

By Senator Thrasher

8-00725-11

20111546

1 A bill to be entitled
2 An act relating to charter schools; amending ss.
3 163.3180, 196.1983, and 1002.32, F.S.; conforming
4 cross-references; amending s. 1002.33, F.S.; revising
5 provisions relating to the sponsoring entities of
6 charter schools; authorizing state universities and
7 colleges to approve charter school applications and
8 develop charter schools under certain circumstances;
9 requiring that the Department of Education provide or
10 arrange for training and technical assistance for
11 charter schools; requiring that a charter school
12 applicant participate in the training before filing an
13 application; removing certain provisions relating to
14 the appeal process for charter school applicants and
15 the Charter School Appeal Commission; creating the
16 Charter School Review and Appeals Panel; providing
17 duties, responsibilities, and membership of the panel;
18 providing for the designation of charter schools as
19 high-performing if certain requirements are met;
20 providing definitions relating to the high-performing
21 charter school system; revising provisions to conform
22 to changes made by the act; amending ss. 1002.34,
23 1002.345, 1011.68, 1012.32, and 1013.62, F.S.;
24 conforming cross-references; creating the College-
25 Preparatory Boarding Academy Pilot Program for
26 dependent or at-risk students; providing a purpose for
27 the program; requiring that the State Board of
28 Education implement the program; providing
29 definitions; requiring that the state board select a

8-00725-11

20111546

30 private nonprofit corporation to operate the academy
31 if certain qualifications are met; requiring that the
32 state board request proposals from private nonprofit
33 corporations; providing requirements for such
34 proposals; requiring that the state board enter into a
35 contract with the operator of the academy; requiring
36 that the contract contain specified requirements;
37 requiring that the operator adopt bylaws, subject to
38 approval by the state board; requiring that the
39 operator adopt an outreach program with the local
40 education agency or school district and community;
41 providing that the academy is a public school and part
42 of the state's education program; providing program
43 funding guidelines; limiting the capacity of eligible
44 students attending the academy; requiring that
45 enrolled students remain under case management
46 services and the supervision of the lead agency;
47 authorizing the operator to appropriately bill
48 Medicaid for services rendered to eligible students or
49 earn federal or local funding for services provided;
50 providing for eligible students to be admitted by
51 lottery if the number of applicants exceeds the
52 allowed capacity; authorizing the operator to board
53 dependent, at-risk students; requiring that the state
54 board issue an annual report and adopt rules;
55 requiring that the Office of Program Policy and
56 Analysis and Government Accountability conduct a study
57 comparing the funding of charter schools to the
58 funding of public schools; providing requirements for

8-00725-11

20111546

59 the study; requiring that the office submit its
60 recommendations and findings to the Governor and the
61 Legislature by a specified date; providing for
62 severability; providing an effective date.
63

64 Be It Enacted by the Legislature of the State of Florida:
65

66 Section 1. Paragraph (e) of subsection (13) of section
67 163.3180, Florida Statutes, is amended to read:

68 163.3180 Concurrency.—

69 (13) School concurrency shall be established on a
70 districtwide basis and shall include all public schools in the
71 district and all portions of the district, whether located in a
72 municipality or an unincorporated area unless exempt from the
73 public school facilities element pursuant to s. 163.3177(12).
74 The application of school concurrency to development shall be
75 based upon the adopted comprehensive plan, as amended. All local
76 governments within a county, except as provided in paragraph
77 (f), shall adopt and transmit to the state land planning agency
78 the necessary plan amendments, along with the interlocal
79 agreement, for a compliance review pursuant to s. 163.3184(7)
80 and (8). The minimum requirements for school concurrency are the
81 following:

82 (e) *Availability standard.*—Consistent with the public
83 welfare, a local government may not deny an application for site
84 plan, final subdivision approval, or the functional equivalent
85 for a development or phase of a development authorizing
86 residential development for failure to achieve and maintain the
87 level-of-service standard for public school capacity in a local

8-00725-11

20111546

88 school concurrency management system where adequate school
89 facilities will be in place or under actual construction within
90 3 years after the issuance of final subdivision or site plan
91 approval, or the functional equivalent. School concurrency is
92 satisfied if the developer executes a legally binding commitment
93 to provide mitigation proportionate to the demand for public
94 school facilities to be created by actual development of the
95 property, including, but not limited to, the options described
96 in subparagraph 1. Options for proportionate-share mitigation of
97 impacts on public school facilities must be established in the
98 public school facilities element and the interlocal agreement
99 pursuant to s. 163.31777.

100 1. Appropriate mitigation options include the contribution
101 of land; the construction, expansion, or payment for land
102 acquisition or construction of a public school facility; the
103 construction of a charter school that complies with the
104 requirements of s. 1002.33(21) ~~s. 1002.33(18)~~; or the creation
105 of mitigation banking based on the construction of a public
106 school facility in exchange for the right to sell capacity
107 credits. Such options must include execution by the applicant
108 and the local government of a development agreement that
109 constitutes a legally binding commitment to pay proportionate-
110 share mitigation for the additional residential units approved
111 by the local government in a development order and actually
112 developed on the property, taking into account residential
113 density allowed on the property prior to the plan amendment that
114 increased the overall residential density. The district school
115 board must be a party to such an agreement. As a condition of
116 its entry into such a development agreement, the local

8-00725-11

20111546

117 government may require the landowner to agree to continuing
118 renewal of the agreement upon its expiration.

119 2. If the education facilities plan and the public
120 educational facilities element authorize a contribution of land;
121 the construction, expansion, or payment for land acquisition;
122 the construction or expansion of a public school facility, or a
123 portion thereof; or the construction of a charter school that
124 complies with the requirements of s. 1002.33(21) ~~s. 1002.33(18)~~,
125 as proportionate-share mitigation, the local government shall
126 credit such a contribution, construction, expansion, or payment
127 toward any other impact fee or exaction imposed by local
128 ordinance for the same need, on a dollar-for-dollar basis at
129 fair market value.

130 3. Any proportionate-share mitigation must be directed by
131 the school board toward a school capacity improvement identified
132 in a financially feasible 5-year district work plan that
133 satisfies the demands created by the development in accordance
134 with a binding developer's agreement.

135 4. If a development is precluded from commencing because
136 there is inadequate classroom capacity to mitigate the impacts
137 of the development, the development may nevertheless commence if
138 there are accelerated facilities in an approved capital
139 improvement element scheduled for construction in year four or
140 later of such plan which, when built, will mitigate the proposed
141 development, or if such accelerated facilities will be in the
142 next annual update of the capital facilities element, the
143 developer enters into a binding, financially guaranteed
144 agreement with the school district to construct an accelerated
145 facility within the first 3 years of an approved capital

8-00725-11

20111546

146 improvement plan, and the cost of the school facility is equal
147 to or greater than the development's proportionate share. When
148 the completed school facility is conveyed to the school
149 district, the developer shall receive impact fee credits usable
150 within the zone where the facility is constructed or any
151 attendance zone contiguous with or adjacent to the zone where
152 the facility is constructed.

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

157 Section 2. Section 196.1983, Florida Statutes, is amended
158 to read:

159 196.1983 Charter school exemption from ad valorem taxes.-
160 Any facility, or portion thereof, used to house a charter school
161 whose charter has been approved by the sponsor and the governing
162 board pursuant to s. 1002.33(8) ~~s. 1002.33(7)~~ shall be exempt
163 from ad valorem taxes. For leasehold properties, the landlord
164 must certify by affidavit to the charter school that the lease
165 payments shall be reduced to the extent of the exemption
166 received. The owner of the property shall disclose to a charter
167 school the full amount of the benefit derived from the exemption
168 and the method for ensuring that the charter school receives
169 such benefit. The charter school shall receive the full benefit
170 derived from the exemption through either an annual or monthly
171 credit to the charter school's lease payments.

172 Section 3. Paragraph (c) of subsection (9) of section
173 1002.32, Florida Statutes, is amended to read:

174 1002.32 Developmental research (laboratory) schools.-

8-00725-11

20111546

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

177 (c) All operating funds provided under this section shall
178 be deposited in a Lab School Trust Fund and shall be expended
179 for the purposes of this section. The university assigned a lab
180 school shall be the fiscal agent for these funds, and all rules
181 of the university governing the budgeting and expenditure of
182 state funds shall apply to these funds unless otherwise provided
183 by law or rule of the State Board of Education. The university
184 board of trustees shall be the public employer of lab school
185 personnel for collective bargaining purposes for lab schools in
186 operation prior to the 2002-2003 fiscal year. Employees of
187 charter lab schools authorized prior to June 1, 2003, but not in
188 operation prior to the 2002-2003 fiscal year shall be employees
189 of the entity holding the charter and must comply with the
190 provisions of s. 1002.33(15) ~~s. 1002.33(12)~~.

191 Section 4. Subsections (5) through (26) of section 1002.33,
192 Florida Statutes, are amended to read:

193 1002.33 Charter schools.—

194 (5) SPONSOR; DUTIES.—

195 (a) *Sponsoring entities*.—

196 1. A district school board may sponsor a charter school in
197 the county over which the district school board has
198 jurisdiction.

199 2. A state university may grant a charter to a lab school
200 created under s. 1002.32 and shall be considered to be the
201 school's sponsor. Such school shall be considered a charter lab
202 school.

203 3. A state university may approve an application for a

8-00725-11

20111546

204 charter school located in the state. A charter school that is
205 approved by a state university must enter into a charter
206 contract with the local school district pursuant to subsection
207 (8).

208 4. A state university may develop one or more of its own
209 charter schools, which must be operated by the state university.
210 These charter schools are exempt from contracting provisions
211 pursuant to subsection (8). State universities may not report
212 FTE for any students who receive FTE funding through the Florida
213 Education Finance Program.

214 5. A state college may approve an application for a charter
215 school located within its designated service area. A charter
216 school that is approved by a state college must enter into a
217 charter contract with the local school district pursuant to
218 subsection (8).

219 6. A state college may develop a charter school within its
220 designated service area, which may serve kindergarten through
221 grade 12, and must include a secondary school that provides an
222 option for students to receive an associate degree upon high
223 school graduation. These charter schools must be operated by the
224 state college and are exempt from contracting provisions
225 pursuant to subsection (8). State colleges may not report FTE
226 for any students who receive FTE funding through the Florida
227 Education Finance Program.

228 (b) *Sponsor duties.*—

229 1.a. The sponsor shall monitor and review the charter
230 school in its progress toward the goals established in the
231 charter.

232 b. The sponsor shall monitor the revenues and expenditures

8-00725-11

20111546

233 of the charter school and perform the duties provided in s.
234 1002.345.

235 c. The sponsor may approve a charter for a charter school
236 before the applicant has identified space, equipment, or
237 personnel, if the applicant indicates approval is necessary for
238 it to raise working funds.

239 d. The sponsor's policies shall not apply to a charter
240 school unless mutually agreed to by both the sponsor and the
241 charter school.

242 e. The sponsor shall ensure that the charter is innovative
243 and consistent with the state education goals established by s.
244 1000.03(5).

245 f. The sponsor shall ensure that the charter school
246 participates in the state's education accountability system. If
247 a charter school falls short of performance measures included in
248 the approved charter, the sponsor shall report such shortcomings
249 to the Department of Education.

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

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

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

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

8-00725-11

20111546

262 2. Immunity for the sponsor of a charter school under
 263 subparagraph 1. applies only with respect to acts or omissions
 264 not under the sponsor's direct authority as described in this
 265 section.

266 3. This paragraph does not waive a district school board's
 267 sovereign immunity.

268 4. A community college may work with the school district or
 269 school districts in its designated service area to develop
 270 charter schools ~~that offer secondary education~~. These charter
 271 schools may serve students in kindergarten through grade 12 and
 272 must include a secondary school and provide ~~must include~~ an
 273 option for students to receive an associate degree upon high
 274 school graduation. District school boards shall cooperate with
 275 and assist the community college on the charter application.
 276 Community college applications for charter schools are not
 277 subject to the time deadlines outlined in subsection (6) and may
 278 be approved by the district school board at any time during the
 279 year. Community colleges may not report FTE for any students who
 280 receive FTE funding through the Florida Education Finance
 281 Program.

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

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

287 1. Demonstrates how the school will use the guiding
 288 principles and meet the statutorily defined purpose of a charter
 289 school.

290 2. Provides a detailed curriculum plan that illustrates how

8-00725-11

20111546

291 students will be provided services to attain the Sunshine State
292 Standards.

293 3. Contains goals and objectives for improving student
294 learning and measuring that improvement. These goals and
295 objectives must indicate how much academic improvement students
296 are expected to show each year, how success will be evaluated,
297 and the specific results to be attained through instruction.

298 4. Describes the reading curriculum and differentiated
299 strategies that will be used for students reading at grade level
300 or higher and a separate curriculum and strategies for students
301 who are reading below grade level. A sponsor shall deny a
302 charter if the school does not propose a reading curriculum that
303 is consistent with effective teaching strategies that are
304 grounded in scientifically based reading research.

305 5. Contains an annual financial plan for each year
306 requested by the charter for operation of the school for up to 5
307 years. This plan must contain anticipated fund balances based on
308 revenue projections, a spending plan based on projected revenues
309 and expenses, and a description of controls that will safeguard
310 finances and projected enrollment trends.

311 6. Documents that the applicant has participated in the
312 training required in subparagraph (b)2. ~~(f)2.~~ A sponsor may
313 require an applicant to provide additional information as an
314 addendum to the charter school application described in this
315 paragraph.

316 (b)1. The Department of Education shall provide or arrange
317 for training and technical assistance to charter schools in
318 developing business plans and estimating costs and income.
319 Training and technical assistance shall address estimating

8-00725-11

20111546

320 startup costs, projecting enrollment, and identifying the types
321 and amounts of state and federal financial assistance that the
322 charter school may be eligible to receive. The department may
323 provide other technical assistance to an applicant upon written
324 request.

325 2. A charter school applicant must participate in the
326 training provided by the Department of Education before filing
327 an application. However, a sponsor may require the charter
328 school applicant to attend training provided by the sponsor in
329 lieu of the department's training if the sponsor's training
330 standards meet or exceed the standards developed by the
331 Department of Education. The training shall include instruction
332 in accurate financial planning and good business practices. If
333 the applicant is a management company or nonprofit organization,
334 the charter school principal and the chief financial officer or
335 his or her equivalent must also participate in the training.
336 However, the requirements in this subsection need be satisfied
337 only once by representatives from entities operating a high-
338 performing charter school or system.

339 (c)-(b) A sponsor shall receive and review all applications
340 for a charter school using an evaluation instrument developed by
341 the Department of Education. Beginning with the 2007-2008 school
342 year, a sponsor shall receive and consider charter school
343 applications received on or before August 1 of each calendar
344 year for charter schools to be opened at the beginning of the
345 school district's next school year, or to be opened at a time
346 agreed to by the applicant and the sponsor. A sponsor may
347 receive applications later than this date if it chooses. A
348 sponsor may not charge an applicant for a charter any fee for

8-00725-11

20111546__

349 the processing or consideration of an application, and a sponsor
350 may not base its consideration or approval of an application
351 upon the promise of future payment of any kind.

352 1. In order to facilitate an accurate budget projection
353 process, a sponsor shall be held harmless for FTE students who
354 are not included in the FTE projection due to approval of
355 charter school applications after the FTE projection deadline.
356 In a further effort to facilitate an accurate budget projection,
357 within 15 calendar days after receipt of a charter school
358 application, a sponsor shall report to the Department of
359 Education the name of the applicant entity, the proposed charter
360 school location, and its projected FTE.

361 2. In order to ensure fiscal responsibility, an application
362 for a charter school shall include a full accounting of expected
363 assets, a projection of expected sources and amounts of income,
364 including income derived from projected student enrollments and
365 from community support, and an expense projection that includes
366 full accounting of the costs of operation, including start-up
367 costs.

368 3. A sponsor shall by a majority vote approve or deny an
369 application no later than 60 calendar days after the application
370 is received, unless the sponsor and the applicant mutually agree
371 in writing to temporarily postpone the vote to a specific date,
372 at which time the sponsor shall by a majority vote approve or
373 deny the application. If the sponsor fails to act on the
374 application, an applicant may appeal to the State Board of
375 Education as provided in subsection (7) ~~paragraph (c)~~. If an
376 application is denied, the sponsor shall, within 10 calendar
377 days after such denial, articulate in writing the specific

8-00725-11

20111546

378 reasons, based upon good cause, supporting its denial of the
379 charter application and shall provide the letter of denial and
380 supporting documentation to the applicant and to the Department
381 of Education supporting those reasons.

382 4. For budget projection purposes, the sponsor shall report
383 to the Department of Education the approval or denial of a
384 charter application within 10 calendar days after such approval
385 or denial. In the event of approval, the report to the
386 Department of Education shall include the final projected FTE
387 for the approved charter school.

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

392 ~~(c) An applicant may appeal any denial of that applicant's~~
393 ~~application or failure to act on an application to the State~~
394 ~~Board of Education no later than 30 calendar days after receipt~~
395 ~~of the sponsor's decision or failure to act and shall notify the~~
396 ~~sponsor of its appeal. Any response of the sponsor shall be~~
397 ~~submitted to the State Board of Education within 30 calendar~~
398 ~~days after notification of the appeal. Upon receipt of~~
399 ~~notification from the State Board of Education that a charter~~
400 ~~school applicant is filing an appeal, the Commissioner of~~
401 ~~Education shall convene a meeting of the Charter School Appeal~~
402 ~~Commission to study and make recommendations to the State Board~~
403 ~~of Education regarding its pending decision about the appeal.~~
404 ~~The commission shall forward its recommendation to the state~~
405 ~~board no later than 7 calendar days prior to the date on which~~
406 ~~the appeal is to be heard. The State Board of Education shall by~~

8-00725-11

20111546

407 ~~majority vote accept or reject the decision of the sponsor no~~
408 ~~later than 90 calendar days after an appeal is filed in~~
409 ~~accordance with State Board of Education rule. The Charter~~
410 ~~School Appeal Commission may reject an appeal submission for~~
411 ~~failure to comply with procedural rules governing the appeals~~
412 ~~process. The rejection shall describe the submission errors. The~~
413 ~~appellant may have up to 15 calendar days from notice of~~
414 ~~rejection to resubmit an appeal that meets requirements of State~~
415 ~~Board of Education rule. An application for appeal submitted~~
416 ~~subsequent to such rejection shall be considered timely if the~~
417 ~~original appeal was filed within 30 calendar days after receipt~~
418 ~~of notice of the specific reasons for the sponsor's denial of~~
419 ~~the charter application. The State Board of Education shall~~
420 ~~remand the application to the sponsor with its written decision~~
421 ~~that the sponsor approve or deny the application. The sponsor~~
422 ~~shall implement the decision of the State Board of Education.~~
423 ~~The decision of the State Board of Education is not subject to~~
424 ~~the provisions of the Administrative Procedure Act, chapter 120.~~

425 ~~(d) The sponsor shall act upon the decision of the State~~
426 ~~Board of Education within 30 calendar days after it is received.~~
427 ~~The State Board of Education's decision is a final action~~
428 ~~subject to judicial review in the district court of appeal.~~

429 ~~(e)1. A Charter School Appeal Commission is established to~~
430 ~~assist the commissioner and the State Board of Education with a~~
431 ~~fair and impartial review of appeals by applicants whose charter~~
432 ~~applications have been denied, whose charter contracts have not~~
433 ~~been renewed, or whose charter contracts have been terminated by~~
434 ~~their sponsors.~~

435 ~~2. The Charter School Appeal Commission may receive copies~~

8-00725-11

20111546

436 ~~of the appeal documents forwarded to the State Board of~~
437 ~~Education, review the documents, gather other applicable~~
438 ~~information regarding the appeal, and make a written~~
439 ~~recommendation to the commissioner. The recommendation must~~
440 ~~state whether the appeal should be upheld or denied and include~~
441 ~~the reasons for the recommendation being offered. The~~
442 ~~commissioner shall forward the recommendation to the State Board~~
443 ~~of Education no later than 7 calendar days prior to the date on~~
444 ~~which the appeal is to be heard. The state board must consider~~
445 ~~the commission's recommendation in making its decision, but is~~
446 ~~not bound by the recommendation. The decision of the Charter~~
447 ~~School Appeal Commission is not subject to the provisions of the~~
448 ~~Administrative Procedure Act, chapter 120.~~

449 ~~3. The commissioner shall appoint the members of the~~
450 ~~Charter School Appeal Commission. Members shall serve without~~
451 ~~compensation but may be reimbursed for travel and per diem~~
452 ~~expenses in conjunction with their service. One half of the~~
453 ~~members must represent currently operating charter schools, and~~
454 ~~one half of the members must represent sponsors. The~~
455 ~~commissioner or a named designee shall chair the Charter School~~
456 ~~Appeal Commission.~~

457 ~~4. The chair shall convene meetings of the commission and~~
458 ~~shall ensure that the written recommendations are completed and~~
459 ~~forwarded in a timely manner. In cases where the commission~~
460 ~~cannot reach a decision, the chair shall make the written~~
461 ~~recommendation with justification, noting that the decision was~~
462 ~~rendered by the chair.~~

463 ~~5. Commission members shall thoroughly review the materials~~
464 ~~presented to them from the appellant and the sponsor. The~~

8-00725-11

20111546

465 ~~commission may request information to clarify the documentation~~
466 ~~presented to it. In the course of its review, the commission may~~
467 ~~facilitate the postponement of an appeal in those cases where~~
468 ~~additional time and communication may negate the need for a~~
469 ~~formal appeal and both parties agree, in writing, to postpone~~
470 ~~the appeal to the State Board of Education. A new date certain~~
471 ~~for the appeal shall then be set based upon the rules and~~
472 ~~procedures of the State Board of Education. Commission members~~
473 ~~shall provide a written recommendation to the state board as to~~
474 ~~whether the appeal should be upheld or denied. A fact-based~~
475 ~~justification for the recommendation must be included. The chair~~
476 ~~must ensure that the written recommendation is submitted to the~~
477 ~~State Board of Education members no later than 7 calendar days~~
478 ~~prior to the date on which the appeal is to be heard. Both~~
479 ~~parties in the case shall also be provided a copy of the~~
480 ~~recommendation.~~

481 ~~(f)1. The Department of Education shall offer or arrange~~
482 ~~for training and technical assistance to charter school~~
483 ~~applicants in developing business plans and estimating costs and~~
484 ~~income. This assistance shall address estimating startup costs,~~
485 ~~projecting enrollment, and identifying the types and amounts of~~
486 ~~state and federal financial assistance the charter school may be~~
487 ~~eligible to receive. The department may provide other technical~~
488 ~~assistance to an applicant upon written request.~~

489 ~~2. A charter school applicant must participate in the~~
490 ~~training provided by the Department of Education before filing~~
491 ~~an application. However, a sponsor may require the charter~~
492 ~~school applicant to attend training provided by the sponsor in~~
493 ~~lieu of the department's training if the sponsor's training~~

8-00725-11

20111546

494 ~~standards meet or exceed the standards developed by the~~
495 ~~Department of Education. The training shall include instruction~~
496 ~~in accurate financial planning and good business practices. If~~
497 ~~the applicant is a management company or other nonprofit~~
498 ~~organization, the charter school principal and the chief~~
499 ~~financial officer or his or her equivalent must also participate~~
500 ~~in the training.~~

501 (d)~~(g)~~ In considering charter applications for a lab
502 school, a state university shall consult with the district
503 school board of the county in which the lab school is located.
504 The decision of a state university may be appealed pursuant to
505 the procedure established in this subsection.

506 (e)~~(h)~~ The terms and conditions for the operation of a
507 charter school shall be set forth by the sponsor and the
508 applicant in a written contractual agreement, called a charter.
509 The sponsor shall not impose unreasonable rules or regulations
510 that violate the intent of giving charter schools greater
511 flexibility to meet educational goals. The sponsor shall have 60
512 days to provide an initial proposed charter contract to the
513 charter school. The applicant and the sponsor shall have 75 days
514 thereafter to negotiate and notice the charter contract for
515 final approval by the sponsor unless both parties agree to an
516 extension. The proposed charter contract shall be provided to
517 the charter school at least 7 calendar days before ~~prior to~~ the
518 date of the meeting at which the charter is scheduled to be
519 voted upon by the sponsor. The Department of Education shall
520 provide mediation services for any dispute regarding this
521 section subsequent to the approval of a charter application and
522 for any dispute relating to the approved charter, except

8-00725-11

20111546

523 disputes regarding charter school application denials. If the
524 Commissioner of Education determines that the dispute cannot be
525 settled through mediation, the dispute may be appealed to an
526 administrative law judge appointed by the Division of
527 Administrative Hearings. The administrative law judge may rule
528 on issues of equitable treatment of the charter school as a
529 public school, whether proposed provisions of the charter
530 violate the intended flexibility granted charter schools by
531 statute, or on any other matter regarding this section except a
532 charter school application denial, a charter termination, or a
533 charter nonrenewal and shall award the prevailing party
534 reasonable attorney's fees and costs incurred to be paid by the
535 losing party. The costs of the administrative hearing shall be
536 paid by the party whom the administrative law judge rules
537 against.

538 (7) APPEALS; CHARTER SCHOOL REVIEW AND APPEALS PANEL.—

539 (a) The Department of Education shall provide staff and
540 regularly convene a Charter School Review and Appeals Panel. The
541 panel shall be composed of individuals having experience in
542 finance, administration, law, education, and school governance
543 and individuals familiar with charter school construction and
544 operation. The President of the Senate, the Speaker of the House
545 of Representatives, and the Commissioner of Education shall
546 appoint two appointees each to serve on the panel. The Governor
547 shall appoint three members to serve on the panel and shall
548 designate the chair. Each member of the panel shall be appointed
549 to serve a 1-year term and may be reappointed.

550 (b) The panel shall review issues, practices, and policies
551 regarding charter schools and shall make recommendations to the

8-00725-11

20111546

552 Legislature, to the Department of Education, to charter schools,
553 and to school districts for improving charter school operations
554 and oversight. The panel shall also make recommendations for
555 ensuring best business practices at and fair business
556 relationships with charter schools.

557 (c) The panel shall assist the commissioner and the State
558 Board of Education with a fair and impartial review of appeals
559 by applicants whose charter applications have been denied.

560 1. A charter school applicant may appeal any denial of its
561 application or a failure to act on an application to the State
562 Board of Education no later than 30 calendar days after
563 receiving the sponsor's decision or failure to act and shall
564 notify the sponsor of its appeal. Any response by the sponsor
565 shall be submitted to the State Board of Education within 30
566 calendar days after notification of the appeal is received. Upon
567 receipt of notification from the State Board of Education that a
568 charter school applicant is filing an appeal, the Commissioner
569 of Education shall convene a meeting of the Charter School
570 Review and Appeals Panel to review and make recommendations to
571 the State Board of Education regarding its pending decision.

572 a. The Charter School Review and Appeals Panel may receive
573 copies of the appeal documents forwarded to the State Board of
574 Education, review the documents, gather other applicable
575 information regarding the appeal, and make a written
576 recommendation to the commissioner. The recommendation must
577 state whether the appeal should be upheld or denied and include
578 the reasons for the recommendation being offered. The
579 commissioner shall forward the recommendation to the State Board
580 of Education no later than 7 calendar days before the date on

8-00725-11

20111546

581 which the appeal is to be heard. The state board must consider
582 the commission's recommendation in making its decision, but is
583 not bound by the recommendation. The decision of the Florida
584 Charter School Review and Appeals Panel is not subject to
585 chapter 120.

586 b. The chair shall convene meetings of the panel and shall
587 ensure that the written recommendations are completed and
588 forwarded in a timely manner. If the panel is unable to reach a
589 decision, the chair shall make the written recommendation along
590 with the justification for the recommendation and indicating
591 that the decision was rendered by the chair.

592 c. Panel members shall thoroughly review the materials
593 presented to them from the appellant and the sponsor. The panel
594 may request information to clarify the documentation presented
595 to it. In the course of its review, the panel may facilitate the
596 postponement of an appeal if additional time and communication
597 would negate the need for a formal appeal and both parties
598 agree, in writing, to postpone the appeal to the State Board of
599 Education. A new date certain for the appeal shall be set based
600 upon the rules and procedures of the State Board of Education.
601 Panel members shall provide a written recommendation to the
602 state board as to whether the appeal should be upheld or denied,
603 which must include a fact-based justification. The chair must
604 ensure that the written recommendation is submitted to the State
605 Board of Education members no later than 7 calendar days before
606 the date on which the appeal is to be heard. Both parties in the
607 case shall also be provided a copy of the recommendation.

608 2. The panel shall forward its recommendation to the state
609 board no later than 7 calendar days before the date on which the

8-00725-11

20111546

610 appeal is to be heard. The State Board of Education shall by
611 majority vote accept or reject the decision of the sponsor no
612 later than 90 calendar days after an appeal is filed in
613 accordance with State Board of Education rule. If the State
614 Board of Education does not rule on any appeal within 90 days,
615 the appeal is automatically granted and the charter application
616 at issue is automatically approved. The panel may reject an
617 appeal submission for failure to comply with procedural rules
618 governing the appeals process. The rejection shall describe the
619 submission errors. The appellant may have up to 15 calendar days
620 after notice of rejection is issued to resubmit an appeal that
621 complies with State Board of Education rule. An application for
622 appeal that is submitted after a rejection is considered timely
623 if the original appeal was filed within 30 calendar days after
624 receipt of notice of the specific reasons for the sponsor's
625 denial of the charter application. The State Board of Education
626 shall remand the application to the sponsor with its written
627 decision that the sponsor approve or deny the application. The
628 sponsor shall implement the decision of the State Board of
629 Education. The decision of the State Board of Education is not
630 subject to chapter 120. The State Board of Education's decision
631 is a final action subject to judicial review in the district
632 court of appeal. The commissioner may expedite the appeal
633 procedure specified in this paragraph.

634 3. Notwithstanding a pending appeal, the sponsor shall act
635 within 30 calendar days after receiving the decision of the
636 State Board of Education, and shall have 90 days to negotiate a
637 charter with the applicant after receiving the decision. If the
638 school district refuses to agree to a charter, a model charter

8-00725-11

20111546

639 as adopted by the State Board of Education shall be imposed upon
640 the school district, subject to the final decision of any
641 appeal.

642 (8)~~(7)~~ CHARTER.—The major issues involving the operation of
643 a charter school shall be considered in advance and written into
644 the charter. The charter shall be signed by the governing body
645 of the charter school and the sponsor, following a public
646 hearing to ensure community input.

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

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

651 2. The focus of the curriculum, the instructional methods
652 to be used, any distinctive instructional techniques to be
653 employed, and identification and acquisition of appropriate
654 technologies needed to improve educational and administrative
655 performance which include a means for promoting safe, ethical,
656 and appropriate uses of technology which comply with legal and
657 professional standards. The charter shall ensure that reading is
658 a primary focus of the curriculum and that resources are
659 provided to identify and provide specialized instruction for
660 students who are reading below grade level. The curriculum and
661 instructional strategies for reading must be consistent with the
662 Sunshine State Standards and grounded in scientifically based
663 reading research.

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

8-00725-11

20111546__

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

670 b. How these baseline rates will be compared to rates of
671 academic progress achieved by these same students while
672 attending the charter school.

673 c. To the extent possible, how these rates of progress will
674 be evaluated and compared with rates of progress of other
675 closely comparable student populations.

676

677 The district school board is required to provide academic
678 student performance data to charter schools for each of their
679 students coming from the district school system, as well as
680 rates of academic progress of comparable student populations in
681 the district school system.

682 4. The methods used to identify the educational strengths
683 and needs of students and how well educational goals and
684 performance standards are met by students attending the charter
685 school. The methods shall provide a means for the charter school
686 to ensure accountability to its constituents by analyzing
687 student performance data and by evaluating the effectiveness and
688 efficiency of its major educational programs. Students in
689 charter schools shall, at a minimum, participate in the
690 statewide assessment program created under s. 1008.22.

691 5. In secondary charter schools, a method for determining
692 that a student has satisfied the requirements for graduation in
693 s. 1003.43.

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

696 7. The admissions procedures and dismissal procedures,

8-00725-11

20111546

697 including the school's code of student conduct.

698 8. The ways by which the school will achieve a
699 racial/ethnic balance reflective of the community it serves or
700 within the racial/ethnic range of other public schools in the
701 same school district.

702 9. The financial and administrative management of the
703 school, including a reasonable demonstration of the professional
704 experience or competence of those individuals or organizations
705 applying to operate the charter school or those hired or
706 retained to perform such professional services and the
707 description of clearly delineated responsibilities and the
708 policies and practices needed to effectively manage the charter
709 school. A description of internal audit procedures and
710 establishment of controls to ensure that financial resources are
711 properly managed must be included. Both public sector and
712 private sector professional experience shall be equally valid in
713 such a consideration.

714 10. The asset and liability projections required in the
715 application which are incorporated into the charter and shall be
716 compared with information provided in the annual report of the
717 charter school.

718 11. A description of procedures that identify various risks
719 and provide for a comprehensive approach to reduce the impact of
720 losses; plans to ensure the safety and security of students and
721 staff; plans to identify, minimize, and protect others from
722 violent or disruptive student behavior; and the manner in which
723 the school will be insured, including whether or not the school
724 will be required to have liability insurance, and, if so, the
725 terms and conditions thereof and the amounts of coverage.

8-00725-11

20111546

726 12. The term of the charter which shall provide for
727 cancellation of the charter if insufficient progress has been
728 made in attaining the student achievement objectives of the
729 charter and if it is not likely that such objectives can be
730 achieved before expiration of the charter. The initial term of a
731 charter shall be for ~~4 or 5 years~~, unless the charter meets the
732 requirements of a high-performing charter school system pursuant
733 to subsection (12). In order to facilitate access to long-term
734 financial resources for charter school construction, charter
735 schools that ~~are operated by a municipality or other public~~
736 ~~entity as provided by law~~ are eligible for up to a 15-year
737 charter, subject to approval by the district school board. A
738 charter lab school is eligible for a charter for a term of up to
739 15 years. ~~In addition, to facilitate access to long-term~~
740 ~~financial resources for charter school construction, charter~~
741 ~~schools that are operated by a private, not-for-profit, s.~~
742 ~~501(c)(3) status corporation are eligible for up to a 15-year~~
743 ~~charter, subject to approval by the district school board.~~ Such
744 long-term charters remain subject to annual review and may be
745 terminated during the term of the charter, but only according to
746 the provisions set forth in subsection (9) ~~(8)~~.

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

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

751 15. The governance structure of the school, including the
752 status of the charter school as a public or private employer as
753 required in paragraph (15)(i) ~~(12)(i)~~.

754 16. A timetable for implementing the charter which

8-00725-11

20111546__

755 addresses the implementation of each element thereof and the
756 date by which the charter shall be awarded in order to meet this
757 timetable.

758 17. In the case of an existing public school that is being
759 converted to charter status, alternative arrangements for
760 current students who choose not to attend the charter school and
761 for current teachers who choose not to teach in the charter
762 school after conversion in accordance with the existing
763 collective bargaining agreement or district school board rule in
764 the absence of a collective bargaining agreement. However,
765 alternative arrangements shall not be required for current
766 teachers who choose not to teach in a charter lab school, except
767 as authorized by the employment policies of the state university
768 which grants the charter to the lab school.

769 18. Full disclosure of the identity of all relatives
770 employed by the charter school who are related to the charter
771 school owner, president, chairperson of the governing board of
772 directors, superintendent, governing board member, principal,
773 assistant principal, or any other person employed by the charter
774 school who has equivalent decisionmaking authority. For the
775 purpose of this subparagraph, the term "relative" means father,
776 mother, son, daughter, brother, sister, uncle, aunt, first
777 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
778 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
779 stepfather, stepmother, stepson, stepdaughter, stepbrother,
780 stepsister, half brother, or half sister.

781 (b)1. A charter may be renewed provided that a program
782 review demonstrates that the criteria in paragraph (a) have been
783 successfully accomplished and that none of the grounds for

8-00725-11

20111546

784 nonrenewal established by paragraph (9)(a) ~~(8)(a)~~ has been
785 documented. In order to facilitate long-term financing for
786 charter school construction, charter schools operating for a
787 minimum of 3 years and demonstrating exemplary academic
788 programming and fiscal management are eligible for a 15-year
789 charter renewal. Such long-term charter is subject to annual
790 review and may be terminated during the term of the charter.

791 2. The 15-year charter renewal that may be granted pursuant
792 to subparagraph 1. shall be granted to a charter school that has
793 received a school grade of "A" or "B" pursuant to s. 1008.34 in
794 3 of the past 4 years and is not in a state of financial
795 emergency or deficit position as defined by this section. Such
796 long-term charter is subject to annual review and may be
797 terminated during the term of the charter pursuant to subsection
798 (9) ~~(8)~~.

799 (c) A charter may be modified during its initial term or
800 any renewal term upon the recommendation of the sponsor or the
801 charter school governing board and the approval of both parties
802 to the agreement.

803 (9) ~~(8)~~ CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

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

806 1. Failure to participate in the state's education
807 accountability system created in s. 1008.31, as required in this
808 section, or failure to meet the requirements for student
809 performance stated in the charter.

810 2. Failure to meet generally accepted standards of fiscal
811 management.

812 3. Violation of law.

8-00725-11

20111546

813 4. Other good cause shown.

814 (b) Before ~~At least 90 days prior to~~ renewing or
815 terminating a charter, the sponsor shall notify the governing
816 body of the school of the proposed action in writing. The notice
817 shall state in reasonable detail the grounds for the proposed
818 action and stipulate that the school's governing body may,
819 within 14 calendar days after receiving the notice, request a ~~an~~
820 ~~informal~~ hearing before an administrative law judge pursuant to
821 chapter 120 ~~the sponsor~~. The administrative law judge shall
822 issue a recommended order pursuant to chapter 120. The sponsor
823 shall determine and issue a final order in each nonrenewal or
824 termination pursuant to this paragraph ~~conduct the informal~~
825 ~~hearing within 30 calendar days after receiving a written~~
826 ~~request~~.

827 (c) The final order shall include the specific reasons for
828 nonrenewal or termination of the charter and shall be provided
829 to the charter school governing body and the Department of
830 Education within 10 calendar days after the final order is
831 issued. ~~If a charter is not renewed or is terminated pursuant to~~
832 ~~paragraph (b), the sponsor shall, within 10 calendar days,~~
833 ~~articulate in writing the specific reasons for its nonrenewal or~~
834 ~~termination of the charter and must provide the letter of~~
835 ~~nonrenewal or termination and documentation supporting the~~
836 ~~reasons to the charter school governing body, the charter school~~
837 ~~principal, and the Department of Education~~. The charter school's
838 governing body may, within 30 calendar days after receiving the
839 sponsor's final order ~~written decision to refuse to renew or to~~
840 ~~terminate the charter~~, appeal the decision pursuant to the
841 procedure established in subsection (7) ~~(6)~~.

8-00725-11

20111546

842 (d) A charter may be terminated immediately if the sponsor
843 determines that good cause has been shown or if the health,
844 safety, or welfare of the students is threatened. The sponsor's
845 determination is ~~not~~ subject to the same process as set forth in
846 paragraphs an informal hearing under paragraph (b) and (c), with
847 the exception that the hearing before the administrative law
848 judge may take place after the school has been terminated ~~or~~
849 ~~pursuant to chapter 120~~. The sponsor shall notify in writing the
850 charter school's governing body, the charter school principal,
851 and the department if a charter is immediately terminated as
852 soon as reasonably possible. The sponsor shall clearly identify
853 the specific issues that resulted in the immediate termination
854 and provide evidence of prior notification of issues resulting
855 in the immediate termination when appropriate. The charter
856 school's governing board shall have 10 days to request a hearing
857 pursuant to chapter 120. The hearing in such cases shall be
858 expedited and the final order shall be issued no more than 45
859 days after the date upon which the hearing was requested. ~~The~~
860 ~~school district in which the charter school is located shall~~
861 ~~assume operation of the school under these circumstances.~~ The
862 charter school's governing board may, within 30 days after
863 receiving the sponsor's decision to terminate the charter,
864 appeal the decision pursuant to the procedure established in
865 subsection (7) ~~(6)~~. The sponsor shall assume operation of the
866 school throughout the pendency of the appeal to the State Board
867 of Education under subsection (7), unless the continued
868 operation of the school would materially threaten the physical
869 health, safety, or welfare of the students. Failure to assume
870 and continue operation of the school shall result in the

8-00725-11

20111546

871 awarding of costs and attorney's fees to the charter school, if
872 the charter school prevails on appeal to the State Board of
873 Education.

874 (e) When a charter is not renewed or is terminated, the
875 school shall be dissolved under the provisions of law under
876 which the school was organized, and any unencumbered public
877 funds, except for capital outlay funds and federal charter
878 school program grant funds, from the charter school shall revert
879 to the sponsor. Capital outlay funds provided pursuant to s.
880 1013.62 and federal charter school program grant funds that are
881 unencumbered shall revert to the department to be redistributed
882 among eligible charter schools. In the event a charter school is
883 dissolved or is otherwise terminated, all district school board
884 property and improvements, furnishings, and equipment purchased
885 with public funds shall automatically revert to full ownership
886 by the district school board, subject to complete satisfaction
887 of any lawful liens or encumbrances. Any unencumbered public
888 funds from the charter school, district school board property
889 and improvements, furnishings, and equipment purchased with
890 public funds, or financial or other records pertaining to the
891 charter school, in the possession of any person, entity, or
892 holding company, other than the charter school, shall be held in
893 trust upon the district school board's request, until any appeal
894 status is resolved.

895 (f) If a charter is not renewed or is terminated, the
896 charter school is responsible for all debts of the charter
897 school. The district may not assume the debt from any contract
898 made between the governing body of the school and a third party,
899 except for a debt that is previously detailed and agreed upon in

8-00725-11

20111546

900 writing by both the district and the governing body of the
901 school and that may not reasonably be assumed to have been
902 satisfied by the district.

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

907 (10)~~(9)~~ CHARTER SCHOOL REQUIREMENTS.—

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

910 (b) A charter school shall admit students as provided in
911 subsection (13) ~~(10)~~.

912 (c) A charter school shall be accountable to its sponsor
913 for performance as provided in subsection (8) ~~(7)~~.

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

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

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

922 (g) In order to provide financial information that is
923 comparable to that reported for other public schools, charter
924 schools are to maintain all financial records that constitute
925 their accounting system:

926 1. In accordance with the accounts and codes prescribed in
927 the most recent issuance of the publication titled "Financial
928 and Program Cost Accounting and Reporting for Florida Schools";

8-00725-11

20111546__

929 or

930 2. At the discretion of the charter school governing board,
931 a charter school may elect to follow generally accepted
932 accounting standards for not-for-profit organizations, but must
933 reformat this information for reporting according to this
934 paragraph.

935

936 Charter schools shall provide annual financial report and
937 program cost report information in the state-required formats
938 for inclusion in district reporting in compliance with s.
939 1011.60(1). Charter schools that are operated by a municipality
940 or are a component unit of a parent nonprofit organization may
941 use the accounting system of the municipality or the parent but
942 must reformat this information for reporting according to this
943 paragraph. A charter school shall provide a monthly financial
944 statement to the sponsor; however, if the charter school is
945 designated as a high-performing charter school under subsection
946 (11), it must provide a quarterly financial statement. The
947 ~~monthly~~ financial statement required under this paragraph shall
948 be in a form prescribed by the Department of Education.

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

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

953 (j) The governing body of the charter school shall be
954 responsible for:

955 1. Ensuring that the charter school has retained the
956 services of a certified public accountant or auditor for the
957 annual financial audit, pursuant to s. 1002.345(2), who shall

8-00725-11

20111546

958 submit the report to the governing body.

959 2. Reviewing and approving the audit report, including
960 audit findings and recommendations for the financial recovery
961 plan.

962 3.a. Performing the duties in s. 1002.345, including
963 monitoring a corrective action plan.

964 b. Monitoring a financial recovery plan in order to ensure
965 compliance.

966 4. Participating in governance training approved by the
967 department which must include government in the sunshine,
968 conflicts of interest, ethics, and financial responsibility.

969 (k) The governing body of the charter school shall report
970 its progress annually to its sponsor, which shall forward the
971 report to the Commissioner of Education at the same time as
972 other annual school accountability reports. The Department of
973 Education shall develop a uniform, online annual accountability
974 report to be completed by charter schools. This report shall be
975 easy to utilize and contain demographic information, student
976 performance data, and financial accountability information. A
977 charter school shall not be required to provide information and
978 data that is duplicative and already in the possession of the
979 department. The Department of Education shall include in its
980 compilation a notation if a school failed to file its report by
981 the deadline established by the department. The report shall
982 include at least the following components:

983 1. Student achievement performance data, including the
984 information required for the annual school report and the
985 education accountability system governed by ss. 1008.31 and
986 1008.345. Charter schools are subject to the same accountability

8-00725-11

20111546

987 requirements as other public schools, including reports of
988 student achievement information that links baseline student data
989 to the school's performance projections identified in the
990 charter. The charter school shall identify reasons for any
991 difference between projected and actual student performance.

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

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

999 4. Descriptive information about the charter school's
1000 personnel, including salary and benefit levels of charter school
1001 employees, the proportion of instructional personnel who hold
1002 professional or temporary certificates, and the proportion of
1003 instructional personnel teaching in-field or out-of-field.

1004 (l) A charter school shall not levy taxes or issue bonds
1005 secured by tax revenues.

1006 (m) A charter school shall provide instruction for at least
1007 the number of days required by law for other public schools and
1008 may provide instruction for additional days.

1009 (n) The director and a representative of the governing body
1010 of a charter school that has received a school grade of "D"
1011 under s. 1008.34(2) shall appear before the sponsor or the
1012 sponsor's staff at least once a year to present information
1013 concerning each contract component having noted deficiencies.
1014 The sponsor shall communicate at the meeting, and in writing to
1015 the director, the services provided to the school to help the

8-00725-11

20111546

1016 school address its deficiencies.

1017 (o) Upon notification that a charter school receives a
1018 school grade of "D" for 2 consecutive years or a school grade of
1019 "F" under s. 1008.34(2), the charter school sponsor or the
1020 sponsor's staff shall require the director and a representative
1021 of the governing body to submit to the sponsor for approval a
1022 school improvement plan to raise student achievement and to
1023 implement the plan. The sponsor has the authority to approve a
1024 school improvement plan that the charter school will implement
1025 in the following school year. The sponsor may also consider the
1026 State Board of Education's recommended action pursuant to s.
1027 1008.33(1) as part of the school improvement plan. The
1028 Department of Education shall offer technical assistance and
1029 training to the charter school and its governing body and
1030 establish guidelines for developing, submitting, and approving
1031 such plans.

1032 1. If the charter school fails to improve its student
1033 performance from the year immediately prior to the
1034 implementation of the school improvement plan, the sponsor shall
1035 place the charter school on probation and shall require the
1036 charter school governing body to take one of the following
1037 corrective actions:

1038 a. Contract for the educational services of the charter
1039 school;

1040 b. Reorganize the school at the end of the school year
1041 under a new director or principal who is authorized to hire new
1042 staff and implement a plan that addresses the causes of
1043 inadequate progress; or

1044 c. Reconstitute the charter school.

8-00725-11

20111546

1045 2. A charter school that is placed on probation shall
1046 continue the corrective actions required under subparagraph 1.
1047 until the charter school improves its student performance from
1048 the year prior to the implementation of the school improvement
1049 plan.

1050 3. Notwithstanding any provision of this paragraph, the
1051 sponsor may terminate the charter at any time pursuant to
1052 subsection (9) ~~(8)~~.

1053 (p) The director and a representative of the governing body
1054 of a graded charter school that has submitted a school
1055 improvement plan or has been placed on probation under paragraph
1056 (o) shall appear before the sponsor or the sponsor's staff at
1057 least once a year to present information regarding the
1058 corrective strategies that are being implemented by the school
1059 pursuant to the school improvement plan. The sponsor shall
1060 communicate at the meeting, and in writing to the director, the
1061 services provided to the school to help the school address its
1062 deficiencies.

1063 (11) HIGH-PERFORMING CHARTER SCHOOLS.-

1064 (a) A charter school shall be designated as a high-
1065 performing charter school if:

1066 1. During each of the previous 3 years the charter school:

1067 a. Received a school grade of "A" or "B";

1068 b. Received an unqualified opinion on each financial audit
1069 required under s. 218.39; and

1070 c. Did not receive a financial audit that revealed one or
1071 more of the conditions set forth in s. 218.503(1); however, the
1072 condition is deemed met for a charter school-in-the-workplace if
1073 there is a finding in an audit that the school has the monetary

8-00725-11

20111546

1074 resources available to cover any reported deficiency or that the
1075 deficiency does not result in a deteriorating financial
1076 condition pursuant to s. 1002.345(a)(3).

1077 2. The charter school has been in operation for less than 3
1078 years and is operated by a high-performing charter school system
1079 pursuant to subsection (12). These charter schools may receive
1080 capital outlay funds in their first year pursuant to s. 1013.62
1081 and are not required to comply with s. 1013.62(1)(a)1.-3.

1082 (b) A high-performing charter school may:

1083 1. Increase the school's student enrollment once per year
1084 by up to 25 percent more than the capacity authorized pursuant
1085 to paragraph (13)(i).

1086 2. Expand to any grade level within kindergarten through
1087 grade 12, if not already servicing such grades.

1088 3. Offer voluntary prekindergarten education pursuant to
1089 ss. 1002.51-1002.79.

1090 (c) A high-performing charter school is entitled to a 15-
1091 year charter renewal upon expiration of a current charter.

1092 (d) The high-performing charter school designation shall be
1093 removed if the charter school does not continue to meet the
1094 requirements in paragraph (a).

1095 (12) HIGH-PERFORMING CHARTER SCHOOL SYSTEM.—

1096 (a)1. For purposes of this subsection, the term:

1097 a. "Entity" means a municipality or other public entity as
1098 authorized by law to operate a charter school; a private, not
1099 for-profit, s. 501(c)(3) status corporation; or a private, for-
1100 profit corporation.

1101 b. "High-performing charter school system" means an entity
1102 that:

8-00725-11

20111546

1103 (I) Operates at least three high-performing charter schools
1104 in this state;

1105 (II) Has received a system-wide average school grade of "A"
1106 or "B" during the previous 3 years for all charter schools
1107 created or started by the entity;

1108 (III) None of the schools created or started by the entity
1109 has received a financial audit that revealed one or more of the
1110 conditions set forth in s. 218.503(1); and

1111 (IV) Has not received a school grade of "F" during any of
1112 the previous 2 years for any charter school operated by the
1113 entity in the state, except for any charter school taken over or
1114 managed by, but not created or started by, the high-performing
1115 charter school system.

1116 (b) A high-performing charter school system may apply to
1117 establish and operate a new charter school in any district in
1118 the state which will substantially replicate one or more of the
1119 provider's existing high-performing charter schools.

1120 1. A charter application may be denied by a local school
1121 district only if good cause is shown that the operator failed to
1122 meet established charter school requirements pursuant to
1123 paragraphs (10) (a)-(f).

1124 2. The new charter school is entitled to an initial charter
1125 for a term of 15 years and shall be designated as a high-
1126 performing charter school for the first 3 years of the charter
1127 and receive charter school capital outlay funds under s.
1128 1013.62. The school is not required to comply with s.
1129 1013.62(1)(a)1.-3., but must comply with any other requirements
1130 in s. 1013.62 to receive charter school capital outlay funds as
1131 provided in this subparagraph.

8-00725-11

20111546

1132 3. The designation as a high-performing charter school
1133 shall be removed if the charter school does not continue to meet
1134 the requirements in paragraph (a).

1135
1136 This paragraph does not waive a district school board's
1137 sovereign immunity.

1138 (13)~~(10)~~ ELIGIBLE STUDENTS.—

1139 (a) A charter school shall be open to any student covered
1140 in an interdistrict agreement or residing in the school district
1141 in which the charter school is located; however, in the case of
1142 a charter lab school, the charter lab school shall be open to
1143 any student eligible to attend the lab school as provided in s.
1144 1002.32 or who resides in the school district in which the
1145 charter lab school is located. Any eligible student shall be
1146 allowed interdistrict transfer to attend a charter school when
1147 based on good cause. Good cause shall include, but is not
1148 limited to, geographic proximity to a charter school in a
1149 neighboring school district.

1150 (b) The charter school shall enroll an eligible student who
1151 submits a timely application, unless the number of applications
1152 exceeds the capacity of a program, class, grade level, or
1153 building. In such case, all applicants shall have an equal
1154 chance of being admitted through a random selection process.

1155 (c) When a public school converts to charter status,
1156 enrollment preference shall be given to students who would have
1157 otherwise attended that public school. The district school board
1158 shall consult and negotiate with the conversion charter school
1159 every 3 years to determine whether realignment of the conversion
1160 charter school's attendance zone is appropriate in order to

8-00725-11

20111546

1161 ensure that students residing closest to the charter school are
1162 provided with an enrollment preference.

1163 (d) A charter school may give enrollment preference to the
1164 following student populations:

1165 1. Students who are siblings of a student enrolled in the
1166 charter school.

1167 2. Students who are the children of a member of the
1168 governing board of the charter school.

1169 3. Students who are the children of an employee of the
1170 charter school.

1171 4. Students who are the children of:

1172 a. An employee of a business partner, or a resident of a
1173 municipality, who complies with paragraph (18) (b) for a charter
1174 school-in-the-workplace; or

1175 b. A resident of a municipality that operates a charter
1176 school-in-a-municipality pursuant to paragraph (18) (c).

1177 5. Students enrolling in a charter school-in-the-workplace
1178 or charter school-in-a-municipality established pursuant to this
1179 section.

1180 (e) A charter school may limit the enrollment process only
1181 to target the following student populations:

1182 1. Students within specific age groups or grade levels.

1183 2. Students considered at risk of dropping out of school or
1184 academic failure. Such students shall include exceptional
1185 education students.

1186 3. Students enrolling in a charter school-in-the-workplace
1187 or charter school-in-a-municipality established pursuant to
1188 subsection (18) ~~(15)~~.

1189 4. Students residing within a reasonable distance of the

8-00725-11

20111546

1190 charter school, as described in paragraph (23) (c) ~~(20) (e)~~. Such
1191 students shall be subject to a random lottery and to the
1192 racial/ethnic balance provisions described in subparagraph
1193 (8) (a) 8. ~~(7) (a) 8.~~ or any federal provisions that require a
1194 school to achieve a racial/ethnic balance reflective of the
1195 community it serves or within the racial/ethnic range of other
1196 public schools in the same school district.

1197 5. Students who meet reasonable academic, artistic, or
1198 other eligibility standards established by the charter school
1199 and included in the charter school application and charter or,
1200 in the case of existing charter schools, standards that are
1201 consistent with the school's mission and purpose. Such standards
1202 shall be in accordance with current state law and practice in
1203 public schools and may not discriminate against otherwise
1204 qualified individuals.

1205 6. Students articulating from one charter school to another
1206 pursuant to an articulation agreement between the charter
1207 schools that has been approved by the sponsor.

1208 (f) Students with disabilities and students served in
1209 English for Speakers of Other Languages programs shall have an
1210 equal opportunity of being selected for enrollment in a charter
1211 school.

1212 (g) A student may withdraw from a charter school at any
1213 time and enroll in another public school as determined by
1214 district school board rule.

1215 (h) The capacity of the charter school shall be determined
1216 annually by the governing board, in conjunction with the
1217 sponsor, of the charter school in consideration of the factors
1218 identified in this subsection unless the charter school is

8-00725-11

20111546

1219 designated as a high-performing charter school under subsection
1220 (11).

1221 (i) The capacity of a high-performing charter school
1222 pursuant to subsection (11) shall be determined annually by the
1223 governing board of the charter school. The governing board shall
1224 notify the sponsor of any increase in enrollment by March 1 of
1225 the school year preceding the increase.

1226 (14)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
1227 ACTIVITIES.—A charter school student is eligible to participate
1228 in an interscholastic extracurricular activity at the public
1229 school to which the student would be otherwise assigned to
1230 attend pursuant to s. 1006.15(3)(d).

1231 (15)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

1232 (a) A charter school shall select its own employees. A
1233 charter school may contract with its sponsor for the services of
1234 personnel employed by the sponsor.

1235 (b) Charter school employees shall have the option to
1236 bargain collectively. Employees may collectively bargain as a
1237 separate unit or as part of the existing district collective
1238 bargaining unit as determined by the structure of the charter
1239 school.

1240 (c) The employees of a conversion charter school shall
1241 remain public employees for all purposes, unless such employees
1242 choose not to do so.

1243 (d) The teachers at a charter school may choose to be part
1244 of a professional group that subcontracts with the charter
1245 school to operate the instructional program under the auspices
1246 of a partnership or cooperative that they collectively own.
1247 Under this arrangement, the teachers would not be public

8-00725-11

20111546__

1248 employees.

1249 (e) Employees of a school district may take leave to accept
1250 employment in a charter school upon the approval of the district
1251 school board. While employed by the charter school and on leave
1252 that is approved by the district school board, the employee may
1253 retain seniority accrued in that school district and may
1254 continue to be covered by the benefit programs of that school
1255 district, if the charter school and the district school board
1256 agree to this arrangement and its financing. School districts
1257 shall not require resignations from instructional personnel,
1258 school administrators, or educational support employees who
1259 desire employment ~~of teachers desiring to teach~~ in a charter
1260 school. This paragraph shall not prohibit a district school
1261 board from approving alternative leave arrangements consistent
1262 with chapter 1012.

1263 (f) Teachers employed by or under contract to a charter
1264 school shall be certified as required by chapter 1012. A charter
1265 school governing board may employ or contract with skilled
1266 selected noncertified personnel to provide instructional
1267 services or to assist instructional staff members as education
1268 paraprofessionals in the same manner as defined in chapter 1012,
1269 and as provided by State Board of Education rule for charter
1270 school governing boards. A charter school may not knowingly
1271 employ an individual to provide instructional services or to
1272 serve as an education paraprofessional if the individual's
1273 certification or licensure as an educator is suspended or
1274 revoked by this or any other state. A charter school may not
1275 knowingly employ an individual who has resigned from a school
1276 district in lieu of disciplinary action with respect to child

8-00725-11

20111546

1277 welfare or safety, or who has been dismissed for just cause by
1278 any school district with respect to child welfare or safety. The
1279 qualifications of teachers shall be disclosed to parents.

1280 (g)1. A charter school shall employ or contract with
1281 employees who have undergone background screening as provided in
1282 s. 1012.32. Members of the governing board of the charter school
1283 shall also undergo background screening in a manner similar to
1284 that provided in s. 1012.32.

1285 2. A charter school shall disqualify instructional
1286 personnel and school administrators, as defined in s. 1012.01,
1287 from employment in any position that requires direct contact
1288 with students if the personnel or administrators are ineligible
1289 for such employment under s. 1012.315.

1290 3. The governing board of a charter school shall adopt
1291 policies establishing standards of ethical conduct for
1292 instructional personnel and school administrators. The policies
1293 must require all instructional personnel and school
1294 administrators, as defined in s. 1012.01, to complete training
1295 on the standards; establish the duty of instructional personnel
1296 and school administrators to report, and procedures for
1297 reporting, alleged misconduct by other instructional personnel
1298 and school administrators which affects the health, safety, or
1299 welfare of a student; and include an explanation of the
1300 liability protections provided under ss. 39.203 and 768.095. A
1301 charter school, or any of its employees, may not enter into a
1302 confidentiality agreement regarding terminated or dismissed
1303 instructional personnel or school administrators, or personnel
1304 or administrators who resign in lieu of termination, based in
1305 whole or in part on misconduct that affects the health, safety,

8-00725-11

20111546__

1306 or welfare of a student, and may not provide instructional
1307 personnel or school administrators with employment references or
1308 discuss the personnel's or administrators' performance with
1309 prospective employers in another educational setting, without
1310 disclosing the personnel's or administrators' misconduct. Any
1311 part of an agreement or contract that has the purpose or effect
1312 of concealing misconduct by instructional personnel or school
1313 administrators which affects the health, safety, or welfare of a
1314 student is void, is contrary to public policy, and may not be
1315 enforced.

1316 4. Before employing instructional personnel or school
1317 administrators in any position that requires direct contact with
1318 students, a charter school shall conduct employment history
1319 checks of each of the personnel's or administrators' previous
1320 employers, screen the instructional personnel or school
1321 administrators through use of the educator screening tools
1322 described in s. 1001.10(5), and document the findings. If unable
1323 to contact a previous employer, the charter school must document
1324 efforts to contact the employer.

1325 5. The sponsor of a charter school that knowingly fails to
1326 comply with this paragraph shall terminate the charter under
1327 subsection (9) ~~(8)~~.

1328 (h) For the purposes of tort liability, the governing body
1329 and employees of a charter school shall be governed by s.
1330 768.28.

1331 (i) A charter school shall organize as, or be operated by,
1332 a nonprofit organization. A charter school may be operated by a
1333 municipality or other public entity as provided for by law. As
1334 such, the charter school may be either a private or a public

8-00725-11

20111546__

1335 employer. As a public employer, a charter school may participate
1336 in the Florida Retirement System upon application and approval
1337 as a "covered group" under s. 121.021(34). If a charter school
1338 participates in the Florida Retirement System, the charter
1339 school employees shall be compulsory members of the Florida
1340 Retirement System. As either a private or a public employer, a
1341 charter school may contract for services with an individual or
1342 group of individuals who are organized as a partnership or a
1343 cooperative. Individuals or groups of individuals who contract
1344 their services to the charter school are not public employees.

1345 (j) A sponsor may not require that the members of the
1346 governing board of a charter school reside in the district in
1347 which the charter school is located. The sponsor must allow
1348 charter school management personnel to represent the charter
1349 school on the governing board if approved in accordance with the
1350 charter school's governing documents.

1351 (16)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may
1352 enter into cooperative agreements to form charter school
1353 cooperative organizations that may provide the following
1354 services: charter school planning and development, direct
1355 instructional services, and contracts with charter school
1356 governing boards to provide personnel administrative services,
1357 payroll services, human resource management, evaluation and
1358 assessment services, teacher preparation, and professional
1359 development.

1360 (17)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
1361 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
1362 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to
1363 borrow or otherwise secure funds for a charter school authorized

8-00725-11

20111546

1364 in this section from a source other than the state or a school
 1365 district shall indemnify the state and the school district from
 1366 any and all liability, including, but not limited to, financial
 1367 responsibility for the payment of the principal or interest. Any
 1368 loans, bonds, or other financial agreements are not obligations
 1369 of the state or the school district but are obligations of the
 1370 charter school authority and are payable solely from the sources
 1371 of funds pledged by such agreement. The credit or taxing power
 1372 of the state or the school district shall not be pledged and no
 1373 debts shall be payable out of any moneys except those of the
 1374 legal entity in possession of a valid charter approved by a
 1375 district school board pursuant to this section.

1376 (18)~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-
 1377 IN-A-MUNICIPALITY.-

1378 (a) In order to increase business partnerships in
 1379 education, to reduce school and classroom overcrowding
 1380 throughout the state, and to offset the high costs for
 1381 educational facilities construction, the Legislature intends to
 1382 encourage the formation of business partnership schools or
 1383 satellite learning centers and municipal-operated schools
 1384 through charter school status.

1385 (b) A charter school-in-the-workplace may be established,
 1386 for example, when a business partner provides the school
 1387 facility to be used; enrolls students based upon a random
 1388 lottery that involves all of the children of employees of that
 1389 business or corporation or residents of that municipality who
 1390 are seeking enrollment, as provided for in subsection (13) ~~(10)~~;
 1391 and enrolls students according to the racial/ethnic balance
 1392 provisions described in subparagraph (8) (a) 8. ~~(7) (a) 8.~~ However,

8-00725-11

20111546

1393 this arrangement is not meant to be an exhaustive list of how a
1394 charter school-in-the-workplace may be formed. A municipality
1395 may be a business partner notwithstanding paragraph (c). Any
1396 portion of a facility used for a public charter school shall be
1397 exempt from ad valorem taxes, as provided for in s. 1013.54, for
1398 the duration of its use as a public school. A business partner
1399 may also provide property and other items of value as an offset
1400 to any facility contribution. This subsection does not prohibit
1401 any party to arrange for third-party financing to construct the
1402 school building or for the business partner to charge rent for
1403 any facility provided.

1404 (c) A charter school-in-a-municipality designation may be
1405 granted to a municipality that possesses a charter; enrolls
1406 students based upon a random lottery that involves all of the
1407 children of the residents of that municipality who are seeking
1408 enrollment, as provided for in subsection (13) ~~(10)~~; and enrolls
1409 students according to the racial/ethnic balance provisions
1410 described in subparagraph (8)(a)8 ~~(7)(a)8~~. When a municipality
1411 has submitted charter applications for the establishment of a
1412 charter school feeder pattern, consisting of elementary, middle,
1413 and senior high schools, and each individual charter application
1414 is approved by the district school board, such schools shall
1415 then be designated as one charter school for all purposes listed
1416 pursuant to this section. Any portion of the land and facility
1417 used for a public charter school shall be exempt from ad valorem
1418 taxes, as provided for in s. 1013.54, for the duration of its
1419 use as a public school.

1420 (d) As used in this subsection, the terms "business
1421 partner" or "municipality" may include more than one business or

8-00725-11

20111546

1422 municipality to form a charter school-in-the-workplace or
1423 charter school-in-a-municipality.

1424 (19)~~(16)~~ EXEMPTION FROM STATUTES.—

1425 (a) A charter school shall operate in accordance with its
1426 charter and shall be exempt from all statutes in chapters 1000-
1427 1013. However, a charter school shall be in compliance with the
1428 following statutes in chapters 1000-1013:

1429 1. Those statutes specifically applying to charter schools,
1430 including this section.

1431 2. Those statutes pertaining to the student assessment
1432 program and school grading system.

1433 3. Those statutes pertaining to the provision of services
1434 to students with disabilities.

1435 4. Those statutes pertaining to civil rights, including s.
1436 1000.05, relating to discrimination.

1437 5. Those statutes pertaining to student health, safety, and
1438 welfare.

1439 (b) Additionally, a charter school shall be in compliance
1440 with the following statutes:

1441 1. Section 286.011, relating to public meetings and
1442 records, public inspection, and criminal and civil penalties.

1443 2. Chapter 119, relating to public records.

1444 3. Section 1003.03, relating to the maximum class size,
1445 except that the calculation for compliance pursuant to s.
1446 1003.03 shall be the average at the school level.

1447 (20)~~(17)~~ FUNDING.—Students enrolled in a charter school,
1448 regardless of the sponsorship, shall be funded as if they are in
1449 a basic program or a special program, the same as students
1450 enrolled in other public schools in the school district. Charter

8-00725-11

20111546

1451 school students shall be funded regardless of whether the
1452 student's home address lies within the school district
1453 sponsoring the charter school. Funding for a charter lab school
1454 shall be as provided in s. 1002.32.

1455 (a) Each charter school shall report its student enrollment
1456 to the sponsor as required in s. 1011.62, and in accordance with
1457 the definitions in s. 1011.61. The sponsor shall include each
1458 charter school's enrollment in the district's report of student
1459 enrollment. All charter schools submitting student record
1460 information required by the Department of Education shall comply
1461 with the Department of Education's guidelines for electronic
1462 data formats for such data, and all districts shall accept
1463 electronic data that complies with the Department of Education's
1464 electronic format.

1465 (b) The basis for the agreement for funding students
1466 enrolled in a charter school shall be the sum of the school
1467 district's operating funds from the Florida Education Finance
1468 Program as provided in s. 1011.62 and the General Appropriations
1469 Act, including gross state and local funds, discretionary
1470 lottery funds, and funds from the school district's current
1471 operating discretionary millage levy; divided by total funded
1472 weighted full-time equivalent students in the school district;
1473 multiplied by the weighted full-time equivalent students for the
1474 charter school. Charter schools whose students or programs meet
1475 the eligibility criteria in law shall be entitled to their
1476 proportionate share of categorical program funds included in the
1477 total funds available in the Florida Education Finance Program
1478 by the Legislature, including transportation. Total funding for
1479 each charter school shall be recalculated during the year to

8-00725-11

20111546

1480 reflect the revised calculations under the Florida Education
1481 Finance Program by the state and the actual weighted full-time
1482 equivalent students reported by the charter school during the
1483 full-time equivalent student survey periods designated by the
1484 Commissioner of Education.

1485 (c) If the district school board is providing programs or
1486 services to students funded by federal funds, any eligible
1487 students enrolled in charter schools in the school district
1488 shall be provided federal funds for the same level of service
1489 provided students in the schools operated by the district school
1490 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
1491 charter schools shall receive all federal funding for which the
1492 school is otherwise eligible, including Title I funding, not
1493 later than 5 months after the charter school first opens and
1494 within 5 months after any subsequent expansion of enrollment.

1495 (d) Charter schools shall be included by the Department of
1496 Education and the district school board in requests for federal
1497 stimulus funds in the same manner as district school board-
1498 operated public schools, including Title I and IDEA funds and
1499 shall be entitled to receive such funds. Charter schools are
1500 eligible to participate in federal competitive grants that are
1501 available as part of the federal stimulus funds.

1502 (e) District school boards shall make timely and efficient
1503 payment and reimbursement to charter schools, including
1504 processing paperwork required to access special state and
1505 federal funding for which they may be eligible. The district
1506 school board may distribute funds to a charter school for up to
1507 3 months based on the projected full-time equivalent student
1508 membership of the charter school. Thereafter, the results of

8-00725-11

20111546__

1509 full-time equivalent student membership surveys shall be used in
1510 adjusting the amount of funds distributed monthly to the charter
1511 school for the remainder of the fiscal year. The payment shall
1512 be issued no later than 10 working days after the district
1513 school board receives a distribution of state or federal funds.
1514 If a warrant for payment is not issued within 10 working days
1515 after receipt of funding by the district school board, the
1516 school district shall pay to the charter school, in addition to
1517 the amount of the scheduled disbursement, interest at a rate of
1518 1 percent per month calculated on a daily basis on the unpaid
1519 balance from the expiration of the 10 working days until such
1520 time as the warrant is issued.

1521 (21)~~(18)~~ FACILITIES.—

1522 (a) A startup charter school shall utilize facilities which
1523 comply with the Florida Building Code pursuant to chapter 553
1524 except for the State Requirements for Educational Facilities.
1525 Conversion charter schools shall utilize facilities that comply
1526 with the State Requirements for Educational Facilities provided
1527 that the school district and the charter school have entered
1528 into a mutual management plan for the reasonable maintenance of
1529 such facilities. The mutual management plan shall contain a
1530 provision by which the district school board agrees to maintain
1531 charter school facilities in the same manner as its other public
1532 schools within the district. Charter schools, with the exception
1533 of conversion charter schools, are not required to comply, but
1534 may choose to comply, with the State Requirements for
1535 Educational Facilities of the Florida Building Code adopted
1536 pursuant to s. 1013.37. The local governing authority shall not
1537 adopt or impose local building requirements or restrictions that

8-00725-11

20111546__

1538 are more stringent than those found in the Florida Building
1539 Code. The agency having jurisdiction for inspection of a
1540 facility and issuance of a certificate of occupancy shall be the
1541 local municipality or, if in an unincorporated area, the county
1542 governing authority.

1543 (b) A charter school shall utilize facilities that comply
1544 with the Florida Fire Prevention Code, pursuant to s. 633.025,
1545 as adopted by the authority in whose jurisdiction the facility
1546 is located as provided in paragraph (a).

1547 (c) Any facility, or portion thereof, used to house a
1548 charter school whose charter has been approved by the sponsor
1549 and the governing board, pursuant to subsection (8) ~~(7)~~, shall
1550 be exempt from ad valorem taxes pursuant to s. 196.1983.
1551 Library, community service, museum, performing arts, theatre,
1552 cinema, church, community college, college, and university
1553 facilities may provide space to charter schools within their
1554 facilities under their preexisting zoning and land use
1555 designations.

1556 (d) Charter school facilities are exempt from assessments
1557 of fees for building permits, except as provided in s. 553.80;
1558 fees for building and occupational licenses; all concurrency and
1559 other impact fees or exactions; service availability fees; and
1560 assessments for special benefits. Any developer who donates land
1561 or other facilities for a charter school shall receive
1562 appropriate impact fee and concurrency credits.

1563 (e) If a district school board facility or property is
1564 available because it is surplus, marked for disposal, or
1565 otherwise unused, it shall be provided for a charter school's
1566 use on the same basis as it is made available to other public

8-00725-11

20111546

1567 schools in the district. A charter school receiving property
1568 from the school district may not sell or dispose of such
1569 property without written permission of the school district.
1570 Similarly, for an existing public school converting to charter
1571 status, no rental or leasing fee for the existing facility or
1572 for the property normally inventoried to the conversion school
1573 may be charged by the district school board to the parents and
1574 teachers organizing the charter school. The charter school shall
1575 agree to reasonable maintenance provisions in order to maintain
1576 the facility in a manner similar to district school board
1577 standards. The Public Education Capital Outlay maintenance funds
1578 or any other maintenance funds generated by the facility
1579 operated as a conversion school shall remain with the conversion
1580 school.

1581 (f) To the extent that charter school facilities are
1582 specifically created to mitigate the educational impact created
1583 by the development of new residential dwelling units, pursuant
1584 to subparagraph (2)(c)4., some of or all of the educational
1585 impact fees required to be paid in connection with the new
1586 residential dwelling units may be designated instead for the
1587 construction of the charter school facilities that will mitigate
1588 the student station impact. Such facilities shall be built to
1589 the State Requirements for Educational Facilities and shall be
1590 owned by a public or nonprofit entity. The local school district
1591 retains the right to monitor and inspect such facilities to
1592 ensure compliance with the State Requirements for Educational
1593 Facilities. If a facility ceases to be used for public
1594 educational purposes, either the facility shall revert to the
1595 school district subject to any debt owed on the facility, or the

8-00725-11

20111546

1596 owner of the facility shall have the option to refund all
1597 educational impact fees utilized for the facility to the school
1598 district. The district and the owner of the facility may
1599 contractually agree to another arrangement for the facilities if
1600 the facilities cease to be used for educational purposes. The
1601 owner of property planned or approved for new residential
1602 dwelling units and the entity levying educational impact fees
1603 shall enter into an agreement that designates the educational
1604 impact fees that will be allocated for the charter school
1605 student stations and that ensures the timely construction of the
1606 charter school student stations concurrent with the expected
1607 occupancy of the residential units. The application for use of
1608 educational impact fees shall include an approved charter school
1609 application. To assist the school district in forecasting
1610 student station needs, the entity levying the impact fees shall
1611 notify the affected district of any agreements it has approved
1612 for the purpose of mitigating student station impact from the
1613 new residential dwelling units.

1614 (g) Each school district shall annually provide to the
1615 Department of Education as part of its 5-year work plan the
1616 number of existing vacant classrooms in each school that the
1617 district does not intend to use or does not project will be
1618 needed for educational purposes for the following school year.
1619 The department may recommend that a district make such space
1620 available to an appropriate charter school.

1621 (22) ~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are
1622 eligible for capital outlay funds pursuant to s. 1013.62.
1623 Capital outlay funds authorized in s. 1011.71(2) that have been
1624 shared with a charter school-in-the-workplace prior to July 1,

8-00725-11

20111546

1625 2010, are deemed to have met the authorized expenditure
1626 requirements for such funds.

1627 (23) ~~(20)~~ SERVICES.—

1628 (a)1. If requested by the charter school, a sponsor shall
1629 provide certain administrative and educational services to
1630 charter schools, including student transportation and lunch
1631 services, at the same cost to the charter school as is incurred
1632 by the sponsor. These services shall include contract management
1633 services; full-time equivalent and data reporting services;
1634 exceptional student education administration services; services
1635 related to eligibility and reporting duties required to ensure
1636 that school lunch services under the federal lunch program,
1637 consistent with the needs of the charter school, are provided by
1638 the school district at the request of the charter school, that
1639 any funds due to the charter school under the federal lunch
1640 program be paid to the charter school as soon as the charter
1641 school begins serving food under the federal lunch program, and
1642 that the charter school is paid at the same time and in the same
1643 manner under the federal lunch program as other public schools
1644 serviced by the sponsor or the school district; test
1645 administration services, including payment of the costs of
1646 state-required or district-required student assessments;
1647 processing of teacher certificate data services; and information
1648 services, including equal access to student information systems
1649 that are used by public schools in the district in which the
1650 charter school is located. Student performance data for each
1651 student in a charter school, including, but not limited to, FCAT
1652 scores, standardized test scores, previous public school student
1653 report cards, and student performance measures, shall be

8-00725-11

20111546

1654 provided by the sponsor to a charter school in the same manner
1655 provided to other public schools in the district.

1656 2. A total administrative fee for the provision of such
1657 services shall be calculated based upon up to 5 percent of the
1658 available funds defined in paragraph (20) (b) ~~(17) (b)~~ for all
1659 students. However, a sponsor may only withhold up to a 5-percent
1660 administrative fee for enrollment for up to and including 250
1661 students. For charter schools with a population of 251 or more
1662 students, the difference between the total administrative fee
1663 calculation and the amount of the administrative fee withheld
1664 may only be used for capital outlay purposes specified in s.
1665 1013.62(2).

1666 3. In addition, a sponsor may withhold only up to a 5-
1667 percent administrative fee for enrollment for up to and
1668 including 500 students within a system of charter schools which
1669 meets all of the following:

- 1670 a. Includes both conversion charter schools and
1671 nonconversion charter schools;
- 1672 b. Has all schools located in the same county;
- 1673 c. Has a total enrollment exceeding the total enrollment of
1674 at least one school district in the state;
- 1675 d. Has the same governing board; and
- 1676 e. Does not contract with a for-profit service provider for
1677 management of school operations.

1678 4. The difference between the total administrative fee
1679 calculation and the amount of the administrative fee withheld
1680 pursuant to subparagraph 3. may be used for instructional and
1681 administrative purposes as well as for capital outlay purposes
1682 specified in s. 1013.62(2).

8-00725-11

20111546__

1683 5. Each charter school shall receive 100 percent of the
1684 funds awarded to that school pursuant to s. 1012.225. Sponsors
1685 shall not charge charter schools any additional fees or
1686 surcharges for administrative and educational services in
1687 addition to the maximum 5-percent administrative fee withheld
1688 pursuant to this paragraph.

1689 (b) If goods and services are made available to the charter
1690 school through the contract with the school district, they shall
1691 be provided to the charter school at a rate no greater than the
1692 district's actual cost unless mutually agreed upon by the
1693 charter school and the sponsor in a contract negotiated
1694 separately from the charter. When mediation has failed to
1695 resolve disputes over contracted services or contractual matters
1696 not included in the charter, an appeal may be made for a dispute
1697 resolution hearing before the Charter School Appeal Commission.
1698 To maximize the use of state funds, school districts shall allow
1699 charter schools to participate in the sponsor's bulk purchasing
1700 program if applicable.

1701 (c) Transportation of charter school students may ~~shall~~ be
1702 provided by the charter school consistent with the requirements
1703 of subpart I.E. of chapter 1006 and s. 1012.45; however, a
1704 charter school may not be required to provide transportation to
1705 any charter school student who resides more than 4 miles from
1706 the charter school in which the student is enrolled. The
1707 governing body of the charter school may provide transportation
1708 through an agreement or contract with the district school board,
1709 a private provider, or parents. The charter school and the
1710 sponsor shall cooperate in making arrangements that ensure that
1711 transportation is not a barrier to equal access for all students

8-00725-11

20111546

1712 residing within a reasonable distance of the charter school as
1713 determined in its charter.

1714 (24) ~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1715 (a) The Department of Education shall provide information
1716 to the public, directly and through sponsors, on how to form and
1717 operate a charter school and how to enroll in a charter school
1718 once it is created. This information shall include a standard
1719 application format, charter format, evaluation instrument, and
1720 charter renewal format, which shall include the information
1721 specified in subsection (8) ~~(7)~~ and shall be developed by
1722 consulting and negotiating with both school districts and
1723 charter schools before implementation. The charter and charter
1724 renewal formats shall be used by charter school sponsors.

1725 (b)1. The Department of Education shall report student
1726 assessment data pursuant to s. 1008.34(3)(c) which is reported
1727 to schools that receive a school grade or student assessment
1728 data pursuant to s. 1008.341(3) which is reported to alternative
1729 schools that receive a school improvement rating to each charter
1730 school that:

1731 a. Does not receive a school grade pursuant to s. 1008.34
1732 or a school improvement rating pursuant to s. 1008.341; and

1733 b. Serves at least 10 students who are tested on the
1734 statewide assessment test pursuant to s. 1008.22.

1735 2. The charter school shall report the information in
1736 subparagraph 1. to each parent of a student at the charter
1737 school, the parent of a child on a waiting list for the charter
1738 school, the district in which the charter school is located, and
1739 the governing board of the charter school. This paragraph does
1740 not abrogate the provisions of s. 1002.22, relating to student

8-00725-11

20111546

1741 records, or the requirements of 20 U.S.C. s. 1232g, the Family
1742 Educational Rights and Privacy Act.

1743 3.a. Pursuant to this paragraph, the Department of
1744 Education shall compare the charter school student performance
1745 data for each charter school in subparagraph 1. with the student
1746 performance data in traditional public schools in the district
1747 in which the charter school is located and other charter schools
1748 in the state. For alternative charter schools, the department
1749 shall compare the student performance data described in this
1750 paragraph with all alternative schools in the state. The
1751 comparative data shall be provided by the following grade
1752 groupings:

- 1753 (I) Grades 3 through 5;
- 1754 (II) Grades 6 through 8; and
- 1755 (III) Grades 9 through 11.

1756 b. Each charter school shall provide the information
1757 specified in this paragraph on its Internet website and also
1758 provide notice to the public at large in a manner provided by
1759 the rules of the State Board of Education. The State Board of
1760 Education shall adopt rules to administer the notice
1761 requirements of this subparagraph pursuant to ss. 120.536(1) and
1762 120.54. The website shall include, through links or actual
1763 content, other information related to school performance.

1764 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.~~

1765 ~~(a) The Department of Education shall staff and regularly~~
1766 ~~convene a Charter School Review Panel in order to review issues,~~
1767 ~~practices, and policies regarding charter schools. The~~
1768 ~~composition of the review panel shall include individuals with~~
1769 ~~experience in finance, administration, law, education, and~~

8-00725-11

20111546

1770 school governance, and individuals familiar with charter school
 1771 construction and operation. The panel shall include two
 1772 appointees each from the Commissioner of Education, the
 1773 President of the Senate, and the Speaker of the House of
 1774 Representatives. The Governor shall appoint three members of the
 1775 panel and shall designate the chair. Each member of the panel
 1776 shall serve a 1-year term, unless renewed by the office making
 1777 the appointment. The panel shall make recommendations to the
 1778 Legislature, to the Department of Education, to charter schools,
 1779 and to school districts for improving charter school operations
 1780 and oversight and for ensuring best business practices at and
 1781 fair business relationships with charter schools.

1782 (b) The Legislature shall review the operation of charter
 1783 schools during the 2010 Regular Session of the Legislature.

1784 (25) ~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
 1785 receipt of the annual report required by paragraph (10) ~~(k)~~
 1786 ~~(9)~~ ~~(k)~~, the Department of Education shall provide to the State
 1787 Board of Education, the Commissioner of Education, the Governor,
 1788 the President of the Senate, and the Speaker of the House of
 1789 Representatives an analysis and comparison of the overall
 1790 performance of charter school students, to include all students
 1791 whose scores are counted as part of the statewide assessment
 1792 program, versus comparable public school students in the
 1793 district as determined by the statewide assessment program
 1794 currently administered in the school district, and other
 1795 assessments administered pursuant to s. 1008.22(3).

1796 (26) ~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1797 (a) This subsection applies to charter school personnel in
 1798 a charter school operated by a private entity. As used in this

8-00725-11

20111546

1799 subsection, the term:

1800 1. "Charter school personnel" means a charter school owner,
1801 president, chairperson of the governing board of directors,
1802 superintendent, governing board member, principal, assistant
1803 principal, or any other person employed by the charter school
1804 who has equivalent decisionmaking authority and in whom is
1805 vested the authority, or to whom the authority has been
1806 delegated, to appoint, employ, promote, or advance individuals
1807 or to recommend individuals for appointment, employment,
1808 promotion, or advancement in connection with employment in a
1809 charter school, including the authority as a member of a
1810 governing body of a charter school to vote on the appointment,
1811 employment, promotion, or advancement of individuals.

1812 2. "Relative" means father, mother, son, daughter, brother,
1813 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
1814 father-in-law, mother-in-law, son-in-law, daughter-in-law,
1815 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
1816 stepdaughter, stepbrother, stepsister, half brother, or half
1817 sister.

1818 (b) Charter school personnel may not appoint, employ,
1819 promote, or advance, or advocate for appointment, employment,
1820 promotion, or advancement, in or to a position in the charter
1821 school in which the personnel are serving or over which the
1822 personnel exercises jurisdiction or control any individual who
1823 is a relative. An individual may not be appointed, employed,
1824 promoted, or advanced in or to a position in a charter school if
1825 such appointment, employment, promotion, or advancement has been
1826 advocated by charter school personnel who serve in or exercise
1827 jurisdiction or control over the charter school and who is a

8-00725-11

20111546

1828 relative of the individual or if such appointment, employment,
1829 promotion, or advancement is made by the governing board of
1830 which a relative of the individual is a member.

1831 (c) The approval of budgets does not constitute
1832 "jurisdiction or control" for the purposes of this subsection.
1833

1834 Charter school personnel in schools operated by a municipality
1835 or other public entity are subject to s. 112.3135.

1836 (27) ~~(25)~~ STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1837 (a) A member of a governing board of a charter school,
1838 including a charter school operated by a private entity, is
1839 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).
1840

1841 (b) A member of a governing board of a charter school
1842 operated by a municipality or other public entity is subject to
1843 s. 112.3144, which relates to the disclosure of financial
1844 interests.

1844 (28) ~~(26)~~ RULEMAKING.—The Department of Education, after
1845 consultation with school districts and charter school directors,
1846 shall recommend that the State Board of Education adopt rules to
1847 implement specific subsections of this section. Such rules shall
1848 require minimum paperwork and shall not limit charter school
1849 flexibility authorized by statute. The State Board of Education
1850 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
1851 implement a charter model application form, evaluation
1852 instrument, and charter and charter renewal formats in
1853 accordance with this section.

1854 Section 5. Paragraph (c) of subsection (10) and subsection
1855 (13) of section 1002.34, Florida Statutes, are amended to read:
1856 1002.34 Charter technical career centers.—

8-00725-11

20111546

1857 (10) EXEMPTION FROM STATUTES.—

1858 (c) A center must comply with the antidiscrimination
 1859 provisions in s. 1000.05 and the provisions in s. 1002.33(26) ~~s.~~
 1860 ~~1002.33(24)~~ which relate to the employment of relatives.

1861 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
 1862 of a center may decide matters relating to the operation of the
 1863 school, including budgeting, curriculum, and operating
 1864 procedures, subject to the center's charter. The board of
 1865 directors is responsible for performing the duties provided in
 1866 s. 1002.345, including monitoring the corrective action plan.
 1867 The board of directors must comply with s. 1002.33(27) ~~s.~~
 1868 ~~1002.33(25)~~.

1869 Section 6. Subsections (1), (2), and (6) of section
 1870 1002.345, Florida Statutes, are amended to read:

1871 1002.345 Determination of deteriorating financial
 1872 conditions and financial emergencies for charter schools and
 1873 charter technical career centers.—This section applies to
 1874 charter schools operating pursuant to s. 1002.33 and to charter
 1875 technical career centers operating pursuant to s. 1002.34.

1876 (1) EXPEDITED REVIEW; REQUIREMENTS.—

1877 (a) A charter school or a charter technical career center
 1878 is subject to an expedited review by the sponsor if one of the
 1879 following occurs:

1880 1. Failure to provide for an audit required by s. 218.39.

1881 2. Failure to comply with reporting requirements pursuant
 1882 to s. 1002.33(10) ~~s. 1002.33(9)~~ or s. 1002.34(11)(f) or (14).

1883 3. A deteriorating financial condition identified through
 1884 an annual audit pursuant to s. 218.39(5) or a monthly financial
 1885 statement pursuant to s. 1002.33(10)(g) ~~s. 1002.33(9)(g)~~ or s.

8-00725-11

20111546

1886 1002.34(11)(f). "Deteriorating financial condition" means a
1887 circumstance that significantly impairs the ability of a charter
1888 school or a charter technical career center to generate enough
1889 revenues to meet its expenditures without causing the occurrence
1890 of a condition described in s. 218.503(1).

1891 4. Notification pursuant to s. 218.503(2) that one or more
1892 of the conditions specified in s. 218.503(1) have occurred or
1893 will occur if action is not taken to assist the charter school
1894 or charter technical career center.

1895 (b) A sponsor shall notify the governing board within 7
1896 business days after one or more of the conditions specified in
1897 paragraph (a) occur.

1898 (c) The governing board and the sponsor shall develop a
1899 corrective action plan and file the plan with the Commissioner
1900 of Education within 30 business days after notification is
1901 received as provided in paragraph (b). If the governing board
1902 and the sponsor are unable to agree on a corrective action plan,
1903 the Commissioner of Education shall determine the components of
1904 the plan. The governing board shall implement such plan.

1905 (d) The governing board shall include the corrective action
1906 plan and the status of its implementation in the annual progress
1907 report to the sponsor which is required pursuant to s.
1908 1002.33(10)(k) ~~s. 1002.33(9)(k)~~ or s. 1002.34(14).

1909 (e) If the governing board fails to implement the
1910 corrective action plan within 1 year after one or more of the
1911 conditions specified in paragraph (a) occur, the State Board of
1912 Education shall prescribe any steps necessary for the charter
1913 school or the charter technical career center to comply with
1914 state requirements.

8-00725-11

20111546

1915 (f) The chair of the governing board shall annually appear
1916 before the State Board of Education and report on the
1917 implementation of the State Board of Education's requirements
1918 referenced in paragraph (e).

1919 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—

1920 (a)1. If a financial audit conducted by a certified public
1921 accountant in accordance with s. 218.39 reveals that one or more
1922 of the conditions in s. 218.503(1) have occurred or will occur
1923 if action is not taken to assist the charter school or charter
1924 technical career center, the auditor shall notify the governing
1925 board of the charter school or charter technical career center,
1926 as appropriate, the sponsor, and the Commissioner of Education
1927 within 7 business days after the finding is made.

1928 2. If the charter school or charter technical career center
1929 is found to be in a state of financial emergency pursuant to s.
1930 218.503(4), the charter school or charter technical career
1931 center shall file a financial recovery plan pursuant to s.
1932 218.503 with the sponsor and the Commissioner of Education
1933 within 30 days after being notified by the Commissioner of
1934 Education that a financial recovery plan is needed.

1935 (b) The governing board shall include the financial
1936 recovery plan and the status of its implementation in the annual
1937 progress report to the sponsor which is required under s.
1938 1002.33(10)(k) ~~s. 1002.33(9)(k)~~ or s. 1002.34(14).

1939 (6) FAILURE TO CORRECT DEFICIENCIES.—The sponsor may decide
1940 not to renew or may terminate a charter if the charter school or
1941 charter technical career center fails to correct the
1942 deficiencies noted in the corrective action plan within 1 year
1943 after being notified of the deficiencies or exhibits one or more

8-00725-11

20111546__

1944 financial emergency conditions specified in s. 218.503 for 2
1945 consecutive years. This subsection does not affect a sponsor's
1946 authority to terminate or not renew a charter pursuant to s.
1947 1002.33(9) ~~s. 1002.33(8)~~.

1948 Section 7. Section 1011.68, Florida Statutes, is amended to
1949 read:

1950 1011.68 Funds for student transportation.—The annual
1951 allocation to each district for transportation to public school
1952 programs, including charter schools as provided in s.
1953 1002.33(20)(b) ~~s. 1002.33(17)(b)~~, of students in membership in
1954 kindergarten through grade 12 and in migrant and exceptional
1955 student programs below kindergarten shall be determined as
1956 follows:

1957 (1) Subject to the rules of the State Board of Education,
1958 each district shall determine the membership of students who are
1959 transported:

1960 (a) By reason of living 2 miles or more from school.

1961 (b) By reason of being students with disabilities or
1962 enrolled in a teenage parent program, regardless of distance to
1963 school.

1964 (c) By reason of being in a state prekindergarten program,
1965 regardless of distance from school.

1966 (d) By reason of being career, dual enrollment, or students
1967 with disabilities transported from one school center to another
1968 to participate in an instructional program or service; or
1969 students with disabilities, transported from one designation to
1970 another in the state, provided one designation is a school
1971 center and provided the student's individual educational plan
1972 (IEP) identifies the need for the instructional program or

8-00725-11

20111546

1973 service and transportation to be provided by the school
1974 district. A "school center" is defined as a public school
1975 center, community college, state university, or other facility
1976 rented, leased, or owned and operated by the school district or
1977 another public agency. A "dual enrollment student" is defined as
1978 a public school student in membership in both a public secondary
1979 school program and a community college or a state university
1980 program under a written agreement to partially fulfill ss.
1981 1003.435 and 1007.23 and earning full-time equivalent membership
1982 under s. 1011.62(1)(i).

1983 (e) With respect to elementary school students whose grade
1984 level does not exceed grade 6, by reason of being subjected to
1985 hazardous walking conditions en route to or from school as
1986 provided in s. 1006.23. Such rules shall, when appropriate,
1987 provide for the determination of membership under this paragraph
1988 for less than 1 year to accommodate the needs of students who
1989 require transportation only until such hazardous conditions are
1990 corrected.

1991 (f) By reason of being a pregnant student or student
1992 parent, and the child of a student parent as provided in s.
1993 1003.54, regardless of distance from school.

1994 (2) The allocation for each district shall be calculated
1995 annually in accordance with the following formula:

1996
1997 $T = B + EX$. The elements of this formula are defined as follows:
1998 T is the total dollar allocation for transportation. B is the
1999 base transportation dollar allocation prorated by an adjusted
2000 student membership count. The adjusted membership count shall be
2001 derived from a multiplicative index function in which the base

8-00725-11

20111546

2002 student membership is adjusted by multiplying it by index
2003 numbers that individually account for the impact of the price
2004 level index, average bus occupancy, and the extent of rural
2005 population in the district. EX is the base transportation dollar
2006 allocation for disabled students prorated by an adjusted
2007 disabled student membership count. The base transportation
2008 dollar allocation for disabled students is the total state base
2009 disabled student membership count weighted for increased costs
2010 associated with transporting disabled students and multiplying
2011 it by an average per student cost for transportation as
2012 determined by the Legislature. The adjusted disabled student
2013 membership count shall be derived from a multiplicative index
2014 function in which the weighted base disabled student membership
2015 is adjusted by multiplying it by index numbers that individually
2016 account for the impact of the price level index, average bus
2017 occupancy, and the extent of rural population in the district.
2018 Each adjustment factor shall be designed to affect the base
2019 allocation by no more or less than 10 percent.

2020 (3) The total allocation to each district for
2021 transportation of students shall be the sum of the amounts
2022 determined in subsection (2). If the funds appropriated for the
2023 purpose of implementing this section are not sufficient to pay
2024 the base transportation allocation and the base transportation
2025 allocation for disabled students, the Department of Education
2026 shall prorate the available funds on a percentage basis. If the
2027 funds appropriated for the purpose of implementing this section
2028 exceed the sum of the base transportation allocation and the
2029 base transportation allocation for disabled students, the base
2030 transportation allocation for disabled students shall be limited

8-00725-11

20111546

2031 to the amount calculated in subsection (2), and the remaining
2032 balance shall be added to the base transportation allocation.

2033 (4) No district shall use funds to purchase transportation
2034 equipment and supplies at prices which exceed those determined
2035 by the department to be the lowest which can be obtained, as
2036 prescribed in s. 1006.27(1).

2037 (5) Funds allocated or apportioned for the payment of
2038 student transportation services may be used to pay for
2039 transportation of students to and from school on local general
2040 purpose transportation systems. Student transportation funds may
2041 also be used to pay for transportation of students to and from
2042 school in private passenger cars and boats when the
2043 transportation is for isolated students, or students with
2044 disabilities as defined by rule. Subject to the rules of the
2045 State Board of Education, each school district shall determine
2046 and report the number of assigned students using general purpose
2047 transportation private passenger cars and boats. The allocation
2048 per student must be equal to the allocation per student riding a
2049 school bus.

2050 (6) Notwithstanding other provisions of this section, in no
2051 case shall any student or students be counted for transportation
2052 funding more than once per day. This provision includes counting
2053 students for funding pursuant to trips in school buses,
2054 passenger cars, or boats or general purpose transportation.

2055 Section 8. Paragraph (b) of subsection (2) of section
2056 1012.32, Florida Statutes, is amended to read:

2057 1012.32 Qualifications of personnel.—

2058 (2)

2059 (b) Instructional and noninstructional personnel who are

8-00725-11

20111546

2060 hired or contracted to fill positions in any charter school and
2061 members of the governing board of any charter school, in
2062 compliance with s. 1002.33(15)(g) ~~s. 1002.33(12)(g)~~, must, upon
2063 employment, engagement of services, or appointment, undergo
2064 background screening as required under s. 1012.465 or s.
2065 1012.56, whichever is applicable, by filing with the district
2066 school board for the school district in which the charter school
2067 is located a complete set of fingerprints taken by an authorized
2068 law enforcement agency or an employee of the school or school
2069 district who is trained to take fingerprints.

2070
2071 Fingerprints shall be submitted to the Department of Law
2072 Enforcement for statewide criminal and juvenile records checks
2073 and to the Federal Bureau of Investigation for federal criminal
2074 records checks. A person subject to this subsection who is found
2075 ineligible for employment under s. 1012.315, or otherwise found
2076 through background screening to have been convicted of any crime
2077 involving moral turpitude as defined by rule of the State Board
2078 of Education, shall not be employed, engaged to provide
2079 services, or serve in any position that requires direct contact
2080 with students. Probationary persons subject to this subsection
2081 terminated because of their criminal record have the right to
2082 appeal such decisions. The cost of the background screening may
2083 be borne by the district school board, the charter school, the
2084 employee, the contractor, or a person subject to this
2085 subsection.

2086 Section 9. Paragraph (a) of subsection (1) of section
2087 1013.62, Florida Statutes, is amended to read:

2088 1013.62 Charter schools capital outlay funding.-

8-00725-11

20111546

2089 (1) In each year in which funds are appropriated for
2090 charter school capital outlay purposes, the Commissioner of
2091 Education shall allocate the funds among eligible charter
2092 schools.

2093 (a) To be eligible for a funding allocation, a charter
2094 school must:

2095 1.a. Have been in operation for 3 or more years;

2096 b. Be governed by a governing board established in the
2097 state for 3 or more years which operates both charter schools
2098 and conversion charter schools within the state;

2099 c. Be an expanded feeder chain of a charter school within
2100 the same school district that is currently receiving charter
2101 school capital outlay funds;

2102 d. Have been accredited by the Commission on Schools of the
2103 Southern Association of Colleges and Schools; or

2104 e. Serve students in facilities that are provided by a
2105 business partner for a charter school-in-the-workplace pursuant
2106 to s. 1002.33(18)(b) ~~s. 1002.33(15)(b)~~.

2107 2. Have financial stability for future operation as a
2108 charter school.

2109 3. Have satisfactory student achievement based on state
2110 accountability standards applicable to the charter school.

2111 4. Have received final approval from its sponsor pursuant
2112 to s. 1002.33 for operation during that fiscal year.

2113 5. Serve students in facilities that are not provided by
2114 the charter school's sponsor.

2115 (e) Unless otherwise provided in the General Appropriations
2116 Act, the funding allocation for each eligible charter school is
2117 determined by multiplying the school's projected student

8-00725-11

20111546__

2118 enrollment by one-fifteenth of the cost-per-student station
2119 specified in s. 1013.64(6)(b) for an elementary, middle, or high
2120 school, as appropriate. If the funds appropriated are not
2121 sufficient, the commissioner shall prorate the available funds
2122 among eligible charter schools. However, a charter school or
2123 charter lab school may not receive state charter school capital
2124 outlay funds greater than the one-fifteenth cost per student
2125 station formula if the charter school's combination of state
2126 charter school capital outlay funds, capital outlay funds
2127 calculated through the reduction in the administrative fee
2128 provided in s. 1002.33(23) ~~s. 1002.33(20)~~, and capital outlay
2129 funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-
2130 fifteenth cost per student station formula.

2131 (2) A charter school's governing body may use charter
2132 school capital outlay funds for the following purposes:

2133 (a) Purchase of real property.

2134 (b) Construction of school facilities.

2135 (c) Purchase, lease-purchase, or lease of permanent or
2136 relocatable school facilities.

2137 (d) Purchase of vehicles to transport students to and from
2138 the charter school.

2139 (e) Renovation, repair, and maintenance of school
2140 facilities that the charter school owns or is purchasing through
2141 a lease-purchase or long-term lease of 5 years or longer.

2142 (f) Effective July 1, 2008, purchase, lease-purchase, or
2143 lease of new and replacement equipment, and enterprise resource
2144 software applications that are classified as capital assets in
2145 accordance with definitions of the Governmental Accounting
2146 Standards Board, have a useful life of at least 5 years, and are

8-00725-11

20111546

2147 used to support schoolwide administration or state-mandated
2148 reporting requirements.

2149 (g) Payment of the cost of premiums for property and
2150 casualty insurance necessary to insure the school facilities.

2151 (h) Purchase, lease-purchase, or lease of driver's
2152 education vehicles; motor vehicles used for the maintenance or
2153 operation of plants and equipment; security vehicles; or
2154 vehicles used in storing or distributing materials and
2155 equipment.

2156

2157 Conversion charter schools may use capital outlay funds received
2158 through the reduction in the administrative fee provided in s.
2159 1002.33(23) ~~s. 1002.33(20)~~ for renovation, repair, and
2160 maintenance of school facilities that are owned by the sponsor.

2161 (3) When a charter school is nonrenewed or terminated, any
2162 unencumbered funds and all equipment and property purchased with
2163 district public funds shall revert to the ownership of the
2164 district school board, as provided for in s. 1002.33(9)(e) ~~s.~~
2165 ~~1002.33(8)(e)~~ and (f). In the case of a charter lab school, any
2166 unencumbered funds and all equipment and property purchased with
2167 university public funds shall revert to the ownership of the
2168 state university that issued the charter. The reversion of such
2169 equipment, property, and furnishings shall focus on recoverable
2170 assets, but not on intangible or irrecoverable costs such as
2171 rental or leasing fees, normal maintenance, and limited
2172 renovations. The reversion of all property secured with public
2173 funds is subject to the complete satisfaction of all lawful
2174 liens or encumbrances. If there are additional local issues such
2175 as the shared use of facilities or partial ownership of

8-00725-11

20111546

2176 facilities or property, these issues shall be agreed to in the
2177 charter contract prior to the expenditure of funds.

2178 Section 10. College-preparatory boarding academy pilot
2179 program for at-risk students.-

2180 (1) PROGRAM CREATION.-The College-Preparatory Boarding
2181 Academy Pilot Program is created for the purpose of providing
2182 unique educational opportunities to dependent or at-risk
2183 children who are academic underperformers, but who have the
2184 potential to progress from at-risk to college-bound. The State
2185 Board of Education shall implement this program.

2186 (2) DEFINITIONS.-As used in this section, the term:

2187 (a) "Eligible student" means a student who is a resident of
2188 the state and entitled to attend school in a participating
2189 school district; is at-risk of academic failure; is currently
2190 enrolled in grade 5 or 6; is from a family whose income is below
2191 200 percent of the federal poverty guidelines; and meets at
2192 least two of the following additional risk factors:

2193 1. The student has a record of suspensions, office
2194 referrals, or chronic truancy.

2195 2. The student has been referred for academic intervention
2196 or has not attained at least a proficient score on the state
2197 achievement assessment in English and language arts, reading, or
2198 mathematics.

2199 3. The student's parent is a single parent.

2200 4. The student does not live with the student's custodial
2201 parent.

2202 5. The student has received a referral from a school,
2203 teacher, counselor, dependency court circuit judge, or
2204 community-based care organization.

8-00725-11

20111546

2205 6. The student resides in a household that receives a
2206 housing voucher or has been determined as eligible for public
2207 housing assistance.

2208 7. A member of the student's immediate family has been
2209 incarcerated.

2210 8. The student has been declared an adjudicated dependent
2211 by a court of competent jurisdiction.

2212 9. The student meets any additional criteria prescribed by
2213 an agreement between the State Board of Education and the
2214 operator of the program.

2215 (b) "Board" means the board of trustees of the college-
2216 preparatory boarding academy for at-risk students.

2217 (c) "Operator" means a private nonprofit corporation that
2218 is selected by the state under subsection (3) to operate the
2219 college-preparatory boarding academy for at-risk students.

2220 (d) "Program" means the college-preparatory boarding
2221 academy for at-risk students which includes:

2222 1. A remedial curriculum for middle school grades;

2223 2. The college-preparatory curriculum for high school
2224 grades;

2225 3. Extracurricular activities, including athletics and
2226 cultural events;

2227 4. College admissions counseling;

2228 5. Health and mental health services;

2229 6. Tutoring;

2230 7. Community service and service learning opportunities;

2231 8. A residential student life program;

2232 9. Extended school days and supplemental programs; and

2233 10. Professional services focused on the language arts

8-00725-11

20111546

2234 standards, math standards, science standards, technology
2235 standards, and developmental or life skill standards using
2236 innovative and best practices for all students.

2237 (e) "Sponsor" means a public school district that acts as
2238 sponsor pursuant to s. 1002.33, Florida Statutes.

2239 (3) PROPOSALS.—

2240 (a) The State Board of Education shall select a private
2241 nonprofit corporation to operate the college-preparatory
2242 boarding academy for at-risk students which meets the following
2243 qualifications:

2244 1. The nonprofit corporation has, or will receive as a
2245 condition of the contract, a public charter school authorized
2246 under s. 1002.33, Florida Statutes, to offer grades 6 through 12
2247 or has a partnership with a sponsor to operate a school.

2248 2. The nonprofit corporation has experience operating a
2249 school or program similar to that authorized under this section.

2250 3. The nonprofit corporation has demonstrated success with
2251 a school or program similar to that authorized under this
2252 section.

2253 4. The nonprofit corporation has the capacity to finance
2254 and secure private funds for the development of a campus for the
2255 program.

2256 (b) Within 60 days after July 1, 2011, the State Board of
2257 Education shall issue a request for proposals from private
2258 nonprofit corporations interested in operating the college-
2259 preparatory academy for at-risk students. The state board shall
2260 select the operator from among the qualified responders within
2261 120 days after the issuance of the requests for proposal.

2262 (c) Each proposal must contain the following information:

8-00725-11

20111546

2263 1. The proposed location of the college-preparatory
2264 boarding academy;

2265 2. A plan for offering grade 6 in the program's initial
2266 year of operation and a plan for expanding the grade levels
2267 offered by the school in subsequent years; and

2268 3. Any other information about the proposed educational
2269 program, facilities, or operations of the school as determined
2270 necessary by the state board.

2271 (4) CONTRACT.—The State Board of Education shall enter into
2272 a contract with the operator of the college-preparatory boarding
2273 academy. The contract must stipulate that:

2274 (a) The academy may operate only if, and to the extent
2275 that, it holds a valid charter authorized under s. 1002.33,
2276 Florida Statutes, or is authorized by a local school district
2277 defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

2278 (b) The operator shall finance and oversee the acquisition
2279 of a facility for the academy.

2280 (c) The operator shall operate the academy in accordance
2281 with the terms of the proposal accepted by the state board.

2282 (d) The operator shall comply with this section.

2283 (e) The operator shall comply with any other provisions of
2284 law specified in the contract, the charter granted by the local
2285 school district or operating agreement with the sponsor, and the
2286 rules adopted by the state board for schools operating in this
2287 state.

2288 (f) The operator shall comply with the bylaws that it
2289 adopts.

2290 (g) The operator shall comply with standards for admission
2291 of students to the academy and the dismissal of students from

8-00725-11

20111546

2292 the academy which are included in the contract and may be
2293 reevaluated and revised by mutual agreement between the operator
2294 and the state board.

2295 (h) The operator shall meet the academic goals and other
2296 performance standards established by the contract.

2297 (i) The state board or the operator may terminate the
2298 contract in accordance with the procedures specified in the
2299 contract, which shall at least require that the party seeking
2300 termination give prior written notice of the intent to terminate
2301 the contract and require that the party receiving the
2302 termination notice be granted an opportunity to redress any
2303 grievances cited therein.

2304 (j) If the school closes for any reason, the academy's
2305 board of trustees shall execute the closing in a manner
2306 specified in the contract.

2307 (5) OPERATOR BYLAWS.—The operator of the college-
2308 preparatory boarding academy for at-risk students shall adopt
2309 bylaws for the oversight and operation of the academy which are
2310 consistent with this section, state law, and the contract
2311 between the operator and the State Board of Education. The
2312 bylaws shall include procedures for the appointment of board
2313 members to the academy's board of trustees, which may not exceed
2314 25 members, five members of which shall be appointed by the
2315 Governor with the advice and consent of the Senate. The bylaws
2316 shall be subject to approval of the state board.

2317 (6) OUTREACH.—The operator of the college-preparatory
2318 boarding academy shall adopt an outreach program with the local
2319 education agency or school district and community. The outreach
2320 program shall give special attention to the recruitment of

8-00725-11

20111546

2321 children in the state's foster care program as a dependent child
2322 or as a child in a program to prevent dependency who are
2323 academic underperformers who, if given the unique educational
2324 opportunity found in the program, have the potential to progress
2325 from at-risk children to college-bound children.

2326 (7) FUNDING.—The college-preparatory boarding academy shall
2327 be a public school and is part of the state's program of
2328 education. If the program receives state funding from
2329 noneducation sources, the State Board of Education shall
2330 coordinate, streamline, and simplify any requirements to
2331 eliminate duplicate, redundant, or conflicting requirements and
2332 oversight by various governmental programs or agencies. The
2333 applicable regulating entities shall, to the maximum extent
2334 feasible, use independent reports and financial audits provided
2335 by the program and coordinated by the state board to eliminate
2336 or reduce contract and administrative reviews. Additional items
2337 may be suggested, if reasonable, to the state board to be
2338 included in independent reports and financial audits for the
2339 purpose of implementing this section. Reporting paperwork that
2340 is prepared for the state and local education agency must also
2341 be shared with and accepted by other state and local regulatory
2342 entities, to the maximum extent feasible.

2343 (8) PROGRAM CAPACITY.—Beginning August 2012, the college-
2344 preparatory boarding academy shall admit 80 students. In each
2345 additional fiscal year, the program shall grow by an additional
2346 number of students, as specified in the contract, until the
2347 program reaches a capacity of 400 students.

2348 (9) STUDENT SERVICES.—Students enrolled in the program who
2349 have been adjudicated dependent must remain under the case

8-00725-11

20111546

2350 management services and supervision of the lead agency and its
2351 respective providers. The operator may contract with its own
2352 licensed providers as necessary to provide services to children
2353 in the program and to ensure continuity of the full range of
2354 services required by children in foster care who attend the
2355 academy.

2356 (10) MEDICAID BILLING.—This section does not prohibit the
2357 operator from appropriately billing Medicaid for services
2358 rendered to eligible students through the program or from
2359 earning federal or local funding for services provided.

2360 (11) ADMISSION.—Any eligible student may apply for
2361 admission to the college-preparatory boarding academy. If more
2362 eligible students apply for admission than the number of
2363 students permitted by the capacity established by the board of
2364 trustees, admission shall be determined by lottery.

2365 (12) STUDENT HOUSING.—Notwithstanding ss. 409.1677(3)(d)
2366 and 409.176, Florida Statutes, or any other provision of law, an
2367 operator may house and educate dependent, at-risk youth in its
2368 residential school for the purpose of facilitating the mission
2369 of the program and encouraging innovative practices.

2370 (13) ANNUAL REPORT.—

2371 (a) The State Board of Education shall issue an annual
2372 report for each college-preparatory boarding academy which
2373 includes all information applicable to schools.

2374 (b) Each college-preparatory boarding academy shall report
2375 to the Department of Education, in the form and manner
2376 prescribed in the contract, the following information:

2377 1. The total number of students enrolled in the academy;

2378 2. The number of students enrolled in the academy who are

8-00725-11

20111546

2379 receiving special education services pursuant to an individual
2380 education plan; and

2381 3. Any additional information specified in the contract.

2382 (c) The operator shall comply with s. 1002.33, Florida
2383 Statutes, and shall annually assess reading and mathematics
2384 skills. The operator shall provide the student's legal guardians
2385 with sufficient information on whether the student is reading at
2386 grade level and whether the child gains at least a year's worth
2387 of learning for every year spent in the program.

2388 (14) RULES.—The State Board of Education shall adopt rules
2389 to administer this section. These rules must identify any
2390 existing rules that are applicable to the program and preempt
2391 any other rules that are not specified for the purpose of
2392 clarifying the rules that may be conflicting, redundant, or
2393 result in an unnecessary burden on the program or the operator.

2394 Section 11. (1) The Office of Program Policy Analysis and
2395 Government Accountability (OPPAGA) shall conduct a study that
2396 compares the funding of charter schools to the funding of
2397 traditional public schools. In conducting this study, OPPAGA
2398 shall:

2399 (a) Identify the school districts that distribute funds
2400 generated by the capital improvement millage authorized pursuant
2401 to s. 1011.71(2), Florida Statutes, to charter schools and the
2402 use of such funds by the charter schools.

2403 (b) Determine the amount of funds that would be available
2404 to charter schools if school districts equitably distribute to
2405 district schools, including charter schools, the funds generated
2406 by the capital improvement millage authorized pursuant to s.
2407 1011.71(2), Florida Statutes.

8-00725-11

20111546

2408 (c) Examine the costs associated with supervising charter
2409 schools and determine whether the 5-percent administrative fee
2410 for administrative and educational services for charter schools
2411 covers the costs associated with the provision of the services.

2412 (2) OPPAGA shall make recommendations, if warranted, for
2413 improving the accountability and equity of the funding system
2414 for charter schools based on the findings of the study. The
2415 results of the study shall be submitted to the Governor, the
2416 President of the Senate, and the Speaker of the House of
2417 Representatives by January 1, 2012.

2418 Section 12. If any provision of this act or its application
2419 to any person or circumstance is held invalid, the invalidity
2420 does not affect other provisions or applications of the act
2421 which can be given effect without the invalid provision or
2422 application, and to this end the provisions of this act are
2423 severable.

2424 Section 13. This act shall take effect July 1, 2011.