

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; revising provisions
7 related to charter terms and charter renewals; providing
8 definitions; providing requirements for designation as a
9 high-performing charter school; authorizing a high-
10 performing charter school to increase enrollment and
11 receive capital outlay funds; authorizing a newly approved
12 charter school operated by a high-performing education
13 service provider to receive a 15-year initial charter and
14 become a high-performing charter school; providing
15 requirements for retention of designation as a high-
16 performing charter school; revising requirements for
17 providing financial statements to a sponsor; authorizing a
18 governing body to oversee multiple charter schools;
19 deleting obsolete provisions; authorizing preference for
20 enrollment in a charter school-in-the workplace and a
21 charter school-in-a-municipality for certain students;
22 prohibiting school districts from requiring resignations
23 from specified school district personnel who desire
24 employment in a charter school; authorizing a nonprofit
25 organization to operate multiple charter schools as a
26 network of affiliated schools; revising requirements for
27 the establishment of a charter school-in-the-workplace;
28 providing that a charter school-in-the-workplace is

29 | eligible for capital outlay funding if it meets specified
30 | requirements; providing that charter schools shall receive
31 | certain federal funding for which they are eligible;
32 | revising provisions relating to charter school compliance
33 | with building codes and requirements; providing for an
34 | exemption from exactions; deleting provisions authorizing
35 | a charter school to appeal disputes over certain
36 | contracted services or contractual matters to the Charter
37 | School Appeal Commission; removing a reporting requirement
38 | relating to student assessment data; revising restrictions
39 | on the employment of relatives by charter school
40 | personnel; providing an exception; correcting a cross-
41 | reference relating to the disclosure of financial
42 | interests; conforming cross-references; amending s.
43 | 1013.62, F.S.; authorizing additional uses for charter
44 | school capital outlay funds; conforming cross-references;
45 | amending ss. 163.3180, 1002.32, 1002.34, 1002.345,
46 | 1011.68, and 1012.32, F.S.; conforming cross-references
47 | and provisions; requiring the Office of Program Policy
48 | Analysis and Government Accountability to conduct a study
49 | comparing the funding of charter schools with traditional
50 | public schools and examining certain funding and costs;
51 | requiring recommendations to the Governor and Legislature,
52 | if warranted, for improving the accountability and equity
53 | of the funding system for charter schools; providing an
54 | effective date.

55 |
56 | Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Paragraph (g) of subsection (6) and subsection
59 (7) of section 1002.33, Florida Statutes, are amended, a new
60 subsection (8) is added to that section, and present subsections
61 (8) through (26) are renumbered as subsections (9) through (27),
62 respectively, and amended, to read:

63 1002.33 Charter schools.—

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

66 (g)1. The Department of Education shall offer or arrange
67 for training and technical assistance to charter school
68 applicants in developing business plans and estimating costs and
69 income. This assistance shall address estimating startup costs,
70 projecting enrollment, and identifying the types and amounts of
71 state and federal financial assistance the charter school may be
72 eligible to receive. The department may provide other technical
73 assistance to an applicant upon written request.

74 2. A charter school applicant must participate in the
75 training provided by the Department of Education before filing
76 an application. However, a sponsor may require the charter
77 school applicant to attend training provided by the sponsor in
78 lieu of the department's training if the sponsor's training
79 standards meet or exceed the standards developed by the
80 Department of Education. The training shall include instruction
81 in accurate financial planning and good business practices. ~~If~~
82 ~~the applicant is a management company or other nonprofit~~
83 ~~organization, the charter school principal and the chief~~
84 ~~financial officer or his or her equivalent must also participate~~

85 ~~in the training.~~

86 (7) CHARTER.—The major issues involving the operation of a
87 charter school shall be considered in advance and written into
88 the charter. The charter shall be signed by the governing body
89 of the charter school and the sponsor, following a public
90 hearing to ensure community input.

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

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

95 2. The focus of the curriculum, the instructional methods
96 to be used, any distinctive instructional techniques to be
97 employed, and identification and acquisition of appropriate
98 technologies needed to improve educational and administrative
99 performance which include a means for promoting safe, ethical,
100 and appropriate uses of technology which comply with legal and
101 professional standards. The charter shall ensure that reading is
102 a primary focus of the curriculum and that resources are
103 provided to identify and provide specialized instruction for
104 students who are reading below grade level. The curriculum and
105 instructional strategies for reading must be consistent with the
106 Sunshine State Standards and grounded in scientifically based
107 reading research.

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

112 a. How the baseline student academic achievement levels

113 and prior rates of academic progress will be established.

114 b. How these baseline rates will be compared to rates of
115 academic progress achieved by these same students while
116 attending the charter school.

117 c. To the extent possible, how these rates of progress
118 will be evaluated and compared with rates of progress of other
119 closely comparable student populations.

120

121 The district school board is required to provide academic
122 student performance data to charter schools for each of their
123 students coming from the district school system, as well as
124 rates of academic progress of comparable student populations in
125 the district school system.

126 4. The methods used to identify the educational strengths
127 and needs of students and how well educational goals and
128 performance standards are met by students attending the charter
129 school. The methods shall provide a means for the charter school
130 to ensure accountability to its constituents by analyzing
131 student performance data and by evaluating the effectiveness and
132 efficiency of its major educational programs. Students in
133 charter schools shall, at a minimum, participate in the
134 statewide assessment program created under s. 1008.22.

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

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

140 7. The admissions procedures and dismissal procedures,

141 including the school's code of student conduct.

142 8. The ways by which the school will achieve a
143 racial/ethnic balance reflective of the community it serves or
144 within the racial/ethnic range of other public schools in the
145 same school district.

146 9. The financial and administrative management of the
147 school, including a reasonable demonstration of the professional
148 experience or competence of those individuals or organizations
149 applying to operate the charter school or those hired or
150 retained to perform such professional services and the
151 description of clearly delineated responsibilities and the
152 policies and practices needed to effectively manage the charter
153 school. A description of internal audit procedures and
154 establishment of controls to ensure that financial resources are
155 properly managed must be included. Both public sector and
156 private sector professional experience shall be equally valid in
157 such a consideration.

158 10. The asset and liability projections required in the
159 application which are incorporated into the charter and shall be
160 compared with information provided in the annual report of the
161 charter school.

162 11. A description of procedures that identify various
163 risks and provide for a comprehensive approach to reduce the
164 impact of losses; plans to ensure the safety and security of
165 students and staff; plans to identify, minimize, and protect
166 others from violent or disruptive student behavior; and the
167 manner in which the school will be insured, including whether or
168 not the school will be required to have liability insurance,

169 and, if so, the terms and conditions thereof and the amounts of
 170 coverage.

171 12. The term of the charter which shall provide for
 172 cancellation of the charter if insufficient progress has been
 173 made in attaining the student achievement objectives of the
 174 charter and if it is not likely that such objectives can be
 175 achieved before expiration of the charter. The initial term of a
 176 charter shall be for 4 or 5 years. ~~In order to facilitate access~~
 177 ~~to long-term financial resources for charter school~~
 178 ~~construction,~~ Charter schools that are operated by a private,
 179 not-for-profit, s. 501(c)(3) status corporation or a
 180 municipality or other public entity as provided by law are
 181 eligible for up to a 15-year charter, subject to approval by the
 182 district school board. A charter lab school is eligible for a
 183 charter for a term of up to 15 years. ~~In addition, to facilitate~~
 184 ~~access to long-term financial resources for charter school~~
 185 ~~construction, charter schools that are operated by a private,~~
 186 ~~not-for-profit, s. 501(c)(3) status corporation are eligible for~~
 187 ~~up to a 15-year charter, subject to approval by the district~~
 188 ~~school board.~~ Such long-term charters remain subject to annual
 189 review and may be terminated during the term of the charter, but
 190 only according to the provisions set forth in subsection (9)
 191 ~~(8).~~

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

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

196 15. The governance structure of the school, including the

197 status of the charter school as a public or private employer as
198 required in paragraph (13)~~(12)~~(i).

199 16. A timetable for implementing the charter which
200 addresses the implementation of each element thereof and the
201 date by which the charter shall be awarded in order to meet this
202 timetable.

203 17. In the case of an existing public school that is being
204 converted to charter status, alternative arrangements for
205 current students who choose not to attend the charter school and
206 for current teachers who choose not to teach in the charter
207 school after conversion in accordance with the existing
208 collective bargaining agreement or district school board rule in
209 the absence of a collective bargaining agreement. However,
210 alternative arrangements shall not be required for current
211 teachers who choose not to teach in a charter lab school, except
212 as authorized by the employment policies of the state university
213 which grants the charter to the lab school.

214 18. Full disclosure of the identity of all relatives
215 employed by the charter school who are related to the charter
216 school owner, president, chairperson of the governing board of
217 directors, superintendent, governing board member, principal,
218 assistant principal, or any other person employed by the charter
219 school who has equivalent decisionmaking authority. For the
220 purpose of this subparagraph, the term "relative" means father,
221 mother, son, daughter, brother, sister, uncle, aunt, first
222 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
223 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
224 stepfather, stepmother, stepson, stepdaughter, stepbrother,

225 stepsister, half brother, or half sister.

226 (b)1. A charter may be renewed provided that a program
 227 review demonstrates that the criteria in paragraph (a) have been
 228 successfully accomplished and that none of the grounds for
 229 nonrenewal established by paragraph (9)~~(8)~~(a) has been
 230 documented. ~~In order to facilitate long term financing for~~
 231 ~~charter school construction,~~ Charter schools operating for a
 232 minimum of 3 years and demonstrating exemplary academic
 233 programming and fiscal management are eligible for a 15-year
 234 charter renewal. Such long-term charter is subject to annual
 235 review and may be terminated during the term of the charter
 236 pursuant to subsection (9).

237 2. The 15-year charter renewal that may be granted
 238 pursuant to subparagraph 1. shall be granted to a charter school
 239 that has received a school grade of "A" or "B" pursuant to s.
 240 1008.34 in 3 of the past 4 years and is not in a state of
 241 financial emergency or deficit position pursuant to s. 1002.345
 242 ~~as defined by this section.~~ Such long-term charter is subject to
 243 annual review and may be terminated during the term of the
 244 charter pursuant to subsection (9) ~~(8)~~.

245 (c) A charter may be modified during its initial term or
 246 any renewal term upon the recommendation of the sponsor or the
 247 charter school governing board and the approval of both parties
 248 to the agreement.

249 (8) HIGH-PERFORMING CHARTER SCHOOLS.-

250 (a) For purposes of this subsection, the term:

251 1. "Entity" means a municipality or other public entity as
 252 authorized by law to operate a charter school; a private, not-

253 for-profit, s. 501(c)(3) status corporation; or a private, for-
 254 profit corporation.

255 2. "High-performing education service provider" means an
 256 entity that:

257 a. Operates at least two high-performing charter schools
 258 in this state;

259 b. Has received a school grade of "A" or "B" during the
 260 previous 3 years for at least 75 percent of the charter schools
 261 operated by the entity in this state; and

262 c. Has not received a school grade of "F" during any of
 263 the previous 3 years for any charter school operated by the
 264 entity in this state.

265 (b) A charter school shall be designated as a high-
 266 performing charter school if during each of the previous 3 years
 267 the charter school:

268 1. Received a school grade of "A" or "B";

269 2. Received an unqualified opinion on each financial audit
 270 required under s. 218.39; and

271 3. Did not receive a financial audit that revealed one or
 272 more of the conditions set forth in s. 218.503(1).

273 (c) A high-performing charter school may:

274 1. Increase the school's student enrollment once per year
 275 by up to 25 percent more than the capacity authorized pursuant
 276 to paragraph (11)(h).

277 2. Receive charter school capital outlay funds under s.
 278 1013.62. A high-performing charter school is not required to
 279 comply with s. 1013.62(1)(a)1.-3. but must comply with all other
 280 requirements of s. 1013.62 in order to receive charter school

281 capital outlay funds as provided in this subparagraph.

282 (d) A high-performing education service provider may
283 submit an application pursuant to subsection (6) to establish
284 and operate a new charter school that will replicate one or more
285 of the provider's existing high-performing charter schools. Upon
286 approval of the application by the sponsor, the new charter
287 school shall be granted an initial charter for a term of 15
288 years and be designated as a high-performing charter school. The
289 15-year charter is subject to annual review and may be
290 terminated during its term pursuant to subsection (9).

291 (e)1. A charter school that is designated as a high-
292 performing charter school may retain such designation pursuant
293 to:

294 a. Paragraph (b) if the school's governing board, by July
295 1 of each year, demonstrates in writing to the school's sponsor
296 that the charter school continues to meet the requirements of
297 paragraph (b).

298 b. Paragraph (d) during the school's initial 3 years of
299 operation if the entity operating the school continues to meet
300 the definition of a high-performing education service provider
301 under subparagraph (a)2. After the high-performing charter
302 school has operated for 3 years, the school must comply with
303 sub-subparagraph a. in order to retain its designation as a
304 high-performing charter school.

305 2. The high-performing charter school designation shall be
306 removed if the charter school does not meet the requirements of
307 subparagraph 1.

308 (9)-(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.-

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

311 1. Failure to participate in the state's education
312 accountability system created in s. 1008.31, as required in this
313 section, or failure to meet the requirements for student
314 performance stated in the charter.

315 2. Failure to meet generally accepted standards of fiscal
316 management.

317 3. Violation of law.

318 4. Other good cause shown.

319 (b) At least 90 days prior to renewing or terminating a
320 charter, the sponsor shall notify the governing body of the
321 school of the proposed action in writing. The notice shall state
322 in reasonable detail the grounds for the proposed action and
323 stipulate that the school's governing body may, within 14
324 calendar days after receiving the notice, request an informal
325 hearing before the sponsor. The sponsor shall conduct the
326 informal hearing within 30 calendar days after receiving a
327 written request.

328 (c) If a charter is not renewed or is terminated pursuant
329 to paragraph (b), the sponsor shall, within 10 calendar days,
330 articulate in writing the specific reasons for its nonrenewal or
331 termination of the charter and must provide the letter of
332 nonrenewal or termination and documentation supporting the
333 reasons to the charter school governing body, the charter school
334 principal, and the Department of Education. The charter school's
335 governing body may, within 30 calendar days after receiving the
336 sponsor's final written decision to refuse to renew or to

337 terminate the charter, appeal the decision pursuant to the
338 procedure established in subsection (6).

339 (d) A charter may be terminated immediately if the sponsor
340 determines that good cause has been shown or if the health,
341 safety, or welfare of the students is threatened. The sponsor's
342 determination is not subject to an informal hearing under
343 paragraph (b) or pursuant to chapter 120. The sponsor shall
344 notify in writing the charter school's governing body, the
345 charter school principal, and the department if a charter is
346 immediately terminated. The sponsor shall clearly identify the
347 specific issues that resulted in the immediate termination and
348 provide evidence of prior notification of issues resulting in
349 the immediate termination when appropriate. The school district
350 in which the charter school is located shall assume operation of
351 the school under these circumstances. The charter school's
352 governing board may, within 30 days after receiving the
353 sponsor's decision to terminate the charter, appeal the decision
354 pursuant to the procedure established in subsection (6).

355 (e) When a charter is not renewed or is terminated, the
356 school shall be dissolved under the provisions of law under
357 which the school was organized, and any unencumbered public
358 funds, except for capital outlay funds and federal charter
359 school program grant funds, from the charter school shall revert
360 to the sponsor. Capital outlay funds provided pursuant to s.
361 1013.62 and federal charter school program grant funds that are
362 unencumbered shall revert to the department to be redistributed
363 among eligible charter schools. In the event a charter school is
364 dissolved or is otherwise terminated, all district school board

365 property and improvements, furnishings, and equipment purchased
 366 with public funds shall automatically revert to full ownership
 367 by the district school board, subject to complete satisfaction
 368 of any lawful liens or encumbrances. Any unencumbered public
 369 funds from the charter school, district school board property
 370 and improvements, furnishings, and equipment purchased with
 371 public funds, or financial or other records pertaining to the
 372 charter school, in the possession of any person, entity, or
 373 holding company, other than the charter school, shall be held in
 374 trust upon the district school board's request, until any appeal
 375 status is resolved.

376 (f) If a charter is not renewed or is terminated, the
 377 charter school is responsible for all debts of the charter
 378 school. The district may not assume the debt from any contract
 379 made between the governing body of the school and a third party,
 380 except for a debt that is previously detailed and agreed upon in
 381 writing by both the district and the governing body of the
 382 school and that may not reasonably be assumed to have been
 383 satisfied by the district.

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

388 (10)~~(9)~~ CHARTER SCHOOL REQUIREMENTS.—

389 (a) A charter school shall be nonsectarian in its
 390 programs, admission policies, employment practices, and
 391 operations.

392 (b) A charter school shall admit students as provided in

393 subsection (11) ~~(10)~~.

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

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

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

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

404 (g) In order to provide financial information that is
405 comparable to that reported for other public schools, charter
406 schools are to maintain all financial records that constitute
407 their accounting system:

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

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

417
418 Charter schools shall provide annual financial report and
419 program cost report information in the state-required formats
420 for inclusion in district reporting in compliance with s.

421 1011.60(1). Charter schools that are operated by a municipality
422 or are a component unit of a parent nonprofit organization may
423 use the accounting system of the municipality or the parent but
424 must reformat this information for reporting according to this
425 paragraph. A charter school shall provide a quarterly ~~monthly~~
426 financial statement to the sponsor unless a deteriorating
427 financial condition has been identified or the charter school is
428 determined to be in a state of financial emergency pursuant to
429 s. 1002.345, in which case the charter school shall provide a
430 monthly financial statement. The ~~monthly~~ financial statement
431 required under this paragraph shall be in a form prescribed by
432 the Department of Education.

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

435 (i) The governing body of the charter school shall
436 exercise continuing oversight over charter school operations. A
437 governing body may oversee more than one charter school in more
438 than one school district.

439 (j) The governing body of the charter school shall be
440 responsible for:

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

445 2. Reviewing and approving the audit report, including
446 audit findings and recommendations for the financial recovery
447 plan.

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

449 monitoring a corrective action plan.

450 b. Monitoring a financial recovery plan in order to ensure
451 compliance.

452 4. Participating in governance training approved by the
453 department which must include government in the sunshine,
454 conflicts of interest, ethics, and financial responsibility.

455 (k) The governing body of the charter school shall report
456 its progress annually to its sponsor, which shall forward the
457 report to the Commissioner of Education at the same time as
458 other annual school accountability reports. The Department of
459 Education shall develop a uniform, online annual accountability
460 report to be completed by charter schools. This report shall be
461 easy to utilize and contain demographic information, student
462 performance data, and financial accountability information. A
463 charter school shall not be required to provide information and
464 data that is duplicative and already in the possession of the
465 department. The Department of Education shall include in its
466 compilation a notation if a school failed to file its report by
467 the deadline established by the department. The report shall
468 include at least the following components:

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

477 | difference between projected and actual student performance.

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

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

485 | 4. Descriptive information about the charter school's
 486 | personnel, including salary and benefit levels of charter school
 487 | employees, the proportion of instructional personnel who hold
 488 | professional or temporary certificates, and the proportion of
 489 | instructional personnel teaching in-field or out-of-field.

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

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

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

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

505 "F" under s. 1008.34(2), the charter school sponsor or the
506 sponsor's staff shall require the director and a representative
507 of the governing body to submit to the sponsor for approval a
508 school improvement plan to raise student achievement and to
509 implement the plan. The sponsor has the authority to approve a
510 school improvement plan that the charter school will implement
511 in the following school year. ~~The sponsor may also consider the~~
512 ~~State Board of Education's recommended action pursuant to s.~~
513 ~~1008.33(1) as part of the school improvement plan.~~ The
514 Department of Education shall offer technical assistance and
515 training to the charter school and its governing body and
516 establish guidelines for developing, submitting, and approving
517 such plans.

518 1. If the charter school fails to improve its student
519 performance from the year immediately prior to the
520 implementation of the school improvement plan, the sponsor shall
521 place the charter school on probation and shall require the
522 charter school governing body to take one of the following
523 corrective actions:

524 a. Contract for the educational services of the charter
525 school;

526 b. Reorganize the school at the end of the school year
527 under a new director or principal who is authorized to hire new
528 staff and implement a plan that addresses the causes of
529 inadequate progress; or

530 c. Reconstitute the charter school.

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

533 until the charter school improves its student performance from
534 the year prior to the implementation of the school improvement
535 plan.

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

539 (p) The director and a representative of the governing
540 body of a graded charter school that has submitted a school
541 improvement plan or has been placed on probation under paragraph
542 (o) shall appear before the sponsor or the sponsor's staff at
543 least once a year to present information regarding the
544 corrective strategies that are being implemented by the school
545 pursuant to the school improvement plan. The sponsor shall
546 communicate at the meeting, and in writing to the director, the
547 services provided to the school to help the school address its
548 deficiencies.

549 (11) ~~(10)~~ ELIGIBLE STUDENTS.—

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

561 (b) The charter school shall enroll an eligible student
562 who submits a timely application, unless the number of
563 applications exceeds the capacity of a program, class, grade
564 level, or building. In such case, all applicants shall have an
565 equal chance of being admitted through a random selection
566 process.

567 (c) When a public school converts to charter status,
568 enrollment preference shall be given to students who would have
569 otherwise attended that public school. The district school board
570 shall consult and negotiate with the conversion charter school
571 every 3 years to determine whether realignment of the conversion
572 charter school's attendance zone is appropriate in order to
573 ensure that students residing closest to the charter school are
574 provided with an enrollment preference.

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

577 1. Students who are siblings of a student enrolled in the
578 charter school.

579 2. Students who are the children of a member of the
580 governing board of the charter school.

581 3. Students who are the children of an employee of the
582 charter school.

583 4. Students who are the children of an employee of a
584 business or corporation that is in partnership with a charter
585 school-in-the-workplace or students who are the children of a
586 resident of a municipality that operates a charter school-in-a-
587 municipality pursuant to subsection (16).

588 (e) A charter school may limit the enrollment process only

589 | to target the following student populations:

590 | 1. Students within specific age groups or grade levels.

591 | 2. Students considered at risk of dropping out of school
592 | or academic failure. Such students shall include exceptional
593 | education students.

594 | 3. Students enrolling in a charter school-in-the-workplace
595 | or charter school-in-a-municipality established pursuant to
596 | subsection (16) ~~(15)~~.

597 | 4. Students residing within a reasonable distance of the
598 | charter school, as described in paragraph (21) ~~(20)~~ (c). Such
599 | students shall be subject to a random lottery and to the
600 | racial/ethnic balance provisions described in subparagraph
601 | (7) (a) 8. or any federal provisions that require a school to
602 | achieve a racial/ethnic balance reflective of the community it
603 | serves or within the racial/ethnic range of other public schools
604 | in the same school district.

605 | 5. Students who meet reasonable academic, artistic, or
606 | other eligibility standards established by the charter school
607 | and included in the charter school application and charter or,
608 | in the case of existing charter schools, standards that are
609 | consistent with the school's mission and purpose. Such standards
610 | shall be in accordance with current state law and practice in
611 | public schools and may not discriminate against otherwise
612 | qualified individuals.

613 | 6. Students articulating from one charter school to
614 | another pursuant to an articulation agreement between the
615 | charter schools that has been approved by the sponsor.

616 | (f) Students with disabilities and students served in

617 English for Speakers of Other Languages programs shall have an
 618 equal opportunity of being selected for enrollment in a charter
 619 school.

620 (g) A student may withdraw from a charter school at any
 621 time and enroll in another public school as determined by
 622 district school board rule.

623 (h) The capacity of the charter school shall be determined
 624 annually by the governing board, in conjunction with the
 625 sponsor, of the charter school in consideration of the factors
 626 identified in this subsection.

627 (12)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
 628 ACTIVITIES.—A charter school student is eligible to participate
 629 in an interscholastic extracurricular activity at the public
 630 school to which the student would be otherwise assigned to
 631 attend pursuant to s. 1006.15(3)(d).

632 (13)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

633 (a) A charter school shall select its own employees. A
 634 charter school may contract with its sponsor for the services of
 635 personnel employed by the sponsor.

636 (b) Charter school employees shall have the option to
 637 bargain collectively. Employees may collectively bargain as a
 638 separate unit or as part of the existing district collective
 639 bargaining unit as determined by the structure of the charter
 640 school.

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

644 (d) The teachers at a charter school may choose to be part

645 of a professional group that subcontracts with the charter
646 school to operate the instructional program under the auspices
647 of a partnership or cooperative that they collectively own.
648 Under this arrangement, the teachers would not be public
649 employees.

650 (e) Employees of a school district may take leave to
651 accept employment in a charter school upon the approval of the
652 district school board. While employed by the charter school and
653 on leave that is approved by the district school board, the
654 employee may retain seniority accrued in that school district
655 and may continue to be covered by the benefit programs of that
656 school district, if the charter school and the district school
657 board agree to this arrangement and its financing. School
658 districts shall not require resignations from instructional
659 personnel, school administrators, or educational support
660 employees who desire employment ~~of teachers desiring to teach~~ in
661 a charter school. This paragraph shall not prohibit a district
662 school board from approving alternative leave arrangements
663 consistent with chapter 1012.

664 (f) Teachers employed by or under contract to a charter
665 school shall be certified as required by chapter 1012. A charter
666 school governing board may employ or contract with skilled
667 selected noncertified personnel to provide instructional
668 services or to assist instructional staff members as education
669 paraprofessionals in the same manner as defined in chapter 1012,
670 and as provided by State Board of Education rule for charter
671 school governing boards. A charter school may not knowingly
672 employ an individual to provide instructional services or to

673 | serve as an education paraprofessional if the individual's
674 | certification or licensure as an educator is suspended or
675 | revoked by this or any other state. A charter school may not
676 | knowingly employ an individual who has resigned from a school
677 | district in lieu of disciplinary action with respect to child
678 | welfare or safety, or who has been dismissed for just cause by
679 | any school district with respect to child welfare or safety. The
680 | qualifications of teachers shall be disclosed to parents.

681 | (g)1. A charter school shall employ or contract with
682 | employees who have undergone background screening as provided in
683 | s. 1012.32. Members of the governing board of the charter school
684 | shall also undergo background screening in a manner similar to
685 | that provided in s. 1012.32.

686 | 2. A charter school shall disqualify instructional
687 | personnel and school administrators, as defined in s. 1012.01,
688 | from employment in any position that requires direct contact
689 | with students if the personnel or administrators are ineligible
690 | for such employment under s. 1012.315.

691 | 3. The governing board of a charter school shall adopt
692 | policies establishing standards of ethical conduct for
693 | instructional personnel and school administrators. The policies
694 | must require all instructional personnel and school
695 | administrators, as defined in s. 1012.01, to complete training
696 | on the standards; establish the duty of instructional personnel
697 | and school administrators to report, and procedures for
698 | reporting, alleged misconduct by other instructional personnel
699 | and school administrators which affects the health, safety, or
700 | welfare of a student; and include an explanation of the

701 liability protections provided under ss. 39.203 and 768.095. A
702 charter school, or any of its employees, may not enter into a
703 confidentiality agreement regarding terminated or dismissed
704 instructional personnel or school administrators, or personnel
705 or administrators who resign in lieu of termination, based in
706 whole or in part on misconduct that affects the health, safety,
707 or welfare of a student, and may not provide instructional
708 personnel or school administrators with employment references or
709 discuss the personnel's or administrators' performance with
710 prospective employers in another educational setting, without
711 disclosing the personnel's or administrators' misconduct. Any
712 part of an agreement or contract that has the purpose or effect
713 of concealing misconduct by instructional personnel or school
714 administrators which affects the health, safety, or welfare of a
715 student is void, is contrary to public policy, and may not be
716 enforced.

717 4. Before employing instructional personnel or school
718 administrators in any position that requires direct contact with
719 students, a charter school shall conduct employment history
720 checks of each of the personnel's or administrators' previous
721 employers, screen the instructional personnel or school
722 administrators through use of the educator screening tools
723 described in s. 1001.10(5), and document the findings. If unable
724 to contact a previous employer, the charter school must document
725 efforts to contact the employer.

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

729 (h) For the purposes of tort liability, the governing body
 730 and employees of a charter school shall be governed by s.
 731 768.28.

732 (i) A charter school shall organize as, or be operated by,
 733 a nonprofit organization. A charter school may be operated by a
 734 municipality or other public entity as provided for by law. As
 735 such, the charter school may be either a private or a public
 736 employer. As a public employer, a charter school may participate
 737 in the Florida Retirement System upon application and approval
 738 as a "covered group" under s. 121.021(34). If a charter school
 739 participates in the Florida Retirement System, the charter
 740 school employees shall be compulsory members of the Florida
 741 Retirement System. As either a private or a public employer, a
 742 charter school may contract for services with an individual or
 743 group of individuals who are organized as a partnership or a
 744 cooperative. Individuals or groups of individuals who contract
 745 their services to the charter school are not public employees.

746 (14) ~~(13)~~ CHARTER SCHOOL COOPERATIVES AND NETWORKS.—

747 (a) Charter schools may enter into cooperative agreements
 748 to form charter school cooperative organizations that may
 749 provide the following services: charter school planning and
 750 development, direct instructional services, and contracts with
 751 charter school governing boards to provide personnel
 752 administrative services, payroll services, human resource
 753 management, evaluation and assessment services, teacher
 754 preparation, and professional development.

755 (b) A nonprofit organization may operate multiple charter
 756 schools approved by a sponsor under this section across the

757 state as a network of affiliated schools that may share a common
 758 mission and identity and common curricula and best practices. A
 759 charter school network may be operated by a central governing
 760 board that governs all of the charter schools in the network or
 761 by a central governing board that shares governance duties with
 762 local governing boards designated by the central governing board
 763 for one or more of the charter schools in the network.

764 (15)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
 765 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
 766 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to
 767 borrow or otherwise secure funds for a charter school authorized
 768 in this section from a source other than the state or a school
 769 district shall indemnify the state and the school district from
 770 any and all liability, including, but not limited to, financial
 771 responsibility for the payment of the principal or interest. Any
 772 loans, bonds, or other financial agreements are not obligations
 773 of the state or the school district but are obligations of the
 774 charter school authority and are payable solely from the sources
 775 of funds pledged by such agreement. The credit or taxing power
 776 of the state or the school district shall not be pledged and no
 777 debts shall be payable out of any moneys except those of the
 778 legal entity in possession of a valid charter approved by a
 779 district school board pursuant to this section.

780 (16)~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
 781 SCHOOLS-IN-A-MUNICIPALITY.—

782 (a) In order to increase business partnerships in
 783 education, to reduce school and classroom overcrowding
 784 throughout the state, and to offset the high costs for

785 educational facilities construction, the Legislature intends to
 786 encourage the formation of business partnership schools or
 787 satellite learning centers and municipal-operated schools
 788 through charter school status.

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

791 1. Provides one of the following:

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

793 b. Resources that materially reduce the cost of
 794 constructing a school facility;

795 c. Land for a school facility; or

796 d. Resources to maintain a school facility;

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

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

803
 804 A charter school-in-the-workplace is eligible for charter school
 805 capital outlay funding if it meets the requirements in s.

806 1013.62. Any portion of a facility used for a public charter
 807 school shall be exempt from ad valorem taxes, as provided for in
 808 s. 1013.54, for the duration of its use as a public school.

809 (c) A charter school-in-a-municipality designation may be
 810 granted to a municipality that possesses a charter; enrolls
 811 students based upon a random lottery that involves all of the
 812 children of the residents of that municipality who are seeking

813 enrollment, as provided for in subsection (11) ~~(10)~~; and enrolls
814 students according to the racial/ethnic balance provisions
815 described in subparagraph (7)(a)8. When a municipality has
816 submitted charter applications for the establishment of a
817 charter school feeder pattern, consisting of elementary, middle,
818 and senior high schools, and each individual charter application
819 is approved by the district school board, such schools shall
820 then be designated as one charter school for all purposes listed
821 pursuant to this section. Any portion of the land and facility
822 used for a public charter school shall be exempt from ad valorem
823 taxes, as provided for in s. 1013.54, for the duration of its
824 use as a public school.

825 (d) As used in this subsection, the terms "business
826 partner" or "municipality" may include more than one business or
827 municipality to form a charter school-in-the-workplace or
828 charter school-in-a-municipality.

829 (17) ~~(16)~~ EXEMPTION FROM STATUTES.—

830 (a) A charter school shall operate in accordance with its
831 charter and shall be exempt from all statutes in chapters 1000-
832 1013. However, a charter school shall be in compliance with the
833 following statutes in chapters 1000-1013:

834 1. Those statutes specifically applying to charter
835 schools, including this section.

836 2. Those statutes pertaining to the student assessment
837 program and school grading system.

838 3. Those statutes pertaining to the provision of services
839 to students with disabilities.

840 4. Those statutes pertaining to civil rights, including s.

841 1000.05, relating to discrimination.

842 5. Those statutes pertaining to student health, safety,
843 and welfare.

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

846 1. Section 286.011, relating to public meetings and
847 records, public inspection, and criminal and civil penalties.

848 2. Chapter 119, relating to public records.

849 (18)~~(17)~~ FUNDING.—Students enrolled in a charter school,
850 regardless of the sponsorship, shall be funded as if they are in
851 a basic program or a special program, the same as students
852 enrolled in other public schools in the school district. Funding
853 for a charter lab school shall be as provided in s. 1002.32.

854 (a) Each charter school shall report its student
855 enrollment to the sponsor as required in s. 1011.62, and in
856 accordance with the definitions in s. 1011.61. The sponsor shall
857 include each charter school's enrollment in the district's
858 report of student enrollment. All charter schools submitting
859 student record information required by the Department of
860 Education shall comply with the Department of Education's
861 guidelines for electronic data formats for such data, and all
862 districts shall accept electronic data that complies with the
863 Department of Education's electronic format.

864 (b) The basis for the agreement for funding students
865 enrolled in a charter school shall be the sum of the school
866 district's operating funds from the Florida Education Finance
867 Program as provided in s. 1011.62 and the General Appropriations
868 Act, including gross state and local funds, discretionary

869 lottery funds, and funds from the school district's current
870 operating discretionary millage levy; divided by total funded
871 weighted full-time equivalent students in the school district;
872 multiplied by the weighted full-time equivalent students for the
873 charter school. Charter schools whose students or programs meet
874 the eligibility criteria in law shall be entitled to their
875 proportionate share of categorical program funds included in the
876 total funds available in the Florida Education Finance Program
877 by the Legislature, including transportation. Total funding for
878 each charter school shall be recalculated during the year to
879 reflect the revised calculations under the Florida Education
880 Finance Program by the state and the actual weighted full-time
881 equivalent students reported by the charter school during the
882 full-time equivalent student survey periods designated by the
883 Commissioner of Education.

884 (c) If the district school board is providing programs or
885 services to students funded by federal funds, any eligible
886 students enrolled in charter schools in the school district
887 shall be provided federal funds for the same level of service
888 provided students in the schools operated by the district school
889 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
890 charter schools shall receive all federal funding for which the
891 school is otherwise eligible, including Title I and IDEA
892 funding, not later than 5 months after the charter school first
893 opens and within 5 months after any subsequent expansion of
894 enrollment.

895 (d) Charter schools shall be included by the Department of
896 Education and the district school board in requests for federal

897 stimulus funds in the same manner as district school board-
898 operated public schools, including Title I and IDEA funds and
899 shall be entitled to receive such funds. Charter schools are
900 eligible to participate in federal competitive grants that are
901 available as part of the federal stimulus funds.

902 (e) District school boards shall make timely and efficient
903 payment and reimbursement to charter schools, including
904 processing paperwork required to access special state and
905 federal funding for which they may be eligible. The district
906 school board may distribute funds to a charter school for up to
907 3 months based on the projected full-time equivalent student
908 membership of the charter school. Thereafter, the results of
909 full-time equivalent student membership surveys shall be used in
910 adjusting the amount of funds distributed monthly to the charter
911 school for the remainder of the fiscal year. The payment shall
912 be issued no later than 10 working days after the district
913 school board receives a distribution of state or federal funds.
914 If a warrant for payment is not issued within 10 working days
915 after receipt of funding by the district school board, the
916 school district shall pay to the charter school, in addition to
917 the amount of the scheduled disbursement, interest at a rate of
918 1 percent per month calculated on a daily basis on the unpaid
919 balance from the expiration of the 10 working days until such
920 time as the warrant is issued.

921 (19)~~(18)~~ FACILITIES.—

922 (a) A startup charter school shall utilize facilities
923 which comply with the Florida Building Code pursuant to chapter
924 553 except for the State Requirements for Educational

925 Facilities. Conversion charter schools shall utilize facilities
926 that comply with the State Requirements for Educational
927 Facilities provided that the school district and the charter
928 school have entered into a mutual management plan for the
929 reasonable maintenance of such facilities. The mutual management
930 plan shall contain a provision by which the district school
931 board agrees to maintain charter school facilities in the same
932 manner as its other public schools within the district. Charter
933 schools, with the exception of conversion charter schools, are
934 not required to comply, but may choose to comply, with any or
935 all components of the State Requirements for Educational
936 Facilities of the Florida Building Code adopted pursuant to s.
937 1013.37. The local governing authority shall not adopt or impose
938 local building requirements or site development restrictions,
939 such as parking and site-size criteria, that are more stringent
940 than those found in the State Requirements for Educational
941 Facilities of the Florida Building Code. The agency having
942 jurisdiction for inspection of a facility and issuance of a
943 certificate of occupancy or use shall be the local municipality
944 or, if in an unincorporated area, the county governing
945 authority.

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

950 (c) Any facility, or portion thereof, used to house a
951 charter school whose charter has been approved by the sponsor
952 and the governing board, pursuant to subsection (7), shall be

953 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
 954 community service, museum, performing arts, theatre, cinema,
 955 church, community college, college, and university facilities
 956 may provide space to charter schools within their facilities
 957 under their preexisting zoning and land use designations.

958 (d) Charter school facilities are exempt from assessments
 959 of fees for building permits, except as provided in s. 553.80;~~;~~
 960 fees for building and occupational licenses;~~;~~ impact fees or
 961 exactions;~~;~~ service availability fees;~~;~~ and assessments for
 962 special benefits.

963 (e) If a district school board facility or property is
 964 available because it is surplus, marked for disposal, or
 965 otherwise unused, it shall be provided for a charter school's
 966 use on the same basis as it is made available to other public
 967 schools in the district. A charter school receiving property
 968 from the school district may not sell or dispose of such
 969 property without written permission of the school district.
 970 Similarly, for an existing public school converting to charter
 971 status, no rental or leasing fee for the existing facility or
 972 for the property normally inventoried to the conversion school
 973 may be charged by the district school board to the parents and
 974 teachers organizing the charter school. The charter school shall
 975 agree to reasonable maintenance provisions in order to maintain
 976 the facility in a manner similar to district school board
 977 standards. The Public Education Capital Outlay maintenance funds
 978 or any other maintenance funds generated by the facility
 979 operated as a conversion school shall remain with the conversion
 980 school.

981 (f) To the extent that charter school facilities are
 982 specifically created to mitigate the educational impact created
 983 by the development of new residential dwelling units, pursuant
 984 to subparagraph (2)(c)4., some of or all of the educational
 985 impact fees required to be paid in connection with the new
 986 residential dwelling units may be designated instead for the
 987 construction of the charter school facilities that will mitigate
 988 the student station impact. Such facilities shall be built to
 989 the State Requirements for Educational Facilities and shall be
 990 owned by a public or nonprofit entity. The local school district
 991 retains the right to monitor and inspect such facilities to
 992 ensure compliance with the State Requirements for Educational
 993 Facilities. If a facility ceases to be used for public
 994 educational purposes, either the facility shall revert to the
 995 school district subject to any debt owed on the facility, or the
 996 owner of the facility shall have the option to refund all
 997 educational impact fees utilized for the facility to the school
 998 district. The district and the owner of the facility may
 999 contractually agree to another arrangement for the facilities if
 1000 the facilities cease to be used for educational purposes. The
 1001 owner of property planned or approved for new residential
 1002 dwelling units and the entity levying educational impact fees
 1003 shall enter into an agreement that designates the educational
 1004 impact fees that will be allocated for the charter school
 1005 student stations and that ensures the timely construction of the
 1006 charter school student stations concurrent with the expected
 1007 occupancy of the residential units. The application for use of
 1008 educational impact fees shall include an approved charter school

1009 application. To assist the school district in forecasting
 1010 student station needs, the entity levying the impact fees shall
 1011 notify the affected district of any agreements it has approved
 1012 for the purpose of mitigating student station impact from the
 1013 new residential dwelling units.

1014 (g) Each school district shall annually provide to the
 1015 Department of Education as part of its 5-year work plan the
 1016 number of existing vacant classrooms in each school that the
 1017 district does not intend to use or does not project will be
 1018 needed for educational purposes for the following school year.
 1019 The department may recommend that a district make such space
 1020 available to an appropriate charter school.

1021 (20)~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are
 1022 eligible for capital outlay funds pursuant to s. 1013.62.

1023 (21)~~(20)~~ SERVICES.—

1024 (a) A sponsor shall provide certain administrative and
 1025 educational services to charter schools. These services shall
 1026 include contract management services; full-time equivalent and
 1027 data reporting services; exceptional student education
 1028 administration services; services related to eligibility and
 1029 reporting duties required to ensure that school lunch services
 1030 under the federal lunch program, consistent with the needs of
 1031 the charter school, are provided by the school district at the
 1032 request of the charter school, that any funds due to the charter
 1033 school under the federal lunch program be paid to the charter
 1034 school as soon as the charter school begins serving food under
 1035 the federal lunch program, and that the charter school is paid
 1036 at the same time and in the same manner under the federal lunch

1037 program as other public schools serviced by the sponsor or the
1038 school district; test administration services, including payment
1039 of the costs of state-required or district-required student
1040 assessments; processing of teacher certificate data services;
1041 and information services, including equal access to student
1042 information systems that are used by public schools in the
1043 district in which the charter school is located. Student
1044 performance data for each student in a charter school,
1045 including, but not limited to, FCAT scores, standardized test
1046 scores, previous public school student report cards, and student
1047 performance measures, shall be provided by the sponsor to a
1048 charter school in the same manner provided to other public
1049 schools in the district. A total administrative fee for the
1050 provision of such services shall be calculated based upon up to
1051 5 percent of the available funds defined in paragraph
1052 (18)~~(17)~~(b) for all students. However, a sponsor may only
1053 withhold up to a 5-percent administrative fee for enrollment for
1054 up to and including 500 students. For charter schools with a
1055 population of 501 or more students, the difference between the
1056 total administrative fee calculation and the amount of the
1057 administrative fee withheld may only be used for capital outlay
1058 purposes specified in s. 1013.62(2). Each charter school shall
1059 receive 100 percent of the funds awarded to that school pursuant
1060 to s. 1012.225. Sponsors shall not charge charter schools any
1061 additional fees or surcharges for administrative and educational
1062 services in addition to the maximum 5-percent administrative fee
1063 withheld pursuant to this paragraph.

1064 (b) If goods and services are made available to the

1065 charter school through the contract with the school district,
 1066 they shall be provided to the charter school at a rate no
 1067 greater than the district's actual cost unless mutually agreed
 1068 upon by the charter school and the sponsor in a contract
 1069 negotiated separately from the charter. ~~When mediation has~~
 1070 ~~failed to resolve disputes over contracted services or~~
 1071 ~~contractual matters not included in the charter, an appeal may~~
 1072 ~~be made for a dispute resolution hearing before the Charter~~
 1073 ~~School Appeal Commission.~~ To maximize the use of state funds,
 1074 school districts shall allow charter schools to participate in
 1075 the sponsor's bulk purchasing program if applicable.

1076 (c) Transportation of charter school students shall be
 1077 provided by the charter school consistent with the requirements
 1078 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
 1079 body of the charter school may provide transportation through an
 1080 agreement or contract with the district school board, a private
 1081 provider, or parents. The charter school and the sponsor shall
 1082 cooperate in making arrangements that ensure that transportation
 1083 is not a barrier to equal access for all students residing
 1084 within a reasonable distance of the charter school as determined
 1085 in its charter.

1086 (22)~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1087 (a) The Department of Education shall provide information
 1088 to the public, directly and through sponsors, on how to form and
 1089 operate a charter school and how to enroll in a charter school
 1090 once it is created. This information shall include a standard
 1091 application format, charter format, evaluation instrument, and
 1092 charter renewal format, which shall include the information

1093 specified in subsection (7) and shall be developed by consulting
 1094 and negotiating with both school districts and charter schools
 1095 before implementation. The charter and charter renewal formats
 1096 shall be used by charter school sponsors.

1097 (b)1. The Department of Education shall report student
 1098 assessment data pursuant to s. 1008.34(3)(c) which is reported
 1099 to schools that receive a school grade or student assessment
 1100 data pursuant to s. 1008.341(3) which is reported to alternative
 1101 schools that receive a school improvement rating to each charter
 1102 school that:

1103 a. Does not receive a school grade pursuant to s. 1008.34
 1104 or a school improvement rating pursuant to s. 1008.341; and

1105 b. Serves at least 10 students who are tested on the
 1106 statewide assessment test pursuant to s. 1008.22.

1107 2. The charter school shall report the information in
 1108 subparagraph 1. to ~~each parent of a student at the charter~~
 1109 ~~school, the parent of a child on a waiting list for the charter~~
 1110 ~~school,~~ the district in which the charter school is located, and
 1111 the governing board of the charter school. This paragraph does
 1112 not abrogate the provisions of s. 1002.22, relating to student
 1113 records, or the requirements of 20 U.S.C. s. 1232g, the Family
 1114 Educational Rights and Privacy Act.

1115 3.a. Pursuant to this paragraph, the Department of
 1116 Education shall compare the charter school student performance
 1117 data for each charter school in subparagraph 1. with the student
 1118 performance data in traditional public schools in the district
 1119 in which the charter school is located and other charter schools
 1120 in the state. For alternative charter schools, the department

1121 shall compare the student performance data described in this
 1122 paragraph with all alternative schools in the state. The
 1123 comparative data shall be provided by the following grade
 1124 groupings:

- 1125 (I) Grades 3 through 5;
- 1126 (II) Grades 6 through 8; and
- 1127 (III) Grades 9 through 11.

1128 b. Each charter school shall provide the information
 1129 specified in this paragraph on its Internet website and also
 1130 provide notice to the public at large in a manner provided by
 1131 the rules of the State Board of Education. The State Board of
 1132 Education shall adopt rules to administer the notice
 1133 requirements of this subparagraph pursuant to ss. 120.536(1) and
 1134 120.54. The website shall include, through links or actual
 1135 content, other information related to school performance.

1136 (23)~~(22)~~ CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE
 1137 REVIEW.—

1138 (a) The Department of Education shall staff and regularly
 1139 convene a Charter School Review Panel in order to review issues,
 1140 practices, and policies regarding charter schools. The
 1141 composition of the review panel shall include individuals with
 1142 experience in finance, administration, law, education, and
 1143 school governance, and individuals familiar with charter school
 1144 construction and operation. The panel shall include two
 1145 appointees each from the Commissioner of Education, the
 1146 President of the Senate, and the Speaker of the House of
 1147 Representatives. The Governor shall appoint three members of the
 1148 panel and shall designate the chair. Each member of the panel

1149 shall serve a 1-year term, unless renewed by the office making
 1150 the appointment. The panel shall make recommendations to the
 1151 Legislature, to the Department of Education, to charter schools,
 1152 and to school districts for improving charter school operations
 1153 and oversight and for ensuring best business practices at and
 1154 fair business relationships with charter schools.

1155 (b) The Legislature shall review the operation of charter
 1156 schools during the 2010 Regular Session of the Legislature.

1157 (24)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
 1158 receipt of the annual report required by paragraph (10)~~(9)~~(k),
 1159 the Department of Education shall provide to the State Board of
 1160 Education, the Commissioner of Education, the Governor, the
 1161 President of the Senate, and the Speaker of the House of
 1162 Representatives an analysis and comparison of the overall
 1163 performance of charter school students, to include all students
 1164 whose scores are counted as part of the statewide assessment
 1165 program, versus comparable public school students in the
 1166 district as determined by the statewide assessment program
 1167 currently administered in the school district, and other
 1168 assessments administered pursuant to s. 1008.22(3).

1169 (25)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1170 (a) This subsection applies to charter school personnel in
 1171 a charter school operated by a private entity. As used in this
 1172 subsection, the term:

- 1173 1. "Charter school personnel" means a charter school
 1174 owner, president, chairperson of the governing board of
 1175 directors, superintendent, governing board member, principal,
 1176 assistant principal, or any other person employed by the charter

1177 school who has equivalent decisionmaking authority and in whom
 1178 is vested the authority, or to whom the authority has been
 1179 delegated, to appoint, employ, promote, or advance individuals
 1180 or to recommend individuals for appointment, employment,
 1181 promotion, or advancement in connection with employment in a
 1182 charter school, including the authority as a member of a
 1183 governing body of a charter school to vote on the appointment,
 1184 employment, promotion, or advancement of individuals.

1185 2. "Relative" means father, mother, son, daughter,
 1186 brother, sister, uncle, aunt, first cousin, nephew, niece,
 1187 husband, wife, father-in-law, mother-in-law, son-in-law,
 1188 daughter-in-law, brother-in-law, sister-in-law, stepfather,
 1189 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
 1190 brother, or half sister.

1191 (b) Charter school personnel may not knowingly recommend
 1192 or engage in the ~~appoint, employ, promote, or advance, or~~
 1193 ~~advocate for appointment,~~ employment, promotion, or assignment
 1194 of an individual or employee to a work location if that action
 1195 will create a situation in which one employee will be
 1196 responsible for the direct supervision of, or exercise
 1197 ~~advancement, in or to a position in the charter school in which~~
 1198 ~~the personnel are serving or over which the personnel exercises~~
 1199 jurisdiction or control over, another employee any individual
 1200 who is a relative. The Commissioner of Education or the sponsor
 1201 may make exceptions to this paragraph if such personnel actions
 1202 would cause undue hardship on students or seriously disrupt a
 1203 charter school's operations. ~~An individual may not be appointed,~~
 1204 ~~employed, promoted, or advanced in or to a position in a charter~~

1205 ~~school if such appointment, employment, promotion, or~~
 1206 ~~advancement has been advocated by charter school personnel who~~
 1207 ~~serve in or exercise jurisdiction or control over the charter~~
 1208 ~~school and who is a relative of the individual or if such~~
 1209 ~~appointment, employment, promotion, or advancement is made by~~
 1210 ~~the governing board of which a relative of the individual is a~~
 1211 ~~member.~~

1212 (c) The approval of budgets does not constitute
 1213 "jurisdiction or control" for the purposes of this subsection.

1214
 1215 Charter school personnel in schools operated by a municipality
 1216 or other public entity are subject to s. 112.3135.

1217 ~~(26)~~ (25) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1218 (a) A member of a governing board of a charter school,
 1219 including a charter school operated by a private entity, is
 1220 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1221 (b) A member of a governing board of a charter school
 1222 operated by a municipality or other public entity is subject to
 1223 s. 112.3145 ~~112.3144~~, which relates to the disclosure of
 1224 financial interests.

1225 ~~(27)~~ (26) RULEMAKING.—The Department of Education, after
 1226 consultation with school districts and charter school directors,
 1227 shall recommend that the State Board of Education adopt rules to
 1228 implement specific subsections of this section. Such rules shall
 1229 require minimum paperwork and shall not limit charter school
 1230 flexibility authorized by statute. The State Board of Education
 1231 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 1232 implement a charter model application form, evaluation

1233 instrument, and charter and charter renewal formats in
 1234 accordance with this section.

1235 Section 2. Paragraph (e) of subsection (1) and subsections
 1236 (2) and (3) of section 1013.62, Florida Statutes, are amended to
 1237 read:

1238 1013.62 Charter schools capital outlay funding.—

1239 (1) In each year in which funds are appropriated for
 1240 charter school capital outlay purposes, the Commissioner of
 1241 Education shall allocate the funds among eligible charter
 1242 schools.

1243 (e) Unless otherwise provided in the General
 1244 Appropriations Act, the funding allocation for each eligible
 1245 charter school is determined by multiplying the school's
 1246 projected student enrollment by one-fifteenth of the cost-per-
 1247 student station specified in s. 1013.64(6)(b) for an elementary,
 1248 middle, or high school, as appropriate. If the funds
 1249 appropriated are not sufficient, the commissioner shall prorate
 1250 the available funds among eligible charter schools. However, a
 1251 charter school or charter lab school may not receive state
 1252 charter school capital outlay funds greater than the one-
 1253 fifteenth cost per student station formula if the charter
 1254 school's combination of state charter school capital outlay
 1255 funds, capital outlay funds calculated through the reduction in
 1256 the administrative fee provided in s. 1002.33(21)(~~20~~), and
 1257 capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds
 1258 the one-fifteenth cost per student station formula.

1259 (2) A charter school's governing body may use charter
 1260 school capital outlay funds for the following purposes:

- 1261 (a) Purchase of real property.
- 1262 (b) Construction of school facilities.
- 1263 (c) Purchase, lease-purchase, or lease of permanent or
- 1264 relocatable school facilities.
- 1265 (d) Purchase of vehicles to transport students to and from
- 1266 the charter school.
- 1267 (e) Renovation, repair, and maintenance of school
- 1268 facilities that the charter school owns or is purchasing through
- 1269 a lease-purchase or long-term lease of 5 years or longer.
- 1270 (f) Effective July 1, 2008, purchase, lease-purchase, or
- 1271 lease of new and replacement equipment, and enterprise resource
- 1272 software applications that are classified as capital assets in
- 1273 accordance with definitions of the Governmental Accounting
- 1274 Standards Board, have a useful life of at least 5 years, and are
- 1275 used to support schoolwide administration or state-mandated
- 1276 reporting requirements.
- 1277 (g) Payment of the cost of premiums for property and
- 1278 casualty insurance necessary to insure the school facilities.
- 1279 (h) Purchase, lease-purchase, or lease of driver's
- 1280 education vehicles; motor vehicles used for the maintenance or
- 1281 operation of plants and equipment; security vehicles; or
- 1282 vehicles used in storing or distributing materials and
- 1283 equipment.
- 1284 (i) Purchase of computer software, hardware, and network
- 1285 systems.
- 1286 (j) Purchase of furniture and equipment.
- 1287
- 1288 Conversion charter schools may use capital outlay funds received

1289 through the reduction in the administrative fee provided in s.
 1290 1002.33 (21) ~~(20)~~ for renovation, repair, and maintenance of
 1291 school facilities that are owned by the sponsor.

1292 (3) When a charter school is nonrenewed or terminated, any
 1293 unencumbered funds and all equipment and property purchased with
 1294 district public funds shall revert to the ownership of the
 1295 district school board, as provided for in s. 1002.33 (9) ~~(8)~~ (e)
 1296 and (f). In the case of a charter lab school, any unencumbered
 1297 funds and all equipment and property purchased with university
 1298 public funds shall revert to the ownership of the state
 1299 university that issued the charter. The reversion of such
 1300 equipment, property, and furnishings shall focus on recoverable
 1301 assets, but not on intangible or irrecoverable costs such as
 1302 rental or leasing fees, normal maintenance, and limited
 1303 renovations. The reversion of all property secured with public
 1304 funds is subject to the complete satisfaction of all lawful
 1305 liens or encumbrances. If there are additional local issues such
 1306 as the shared use of facilities or partial ownership of
 1307 facilities or property, these issues shall be agreed to in the
 1308 charter contract prior to the expenditure of funds.

1309 Section 3. Paragraph (e) of subsection (13) of section
 1310 163.3180, Florida Statutes, is amended to read:

1311 163.3180 Concurrency.—

1312 (13) School concurrency shall be established on a
 1313 districtwide basis and shall include all public schools in the
 1314 district and all portions of the district, whether located in a
 1315 municipality or an unincorporated area unless exempt from the
 1316 public school facilities element pursuant to s. 163.3177(12).

1317 The application of school concurrency to development shall be
 1318 based upon the adopted comprehensive plan, as amended. All local
 1319 governments within a county, except as provided in paragraph
 1320 (f), shall adopt and transmit to the state land planning agency
 1321 the necessary plan amendments, along with the interlocal
 1322 agreement, for a compliance review pursuant to s. 163.3184(7)
 1323 and (8). The minimum requirements for school concurrency are the
 1324 following:

1325 (e) Availability standard.—Consistent with the public
 1326 welfare, a local government may not deny an application for site
 1327 plan, final subdivision approval, or the functional equivalent
 1328 for a development or phase of a development authorizing
 1329 residential development for failure to achieve and maintain the
 1330 level-of-service standard for public school capacity in a local
 1331 school concurrency management system where adequate school
 1332 facilities will be in place or under actual construction within
 1333 3 years after the issuance of final subdivision or site plan
 1334 approval, or the functional equivalent. School concurrency is
 1335 satisfied if the developer executes a legally binding commitment
 1336 to provide mitigation proportionate to the demand for public
 1337 school facilities to be created by actual development of the
 1338 property, including, but not limited to, the options described
 1339 in subparagraph 1. Options for proportionate-share mitigation of
 1340 impacts on public school facilities must be established in the
 1341 public school facilities element and the interlocal agreement
 1342 pursuant to s. 163.31777.

1343 1. Appropriate mitigation options include the contribution
 1344 of land; the construction, expansion, or payment for land

1345 acquisition or construction of a public school facility; the
 1346 construction of a charter school that complies with the
 1347 requirements of s. 1002.33 (19) ~~(18)~~; or the creation of
 1348 mitigation banking based on the construction of a public school
 1349 facility in exchange for the right to sell capacity credits.
 1350 Such options must include execution by the applicant and the
 1351 local government of a development agreement that constitutes a
 1352 legally binding commitment to pay proportionate-share mitigation
 1353 for the additional residential units approved by the local
 1354 government in a development order and actually developed on the
 1355 property, taking into account residential density allowed on the
 1356 property prior to the plan amendment that increased the overall
 1357 residential density. The district school board must be a party
 1358 to such an agreement. As a condition of its entry into such a
 1359 development agreement, the local government may require the
 1360 landowner to agree to continuing renewal of the agreement upon
 1361 its expiration.

1362 2. If the education facilities plan and the public
 1363 educational facilities element authorize a contribution of land;
 1364 the construction, expansion, or payment for land acquisition;
 1365 the construction or expansion of a public school facility, or a
 1366 portion thereof; or the construction of a charter school that
 1367 complies with the requirements of s. 1002.33 (19) ~~(18)~~, as
 1368 proportionate-share mitigation, the local government shall
 1369 credit such a contribution, construction, expansion, or payment
 1370 toward any other impact fee or exaction imposed by local
 1371 ordinance for the same need, on a dollar-for-dollar basis at
 1372 fair market value.

1373 3. Any proportionate-share mitigation must be directed by
 1374 the school board toward a school capacity improvement identified
 1375 in a financially feasible 5-year district work plan that
 1376 satisfies the demands created by the development in accordance
 1377 with a binding developer's agreement.

1378 4. If a development is precluded from commencing because
 1379 there is inadequate classroom capacity to mitigate the impacts
 1380 of the development, the development may nevertheless commence if
 1381 there are accelerated facilities in an approved capital
 1382 improvement element scheduled for construction in year four or
 1383 later of such plan which, when built, will mitigate the proposed
 1384 development, or if such accelerated facilities will be in the
 1385 next annual update of the capital facilities element, the
 1386 developer enters into a binding, financially guaranteed
 1387 agreement with the school district to construct an accelerated
 1388 facility within the first 3 years of an approved capital
 1389 improvement plan, and the cost of the school facility is equal
 1390 to or greater than the development's proportionate share. When
 1391 the completed school facility is conveyed to the school
 1392 district, the developer shall receive impact fee credits usable
 1393 within the zone where the facility is constructed or any
 1394 attendance zone contiguous with or adjacent to the zone where
 1395 the facility is constructed.

1396 5. This paragraph does not limit the authority of a local
 1397 government to deny a development permit or its functional
 1398 equivalent pursuant to its home rule regulatory powers, except
 1399 as provided in this part.

1400 Section 4. Paragraph (c) of subsection (9) of section
 1401 1002.32, Florida Statutes, is amended to read:

1402 1002.32 Developmental research (laboratory) schools.—

1403 (9) FUNDING.—Funding for a lab school, including a charter
 1404 lab school, shall be provided as follows:

1405 (c) All operating funds provided under this section shall
 1406 be deposited in a Lab School Trust Fund and shall be expended
 1407 for the purposes of this section. The university assigned a lab
 1408 school shall be the fiscal agent for these funds, and all rules
 1409 of the university governing the budgeting and expenditure of
 1410 state funds shall apply to these funds unless otherwise provided
 1411 by law or rule of the State Board of Education. The university
 1412 board of trustees shall be the public employer of lab school
 1413 personnel for collective bargaining purposes for lab schools in
 1414 operation prior to the 2002-2003 fiscal year. Employees of
 1415 charter lab schools authorized prior to June 1, 2003, but not in
 1416 operation prior to the 2002-2003 fiscal year shall be employees
 1417 of the entity holding the charter and must comply with the
 1418 provisions of s. 1002.33 (13) ~~(12)~~.

1419 Section 5. Paragraph (c) of subsection (10) and subsection
 1420 (13) of section 1002.34, Florida Statutes, are amended to read:

1421 1002.34 Charter technical career centers.—

1422 (10) EXEMPTION FROM STATUTES.—

1423 (c) A center must comply with the antidiscrimination
 1424 provisions in s. 1000.05 and the provisions in s.
 1425 1002.33 (25) ~~(24)~~ which relate to the employment of relatives.

1426 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
 1427 of a center may decide matters relating to the operation of the

1428 school, including budgeting, curriculum, and operating
 1429 procedures, subject to the center's charter. The board of
 1430 directors is responsible for performing the duties provided in
 1431 s. 1002.345, including monitoring the corrective action plan.
 1432 The board of directors must comply with s. 1002.33(26)~~(25)~~.

1433 Section 6. Paragraphs (a) and (d) of subsection (1),
 1434 paragraph (b) of subsection (2), and subsection (6) of section
 1435 1002.345, Florida Statutes, are amended to read:

1436 1002.345 Determination of deteriorating financial
 1437 conditions and financial emergencies for charter schools and
 1438 charter technical career centers.—This section applies to
 1439 charter schools operating pursuant to s. 1002.33 and to charter
 1440 technical career centers operating pursuant to s. 1002.34.

1441 (1) EXPEDITED REVIEW; REQUIREMENTS.—

1442 (a) A charter school or a charter technical career center
 1443 is subject to an expedited review by the sponsor if one of the
 1444 following occurs:

- 1445 1. Failure to provide for an audit required by s. 218.39.
- 1446 2. Failure to comply with reporting requirements pursuant
 1447 to s. 1002.33(10)~~(9)~~ or s. 1002.34(11) (f) or (14).

- 1448 3. A deteriorating financial condition identified through
 1449 an annual audit pursuant to s. 218.39(5) or a ~~monthly~~ financial
 1450 statement pursuant to s. 1002.33(10)~~(9)~~(g) or s. 1002.34(11) (f).

1451 "Deteriorating financial condition" means a circumstance that
 1452 significantly impairs the ability of a charter school or a
 1453 charter technical career center to generate enough revenues to
 1454 meet its expenditures without causing the occurrence of a
 1455 condition described in s. 218.503(1).

1456 4. Notification pursuant to s. 218.503(2) that one or more
 1457 of the conditions specified in s. 218.503(1) have occurred or
 1458 will occur if action is not taken to assist the charter school
 1459 or charter technical career center.

1460 (d) The governing board shall include the corrective
 1461 action plan and the status of its implementation in the annual
 1462 progress report to the sponsor which is required pursuant to s.
 1463 1002.33 (10) ~~(9)~~ (k) or s. 1002.34(14).

1464 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—

1465 (b) The governing board shall include the financial
 1466 recovery plan and the status of its implementation in the annual
 1467 progress report to the sponsor which is required under s.
 1468 1002.33 (10) ~~(9)~~ (k) or s. 1002.34(14).

1469 (6) FAILURE TO CORRECT DEFICIENCIES.—The sponsor may
 1470 decide not to renew or may terminate a charter if the charter
 1471 school or charter technical career center fails to correct the
 1472 deficiencies noted in the corrective action plan within 1 year
 1473 after being notified of the deficiencies or exhibits one or more
 1474 financial emergency conditions specified in s. 218.503 for 2
 1475 consecutive years. This subsection does not affect a sponsor's
 1476 authority to terminate or not renew a charter pursuant to s.
 1477 1002.33 (9) ~~(8)~~.

1478 Section 7. Section 1011.68, Florida Statutes, is amended
 1479 to read:

1480 1011.68 Funds for student transportation.—The annual
 1481 allocation to each district for transportation to public school
 1482 programs, including charter schools as provided in s.
 1483 1002.33 (18) ~~(17)~~ (b), of students in membership in kindergarten

1484 through grade 12 and in migrant and exceptional student programs
 1485 below kindergarten shall be determined as follows:

1486 (1) Subject to the rules of the State Board of Education,
 1487 each district shall determine the membership of students who are
 1488 transported:

1489 (a) By reason of living 2 miles or more from school.

1490 (b) By reason of being students with disabilities or
 1491 enrolled in a teenage parent program, regardless of distance to
 1492 school.

1493 (c) By reason of being in a state prekindergarten program,
 1494 regardless of distance from school.

1495 (d) By reason of being career, dual enrollment, or
 1496 students with disabilities transported from one school center to
 1497 another to participate in an instructional program or service;
 1498 or students with disabilities, transported from one designation
 1499 to another in the state, provided one designation is a school
 1500 center and provided the student's individual educational plan
 1501 (IEP) identifies the need for the instructional program or
 1502 service and transportation to be provided by the school
 1503 district. A "school center" is defined as a public school
 1504 center, community college, state university, or other facility
 1505 rented, leased, or owned and operated by the school district or
 1506 another public agency. A "dual enrollment student" is defined as
 1507 a public school student in membership in both a public secondary
 1508 school program and a community college or a state university
 1509 program under a written agreement to partially fulfill ss.
 1510 1003.435 and 1007.23 and earning full-time equivalent membership
 1511 under s. 1011.62(1)(i).

1512 (e) With respect to elementary school students whose grade
 1513 level does not exceed grade 6, by reason of being subjected to
 1514 hazardous walking conditions en route to or from school as
 1515 provided in s. 1006.23. Such rules shall, when appropriate,
 1516 provide for the determination of membership under this paragraph
 1517 for less than 1 year to accommodate the needs of students who
 1518 require transportation only until such hazardous conditions are
 1519 corrected.

1520 (f) By reason of being a pregnant student or student
 1521 parent, and the child of a student parent as provided in s.
 1522 1003.54, regardless of distance from school.

1523 (2) The allocation for each district shall be calculated
 1524 annually in accordance with the following formula:
 1525 $T = B + EX$. The elements of this formula are defined as follows:
 1526 T is the total dollar allocation for transportation. B is the
 1527 base transportation dollar allocation prorated by an adjusted
 1528 student membership count. The adjusted membership count shall be
 1529 derived from a multiplicative index function in which the base
 1530 student membership is adjusted by multiplying it by index
 1531 numbers that individually account for the impact of the price
 1532 level index, average bus occupancy, and the extent of rural
 1533 population in the district. EX is the base transportation dollar
 1534 allocation for disabled students prorated by an adjusted
 1535 disabled student membership count. The base transportation
 1536 dollar allocation for disabled students is the total state base
 1537 disabled student membership count weighted for increased costs
 1538 associated with transporting disabled students and multiplying
 1539 it by the prior year's average per student cost for

1540 transportation. The adjusted disabled student membership count
1541 shall be derived from a multiplicative index function in which
1542 the weighted base disabled student membership is adjusted by
1543 multiplying it by index numbers that individually account for
1544 the impact of the price level index, average bus occupancy, and
1545 the extent of rural population in the district. Each adjustment
1546 factor shall be designed to affect the base allocation by no
1547 more or less than 10 percent.

1548 (3) The total allocation to each district for
1549 transportation of students shall be the sum of the amounts
1550 determined in subsection (2). If the funds appropriated for the
1551 purpose of implementing this section are not sufficient to pay
1552 the base transportation allocation and the base transportation
1553 allocation for disabled students, the Department of Education
1554 shall prorate the available funds on a percentage basis. If the
1555 funds appropriated for the purpose of implementing this section
1556 exceed the sum of the base transportation allocation and the
1557 base transportation allocation for disabled students, the base
1558 transportation allocation for disabled students shall be limited
1559 to the amount calculated in subsection (2), and the remaining
1560 balance shall be added to the base transportation allocation.

1561 (4) No district shall use funds to purchase transportation
1562 equipment and supplies at prices which exceed those determined
1563 by the department to be the lowest which can be obtained, as
1564 prescribed in s. 1006.27(1).

1565 (5) Funds allocated or apportioned for the payment of
1566 student transportation services may be used to pay for
1567 transportation of students to and from school on local general

1568 purpose transportation systems. Student transportation funds may
 1569 also be used to pay for transportation of students to and from
 1570 school in private passenger cars and boats when the
 1571 transportation is for isolated students, or students with
 1572 disabilities as defined by rule. Subject to the rules of the
 1573 State Board of Education, each school district shall determine
 1574 and report the number of assigned students using general purpose
 1575 transportation private passenger cars and boats. The allocation
 1576 per student must be equal to the allocation per student riding a
 1577 school bus.

1578 (6) Notwithstanding other provisions of this section, in
 1579 no case shall any student or students be counted for
 1580 transportation funding more than once per day. This provision
 1581 includes counting students for funding pursuant to trips in
 1582 school buses, passenger cars, or boats or general purpose
 1583 transportation.

1584 Section 8. Paragraph (b) of subsection (2) of section
 1585 1012.32, Florida Statutes, is amended to read:

1586 1012.32 Qualifications of personnel.-

1587 (2)

1588 (b) Instructional and noninstructional personnel who are
 1589 hired or contracted to fill positions in any charter school and
 1590 members of the governing board of any charter school, in
 1591 compliance with s. 1002.33 (13) ~~(12)~~ (g), must, upon employment,
 1592 engagement of services, or appointment, undergo background
 1593 screening as required under s. 1012.465 or s. 1012.56, whichever
 1594 is applicable, by filing with the district school board for the
 1595 school district in which the charter school is located a

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1596 complete set of fingerprints taken by an authorized law
1597 enforcement agency or an employee of the school or school
1598 district who is trained to take fingerprints.

1599
1600 Fingerprints shall be submitted to the Department of Law
1601 Enforcement for statewide criminal and juvenile records checks
1602 and to the Federal Bureau of Investigation for federal criminal
1603 records checks. A person subject to this subsection who is found
1604 ineligible for employment under s. 1012.315, or otherwise found
1605 through background screening to have been convicted of any crime
1606 involving moral turpitude as defined by rule of the State Board
1607 of Education, shall not be employed, engaged to provide
1608 services, or serve in any position that requires direct contact
1609 with students. Probationary persons subject to this subsection
1610 terminated because of their criminal record have the right to
1611 appeal such decisions. The cost of the background screening may
1612 be borne by the district school board, the charter school, the
1613 employee, the contractor, or a person subject to this
1614 subsection.

1615 Section 9. (1) The Office of Program Policy Analysis and
1616 Government Accountability (OPPAGA) shall conduct a study
1617 comparing the funding of charter schools with traditional public
1618 schools and shall:

1619 (a) Identify the school districts that distribute funds
1620 generated by the capital improvement millage authorized pursuant
1621 to s. 1011.71(2), Florida Statutes, to charter schools and the
1622 use of such funds by the charter schools.

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1623 (b) Determine the amount of funds that would be available
1624 to charter schools if school districts equitably distribute to
1625 district schools, including charter schools, funds generated by
1626 the capital improvement millage authorized pursuant to s.
1627 1011.71(2), Florida Statutes.

1628 (c) Examine the costs associated with supervising charter
1629 schools and determine if the 5-percent administrative fee for
1630 administrative and educational services for charter schools
1631 covers the costs associated with the provision of the services.

1632 (2) OPPAGA shall make recommendations, if warranted, for
1633 improving the accountability and equity of the funding system
1634 for charter schools based on the findings of the study. The
1635 results of the study shall be provided to the Governor, the
1636 President of the Senate, and the Speaker of the House of
1637 Representatives no later than January 1, 2011.

1638 Section 10. This act shall take effect July 1, 2010.