.

1853 4. If a development is precluded from commencing because  
 1854 there is inadequate classroom capacity to mitigate the impacts  
 1855 of the development, the development may nevertheless commence if  
 1856 there are accelerated facilities in an approved capital  
 1857 improvement element scheduled for construction in year four or  
 1858 later of such plan which, when built, will mitigate the proposed  
 1859 development, or if such accelerated facilities will be in the  
 1860 next annual update of the capital facilities element, the  
 1861 developer enters into a binding, financially guaranteed  
 1862 agreement with the school district to construct an accelerated  
 1863 facility within the first 3 years of an approved capital  
 1864 improvement plan, and the cost of the school facility is equal  
 1865 to or greater than the development's proportionate share. When  
 1866 the completed school facility is conveyed to the school  
 1867 district, the developer shall receive impact fee credits usable  
 1868 within the zone where the facility is constructed or any  
 1869 attendance zone contiguous with or adjacent to the zone where  
 1870 the facility is constructed.

1871 5. This paragraph does not limit the authority of a local  
 1872 government to deny a development permit or its functional  
 1873 equivalent pursuant to its home rule regulatory powers, except  
 1874 as provided in this part.

1875 Section 6. Paragraph (c) of subsection (10) and subsection  
 1876 (13) of section 1002.34, Florida Statutes, are amended to read:

1877 | 1002.34 Charter technical career centers.—  
 1878 | (10) EXEMPTION FROM STATUTES.—  
 1879 | (c) A center must comply with the antidiscrimination  
 1880 | provisions in s. 1000.05 and the provisions in s.  
 1881 | 1002.33(25)~~(24)~~ which relate to the employment of relatives.  
 1882 | (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors  
 1883 | of a center may decide matters relating to the operation of the  
 1884 | school, including budgeting, curriculum, and operating  
 1885 | procedures, subject to the center's charter. The board of  
 1886 | directors is responsible for performing the duties provided in  
 1887 | s. 1002.345, including monitoring the corrective action plan.  
 1888 | The board of directors must comply with s. 1002.33(26)~~(25)~~.  
 1889 | Section 7. Paragraphs (a) and (d) of subsection (1),  
 1890 | paragraph (b) of subsection (2), and subsection (6) of section  
 1891 | 1002.345, Florida Statutes, are amended to read:  
 1892 | 1002.345 Determination of deteriorating financial  
 1893 | conditions and financial emergencies for charter schools and  
 1894 | charter technical career centers.—This section applies to  
 1895 | charter schools operating pursuant to s. 1002.33 and to charter  
 1896 | technical career centers operating pursuant to s. 1002.34.  
 1897 | (1) EXPEDITED REVIEW; REQUIREMENTS.—  
 1898 | (a) A charter school or a charter technical career center  
 1899 | is subject to an expedited review by the sponsor if one of the  
 1900 | following occurs:  
 1901 | 1. Failure to provide for an audit required by s. 218.39.  
 1902 | 2. Failure to comply with reporting requirements pursuant  
 1903 | to s. 1002.33(10)~~(9)~~ or s. 1002.34(11)(f) or (14).  
 1904 | 3. A deteriorating financial condition identified through

HB 1569

2010

1905 an annual audit pursuant to s. 218.39(5) or a ~~monthly~~ financial  
1906 statement pursuant to s. 1002.33(10)~~(9)~~(g) or s. 1002.34(11)(f).  
1907 "Deteriorating financial condition" means a circumstance that  
1908 significantly impairs the ability of a charter school or a  
1909 charter technical career center to generate enough revenues to  
1910 meet its expenditures without causing the occurrence of a  
1911 condition described in s. 218.503(1).

1912 4. Notification pursuant to s. 218.503(2) that one or more  
1913 of the conditions specified in s. 218.503(1) have occurred or  
1914 will occur if action is not taken to assist the charter school  
1915 or charter technical career center.

1916 (d) The governing board shall include the corrective  
1917 action plan and the status of its implementation in the annual  
1918 progress report to the sponsor which is required pursuant to s.  
1919 1002.33(10)~~(9)~~(k) or s. 1002.34(14).

1920 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—

1921 (b) The governing board shall include the financial  
1922 recovery plan and the status of its implementation in the annual  
1923 progress report to the sponsor which is required under s.  
1924 1002.33(10)~~(9)~~(k) or s. 1002.34(14).

1925 (6) FAILURE TO CORRECT DEFICIENCIES.—The sponsor may  
1926 decide not to renew or may terminate a charter if the charter  
1927 school or charter technical career center fails to correct the  
1928 deficiencies noted in the corrective action plan within 1 year  
1929 after being notified of the deficiencies or exhibits one or more  
1930 financial emergency conditions specified in s. 218.503 for 2  
1931 consecutive years. This subsection does not affect a sponsor's  
1932 authority to terminate or not renew a charter pursuant to s.

HB 1569

2010

1933 | 1002.33 (9) ~~(8)~~.

1934 |       Section 8. Section 1011.68, Florida Statutes, is amended

1935 | to read:

1936 |       1011.68 Funds for student transportation.—The annual

1937 | allocation to each district for transportation to public school

1938 | programs, including charter schools as provided in s.

1939 | 1002.33 (18) ~~(17)~~ (b), of students in membership in kindergarten

1940 | through grade 12 and in migrant and exceptional student programs

1941 | below kindergarten shall be determined as follows:

1942 |       (1) Subject to the rules of the State Board of Education,

1943 | each district shall determine the membership of students who are

1944 | transported:

1945 |       (a) By reason of living 2 miles or more from school.

1946 |       (b) By reason of being students with disabilities or

1947 | enrolled in a teenage parent program, regardless of distance to

1948 | school.

1949 |       (c) By reason of being in a state prekindergarten program,

1950 | regardless of distance from school.

1951 |       (d) By reason of being career, dual enrollment, or

1952 | students with disabilities transported from one school center to

1953 | another to participate in an instructional program or service;

1954 | or students with disabilities, transported from one designation

1955 | to another in the state, provided one designation is a school

1956 | center and provided the student's individual educational plan

1957 | (IEP) identifies the need for the instructional program or

1958 | service and transportation to be provided by the school

1959 | district. A "school center" is defined as a public school

1960 | center, community college, state university, or other facility

1961 rented, leased, or owned and operated by the school district or  
 1962 another public agency. A "dual enrollment student" is defined as  
 1963 a public school student in membership in both a public secondary  
 1964 school program and a community college or a state university  
 1965 program under a written agreement to partially fulfill ss.  
 1966 1003.435 and 1007.23 and earning full-time equivalent membership  
 1967 under s. 1011.62(1)(i).

1968 (e) With respect to elementary school students whose grade  
 1969 level does not exceed grade 6, by reason of being subjected to  
 1970 hazardous walking conditions en route to or from school as  
 1971 provided in s. 1006.23. Such rules shall, when appropriate,  
 1972 provide for the determination of membership under this paragraph  
 1973 for less than 1 year to accommodate the needs of students who  
 1974 require transportation only until such hazardous conditions are  
 1975 corrected.

1976 (f) By reason of being a pregnant student or student  
 1977 parent, and the child of a student parent as provided in s.  
 1978 1003.54, regardless of distance from school.

1979 (2) The allocation for each district shall be calculated  
 1980 annually in accordance with the following formula:  
 1981  $T = B + EX$ . The elements of this formula are defined as follows:  
 1982 T is the total dollar allocation for transportation. B is the  
 1983 base transportation dollar allocation prorated by an adjusted  
 1984 student membership count. The adjusted membership count shall be  
 1985 derived from a multiplicative index function in which the base  
 1986 student membership is adjusted by multiplying it by index  
 1987 numbers that individually account for the impact of the price  
 1988 level index, average bus occupancy, and the extent of rural

1989 | population in the district. EX is the base transportation dollar  
 1990 | allocation for disabled students prorated by an adjusted  
 1991 | disabled student membership count. The base transportation  
 1992 | dollar allocation for disabled students is the total state base  
 1993 | disabled student membership count weighted for increased costs  
 1994 | associated with transporting disabled students and multiplying  
 1995 | it by the prior year's average per student cost for  
 1996 | transportation. The adjusted disabled student membership count  
 1997 | shall be derived from a multiplicative index function in which  
 1998 | the weighted base disabled student membership is adjusted by  
 1999 | multiplying it by index numbers that individually account for  
 2000 | the impact of the price level index, average bus occupancy, and  
 2001 | the extent of rural population in the district. Each adjustment  
 2002 | factor shall be designed to affect the base allocation by no  
 2003 | more or less than 10 percent.

2004 |         (3) The total allocation to each district for  
 2005 | transportation of students shall be the sum of the amounts  
 2006 | determined in subsection (2). If the funds appropriated for the  
 2007 | purpose of implementing this section are not sufficient to pay  
 2008 | the base transportation allocation and the base transportation  
 2009 | allocation for disabled students, the Department of Education  
 2010 | shall prorate the available funds on a percentage basis. If the  
 2011 | funds appropriated for the purpose of implementing this section  
 2012 | exceed the sum of the base transportation allocation and the  
 2013 | base transportation allocation for disabled students, the base  
 2014 | transportation allocation for disabled students shall be limited  
 2015 | to the amount calculated in subsection (2), and the remaining  
 2016 | balance shall be added to the base transportation allocation.



2017 (4) No district shall use funds to purchase transportation  
 2018 equipment and supplies at prices which exceed those determined  
 2019 by the department to be the lowest which can be obtained, as  
 2020 prescribed in s. 1006.27(1).

2021 (5) Funds allocated or apportioned for the payment of  
 2022 student transportation services may be used to pay for  
 2023 transportation of students to and from school on local general  
 2024 purpose transportation systems. Student transportation funds may  
 2025 also be used to pay for transportation of students to and from  
 2026 school in private passenger cars and boats when the  
 2027 transportation is for isolated students, or students with  
 2028 disabilities as defined by rule. Subject to the rules of the  
 2029 State Board of Education, each school district shall determine  
 2030 and report the number of assigned students using general purpose  
 2031 transportation private passenger cars and boats. The allocation  
 2032 per student must be equal to the allocation per student riding a  
 2033 school bus.

2034 (6) Notwithstanding other provisions of this section, in  
 2035 no case shall any student or students be counted for  
 2036 transportation funding more than once per day. This provision  
 2037 includes counting students for funding pursuant to trips in  
 2038 school buses, passenger cars, or boats or general purpose  
 2039 transportation.

2040 Section 9. Paragraph (b) of subsection (2) of section  
 2041 1012.32, Florida Statutes, is amended to read:

2042 1012.32 Qualifications of personnel.-

2043 (2)

2044 (b) Instructional and noninstructional personnel who are

HB 1569

2010

2045 hired or contracted to fill positions in any charter school and  
2046 members of the governing board of any charter school, in  
2047 compliance with s. 1002.33 (13) ~~(12)~~ (g), must, upon employment,  
2048 engagement of services, or appointment, undergo background  
2049 screening as required under s. 1012.465 or s. 1012.56, whichever  
2050 is applicable, by filing with the district school board for the  
2051 school district in which the charter school is located a  
2052 complete set of fingerprints taken by an authorized law  
2053 enforcement agency or an employee of the school or school  
2054 district who is trained to take fingerprints.

2055  
2056 Fingerprints shall be submitted to the Department of Law  
2057 Enforcement for statewide criminal and juvenile records checks  
2058 and to the Federal Bureau of Investigation for federal criminal  
2059 records checks. A person subject to this subsection who is found  
2060 ineligible for employment under s. 1012.315, or otherwise found  
2061 through background screening to have been convicted of any crime  
2062 involving moral turpitude as defined by rule of the State Board  
2063 of Education, shall not be employed, engaged to provide  
2064 services, or serve in any position that requires direct contact  
2065 with students. Probationary persons subject to this subsection  
2066 terminated because of their criminal record have the right to  
2067 appeal such decisions. The cost of the background screening may  
2068 be borne by the district school board, the charter school, the  
2069 employee, the contractor, or a person subject to this  
2070 subsection.

2071 Section 10. This act shall take effect July 1, 2010.