

1 A bill to be entitled
2 An act relating to charter schools; amending s. 1002.33,
3 F.S.; removing a requirement that certain individuals
4 participate in training prior to the filing of a charter
5 school application; correcting cross-references to high
6 school graduation requirements; providing eligibility
7 requirements for designation as a high-performing charter
8 school; providing that a high-performing charter school is
9 entitled to certain renewal, increase in enrollment,
10 startup grants, capital outlay funds, and application
11 procedures; requiring other good cause for nonrenewal or
12 termination of a charter to be defined in rule; revising
13 requirements for providing financial statements to a
14 sponsor; deleting obsolete provisions; revising
15 requirements for the establishment of a charter school-in-
16 the-workplace; providing that a charter school-in-the-
17 workplace is eligible for capital outlay funding;
18 providing that charter schools shall receive certain
19 federal funding for which they are eligible; revising
20 provisions relating to charter school compliance with
21 building codes and requirements; providing for an
22 exemption from certain exactions; removing a reporting
23 requirement relating to student assessment data; revising
24 restrictions on the employment of relatives by charter
25 school personnel; providing an exception; correcting a
26 cross-reference relating to the disclosure of financial
27 interests; conforming cross-references; amending s.
28 1013.62, F.S.; authorizing additional uses for charter

29 school capital outlay funds; conforming cross-references;
 30 amending ss. 163.3180, 1002.32, 1002.34, 1002.345,
 31 1011.68, and 1012.32, F.S.; conforming cross-references
 32 and provisions; requiring the Office of Program Policy
 33 Analysis and Government Accountability to conduct a study
 34 comparing the funding of charter schools with traditional
 35 public schools and examining certain funding and costs;
 36 requiring recommendations to the Governor and Legislature,
 37 if warranted, for improving the accountability and equity
 38 of the funding system for charter schools; providing an
 39 effective date.

40

41 Be It Enacted by the Legislature of the State of Florida:

42

43 Section 1. Paragraph (g) of subsection (6) and subsection
 44 (7) of section 1002.33, Florida Statutes, are amended, a new
 45 subsection (8) is added to that section, and present subsections
 46 (8) through (26) are renumbered as subsections (9) through (27),
 47 respectively, and amended, to read:

48 1002.33 Charter schools.—

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

51 (g)1. The Department of Education shall offer or arrange
 52 for training and technical assistance to charter school
 53 applicants in developing business plans and estimating costs and
 54 income. This assistance shall address estimating startup costs,
 55 projecting enrollment, and identifying the types and amounts of
 56 state and federal financial assistance the charter school may be

57 eligible to receive. The department may provide other technical
58 assistance to an applicant upon written request.

59 2. A charter school applicant must participate in the
60 training provided by the Department of Education before filing
61 an application. However, a sponsor may require the charter
62 school applicant to attend training provided by the sponsor in
63 lieu of the department's training if the sponsor's training
64 standards meet or exceed the standards developed by the
65 Department of Education. The training shall include instruction
66 in accurate financial planning and good business practices. ~~If~~
67 ~~the applicant is a management company or other nonprofit~~
68 ~~organization, the charter school principal and the chief~~
69 ~~financial officer or his or her equivalent must also participate~~
70 ~~in the training.~~

71 (7) CHARTER.—The major issues involving the operation of a
72 charter school shall be considered in advance and written into
73 the charter. The charter shall be signed by the governing body
74 of the charter school and the sponsor, following a public
75 hearing to ensure community input.

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

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

80 2. The focus of the curriculum, the instructional methods
81 to be used, any distinctive instructional techniques to be
82 employed, and identification and acquisition of appropriate
83 technologies needed to improve educational and administrative
84 performance which include a means for promoting safe, ethical,

85 and appropriate uses of technology which comply with legal and
86 professional standards. The charter shall ensure that reading is
87 a primary focus of the curriculum and that resources are
88 provided to identify and provide specialized instruction for
89 students who are reading below grade level. The curriculum and
90 instructional strategies for reading must be consistent with the
91 Sunshine State Standards and grounded in scientifically based
92 reading research.

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

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

99 b. How these baseline rates will be compared to rates of
100 academic progress achieved by these same students while
101 attending the charter school.

102 c. To the extent possible, how these rates of progress
103 will be evaluated and compared with rates of progress of other
104 closely comparable student populations.

105
106 The district school board is required to provide academic
107 student performance data to charter schools for each of their
108 students coming from the district school system, as well as
109 rates of academic progress of comparable student populations in
110 the district school system.

111 4. The methods used to identify the educational strengths
112 and needs of students and how well educational goals and

113 performance standards are met by students attending the charter
114 school. The methods shall provide a means for the charter school
115 to ensure accountability to its constituents by analyzing
116 student performance data and by evaluating the effectiveness and
117 efficiency of its major educational programs. Students in
118 charter schools shall, at a minimum, participate in the
119 statewide assessment program created under s. 1008.22.

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

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

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

127 8. The ways by which the school will achieve a
128 racial/ethnic balance reflective of the community it serves or
129 within the racial/ethnic range of other public schools in the
130 same school district.

131 9. The financial and administrative management of the
132 school, including a reasonable demonstration of the professional
133 experience or competence of those individuals or organizations
134 applying to operate the charter school or those hired or
135 retained to perform such professional services and the
136 description of clearly delineated responsibilities and the
137 policies and practices needed to effectively manage the charter
138 school. A description of internal audit procedures and
139 establishment of controls to ensure that financial resources are
140 properly managed must be included. Both public sector and

141 private sector professional experience shall be equally valid in
142 such a consideration.

143 10. The asset and liability projections required in the
144 application which are incorporated into the charter and shall be
145 compared with information provided in the annual report of the
146 charter school.

147 11. A description of procedures that identify various
148 risks and provide for a comprehensive approach to reduce the
149 impact of losses; plans to ensure the safety and security of
150 students and staff; plans to identify, minimize, and protect
151 others from violent or disruptive student behavior; and the
152 manner in which the school will be insured, including whether or
153 not the school will be required to have liability insurance,
154 and, if so, the terms and conditions thereof and the amounts of
155 coverage.

156 12. The term of the charter which shall provide for
157 cancellation of the charter if insufficient progress has been
158 made in attaining the student achievement objectives of the
159 charter and if it is not likely that such objectives can be
160 achieved before expiration of the charter. The initial term of a
161 charter shall be for 4 or 5 years. In order to facilitate access
162 to long-term financial resources for charter school
163 construction, charter schools that are operated by a
164 municipality or other public entity as provided by law are
165 eligible for up to a 15-year charter, subject to approval by the
166 district school board. A charter lab school is eligible for a
167 charter for a term of up to 15 years. In addition, to facilitate
168 access to long-term financial resources for charter school

169 construction, charter schools that are operated by a private,
170 not-for-profit, s. 501(c)(3) status corporation are eligible for
171 up to a 15-year charter, subject to approval by the district
172 school board. Such long-term charters remain subject to annual
173 review and may be terminated during the term of the charter, but
174 only according to the provisions set forth in subsection (9)
175 ~~(8)~~.

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

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

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

183 16. A timetable for implementing the charter which
184 addresses the implementation of each element thereof and the
185 date by which the charter shall be awarded in order to meet this
186 timetable.

187 17. In the case of an existing public school that is being
188 converted to charter status, alternative arrangements for
189 current students who choose not to attend the charter school and
190 for current teachers who choose not to teach in the charter
191 school after conversion in accordance with the existing
192 collective bargaining agreement or district school board rule in
193 the absence of a collective bargaining agreement. However,
194 alternative arrangements shall not be required for current
195 teachers who choose not to teach in a charter lab school, except
196 as authorized by the employment policies of the state university

197 which grants the charter to the lab school.

198 18. Full disclosure of the identity of all relatives
 199 employed by the charter school who are related to the charter
 200 school owner, president, chairperson of the governing board of
 201 directors, superintendent, governing board member, principal,
 202 assistant principal, or any other person employed by the charter
 203 school who has equivalent decisionmaking authority. For the
 204 purpose of this subparagraph, the term "relative" means father,
 205 mother, son, daughter, brother, sister, uncle, aunt, first
 206 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 207 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 208 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 209 stepsister, half brother, or half sister.

210 (b)1. A charter may be renewed provided that a program
 211 review demonstrates that the criteria in paragraph (a) have been
 212 successfully accomplished and that none of the grounds for
 213 nonrenewal established by paragraph (9)~~(8)~~(a) has been
 214 documented. In order to facilitate long-term financing for
 215 charter school construction, charter schools operating for a
 216 minimum of 3 years and demonstrating exemplary academic
 217 programming and fiscal management are eligible for a 15-year
 218 charter renewal. Such long-term charter is subject to annual
 219 review and may be terminated during the term of the charter.

220 2. The 15-year charter renewal that may be granted
 221 pursuant to subparagraph 1. shall be granted to a charter school
 222 that has received a school grade of "A" or "B" pursuant to s.
 223 1008.34 in 3 of the past 4 years and is not in a state of
 224 financial emergency or deficit position as defined by this

225 section. Such long-term charter is subject to annual review and
 226 may be terminated during the term of the charter pursuant to
 227 subsection (9) ~~(8)~~.

228 (c) A charter may be modified during its initial term or
 229 any renewal term upon the recommendation of the sponsor or the
 230 charter school governing board and the approval of both parties
 231 to the agreement.

232 (8) HIGH-PERFORMING CHARTER SCHOOLS.-

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

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

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

239 3. Has maintained positive fund balances for 3 consecutive
 240 years.

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

242 1. Automatically renew its charter for 15 years.

243 2. Increase its enrollment in excess of the maximum
 244 enrollment specified in its charter.

245 3. Automatically qualify for startup grants for new
 246 applicants.

247 4. Receive capital outlay funds under s. 1013.62 beginning
 248 with the first year it receives a high-performing charter school
 249 designation.

250 5. Receive an extension of time until January 1 to submit
 251 an initial application pursuant to subsection (6) to replicate a
 252 successful charter school.

253 | ~~(9)~~ CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

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

256 | 1. Failure to participate in the state's education
257 | accountability system created in s. 1008.31, as required in this
258 | section, or failure to meet the requirements for student
259 | performance stated in the charter.

260 | 2. Failure to meet generally accepted standards of fiscal
261 | management.

262 | 3. Violation of law.

263 | 4. Other good cause as defined in rules adopted by the
264 | State Board of Education ~~shown~~.

265 | (b) At least 90 days prior to renewing or terminating a
266 | charter, the sponsor shall notify the governing body of the
267 | school of the proposed action in writing. The notice shall state
268 | in reasonable detail the grounds for the proposed action and
269 | stipulate that the school's governing body may, within 14
270 | calendar days after receiving the notice, request an informal
271 | hearing before the sponsor. The sponsor shall conduct the
272 | informal hearing within 30 calendar days after receiving a
273 | written request.

274 | (c) If a charter is not renewed or is terminated pursuant
275 | to paragraph (b), the sponsor shall, within 10 calendar days,
276 | articulate in writing the specific reasons for its nonrenewal or
277 | termination of the charter and must provide the letter of
278 | nonrenewal or termination and documentation supporting the
279 | reasons to the charter school governing body, the charter school
280 | principal, and the Department of Education. The charter school's

281 governing body may, within 30 calendar days after receiving the
282 sponsor's final written decision to refuse to renew or to
283 terminate the charter, appeal the decision pursuant to the
284 procedure established in subsection (6).

285 (d) A charter may be terminated immediately if the sponsor
286 determines that good cause has been shown or if the health,
287 safety, or welfare of the students is threatened. The sponsor's
288 determination is not subject to an informal hearing under
289 paragraph (b) or pursuant to chapter 120. The sponsor shall
290 notify in writing the charter school's governing body, the
291 charter school principal, and the department if a charter is
292 immediately terminated. The sponsor shall clearly identify the
293 specific issues that resulted in the immediate termination and
294 provide evidence of prior notification of issues resulting in
295 the immediate termination when appropriate. The school district
296 in which the charter school is located shall assume operation of
297 the school under these circumstances. The charter school's
298 governing board may, within 30 days after receiving the
299 sponsor's decision to terminate the charter, appeal the decision
300 pursuant to the procedure established in subsection (6).

301 (e) When a charter is not renewed or is terminated, the
302 school shall be dissolved under the provisions of law under
303 which the school was organized, and any unencumbered public
304 funds, except for capital outlay funds and federal charter
305 school program grant funds, from the charter school shall revert
306 to the sponsor. Capital outlay funds provided pursuant to s.
307 1013.62 and federal charter school program grant funds that are
308 unencumbered shall revert to the department to be redistributed

309 among eligible charter schools. In the event a charter school is
 310 dissolved or is otherwise terminated, all district school board
 311 property and improvements, furnishings, and equipment purchased
 312 with public funds shall automatically revert to full ownership
 313 by the district school board, subject to complete satisfaction
 314 of any lawful liens or encumbrances. Any unencumbered public
 315 funds from the charter school, district school board property
 316 and improvements, furnishings, and equipment purchased with
 317 public funds, or financial or other records pertaining to the
 318 charter school, in the possession of any person, entity, or
 319 holding company, other than the charter school, shall be held in
 320 trust upon the district school board's request, until any appeal
 321 status is resolved.

322 (f) If a charter is not renewed or is terminated, the
 323 charter school is responsible for all debts of the charter
 324 school. The district may not assume the debt from any contract
 325 made between the governing body of the school and a third party,
 326 except for a debt that is previously detailed and agreed upon in
 327 writing by both the district and the governing body of the
 328 school and that may not reasonably be assumed to have been
 329 satisfied by the district.

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

334 (10) ~~(9)~~ CHARTER SCHOOL REQUIREMENTS.-

335 (a) A charter school shall be nonsectarian in its
 336 programs, admission policies, employment practices, and

337 operations.

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

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

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

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

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

350 (g) In order to provide financial information that is
351 comparable to that reported for other public schools, charter
352 schools are to maintain all financial records that constitute
353 their accounting system:

354 1. In accordance with the accounts and codes prescribed in
355 the most recent issuance of the publication titled "Financial
356 and Program Cost Accounting and Reporting for Florida Schools";
357 or

358 2. At the discretion of the charter school governing
359 board, a charter school may elect to follow generally accepted
360 accounting standards for not-for-profit organizations, but must
361 reformat this information for reporting according to this
362 paragraph.

363

364 Charter schools shall provide annual financial report and

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365 program cost report information in the state-required formats
366 for inclusion in district reporting in compliance with s.
367 1011.60(1). Charter schools that are operated by a municipality
368 or are a component unit of a parent nonprofit organization may
369 use the accounting system of the municipality or the parent but
370 must reformat this information for reporting according to this
371 paragraph. A charter school shall provide a quarterly ~~monthly~~
372 financial statement to the sponsor unless a deteriorating
373 financial condition has been identified or the charter school is
374 determined to be in a state of financial emergency pursuant to
375 s. 1002.345, in which case the charter school shall provide a
376 monthly financial statement. The ~~monthly~~ financial statement
377 required under this paragraph shall be in a form prescribed by
378 the Department of Education.

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

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

383 (j) The governing body of the charter school shall be
384 responsible for:

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

389 2. Reviewing and approving the audit report, including
390 audit findings and recommendations for the financial recovery
391 plan.

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

393 monitoring a corrective action plan.

394 b. Monitoring a financial recovery plan in order to ensure
395 compliance.

396 4. Participating in governance training approved by the
397 department which must include government in the sunshine,
398 conflicts of interest, ethics, and financial responsibility.

399 (k) The governing body of the charter school shall report
400 its progress annually to its sponsor, which shall forward the
401 report to the Commissioner of Education at the same time as
402 other annual school accountability reports. The Department of
403 Education shall develop a uniform, online annual accountability
404 report to be completed by charter schools. This report shall be
405 easy to utilize and contain demographic information, student
406 performance data, and financial accountability information. A
407 charter school shall not be required to provide information and
408 data that is duplicative and already in the possession of the
409 department. The Department of Education shall include in its
410 compilation a notation if a school failed to file its report by
411 the deadline established by the department. The report shall
412 include at least the following components:

413 1. Student achievement performance data, including the
414 information required for the annual school report and the
415 education accountability system governed by ss. 1008.31 and
416 1008.345. Charter schools are subject to the same accountability
417 requirements as other public schools, including reports of
418 student achievement information that links baseline student data
419 to the school's performance projections identified in the
420 charter. The charter school shall identify reasons for any

421 | difference between projected and actual student performance.

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

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

429 | 4. Descriptive information about the charter school's
 430 | personnel, including salary and benefit levels of charter school
 431 | employees, the proportion of instructional personnel who hold
 432 | professional or temporary certificates, and the proportion of
 433 | instructional personnel teaching in-field or out-of-field.

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

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

439 | (n) The director and a representative of the governing
 440 | body of a charter school that has received a school grade of "D"
 441 | under s. 1008.34(2) shall appear before the sponsor or the
 442 | sponsor's staff at least once a year to present information
 443 | concerning each contract component having noted deficiencies.
 444 | The sponsor shall communicate at the meeting, and in writing to
 445 | the director, the services provided to the school to help the
 446 | school address its deficiencies.

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

449 "F" under s. 1008.34(2), the charter school sponsor or the
450 sponsor's staff shall require the director and a representative
451 of the governing body to submit to the sponsor for approval a
452 school improvement plan to raise student achievement and to
453 implement the plan. The sponsor has the authority to approve a
454 school improvement plan that the charter school will implement
455 in the following school year. ~~The sponsor may also consider the~~
456 ~~State Board of Education's recommended action pursuant to s.~~
457 ~~1008.33(1) as part of the school improvement plan.~~ The
458 Department of Education shall offer technical assistance and
459 training to the charter school and its governing body and
460 establish guidelines for developing, submitting, and approving
461 such plans.

462 1. If the charter school fails to improve its student
463 performance from the year immediately prior to the
464 implementation of the school improvement plan, the sponsor shall
465 place the charter school on probation and shall require the
466 charter school governing body to take one of the following
467 corrective actions:

468 a. Contract for the educational services of the charter
469 school;

470 b. Reorganize the school at the end of the school year
471 under a new director or principal who is authorized to hire new
472 staff and implement a plan that addresses the causes of
473 inadequate progress; or

474 c. Reconstitute the charter school.

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

477 until the charter school improves its student performance from
478 the year prior to the implementation of the school improvement
479 plan.

480 3. Notwithstanding any provision of this paragraph, the
481 sponsor may terminate the charter at any time pursuant to
482 subsection (9) ~~(8)~~.

483 (p) The director and a representative of the governing
484 body of a graded charter school that has submitted a school
485 improvement plan or has been placed on probation under paragraph
486 (o) shall appear before the sponsor or the sponsor's staff at
487 least once a year to present information regarding the
488 corrective strategies that are being implemented by the school
489 pursuant to the school improvement plan. The sponsor shall
490 communicate at the meeting, and in writing to the director, the
491 services provided to the school to help the school address its
492 deficiencies.

493 (11) ~~(10)~~ ELIGIBLE STUDENTS.—

494 (a) A charter school shall be open to any student covered
495 in an interdistrict agreement or residing in the school district
496 in which the charter school is located; however, in the case of
497 a charter lab school, the charter lab school shall be open to
498 any student eligible to attend the lab school as provided in s.
499 1002.32 or who resides in the school district in which the
500 charter lab school is located. Any eligible student shall be
501 allowed interdistrict transfer to attend a charter school when
502 based on good cause. Good cause shall include, but is not
503 limited to, geographic proximity to a charter school in a
504 neighboring school district.

505 (b) The charter school shall enroll an eligible student
506 who submits a timely application, unless the number of
507 applications exceeds the capacity of a program, class, grade
508 level, or building. In such case, all applicants shall have an
509 equal chance of being admitted through a random selection
510 process.

511 (c) When a public school converts to charter status,
512 enrollment preference shall be given to students who would have
513 otherwise attended that public school. The district school board
514 shall consult and negotiate with the conversion charter school
515 every 3 years to determine whether realignment of the conversion
516 charter school's attendance zone is appropriate in order to
517 ensure that students residing closest to the charter school are
518 provided with an enrollment preference.

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

521 1. Students who are siblings of a student enrolled in the
522 charter school.

523 2. Students who are the children of a member of the
524 governing board of the charter school.

525 3. Students who are the children of an employee of the
526 charter school.

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

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

530 2. Students considered at risk of dropping out of school
531 or academic failure. Such students shall include exceptional
532 education students.

533 3. Students enrolling in a charter school-in-the-workplace
534 or charter school-in-a-municipality established pursuant to
535 subsection (16) ~~(15)~~.

536 4. Students residing within a reasonable distance of the
537 charter school, as described in paragraph (21) ~~(20)~~ (c). Such
538 students shall be subject to a random lottery and to the
539 racial/ethnic balance provisions described in subparagraph
540 (7) (a) 8. or any federal provisions that require a school to
541 achieve a racial/ethnic balance reflective of the community it
542 serves or within the racial/ethnic range of other public schools
543 in the same school district.

544 5. Students who meet reasonable academic, artistic, or
545 other eligibility standards established by the charter school
546 and included in the charter school application and charter or,
547 in the case of existing charter schools, standards that are
548 consistent with the school's mission and purpose. Such standards
549 shall be in accordance with current state law and practice in
550 public schools and may not discriminate against otherwise
551 qualified individuals.

552 6. Students articulating from one charter school to
553 another pursuant to an articulation agreement between the
554 charter schools that has been approved by the sponsor.

555 (f) Students with disabilities and students served in
556 English for Speakers of Other Languages programs shall have an
557 equal opportunity of being selected for enrollment in a charter
558 school.

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

561 district school board rule.

562 (h) The capacity of the charter school shall be determined
 563 annually by the governing board, in conjunction with the
 564 sponsor, of the charter school in consideration of the factors
 565 identified in this subsection.

566 (12)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
 567 ACTIVITIES.—A charter school student is eligible to participate
 568 in an interscholastic extracurricular activity at the public
 569 school to which the student would be otherwise assigned to
 570 attend pursuant to s. 1006.15(3)(d).

571 (13)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

572 (a) A charter school shall select its own employees. A
 573 charter school may contract with its sponsor for the services of
 574 personnel employed by the sponsor.

575 (b) Charter school employees shall have the option to
 576 bargain collectively. Employees may collectively bargain as a
 577 separate unit or as part of the existing district collective
 578 bargaining unit as determined by the structure of the charter
 579 school.

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

583 (d) The teachers at a charter school may choose to be part
 584 of a professional group that subcontracts with the charter
 585 school to operate the instructional program under the auspices
 586 of a partnership or cooperative that they collectively own.
 587 Under this arrangement, the teachers would not be public
 588 employees.

589 (e) Employees of a school district may take leave to
590 accept employment in a charter school upon the approval of the
591 district school board. While employed by the charter school and
592 on leave that is approved by the district school board, the
593 employee may retain seniority accrued in that school district
594 and may continue to be covered by the benefit programs of that
595 school district, if the charter school and the district school
596 board agree to this arrangement and its financing. School
597 districts shall not require resignations of teachers desiring to
598 teach in a charter school. This paragraph shall not prohibit a
599 district school board from approving alternative leave
600 arrangements consistent with chapter 1012.

601 (f) Teachers employed by or under contract to a charter
602 school shall be certified as required by chapter 1012. A charter
603 school governing board may employ or contract with skilled
604 selected noncertified personnel to provide instructional
605 services or to assist instructional staff members as education
606 paraprofessionals in the same manner as defined in chapter 1012,
607 and as provided by State Board of Education rule for charter
608 school governing boards. A charter school may not knowingly
609 employ an individual to provide instructional services or to
610 serve as an education paraprofessional if the individual's
611 certification or licensure as an educator is suspended or
612 revoked by this or any other state. A charter school may not
613 knowingly employ an individual who has resigned from a school
614 district in lieu of disciplinary action with respect to child
615 welfare or safety, or who has been dismissed for just cause by
616 any school district with respect to child welfare or safety. The

617 qualifications of teachers shall be disclosed to parents.

618 (g)1. A charter school shall employ or contract with
619 employees who have undergone background screening as provided in
620 s. 1012.32. Members of the governing board of the charter school
621 shall also undergo background screening in a manner similar to
622 that provided in s. 1012.32.

623 2. A charter school shall disqualify instructional
624 personnel and school administrators, as defined in s. 1012.01,
625 from employment in any position that requires direct contact
626 with students if the personnel or administrators are ineligible
627 for such employment under s. 1012.315.

628 3. The governing board of a charter school shall adopt
629 policies establishing standards of ethical conduct for
630 instructional personnel and school administrators. The policies
631 must require all instructional personnel and school
632 administrators, as defined in s. 1012.01, to complete training
633 on the standards; establish the duty of instructional personnel
634 and school administrators to report, and procedures for
635 reporting, alleged misconduct by other instructional personnel
636 and school administrators which affects the health, safety, or
637 welfare of a student; and include an explanation of the
638 liability protections provided under ss. 39.203 and 768.095. A
639 charter school, or any of its employees, may not enter into a
640 confidentiality agreement regarding terminated or dismissed
641 instructional personnel or school administrators, or personnel
642 or administrators who resign in lieu of termination, based in
643 whole or in part on misconduct that affects the health, safety,
644 or welfare of a student, and may not provide instructional

645 personnel or school administrators with employment references or
646 discuss the personnel's or administrators' performance with
647 prospective employers in another educational setting, without
648 disclosing the personnel's or administrators' misconduct. Any
649 part of an agreement or contract that has the purpose or effect
650 of concealing misconduct by instructional personnel or school
651 administrators which affects the health, safety, or welfare of a
652 student is void, is contrary to public policy, and may not be
653 enforced.

654 4. Before employing instructional personnel or school
655 administrators in any position that requires direct contact with
656 students, a charter school shall conduct employment history
657 checks of each of the personnel's or administrators' previous
658 employers, screen the instructional personnel or school
659 administrators through use of the educator screening tools
660 described in s. 1001.10(5), and document the findings. If unable
661 to contact a previous employer, the charter school must document
662 efforts to contact the employer.

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

666 (h) For the purposes of tort liability, the governing body
667 and employees of a charter school shall be governed by s.
668 768.28.

669 (i) A charter school shall organize as, or be operated by,
670 a nonprofit organization. A charter school may be operated by a
671 municipality or other public entity as provided for by law. As
672 such, the charter school may be either a private or a public

673 employer. As a public employer, a charter school may participate
 674 in the Florida Retirement System upon application and approval
 675 as a "covered group" under s. 121.021(34). If a charter school
 676 participates in the Florida Retirement System, the charter
 677 school employees shall be compulsory members of the Florida
 678 Retirement System. As either a private or a public employer, a
 679 charter school may contract for services with an individual or
 680 group of individuals who are organized as a partnership or a
 681 cooperative. Individuals or groups of individuals who contract
 682 their services to the charter school are not public employees.

683 (14)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may
 684 enter into cooperative agreements to form charter school
 685 cooperative organizations that may provide the following
 686 services: charter school planning and development, direct
 687 instructional services, and contracts with charter school
 688 governing boards to provide personnel administrative services,
 689 payroll services, human resource management, evaluation and
 690 assessment services, teacher preparation, and professional
 691 development.

692 (15)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
 693 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
 694 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to
 695 borrow or otherwise secure funds for a charter school authorized
 696 in this section from a source other than the state or a school
 697 district shall indemnify the state and the school district from
 698 any and all liability, including, but not limited to, financial
 699 responsibility for the payment of the principal or interest. Any
 700 loans, bonds, or other financial agreements are not obligations

701 of the state or the school district but are obligations of the
 702 charter school authority and are payable solely from the sources
 703 of funds pledged by such agreement. The credit or taxing power
 704 of the state or the school district shall not be pledged and no
 705 debts shall be payable out of any moneys except those of the
 706 legal entity in possession of a valid charter approved by a
 707 district school board pursuant to this section.

708 (16) ~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
 709 SCHOOLS-IN-A-MUNICIPALITY.--

710 (a) In order to increase business partnerships in
 711 education, to reduce school and classroom overcrowding
 712 throughout the state, and to offset the high costs for
 713 educational facilities construction, the Legislature intends to
 714 encourage the formation of business partnership schools or
 715 satellite learning centers and municipal-operated schools
 716 through charter school status.

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

719 1. Provides one of the following:

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

721 b. Resources that materially reduce the cost of
 722 constructing a school facility;

723 c. Land for a school facility; or

724 d. Resources to maintain a school facility;

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

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

731
732 A charter school-in-the-workplace is eligible for capital outlay
733 funding under s. 1013.62. Any portion of a facility used for a
734 public charter school shall be exempt from ad valorem taxes, as
735 provided for in s. 1013.54, for the duration of its use as a
736 public school.

737 (c) A charter school-in-a-municipality designation may be
738 granted to a municipality that possesses a charter; enrolls
739 students based upon a random lottery that involves all of the
740 children of the residents of that municipality who are seeking
741 enrollment, as provided for in subsection (11) ~~(10)~~; and enrolls
742 students according to the racial/ethnic balance provisions
743 described in subparagraph (7)(a)8. When a municipality has
744 submitted charter applications for the establishment of a
745 charter school feeder pattern, consisting of elementary, middle,
746 and senior high schools, and each individual charter application
747 is approved by the district school board, such schools shall
748 then be designated as one charter school for all purposes listed
749 pursuant to this section. Any portion of the land and facility
750 used for a public charter school shall be exempt from ad valorem
751 taxes, as provided for in s. 1013.54, for the duration of its
752 use as a public school.

753 (d) As used in this subsection, the terms "business
754 partner" or "municipality" may include more than one business or
755 municipality to form a charter school-in-the-workplace or
756 charter school-in-a-municipality.

757 (17)~~(16)~~ EXEMPTION FROM STATUTES.—

758 (a) A charter school shall operate in accordance with its
759 charter and shall be exempt from all statutes in chapters 1000-
760 1013. However, a charter school shall be in compliance with the
761 following statutes in chapters 1000-1013:

762 1. Those statutes specifically applying to charter
763 schools, including this section.

764 2. Those statutes pertaining to the student assessment
765 program and school grading system.

766 3. Those statutes pertaining to the provision of services
767 to students with disabilities.

768 4. Those statutes pertaining to civil rights, including s.
769 1000.05, relating to discrimination.

770 5. Those statutes pertaining to student health, safety,
771 and welfare.

772 (b) Additionally, a charter school shall be in compliance
773 with the following statutes:

774 1. Section 286.011, relating to public meetings and
775 records, public inspection, and criminal and civil penalties.

776 2. Chapter 119, relating to public records.

777 (18)~~(17)~~ FUNDING.—Students enrolled in a charter school,
778 regardless of the sponsorship, shall be funded as if they are in
779 a basic program or a special program, the same as students
780 enrolled in other public schools in the school district. Funding
781 for a charter lab school shall be as provided in s. 1002.32.

782 (a) Each charter school shall report its student
783 enrollment to the sponsor as required in s. 1011.62, and in
784 accordance with the definitions in s. 1011.61. The sponsor shall

785 include each charter school's enrollment in the district's
786 report of student enrollment. All charter schools submitting
787 student record information required by the Department of
788 Education shall comply with the Department of Education's
789 guidelines for electronic data formats for such data, and all
790 districts shall accept electronic data that complies with the
791 Department of Education's electronic format.

792 (b) The basis for the agreement for funding students
793 enrolled in a charter school shall be the sum of the school
794 district's operating funds from the Florida Education Finance
795 Program as provided in s. 1011.62 and the General Appropriations
796 Act, including gross state and local funds, discretionary
797 lottery funds, and funds from the school district's current
798 operating discretionary millage levy; divided by total funded
799 weighted full-time equivalent students in the school district;
800 multiplied by the weighted full-time equivalent students for the
801 charter school. Charter schools whose students or programs meet
802 the eligibility criteria in law shall be entitled to their
803 proportionate share of categorical program funds included in the
804 total funds available in the Florida Education Finance Program
805 by the Legislature, including transportation. Total funding for
806 each charter school shall be recalculated during the year to
807 reflect the revised calculations under the Florida Education
808 Finance Program by the state and the actual weighted full-time
809 equivalent students reported by the charter school during the
810 full-time equivalent student survey periods designated by the
811 Commissioner of Education.

812 (c) If the district school board is providing programs or

813 services to students funded by federal funds, any eligible
814 students enrolled in charter schools in the school district
815 shall be provided federal funds for the same level of service
816 provided students in the schools operated by the district school
817 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
818 charter schools shall receive all federal funding for which the
819 school is otherwise eligible, including Title I and IDEA
820 funding, not later than 5 months after the charter school first
821 opens and within 5 months after any subsequent expansion of
822 enrollment.

823 (d) Charter schools shall be included by the Department of
824 Education and the district school board in requests for federal
825 stimulus funds in the same manner as district school board-
826 operated public schools, including Title I and IDEA funds and
827 shall be entitled to receive such funds. Charter schools are
828 eligible to participate in federal competitive grants that are
829 available as part of the federal stimulus funds.

830 (e) District school boards shall make timely and efficient
831 payment and reimbursement to charter schools, including
832 processing paperwork required to access special state and
833 federal funding for which they may be eligible. The district
834 school board may distribute funds to a charter school for up to
835 3 months based on the projected full-time equivalent student
836 membership of the charter school. Thereafter, the results of
837 full-time equivalent student membership surveys shall be used in
838 adjusting the amount of funds distributed monthly to the charter
839 school for the remainder of the fiscal year. The payment shall
840 be issued no later than 10 working days after the district

841 school board receives a distribution of state or federal funds.
 842 If a warrant for payment is not issued within 10 working days
 843 after receipt of funding by the district school board, the
 844 school district shall pay to the charter school, in addition to
 845 the amount of the scheduled disbursement, interest at a rate of
 846 1 percent per month calculated on a daily basis on the unpaid
 847 balance from the expiration of the 10 working days until such
 848 time as the warrant is issued.

849 (19)~~(18)~~ FACILITIES.—

850 (a) A startup charter school shall utilize facilities
 851 which comply with the Florida Building Code pursuant to chapter
 852 553 except for the State Requirements for Educational
 853 Facilities. Conversion charter schools shall utilize facilities
 854 that comply with the State Requirements for Educational
 855 Facilities provided that the school district and the charter
 856 school have entered into a mutual management plan for the
 857 reasonable maintenance of such facilities. The mutual management
 858 plan shall contain a provision by which the district school
 859 board agrees to maintain charter school facilities in the same
 860 manner as its other public schools within the district. Charter
 861 schools, with the exception of conversion charter schools, are
 862 not required to comply, but may choose to comply, with any or
 863 all components of the State Requirements for Educational
 864 Facilities of the Florida Building Code adopted pursuant to s.
 865 1013.37. The local governing authority shall not adopt or impose
 866 local building requirements or site development restrictions,
 867 such as parking and site-size criteria, that are more stringent
 868 than those found in the State Requirements for Educational

869 Facilities of the Florida Building Code. The agency having
 870 jurisdiction for inspection of a facility and issuance of a
 871 certificate of occupancy or use shall be the local municipality
 872 or, if in an unincorporated area, the county governing
 873 authority.

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

878 (c) Any facility, or portion thereof, used to house a
 879 charter school whose charter has been approved by the sponsor
 880 and the governing board, pursuant to subsection (7), shall be
 881 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
 882 community service, museum, performing arts, theatre, cinema,
 883 church, community college, college, and university facilities
 884 may provide space to charter schools within their facilities
 885 under their preexisting zoning and land use designations.

886 (d) Charter school facilities are exempt from assessments
 887 of fees for building permits, except as provided in s. 553.80,
 888 fees for building and occupational licenses, impact fees or
 889 exactions under s. 163.3180(13)(e)2., service availability fees,
 890 and assessments for special benefits.

891 (e) If a district school board facility or property is
 892 available because it is surplus, marked for disposal, or
 893 otherwise unused, it shall be provided for a charter school's
 894 use on the same basis as it is made available to other public
 895 schools in the district. A charter school receiving property
 896 from the school district may not sell or dispose of such

897 property without written permission of the school district.
898 Similarly, for an existing public school converting to charter
899 status, no rental or leasing fee for the existing facility or
900 for the property normally inventoried to the conversion school
901 may be charged by the district school board to the parents and
902 teachers organizing the charter school. The charter school shall
903 agree to reasonable maintenance provisions in order to maintain
904 the facility in a manner similar to district school board
905 standards. The Public Education Capital Outlay maintenance funds
906 or any other maintenance funds generated by the facility
907 operated as a conversion school shall remain with the conversion
908 school.

909 (f) To the extent that charter school facilities are
910 specifically created to mitigate the educational impact created
911 by the development of new residential dwelling units, pursuant
912 to subparagraph (2)(c)4., some of or all of the educational
913 impact fees required to be paid in connection with the new
914 residential dwelling units may be designated instead for the
915 construction of the charter school facilities that will mitigate
916 the student station impact. Such facilities shall be built to
917 the State Requirements for Educational Facilities and shall be
918 owned by a public or nonprofit entity. The local school district
919 retains the right to monitor and inspect such facilities to
920 ensure compliance with the State Requirements for Educational
921 Facilities. If a facility ceases to be used for public
922 educational purposes, either the facility shall revert to the
923 school district subject to any debt owed on the facility, or the
924 owner of the facility shall have the option to refund all

925 educational impact fees utilized for the facility to the school
 926 district. The district and the owner of the facility may
 927 contractually agree to another arrangement for the facilities if
 928 the facilities cease to be used for educational purposes. The
 929 owner of property planned or approved for new residential
 930 dwelling units and the entity levying educational impact fees
 931 shall enter into an agreement that designates the educational
 932 impact fees that will be allocated for the charter school
 933 student stations and that ensures the timely construction of the
 934 charter school student stations concurrent with the expected
 935 occupancy of the residential units. The application for use of
 936 educational impact fees shall include an approved charter school
 937 application. To assist the school district in forecasting
 938 student station needs, the entity levying the impact fees shall
 939 notify the affected district of any agreements it has approved
 940 for the purpose of mitigating student station impact from the
 941 new residential dwelling units.

942 (g) Each school district shall annually provide to the
 943 Department of Education as part of its 5-year work plan the
 944 number of existing vacant classrooms in each school that the
 945 district does not intend to use or does not project will be
 946 needed for educational purposes for the following school year.
 947 The department may recommend that a district make such space
 948 available to an appropriate charter school.

949 (20)~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are
 950 eligible for capital outlay funds pursuant to s. 1013.62.

951 (21)~~(20)~~ SERVICES.—

952 (a) A sponsor shall provide certain administrative and

953 | educational services to charter schools. These services shall
954 | include contract management services; full-time equivalent and
955 | data reporting services; exceptional student education
956 | administration services; services related to eligibility and
957 | reporting duties required to ensure that school lunch services
958 | under the federal lunch program, consistent with the needs of
959 | the charter school, are provided by the school district at the
960 | request of the charter school, that any funds due to the charter
961 | school under the federal lunch program be paid to the charter
962 | school as soon as the charter school begins serving food under
963 | the federal lunch program, and that the charter school is paid
964 | at the same time and in the same manner under the federal lunch
965 | program as other public schools serviced by the sponsor or the
966 | school district; test administration services, including payment
967 | of the costs of state-required or district-required student
968 | assessments; processing of teacher certificate data services;
969 | and information services, including equal access to student
970 | information systems that are used by public schools in the
971 | district in which the charter school is located. Student
972 | performance data for each student in a charter school,
973 | including, but not limited to, FCAT scores, standardized test
974 | scores, previous public school student report cards, and student
975 | performance measures, shall be provided by the sponsor to a
976 | charter school in the same manner provided to other public
977 | schools in the district. A total administrative fee for the
978 | provision of such services shall be calculated based upon up to
979 | 5 percent of the available funds defined in paragraph
980 | (18)~~(17)~~(b) for all students. However, a sponsor may only

981 withhold up to a 5-percent administrative fee for enrollment for
982 up to and including 500 students. For charter schools with a
983 population of 501 or more students, the difference between the
984 total administrative fee calculation and the amount of the
985 administrative fee withheld may only be used for capital outlay
986 purposes specified in s. 1013.62(2). Each charter school shall
987 receive 100 percent of the funds awarded to that school pursuant
988 to s. 1012.225. Sponsors shall not charge charter schools any
989 additional fees or surcharges for administrative and educational
990 services in addition to the maximum 5-percent administrative fee
991 withheld pursuant to this paragraph.

992 (b) If goods and services are made available to the
993 charter school through the contract with the school district,
994 they shall be provided to the charter school at a rate no
995 greater than the district's actual cost unless mutually agreed
996 upon by the charter school and the sponsor in a contract
997 negotiated separately from the charter. When mediation has
998 failed to resolve disputes over contracted services or
999 contractual matters not included in the charter, an appeal may
1000 be made for a dispute resolution hearing before the Charter
1001 School Appeal Commission. To maximize the use of state funds,
1002 school districts shall allow charter schools to participate in
1003 the sponsor's bulk purchasing program if applicable.

1004 (c) Transportation of charter school students shall be
1005 provided by the charter school consistent with the requirements
1006 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1007 body of the charter school may provide transportation through an
1008 agreement or contract with the district school board, a private

1009 provider, or parents. The charter school and the sponsor shall
 1010 cooperate in making arrangements that ensure that transportation
 1011 is not a barrier to equal access for all students residing
 1012 within a reasonable distance of the charter school as determined
 1013 in its charter.

1014 (22)~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1015 (a) The Department of Education shall provide information
 1016 to the public, directly and through sponsors, on how to form and
 1017 operate a charter school and how to enroll in a charter school
 1018 once it is created. This information shall include a standard
 1019 application format, charter format, evaluation instrument, and
 1020 charter renewal format, which shall include the information
 1021 specified in subsection (7) and shall be developed by consulting
 1022 and negotiating with both school districts and charter schools
 1023 before implementation. The charter and charter renewal formats
 1024 shall be used by charter school sponsors.

1025 (b)1. The Department of Education shall report student
 1026 assessment data pursuant to s. 1008.34(3)(c) which is reported
 1027 to schools that receive a school grade or student assessment
 1028 data pursuant to s. 1008.341(3) which is reported to alternative
 1029 schools that receive a school improvement rating to each charter
 1030 school that:

1031 a. Does not receive a school grade pursuant to s. 1008.34
 1032 or a school improvement rating pursuant to s. 1008.341; and

1033 b. Serves at least 10 students who are tested on the
 1034 statewide assessment test pursuant to s. 1008.22.

1035 ~~2. The charter school shall report the information in~~
 1036 ~~subparagraph 1. to each parent of a student at the charter~~

1037 ~~school, the parent of a child on a waiting list for the charter~~
 1038 ~~school, the district in which the charter school is located, and~~
 1039 ~~the governing board of the charter school. This paragraph does~~
 1040 ~~not abrogate the provisions of s. 1002.22, relating to student~~
 1041 ~~records, or the requirements of 20 U.S.C. s. 1232g, the Family~~
 1042 ~~Educational Rights and Privacy Act.~~

1043 2.3.a. Pursuant to this paragraph, the Department of
 1044 Education shall compare the charter school student performance
 1045 data for each charter school in subparagraph 1. with the student
 1046 performance data in traditional public schools in the district
 1047 in which the charter school is located and other charter schools
 1048 in the state. For alternative charter schools, the department
 1049 shall compare the student performance data described in this
 1050 paragraph with all alternative schools in the state. The
 1051 comparative data shall be provided by the following grade
 1052 groupings:

- 1053 (I) Grades 3 through 5;
- 1054 (II) Grades 6 through 8; and
- 1055 (III) Grades 9 through 11.

1056 b. Each charter school shall provide the information
 1057 specified in this paragraph on its Internet website and also
 1058 provide notice to the public at large in a manner provided by
 1059 the rules of the State Board of Education. The State Board of
 1060 Education shall adopt rules to administer the notice
 1061 requirements of this subparagraph pursuant to ss. 120.536(1) and
 1062 120.54. The website shall include, through links or actual
 1063 content, other information related to school performance.

1064 (23) ~~(22)~~ CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE

1065 REVIEW.—

1066 (a) The Department of Education shall staff and regularly
 1067 convene a Charter School Review Panel in order to review issues,
 1068 practices, and policies regarding charter schools. The
 1069 composition of the review panel shall include individuals with
 1070 experience in finance, administration, law, education, and
 1071 school governance, and individuals familiar with charter school
 1072 construction and operation. The panel shall include two
 1073 appointees each from the Commissioner of Education, the
 1074 President of the Senate, and the Speaker of the House of
 1075 Representatives. The Governor shall appoint three members of the
 1076 panel and shall designate the chair. Each member of the panel
 1077 shall serve a 1-year term, unless renewed by the office making
 1078 the appointment. The panel shall make recommendations to the
 1079 Legislature, to the Department of Education, to charter schools,
 1080 and to school districts for improving charter school operations
 1081 and oversight and for ensuring best business practices at and
 1082 fair business relationships with charter schools.

1083 (b) The Legislature shall review the operation of charter
 1084 schools during the 2010 Regular Session of the Legislature.

1085 ~~(24)~~ ~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
 1086 receipt of the annual report required by paragraph (10) ~~(9)~~ (k),
 1087 the Department of Education shall provide to the State Board of
 1088 Education, the Commissioner of Education, the Governor, the
 1089 President of the Senate, and the Speaker of the House of
 1090 Representatives an analysis and comparison of the overall
 1091 performance of charter school students, to include all students
 1092 whose scores are counted as part of the statewide assessment

1093 program, versus comparable public school students in the
 1094 district as determined by the statewide assessment program
 1095 currently administered in the school district, and other
 1096 assessments administered pursuant to s. 1008.22(3).

1097 (25)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1098 (a) This subsection applies to charter school personnel in
 1099 a charter school operated by a private entity. As used in this
 1100 subsection, the term:

1101 1. "Charter school personnel" means a charter school
 1102 owner, president, chairperson of the governing board of
 1103 directors, superintendent, governing board member, principal,
 1104 assistant principal, or any other person employed by the charter
 1105 school who has equivalent decisionmaking authority and in whom
 1106 is vested the authority, or to whom the authority has been
 1107 delegated, to appoint, employ, promote, or advance individuals
 1108 or to recommend individuals for appointment, employment,
 1109 promotion, or advancement in connection with employment in a
 1110 charter school, including the authority as a member of a
 1111 governing body of a charter school to vote on the appointment,
 1112 employment, promotion, or advancement of individuals.

1113 2. "Relative" means father, mother, son, daughter,
 1114 brother, sister, uncle, aunt, first cousin, nephew, niece,
 1115 husband, wife, father-in-law, mother-in-law, son-in-law,
 1116 daughter-in-law, brother-in-law, sister-in-law, stepfather,
 1117 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
 1118 brother, or half sister.

1119 (b) Charter school personnel may not knowingly recommend
 1120 or engage in the ~~appoint, employ, promote, or advance, or~~

1121 ~~advocate for appointment,~~ employment, promotion, or assignment
 1122 of an individual or employee to a work location if that action
 1123 will create a situation in which one employee will be
 1124 responsible for the direct supervision of, or exercise
 1125 ~~advancement, in or to a position in the charter school in which~~
 1126 ~~the personnel are serving or over which the personnel exercises~~
 1127 jurisdiction or control over, another employee ~~any individual~~
 1128 who is a relative. The Commissioner of Education or the sponsor
 1129 may make exceptions to this paragraph if such personnel actions
 1130 would cause undue hardship on students or seriously disrupt a
 1131 charter school's operations. ~~An individual may not be appointed,~~
 1132 ~~employed, promoted, or advanced in or to a position in a charter~~
 1133 ~~school if such appointment, employment, promotion, or~~
 1134 ~~advancement has been advocated by charter school personnel who~~
 1135 ~~serve in or exercise jurisdiction or control over the charter~~
 1136 ~~school and who is a relative of the individual or if such~~
 1137 ~~appointment, employment, promotion, or advancement is made by~~
 1138 ~~the governing board of which a relative of the individual is a~~
 1139 ~~member.~~

1140 (c) The approval of budgets does not constitute
 1141 "jurisdiction or control" for the purposes of this subsection.
 1142

1143 Charter school personnel in schools operated by a municipality
 1144 or other public entity are subject to s. 112.3135.

1145 ~~(26)~~ ~~(25)~~ (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1146 (a) A member of a governing board of a charter school,
 1147 including a charter school operated by a private entity, is
 1148 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1149 (b) A member of a governing board of a charter school
 1150 operated by a municipality or other public entity is subject to
 1151 s. 112.3145 ~~112.3144~~, which relates to the disclosure of
 1152 financial interests.

1153 ~~(27)-(26)~~ RULEMAKING.—The Department of Education, after
 1154 consultation with school districts and charter school directors,
 1155 shall recommend that the State Board of Education adopt rules to
 1156 implement specific subsections of this section. Such rules shall
 1157 require minimum paperwork and shall not limit charter school
 1158 flexibility authorized by statute. The State Board of Education
 1159 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 1160 implement a charter model application form, evaluation
 1161 instrument, and charter and charter renewal formats in
 1162 accordance with this section.

1163 Section 2. Paragraph (e) of subsection (1) and subsections
 1164 (2) and (3) of section 1013.62, Florida Statutes, are amended to
 1165 read:

1166 1013.62 Charter schools capital outlay funding.—

1167 (1) In each year in which funds are appropriated for
 1168 charter school capital outlay purposes, the Commissioner of
 1169 Education shall allocate the funds among eligible charter
 1170 schools.

1171 (e) Unless otherwise provided in the General
 1172 Appropriations Act, the funding allocation for each eligible
 1173 charter school is determined by multiplying the school's
 1174 projected student enrollment by one-fifteenth of the cost-per-
 1175 student station specified in s. 1013.64(6)(b) for an elementary,
 1176 middle, or high school, as appropriate. If the funds

1177 | appropriated are not sufficient, the commissioner shall prorate
 1178 | the available funds among eligible charter schools. However, a
 1179 | charter school or charter lab school may not receive state
 1180 | charter school capital outlay funds greater than the one-
 1181 | fifteenth cost per student station formula if the charter
 1182 | school's combination of state charter school capital outlay
 1183 | funds, capital outlay funds calculated through the reduction in
 1184 | the administrative fee provided in s. 1002.33(21)(~~20~~), and
 1185 | capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds
 1186 | the one-fifteenth cost per student station formula.

1187 | (2) A charter school's governing body may use charter
 1188 | school capital outlay funds for the following purposes:

1189 | (a) Purchase of real property.

1190 | (b) Construction of school facilities.

1191 | (c) Purchase, lease-purchase, or lease of permanent or
 1192 | relocatable school facilities.

1193 | (d) Purchase of vehicles to transport students to and from
 1194 | the charter school.

1195 | (e) Renovation, repair, and maintenance of school
 1196 | facilities that the charter school owns or is purchasing through
 1197 | a lease-purchase or long-term lease of 5 years or longer.

1198 | (f) Effective July 1, 2008, purchase, lease-purchase, or
 1199 | lease of new and replacement equipment, and enterprise resource
 1200 | software applications that are classified as capital assets in
 1201 | accordance with definitions of the Governmental Accounting
 1202 | Standards Board, have a useful life of at least 5 years, and are
 1203 | used to support schoolwide administration or state-mandated
 1204 | reporting requirements.

1205 (g) Payment of the cost of premiums for property and
 1206 casualty insurance necessary to insure the school facilities.

1207 (h) Purchase, lease-purchase, or lease of driver's
 1208 education vehicles; motor vehicles used for the maintenance or
 1209 operation of plants and equipment; security vehicles; or
 1210 vehicles used in storing or distributing materials and
 1211 equipment.

1212 (i) Purchase of computer software, hardware, and network
 1213 systems.

1214 (j) Purchase of furniture and equipment.

1215
 1216 Conversion charter schools may use capital outlay funds received
 1217 through the reduction in the administrative fee provided in s.
 1218 1002.33 (21) ~~(20)~~ for renovation, repair, and maintenance of
 1219 school facilities that are owned by the sponsor.

1220 (3) When a charter school is nonrenewed or terminated, any
 1221 unencumbered funds and all equipment and property purchased with
 1222 district public funds shall revert to the ownership of the
 1223 district school board, as provided for in s. 1002.33 (9) ~~(8)~~ (e)
 1224 and (f). In the case of a charter lab school, any unencumbered
 1225 funds and all equipment and property purchased with university
 1226 public funds shall revert to the ownership of the state
 1227 university that issued the charter. The reversion of such
 1228 equipment, property, and furnishings shall focus on recoverable
 1229 assets, but not on intangible or irrecoverable costs such as
 1230 rental or leasing fees, normal maintenance, and limited
 1231 renovations. The reversion of all property secured with public
 1232 funds is subject to the complete satisfaction of all lawful

1233 liens or encumbrances. If there are additional local issues such
 1234 as the shared use of facilities or partial ownership of
 1235 facilities or property, these issues shall be agreed to in the
 1236 charter contract prior to the expenditure of funds.

1237 Section 3. Paragraph (e) of subsection (13) of section
 1238 163.3180, Florida Statutes, is amended to read:

1239 163.3180 Concurrency.—

1240 (13) School concurrency shall be established on a
 1241 districtwide basis and shall include all public schools in the
 1242 district and all portions of the district, whether located in a
 1243 municipality or an unincorporated area unless exempt from the
 1244 public school facilities element pursuant to s. 163.3177(12).
 1245 The application of school concurrency to development shall be
 1246 based upon the adopted comprehensive plan, as amended. All local
 1247 governments within a county, except as provided in paragraph
 1248 (f), shall adopt and transmit to the state land planning agency
 1249 the necessary plan amendments, along with the interlocal
 1250 agreement, for a compliance review pursuant to s. 163.3184(7)
 1251 and (8). The minimum requirements for school concurrency are the
 1252 following:

1253 (e) Availability standard.—Consistent with the public
 1254 welfare, a local government may not deny an application for site
 1255 plan, final subdivision approval, or the functional equivalent
 1256 for a development or phase of a development authorizing
 1257 residential development for failure to achieve and maintain the
 1258 level-of-service standard for public school capacity in a local
 1259 school concurrency management system where adequate school
 1260 facilities will be in place or under actual construction within

1261 3 years after the issuance of final subdivision or site plan
 1262 approval, or the functional equivalent. School concurrency is
 1263 satisfied if the developer executes a legally binding commitment
 1264 to provide mitigation proportionate to the demand for public
 1265 school facilities to be created by actual development of the
 1266 property, including, but not limited to, the options described
 1267 in subparagraph 1. Options for proportionate-share mitigation of
 1268 impacts on public school facilities must be established in the
 1269 public school facilities element and the interlocal agreement
 1270 pursuant to s. 163.31777.

1271 1. Appropriate mitigation options include the contribution
 1272 of land; the construction, expansion, or payment for land
 1273 acquisition or construction of a public school facility; the
 1274 construction of a charter school that complies with the
 1275 requirements of s. 1002.33 (19) ~~(18)~~; or the creation of
 1276 mitigation banking based on the construction of a public school
 1277 facility in exchange for the right to sell capacity credits.
 1278 Such options must include execution by the applicant and the
 1279 local government of a development agreement that constitutes a
 1280 legally binding commitment to pay proportionate-share mitigation
 1281 for the additional residential units approved by the local
 1282 government in a development order and actually developed on the
 1283 property, taking into account residential density allowed on the
 1284 property prior to the plan amendment that increased the overall
 1285 residential density. The district school board must be a party
 1286 to such an agreement. As a condition of its entry into such a
 1287 development agreement, the local government may require the
 1288 landowner to agree to continuing renewal of the agreement upon

1289 | its expiration.

1290 | 2. If the education facilities plan and the public
1291 | educational facilities element authorize a contribution of land;
1292 | the construction, expansion, or payment for land acquisition;
1293 | the construction or expansion of a public school facility, or a
1294 | portion thereof; or the construction of a charter school that
1295 | complies with the requirements of s. 1002.33(19)~~(18)~~, as
1296 | proportionate-share mitigation, the local government shall
1297 | credit such a contribution, construction, expansion, or payment
1298 | toward any other impact fee or exaction imposed by local
1299 | ordinance for the same need, on a dollar-for-dollar basis at
1300 | fair market value.

1301 | 3. Any proportionate-share mitigation must be directed by
1302 | the school board toward a school capacity improvement identified
1303 | in a financially feasible 5-year district work plan that
1304 | satisfies the demands created by the development in accordance
1305 | with a binding developer's agreement.

1306 | 4. If a development is precluded from commencing because
1307 | there is inadequate classroom capacity to mitigate the impacts
1308 | of the development, the development may nevertheless commence if
1309 | there are accelerated facilities in an approved capital
1310 | improvement element scheduled for construction in year four or
1311 | later of such plan which, when built, will mitigate the proposed
1312 | development, or if such accelerated facilities will be in the
1313 | next annual update of the capital facilities element, the
1314 | developer enters into a binding, financially guaranteed
1315 | agreement with the school district to construct an accelerated
1316 | facility within the first 3 years of an approved capital

1317 improvement plan, and the cost of the school facility is equal
 1318 to or greater than the development's proportionate share. When
 1319 the completed school facility is conveyed to the school
 1320 district, the developer shall receive impact fee credits usable
 1321 within the zone where the facility is constructed or any
 1322 attendance zone contiguous with or adjacent to the zone where
 1323 the facility is constructed.

1324 5. This paragraph does not limit the authority of a local
 1325 government to deny a development permit or its functional
 1326 equivalent pursuant to its home rule regulatory powers, except
 1327 as provided in this part.

1328 Section 4. Paragraph (c) of subsection (9) of section
 1329 1002.32, Florida Statutes, is amended to read:

1330 1002.32 Developmental research (laboratory) schools.—

1331 (9) FUNDING.—Funding for a lab school, including a charter
 1332 lab school, shall be provided as follows:

1333 (c) All operating funds provided under this section shall
 1334 be deposited in a Lab School Trust Fund and shall be expended
 1335 for the purposes of this section. The university assigned a lab
 1336 school shall be the fiscal agent for these funds, and all rules
 1337 of the university governing the budgeting and expenditure of
 1338 state funds shall apply to these funds unless otherwise provided
 1339 by law or rule of the State Board of Education. The university
 1340 board of trustees shall be the public employer of lab school
 1341 personnel for collective bargaining purposes for lab schools in
 1342 operation prior to the 2002-2003 fiscal year. Employees of
 1343 charter lab schools authorized prior to June 1, 2003, but not in
 1344 operation prior to the 2002-2003 fiscal year shall be employees

1345 of the entity holding the charter and must comply with the
 1346 provisions of s. 1002.33 (13) ~~(12)~~.

1347 Section 5. Paragraph (c) of subsection (10) and subsection
 1348 (13) of section 1002.34, Florida Statutes, are amended to read:
 1349 1002.34 Charter technical career centers.—

1350 (10) EXEMPTION FROM STATUTES.—

1351 (c) A center must comply with the antidiscrimination
 1352 provisions in s. 1000.05 and the provisions in s.
 1353 1002.33 (25) ~~(24)~~ which relate to the employment of relatives.

1354 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
 1355 of a center may decide matters relating to the operation of the
 1356 school, including budgeting, curriculum, and operating
 1357 procedures, subject to the center's charter. The board of
 1358 directors is responsible for performing the duties provided in
 1359 s. 1002.345, including monitoring the corrective action plan.
 1360 The board of directors must comply with s. 1002.33 (26) ~~(25)~~.

1361 Section 6. Paragraphs (a) and (d) of subsection (1),
 1362 paragraph (b) of subsection (2), and subsection (6) of section
 1363 1002.345, Florida Statutes, are amended to read:

1364 1002.345 Determination of deteriorating financial
 1365 conditions and financial emergencies for charter schools and
 1366 charter technical career centers.—This section applies to
 1367 charter schools operating pursuant to s. 1002.33 and to charter
 1368 technical career centers operating pursuant to s. 1002.34.

1369 (1) EXPEDITED REVIEW; REQUIREMENTS.—

1370 (a) A charter school or a charter technical career center
 1371 is subject to an expedited review by the sponsor if one of the
 1372 following occurs:

1373 1. Failure to provide for an audit required by s. 218.39.
 1374 2. Failure to comply with reporting requirements pursuant
 1375 to s. 1002.33(10)~~(9)~~ or s. 1002.34(11) (f) or (14).
 1376 3. A deteriorating financial condition identified through
 1377 an annual audit pursuant to s. 218.39(5) or a ~~monthly~~ financial
 1378 statement pursuant to s. 1002.33(10)~~(9)~~(g) or s. 1002.34(11) (f).
 1379 "Deteriorating financial condition" means a circumstance that
 1380 significantly impairs the ability of a charter school or a
 1381 charter technical career center to generate enough revenues to
 1382 meet its expenditures without causing the occurrence of a
 1383 condition described in s. 218.503(1).
 1384 4. Notification pursuant to s. 218.503(2) that one or more
 1385 of the conditions specified in s. 218.503(1) have occurred or
 1386 will occur if action is not taken to assist the charter school
 1387 or charter technical career center.
 1388 (d) The governing board shall include the corrective
 1389 action plan and the status of its implementation in the annual
 1390 progress report to the sponsor which is required pursuant to s.
 1391 1002.33(10)~~(9)~~(k) or s. 1002.34(14).
 1392 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—
 1393 (b) The governing board shall include the financial
 1394 recovery plan and the status of its implementation in the annual
 1395 progress report to the sponsor which is required under s.
 1396 1002.33(10)~~(9)~~(k) or s. 1002.34(14).
 1397 (6) FAILURE TO CORRECT DEFICIENCIES.—The sponsor may
 1398 decide not to renew or may terminate a charter if the charter
 1399 school or charter technical career center fails to correct the
 1400 deficiencies noted in the corrective action plan within 1 year

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1401 after being notified of the deficiencies or exhibits one or more
 1402 financial emergency conditions specified in s. 218.503 for 2
 1403 consecutive years. This subsection does not affect a sponsor's
 1404 authority to terminate or not renew a charter pursuant to s.
 1405 1002.33(9)~~(8)~~.

1406 Section 7. Section 1011.68, Florida Statutes, is amended
 1407 to read:

1408 1011.68 Funds for student transportation.—The annual
 1409 allocation to each district for transportation to public school
 1410 programs, including charter schools as provided in s.
 1411 1002.33(18)~~(17)~~(b), of students in membership in kindergarten
 1412 through grade 12 and in migrant and exceptional student programs
 1413 below kindergarten shall be determined as follows:

1414 (1) Subject to the rules of the State Board of Education,
 1415 each district shall determine the membership of students who are
 1416 transported:

1417 (a) By reason of living 2 miles or more from school.

1418 (b) By reason of being students with disabilities or
 1419 enrolled in a teenage parent program, regardless of distance to
 1420 school.

1421 (c) By reason of being in a state prekindergarten program,
 1422 regardless of distance from school.

1423 (d) By reason of being career, dual enrollment, or
 1424 students with disabilities transported from one school center to
 1425 another to participate in an instructional program or service;
 1426 or students with disabilities, transported from one designation
 1427 to another in the state, provided one designation is a school
 1428 center and provided the student's individual educational plan

1429 (IEP) identifies the need for the instructional program or
1430 service and transportation to be provided by the school
1431 district. A "school center" is defined as a public school
1432 center, community college, state university, or other facility
1433 rented, leased, or owned and operated by the school district or
1434 another public agency. A "dual enrollment student" is defined as
1435 a public school student in membership in both a public secondary
1436 school program and a community college or a state university
1437 program under a written agreement to partially fulfill ss.
1438 1003.435 and 1007.23 and earning full-time equivalent membership
1439 under s. 1011.62(1)(i).

1440 (e) With respect to elementary school students whose grade
1441 level does not exceed grade 6, by reason of being subjected to
1442 hazardous walking conditions en route to or from school as
1443 provided in s. 1006.23. Such rules shall, when appropriate,
1444 provide for the determination of membership under this paragraph
1445 for less than 1 year to accommodate the needs of students who
1446 require transportation only until such hazardous conditions are
1447 corrected.

1448 (f) By reason of being a pregnant student or student
1449 parent, and the child of a student parent as provided in s.
1450 1003.54, regardless of distance from school.

1451 (2) The allocation for each district shall be calculated
1452 annually in accordance with the following formula:
1453 $T = B + EX$. The elements of this formula are defined as follows:
1454 T is the total dollar allocation for transportation. B is the
1455 base transportation dollar allocation prorated by an adjusted
1456 student membership count. The adjusted membership count shall be

1457 derived from a multiplicative index function in which the base
1458 student membership is adjusted by multiplying it by index
1459 numbers that individually account for the impact of the price
1460 level index, average bus occupancy, and the extent of rural
1461 population in the district. EX is the base transportation dollar
1462 allocation for disabled students prorated by an adjusted
1463 disabled student membership count. The base transportation
1464 dollar allocation for disabled students is the total state base
1465 disabled student membership count weighted for increased costs
1466 associated with transporting disabled students and multiplying
1467 it by the prior year's average per student cost for
1468 transportation. The adjusted disabled student membership count
1469 shall be derived from a multiplicative index function in which
1470 the weighted base disabled student membership is adjusted by
1471 multiplying it by index numbers that individually account for
1472 the impact of the price level index, average bus occupancy, and
1473 the extent of rural population in the district. Each adjustment
1474 factor shall be designed to affect the base allocation by no
1475 more or less than 10 percent.

1476 (3) The total allocation to each district for
1477 transportation of students shall be the sum of the amounts
1478 determined in subsection (2). If the funds appropriated for the
1479 purpose of implementing this section are not sufficient to pay
1480 the base transportation allocation and the base transportation
1481 allocation for disabled students, the Department of Education
1482 shall prorate the available funds on a percentage basis. If the
1483 funds appropriated for the purpose of implementing this section
1484 exceed the sum of the base transportation allocation and the

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1485 base transportation allocation for disabled students, the base
1486 transportation allocation for disabled students shall be limited
1487 to the amount calculated in subsection (2), and the remaining
1488 balance shall be added to the base transportation allocation.

1489 (4) No district shall use funds to purchase transportation
1490 equipment and supplies at prices which exceed those determined
1491 by the department to be the lowest which can be obtained, as
1492 prescribed in s. 1006.27(1).

1493 (5) Funds allocated or apportioned for the payment of
1494 student transportation services may be used to pay for
1495 transportation of students to and from school on local general
1496 purpose transportation systems. Student transportation funds may
1497 also be used to pay for transportation of students to and from
1498 school in private passenger cars and boats when the
1499 transportation is for isolated students, or students with
1500 disabilities as defined by rule. Subject to the rules of the
1501 State Board of Education, each school district shall determine
1502 and report the number of assigned students using general purpose
1503 transportation private passenger cars and boats. The allocation
1504 per student must be equal to the allocation per student riding a
1505 school bus.

1506 (6) Notwithstanding other provisions of this section, in
1507 no case shall any student or students be counted for
1508 transportation funding more than once per day. This provision
1509 includes counting students for funding pursuant to trips in
1510 school buses, passenger cars, or boats or general purpose
1511 transportation.

1512 Section 8. Paragraph (b) of subsection (2) of section

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1513 1012.32, Florida Statutes, is amended to read:

1514 1012.32 Qualifications of personnel.—

1515 (2)

1516 (b) Instructional and noninstructional personnel who are
 1517 hired or contracted to fill positions in any charter school and
 1518 members of the governing board of any charter school, in
 1519 compliance with s. 1002.33 (13) ~~(12)~~ (g), must, upon employment,
 1520 engagement of services, or appointment, undergo background
 1521 screening as required under s. 1012.465 or s. 1012.56, whichever
 1522 is applicable, by filing with the district school board for the
 1523 school district in which the charter school is located a
 1524 complete set of fingerprints taken by an authorized law
 1525 enforcement agency or an employee of the school or school
 1526 district who is trained to take fingerprints.

1527
 1528 Fingerprints shall be submitted to the Department of Law
 1529 Enforcement for statewide criminal and juvenile records checks
 1530 and to the Federal Bureau of Investigation for federal criminal
 1531 records checks. A person subject to this subsection who is found
 1532 ineligible for employment under s. 1012.315, or otherwise found
 1533 through background screening to have been convicted of any crime
 1534 involving moral turpitude as defined by rule of the State Board
 1535 of Education, shall not be employed, engaged to provide
 1536 services, or serve in any position that requires direct contact
 1537 with students. Probationary persons subject to this subsection
 1538 terminated because of their criminal record have the right to
 1539 appeal such decisions. The cost of the background screening may
 1540 be borne by the district school board, the charter school, the

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1541 employee, the contractor, or a person subject to this
1542 subsection.

1543 Section 9. (1) The Office of Program Policy Analysis and
1544 Government Accountability (OPPAGA) shall conduct a study
1545 comparing the funding of charter schools with traditional public
1546 schools and shall:

1547 (a) Identify the school districts that distribute funds
1548 generated by the capital improvement millage authorized pursuant
1549 to s. 1011.71(2), Florida Statutes, to charter schools and the
1550 use of such funds by the charter schools.

1551 (b) Determine the amount of funds that would be available
1552 to charter schools if school districts equitably distribute to
1553 district schools, including charter schools, funds generated by
1554 the capital improvement millage authorized pursuant to s.
1555 1011.71(2), Florida Statutes.

1556 (c) Examine the costs associated with supervising charter
1557 schools and determine if the 5-percent administrative fee for
1558 administrative and educational services for charter schools
1559 covers the costs associated with the provision of the services.

1560 (2) OPPAGA shall make recommendations, if warranted, for
1561 improving the accountability and equity of the funding system
1562 for charter schools based on the findings of the study. The
1563 results of the study shall be provided to the Governor, the
1564 President of the Senate, and the Speaker of the House of
1565 Representatives no later than January 1, 2011.

1566 Section 10. This act shall take effect July 1, 2010.