

By the Committee on Education Pre-K - 12; and Senator Thrasher

581-03424-11

20111546c1

1 A bill to be entitled
2 An act relating to charter schools; amending ss.
3 163.3180 and 1002.32, F.S.; conforming cross-
4 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; providing for the designation of
12 charter schools as high-performing if certain
13 requirements are met; providing definitions relating
14 to the high-performing charter school system; revising
15 provisions to conform to changes made by the act;
16 amending ss. 1002.34, 1011.68, 1012.32, and 1013.62,
17 F.S.; conforming cross-references; creating the
18 College-Preparatory Boarding Academy Pilot Program for
19 dependent or at-risk students; providing a purpose for
20 the program; requiring that the State Board of
21 Education implement the program; providing
22 definitions; requiring that the state board select a
23 private nonprofit corporation to operate the academy
24 if certain qualifications are met; requiring that the
25 state board request proposals from private nonprofit
26 corporations; providing requirements for such
27 proposals; requiring that the state board enter into a
28 contract with the operator of the academy; requiring
29 that the contract contain specified requirements;

581-03424-11

20111546c1

30 requiring that the operator adopt bylaws, subject to
31 approval by the state board; requiring that the
32 operator adopt an outreach program with the local
33 education agency or school district and community;
34 providing that the academy is a public school and part
35 of the state's education program; providing program
36 funding guidelines; limiting the capacity of eligible
37 students attending the academy; requiring that
38 enrolled students remain under case management
39 services and the supervision of the lead agency;
40 authorizing the operator to appropriately bill
41 Medicaid for services rendered to eligible students or
42 earn federal or local funding for services provided;
43 providing for eligible students to be admitted by
44 lottery if the number of applicants exceeds the
45 allowed capacity; authorizing the operator to board
46 dependent, at-risk students; requiring that the state
47 board issue an annual report and adopt rules;
48 requiring that the Office of Program Policy Analysis
49 and Government Accountability conduct a study
50 comparing the funding of charter schools to the
51 funding of public schools; providing requirements for
52 the study; requiring that the office submit its
53 recommendations and findings to the Governor and
54 Legislature by a specified date; providing for
55 severability; providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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581-03424-11

20111546c1

59 Section 1. Paragraph (e) of subsection (13) of section
60 163.3180, Florida Statutes, is amended to read:

61 163.3180 Concurrency.—

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

75 (e) *Availability standard.*—Consistent with the public
76 welfare, a local government may not deny an application for site
77 plan, final subdivision approval, or the functional equivalent
78 for a development or phase of a development authorizing
79 residential development for failure to achieve and maintain the
80 level-of-service standard for public school capacity in a local
81 school concurrency management system where adequate school
82 facilities will be in place or under actual construction within
83 3 years after the issuance of final subdivision or site plan
84 approval, or the functional equivalent. School concurrency is
85 satisfied if the developer executes a legally binding commitment
86 to provide mitigation proportionate to the demand for public
87 school facilities to be created by actual development of the

581-03424-11

20111546c1

88 property, including, but not limited to, the options described
89 in subparagraph 1. Options for proportionate-share mitigation of
90 impacts on public school facilities must be established in the
91 public school facilities element and the interlocal agreement
92 pursuant to s. 163.31777.

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

112 2. If the education facilities plan and the public
113 educational facilities element authorize a contribution of land;
114 the construction, expansion, or payment for land acquisition;
115 the construction or expansion of a public school facility, or a
116 portion thereof; or the construction of a charter school that

581-03424-11

20111546c1

117 complies with the requirements of s. 1002.33(21) ~~s. 1002.33(18)~~,
118 as proportionate-share mitigation, the local government shall
119 credit such a contribution, construction, expansion, or payment
120 toward any other impact fee or exaction imposed by local
121 ordinance for the same need, on a dollar-for-dollar basis at
122 fair market value.

123 3. Any proportionate-share mitigation must be directed by
124 the school board toward a school capacity improvement identified
125 in a financially feasible 5-year district work plan that
126 satisfies the demands created by the development in accordance
127 with a binding developer's agreement.

128 4. If a development is precluded from commencing because
129 there is inadequate classroom capacity to mitigate the impacts
130 of the development, the development may nevertheless commence if
131 there are accelerated facilities in an approved capital
132 improvement element scheduled for construction in year four or
133 later of such plan which, when built, will mitigate the proposed
134 development, or if such accelerated facilities will be in the
135 next annual update of the capital facilities element, the
136 developer enters into a binding, financially guaranteed
137 agreement with the school district to construct an accelerated
138 facility within the first 3 years of an approved capital
139 improvement plan, and the cost of the school facility is equal
140 to or greater than the development's proportionate share. When
141 the completed school facility is conveyed to the school
142 district, the developer shall receive impact fee credits usable
143 within the zone where the facility is constructed or any
144 attendance zone contiguous with or adjacent to the zone where
145 the facility is constructed.

581-03424-11

20111546c1

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

150 Section 2. Paragraph (c) of subsection (9) of section
151 1002.32, Florida Statutes, is amended to read:

152 1002.32 Developmental research (laboratory) schools.—

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

155 (c) All operating funds provided under this section shall
156 be deposited in a Lab School Trust Fund and shall be expended
157 for the purposes of this section. The university assigned a lab
158 school shall be the fiscal agent for these funds, and all rules
159 of the university governing the budgeting and expenditure of
160 state funds shall apply to these funds unless otherwise provided
161 by law or rule of the State Board of Education. The university
162 board of trustees shall be the public employer of lab school
163 personnel for collective bargaining purposes for lab schools in
164 operation prior to the 2002-2003 fiscal year. Employees of
165 charter lab schools authorized prior to June 1, 2003, but not in
166 operation prior to the 2002-2003 fiscal year shall be employees
167 of the entity holding the charter and must comply with the
168 provisions of s. 1002.33(14) ~~s. 1002.33(12)~~.

169 Section 3. Subsections (5) through (26) of section 1002.33,
170 Florida Statutes, are amended to read:

171 1002.33 Charter schools.—

172 (5) SPONSOR; DUTIES.—

173 (a) *Sponsoring entities*.—

174 1. A district school board may sponsor a charter school in

581-03424-11

20111546c1

175 the county over which the district school board has
176 jurisdiction.

177 2. A state university may grant a charter to a lab school
178 created under s. 1002.32 and shall be considered to be the
179 school's sponsor. Such school shall be considered a charter lab
180 school.

181 3. A state university may approve an application for a
182 charter school located in the state. A charter school that is
183 approved by a state university must enter into a charter
184 contract with the local school district pursuant to subsection
185 (7).

186 4. A state university may develop one or more of its own
187 charter schools, which must be operated by the state university.
188 These charter schools are exempt from contracting provisions
189 pursuant to subsection (7). State universities may not report
190 FTE for any students who receive FTE funding through the Florida
191 Education Finance Program.

192 5. A Florida College System institution may approve an
193 application for a charter school located within its designated
194 service area. A charter school that is approved by such an
195 institution must enter into a charter contract with the local
196 school district pursuant to subsection (7).

197 6. A Florida College System institution may develop a
198 charter school within its designated service area which may
199 serve kindergarten through grade 12 but must include a secondary
200 school that provides an option for students to receive an
201 associate degree upon high school graduation. These charter
202 schools must be operated by the institution and are exempt from
203 contracting provisions pursuant to subsection (7). A Florida

581-03424-11

20111546c1

204 College System institution may not report FTE for any students
205 who receive FTE funding through the Florida Education Finance
206 Program.

207 (b) *Sponsor duties.*—

208 1.a. The sponsor shall monitor and review the charter
209 school in its progress toward the goals established in the
210 charter.

211 b. The sponsor shall monitor the revenues and expenditures
212 of the charter school and perform the duties provided in s.
213 1002.345.

214 c. The sponsor may approve a charter for a charter school
215 before the applicant has identified space, equipment, or
216 personnel, if the applicant indicates approval is necessary for
217 it to raise working funds.

218 d. The sponsor's policies shall not apply to a charter
219 school unless mutually agreed to by both the sponsor and the
220 charter school.

221 e. The sponsor shall ensure that the charter is innovative
222 and consistent with the state education goals established by s.
223 1000.03(5).

224 f. The sponsor shall ensure that the charter school
225 participates in the state's education accountability system. If
226 a charter school falls short of performance measures included in
227 the approved charter, the sponsor shall report such shortcomings
228 to the Department of Education.

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

581-03424-11

20111546c1

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

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

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

241 2. Immunity for the sponsor of a charter school under
242 subparagraph 1. applies only with respect to acts or omissions
243 not under the sponsor's direct authority as described in this
244 section.

245 3. This paragraph does not waive a district school board's
246 sovereign immunity.

247 4. A community college may work with the school district or
248 school districts in its designated service area to develop
249 charter schools ~~that offer secondary education~~. These charter
250 schools may serve students in kindergarten through grade 12 but
251 must include a secondary school and provide ~~must include~~ an
252 option for students to receive an associate degree upon high
253 school graduation. District school boards shall cooperate with
254 and assist the community college on the charter application.
255 Community college applications for charter schools are not
256 subject to the time deadlines outlined in subsection (6) and may
257 be approved by the district school board at any time during the
258 year. Community colleges may not report FTE for any students who
259 receive FTE funding through the Florida Education Finance
260 Program.

261 (6) APPLICATION PROCESS AND REVIEW.—Charter school

581-03424-11

20111546c1

262 applications are subject to the following requirements:

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

266 1. Demonstrates how the school will use the guiding
267 principles and meet the statutorily defined purpose of a charter
268 school.

269 2. Provides a detailed curriculum plan that illustrates how
270 students will be provided services to attain the Sunshine State
271 Standards.

272 3. Contains goals and objectives for improving student
273 learning and measuring that improvement. These goals and
274 objectives must indicate how much academic improvement students
275 are expected to show each year, how success will be evaluated,
276 and the specific results to be attained through instruction.

277 4. Describes the reading curriculum and differentiated
278 strategies that will be used for students reading at grade level
279 or higher and a separate curriculum and strategies for students
280 who are reading below grade level. A sponsor shall deny a
281 charter if the school does not propose a reading curriculum that
282 is consistent with effective teaching strategies that are
283 grounded in scientifically based reading research.

284 5. Contains an annual financial plan for each year
285 requested by the charter for operation of the school for up to 5
286 years. This plan must contain anticipated fund balances based on
287 revenue projections, a spending plan based on projected revenues
288 and expenses, and a description of controls that will safeguard
289 finances and projected enrollment trends.

290 6. Documents that the applicant has participated in the

581-03424-11

20111546c1

291 training required in subparagraph (b)2. ~~(f)2.~~ A sponsor may
292 require an applicant to provide additional information as an
293 addendum to the charter school application described in this
294 paragraph.

295 (b)1. The Department of Education shall provide or arrange
296 for training and technical assistance to charter schools in
297 developing business plans and estimating costs and income.
298 Training and technical assistance shall address estimating
299 startup costs, projecting enrollment, and identifying the types
300 and amounts of state and federal financial assistance that the
301 charter school may be eligible to receive. The department may
302 provide other technical assistance to an applicant upon written
303 request.

304 2. A charter school applicant must participate in the
305 training provided by the Department of Education after approval
306 of an application, but at least 30 calendar days before the
307 first day of classes at the charter school. However, a sponsor
308 may require the charter school applicant to attend training
309 provided by the sponsor in lieu of the department's training if
310 the sponsor's training standards meet or exceed the standards
311 developed by the department. A sponsor may not require a charter
312 school applicant to attend its training within 30 calendar days
313 before the first day of classes at the charter school when it
314 requires the charter school to attend its training in lieu of
315 the department's training. The training must include instruction
316 in accurate financial planning and good business practices. If
317 the applicant is a management company or a nonprofit
318 organization, the charter school principal and the chief
319 financial officer or his or her equivalent must also participate

581-03424-11

20111546c1

320 in the training. However, a sponsor may not require a high-
321 performing charter school or high-performing charter school
322 system applicant to participate in the training described in
323 this subparagraph more than once.

324 (c) ~~(b)~~ A sponsor shall receive and review all applications
325 for a charter school using an evaluation instrument developed by
326 the Department of Education. Beginning with the 2007-2008 school
327 year, a sponsor shall receive and consider charter school
328 applications received on or before August 1 of each calendar
329 year for charter schools to be opened at the beginning of the
330 school district's next school year, or to be opened at a time
331 agreed to by the applicant and the sponsor. A sponsor may
332 receive applications later than this date if it chooses. A
333 sponsor may not charge an applicant for a charter any fee for
334 the processing or consideration of an application, and a sponsor
335 may not base its consideration or approval of an application
336 upon the promise of future payment of any kind. Before approving
337 or denying any application, the sponsor shall allow the
338 applicant at least 7 calendar days to make technical or
339 nonsubstantive corrections and clarifications, including, but
340 not limited to, grammatical, typographical, and like errors or
341 missing signatures, if such errors are identified by the sponsor
342 as cause to deny the application.

343 1. In order to facilitate an accurate budget projection
344 process, a sponsor shall be held harmless for FTE students who
345 are not included in the FTE projection due to approval of
346 charter school applications after the FTE projection deadline.
347 In a further effort to facilitate an accurate budget projection,
348 within 15 calendar days after receipt of a charter school

581-03424-11

20111546c1

349 application, a sponsor shall report to the Department of
350 Education the name of the applicant entity, the proposed charter
351 school location, and its projected FTE.

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

359 3. A sponsor shall by a majority vote approve or deny an
360 application no later than 60 calendar days after the application
361 is received, unless the sponsor and the applicant mutually agree
362 in writing to temporarily postpone the vote to a specific date,
363 at which time the sponsor shall by a majority vote approve or
364 deny the application. If the sponsor fails to act on the
365 application, an applicant may appeal to the State Board of
366 Education as provided in paragraph (d) ~~paragraph (e)~~. If an
367 application is denied, the sponsor shall, within 10 calendar
368 days after such denial, articulate in writing the specific
369 reasons, based upon good cause, supporting its denial of the
370 charter application and shall provide the letter of denial and
371 supporting documentation to the applicant and to the Department
372 of Education supporting those reasons.

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

581-03424-11

20111546c1

378 for the approved charter school.

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

383 (d) ~~(e)~~ An applicant may appeal any denial of that
384 applicant's application or failure to act on an application to
385 the State Board of Education no later than 30 calendar days
386 after receipt of the sponsor's decision or failure to act and
387 shall notify the sponsor of its appeal. Any response of the
388 sponsor shall be submitted to the State Board of Education
389 within 30 calendar days after notification of the appeal. Upon
390 receipt of notification from the State Board of Education that a
391 charter school applicant is filing an appeal, the Commissioner
392 of Education shall convene a meeting of the Charter School
393 Appeal Commission to study and make recommendations to the State
394 Board of Education regarding its pending decision about the
395 appeal. The commission shall forward its recommendation to the
396 state board no later than 7 calendar days prior to the date on
397 which the appeal is to be heard. The State Board of Education
398 shall by majority vote accept or reject the decision of the
399 sponsor no later than 90 calendar days after an appeal is filed
400 in accordance with State Board of Education rule. The Charter
401 School Appeal Commission may reject an appeal submission for
402 failure to comply with procedural rules governing the appeals
403 process. The rejection shall describe the submission errors. The
404 appellant may have up to 15 calendar days from notice of
405 rejection to resubmit an appeal that meets requirements of State
406 Board of Education rule. An application for appeal submitted

581-03424-11

20111546c1

407 subsequent to such rejection shall be considered timely if the
408 original appeal was filed within 30 calendar days after receipt
409 of notice of the specific reasons for the sponsor's denial of
410 the charter application. The State Board of Education shall
411 remand the application to the sponsor with its written decision
412 that the sponsor approve or deny the application. The sponsor
413 shall implement the decision of the State Board of Education.
414 The decision of the State Board of Education is not subject to
415 the provisions of the Administrative Procedure Act, chapter 120.

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

420 (f)~~(e)~~1. A Charter School Appeal Commission is established
421 to assist the commissioner and the State Board of Education with
422 a fair and impartial review of appeals by applicants whose
423 charter applications have been denied, whose charter contracts
424 have not been renewed, or whose charter contracts have been
425 terminated by their sponsors.

426 2. The Charter School Appeal Commission may receive copies
427 of the appeal documents forwarded to the State Board of
428 Education, review the documents, gather other applicable
429 information regarding the appeal, and make a written
430 recommendation to the commissioner. The recommendation must
431 state whether the appeal should be upheld or denied and include
432 the reasons for the recommendation being offered. The
433 commissioner shall forward the recommendation to the State Board
434 of Education no later than 7 calendar days prior to the date on
435 which the appeal is to be heard. The state board must consider

581-03424-11

20111546c1

436 the commission's recommendation in making its decision, but is
437 not bound by the recommendation. The decision of the Charter
438 School Appeal Commission is not subject to the provisions of the
439 Administrative Procedure Act, chapter 120.

440 3. The commissioner shall appoint the members of the
441 Charter School Appeal Commission. Members shall serve without
442 compensation but may be reimbursed for travel and per diem
443 expenses in conjunction with their service. One-half of the
444 members must represent currently operating charter schools, and
445 one-half of the members must represent sponsors. The
446 commissioner or a named designee shall chair the Charter School
447 Appeal Commission.

448 4. The chair shall convene meetings of the commission and
449 shall ensure that the written recommendations are completed and
450 forwarded in a timely manner. In cases where the commission
451 cannot reach a decision, the chair shall make the written
452 recommendation with justification, noting that the decision was
453 rendered by the chair.

454 5. Commission members shall thoroughly review the materials
455 presented to them from the appellant and the sponsor. The
456 commission may request information to clarify the documentation
457 presented to it. In the course of its review, the commission may
458 facilitate the postponement of an appeal in those cases where
459 additional time and communication may negate the need for a
460 formal appeal and both parties agree, in writing, to postpone
461 the appeal to the State Board of Education. A new date certain
462 for the appeal shall then be set based upon the rules and
463 procedures of the State Board of Education. Commission members
464 shall provide a written recommendation to the state board as to

581-03424-11

20111546c1

465 whether the appeal should be upheld or denied. A fact-based
466 justification for the recommendation must be included. The chair
467 must ensure that the written recommendation is submitted to the
468 State Board of Education members no later than 7 calendar days
469 prior to the date on which the appeal is to be heard. Both
470 parties in the case shall also be provided a copy of the
471 recommendation.

472 ~~(f)1. The Department of Education shall offer or arrange~~
473 ~~for training and technical assistance to charter school~~
474 ~~applicants in developing business plans and estimating costs and~~
475 ~~income. This assistance shall address estimating startup costs,~~
476 ~~projecting enrollment, and identifying the types and amounts of~~
477 ~~state and federal financial assistance the charter school may be~~
478 ~~eligible to receive. The department may provide other technical~~
479 ~~assistance to an applicant upon written request.~~

480 ~~2. A charter school applicant must participate in the~~
481 ~~training provided by the Department of Education before filing~~
482 ~~an application. However, a sponsor may require the charter~~
483 ~~school applicant to attend training provided by the sponsor in~~
484 ~~lieu of the department's training if the sponsor's training~~
485 ~~standards meet or exceed the standards developed by the~~
486 ~~Department of Education. The training shall include instruction~~
487 ~~in accurate financial planning and good business practices. If~~
488 ~~the applicant is a management company or other nonprofit~~
489 ~~organization, the charter school principal and the chief~~
490 ~~financial officer or his or her equivalent must also participate~~
491 ~~in the training.~~

492 (g) In considering charter applications for a lab school, a
493 state university shall consult with the district school board of

581-03424-11

20111546c1

494 the county in which the lab school is located. The decision of a
495 state university may be appealed pursuant to the procedure
496 established in this subsection.

497 (h) The terms and conditions for the operation of a charter
498 school shall be set forth by the sponsor and the applicant in a
499 written contractual agreement, called a charter. The sponsor
500 shall not impose unreasonable rules or regulations that violate
501 the intent of giving charter schools greater flexibility to meet
502 educational goals. The sponsor shall have 60 days to provide an
503 initial proposed charter contract to the charter school. The
504 applicant and the sponsor shall have 75 days thereafter to
505 negotiate and notice the charter contract for final approval by
506 the sponsor unless both parties agree to an extension. The
507 proposed charter contract shall be provided to the charter
508 school at least 7 calendar days before ~~prior to~~ the date of the
509 meeting at which the charter is scheduled to be voted upon by
510 the sponsor. The Department of Education shall provide mediation
511 services for any dispute regarding this section subsequent to
512 the approval of a charter application and for any dispute
513 relating to the approved charter, except disputes regarding
514 charter school application denials. If the Commissioner of
515 Education determines that the dispute cannot be settled through
516 mediation, the dispute may be appealed to an administrative law
517 judge appointed by the Division of Administrative Hearings. The
518 administrative law judge may rule on issues of equitable
519 treatment of the charter school as a public school, whether
520 proposed provisions of the charter violate the intended
521 flexibility granted charter schools by statute, or on any other
522 matter regarding this section except a charter school

581-03424-11

20111546c1

523 application denial, a charter termination, or a charter
524 nonrenewal and shall award the prevailing party reasonable
525 attorney's fees and costs incurred to be paid by the losing
526 party. The costs of the administrative hearing shall be paid by
527 the party whom the administrative law judge rules against.

528 (7) CHARTER.—The major issues involving the operation of a
529 charter school shall be considered in advance and written into
530 the charter. The charter shall be signed by the governing body
531 of the charter school and the sponsor, following a public
532 hearing to ensure community input.

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

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

537 2. The focus of the curriculum, the instructional methods
538 to be used, any distinctive instructional techniques to be
539 employed, and identification and acquisition of appropriate
540 technologies needed to improve educational and administrative
541 performance which include a means for promoting safe, ethical,
542 and appropriate uses of technology which comply with legal and
543 professional standards. The charter shall ensure that reading is
544 a primary focus of the curriculum and that resources are
545 provided to identify and provide specialized instruction for
546 students who are reading below grade level. The curriculum and
547 instructional strategies for reading must be consistent with the
548 Sunshine State Standards and grounded in scientifically based
549 reading research.

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

581-03424-11

20111546c1

552 method of measurement that will be used. The criteria listed in
553 this subparagraph shall include a detailed description of:

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

556 b. How these baseline rates will be compared to rates of
557 academic progress achieved by these same students while
558 attending the charter school.

559 c. To the extent possible, how these rates of progress will
560 be evaluated and compared with rates of progress of other
561 closely comparable student populations.

562

563 The district school board is required to provide academic
564 student performance data to charter schools for each of their
565 students coming from the district school system, as well as
566 rates of academic progress of comparable student populations in
567 the district school system.

568 4. The methods used to identify the educational strengths
569 and needs of students and how well educational goals and
570 performance standards are met by students attending the charter
571 school. The methods shall provide a means for the charter school
572 to ensure accountability to its constituents by analyzing
573 student performance data and by evaluating the effectiveness and
574 efficiency of its major educational programs. Students in
575 charter schools shall, at a minimum, participate in the
576 statewide assessment program created under s. 1008.22.

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

580 6. A method for resolving conflicts between the governing

581-03424-11

20111546c1

581 body of the charter school and the sponsor.

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

584 8. The ways by which the school will achieve a
585 racial/ethnic balance reflective of the community it serves or
586 within the racial/ethnic range of other public schools in the
587 same school district.

588 9. The financial and administrative management of the
589 school, including a ~~reasonable~~ demonstration of the professional
590 experience or competence of those individuals or organizations
591 applying to operate the charter school or those hired or
592 retained to perform such professional services and the
593 description of clearly delineated responsibilities and the
594 policies and practices needed to effectively manage the charter
595 school. A description of internal audit procedures and
596 establishment of controls to ensure that financial resources are
597 properly managed must be included. Both public sector and
598 private sector professional experience shall be equally valid in
599 such a consideration.

600 10. The asset and liability projections required in the
601 application which are incorporated into the charter and shall be
602 compared with information provided in the annual report of the
603 charter school.

604 11. A description of procedures that identify various risks
605 and provide for a comprehensive approach to reduce the impact of
606 losses; plans to ensure the safety and security of students and
607 staff; plans to identify, minimize, and protect others from
608 violent or disruptive student behavior; and the manner in which
609 the school will be insured, including whether or not the school

581-03424-11

20111546c1

610 will be required to have liability insurance, and, if so, the
611 terms and conditions thereof and the amounts of coverage.

612 12. The term of the charter which shall provide for
613 cancellation of the charter if insufficient progress has been
614 made in attaining the student achievement objectives of the
615 charter and if it is not likely that such objectives can be
616 achieved before expiration of the charter. The initial term of a
617 charter shall be for ~~4 or~~ 5 years, unless the charter meets the
618 requirements of a high-performing charter school system pursuant
619 to subsection (11). ~~In order to facilitate access to long-term~~
620 ~~financial resources for charter school construction,~~ Charter
621 schools ~~that are operated by a municipality or other public~~
622 ~~entity as provided by law~~ are eligible for up to a 15-year
623 charter, subject to approval by the district school board. A
624 charter lab school is eligible for a charter for a term of up to
625 15 years. ~~In addition, to facilitate access to long-term~~
626 ~~financial resources for charter school construction,~~ charter
627 schools ~~that are operated by a private, not-for-profit, s.~~
628 ~~501(c)(3) status corporation are eligible for up to a 15-year~~
629 ~~charter, subject to approval by the district school board.~~ Such
630 long-term charters remain subject to annual review and may be
631 terminated during the term of the charter, but only according to
632 the provisions set forth in subsection (8).

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

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

637 15. The governance structure of the school, including the
638 status of the charter school as a public or private employer as

581-03424-11

20111546c1

639 required in paragraph (14) (i) ~~(12) (i)~~.

640 16. A timetable for implementing the charter which
641 addresses the implementation of each element thereof and the
642 date by which the charter shall be awarded in order to meet this
643 timetable.

644 17. In the case of an existing public school that is being
645 converted to charter status, alternative arrangements for
646 current students who choose not to attend the charter school and
647 for current teachers who choose not to teach in the charter
648 school after conversion in accordance with the existing
649 collective bargaining agreement or district school board rule in
650 the absence of a collective bargaining agreement. However,
651 alternative arrangements shall not be required for current
652 teachers who choose not to teach in a charter lab school, except
653 as authorized by the employment policies of the state university
654 which grants the charter to the lab school.

655 18. Full disclosure of the identity of all relatives
656 employed by the charter school who are related to the charter
657 school owner, president, chairperson of the governing board of
658 directors, superintendent, governing board member, principal,
659 assistant principal, or any other person employed by the charter
660 school who has equivalent decisionmaking authority. For the
661 purpose of this subparagraph, the term "relative" means father,
662 mother, son, daughter, brother, sister, uncle, aunt, first
663 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
664 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
665 stepfather, stepmother, stepson, stepdaughter, stepbrother,
666 stepsister, half brother, or half sister.

667 (b)1. A charter may be renewed provided that a program

581-03424-11

20111546c1

668 review demonstrates that the criteria in paragraph (a) have been
669 successfully accomplished and that none of the grounds for
670 nonrenewal established by paragraph (8)(a) has been documented.
671 In order to facilitate long-term financing for charter school
672 construction, charter schools operating for a minimum of 3 years
673 and demonstrating exemplary academic programming and fiscal
674 management are eligible for a 15-year charter renewal. Such
675 long-term charter is subject to annual review and may be
676 terminated during the term of the charter.

677 2. The 15-year charter renewal that may be granted pursuant
678 to subparagraph 1. shall be granted to a charter school that has
679 received a school grade of "A" or "B" pursuant to s. 1008.34 in
680 3 of the past 4 years and is not in a state of financial
681 emergency or deficit position as defined by this section. Such
682 long-term charter is subject to annual review and may be
683 terminated during the term of the charter pursuant to subsection
684 (8).

685 (c) A charter may be modified during its initial term or
686 any renewal term upon the recommendation of the sponsor or the
687 charter school governing board and the approval of both parties
688 to the agreement.

689 (d) The sponsor may not require that board members of the
690 charter school reside in the district in which the charter
691 school is located and shall allow charter school management
692 personnel to represent the charter school board if such
693 representation has been approved by the charter school board.

694 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

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

581-03424-11

20111546c1

697 1. Failure to participate in the state's education
698 accountability system created in s. 1008.31, as required in this
699 section, or failure to meet the requirements for student
700 performance stated in the charter.

701 2. Failure to meet generally accepted standards of fiscal
702 management.

703 3. Violation of law.

704 4. Other good cause shown.

705 (b) Before ~~At least 90 days prior to~~ renewing or
706 terminating a charter, the sponsor shall notify the governing
707 body of the school of the proposed action in writing. The notice
708 shall state in reasonable detail the grounds for the proposed
709 action and stipulate that the school's governing body may,
710 within 14 calendar days after receiving the notice, file a
711 request for a an informal hearing with the sponsor pursuant to
712 chapter 120 before the sponsor. The matter shall proceed
713 pursuant to chapter 120. The sponsor shall conduct the informal
714 hearing within 30 calendar days after receiving a written
715 request.

716 (c) The final order issued by the sponsor must include the
717 specific reasons for nonrenewal or termination of the charter
718 and shall be provided to the charter school governing body and
719 the Department of Education within 10 calendar days after the
720 final order is issued. If a charter is not renewed or is
721 terminated pursuant to paragraph (b), the sponsor shall, within
722 10 calendar days, articulate in writing the specific reasons for
723 its nonrenewal or termination of the charter and must provide
724 the letter of nonrenewal or termination and documentation
725 supporting the reasons to the charter school governing body, the

581-03424-11

20111546c1

726 ~~charter school principal, and the Department of Education. The~~
727 charter school's governing body may, within 30 calendar days
728 after receiving the sponsor's final order ~~written decision to~~
729 ~~refuse to renew or to terminate the charter,~~ appeal the decision
730 pursuant to the procedure established in subsection (6).

731 (d) A charter may be terminated immediately if the sponsor
732 determines that good cause has been shown or if the health,
733 safety, or welfare of the students is threatened. The sponsor's
734 determination is ~~not~~ subject to the same process as set forth in
735 paragraphs an informal hearing under paragraph (b) and (c), with
736 the exception that the sponsor's determination may take effect
737 immediately or at a subsequently identified time ~~or pursuant to~~
738 ~~chapter 120.~~ The sponsor shall notify in writing the charter
739 school's governing body, the charter school principal, and the
740 department if a charter is immediately terminated as soon as
741 reasonably possible. The sponsor shall clearly identify the
742 specific issues that resulted in the immediate termination and
743 provide evidence of prior notification of issues resulting in
744 the immediate termination when appropriate. The charter school's
745 governing board has 10 days to request a hearing pursuant to s.
746 120.569. The hearing in such cases shall be expedited, and the
747 final order shall be issued no more than 45 days after the date
748 upon which the hearing is requested. ~~The school district in~~
749 ~~which the charter school is located shall assume operation of~~
750 ~~the school under these circumstances.~~ The charter school's
751 governing board may, within 30 days after receiving the
752 sponsor's decision to terminate the charter, appeal the decision
753 pursuant to the procedure established in subsection (6). The
754 sponsor shall assume and continue operation of the school

581-03424-11

20111546c1

755 pending appeal to the State Board of Education under subsection
756 (6), unless the continued operation of the school would
757 materially threaten the physical health, safety, or welfare of
758 the students. A sponsor that fails to assume and to continue
759 operation of the charter school is liable for attorney's fees
760 and costs to the charter school if the charter school prevails
761 on appeal to the State Board of Education.

762 (e) When a charter is not renewed or is terminated, the
763 school shall be dissolved under the provisions of law under
764 which the school was organized, and any unencumbered public
765 funds, except for capital outlay funds and federal charter
766 school program grant funds, from the charter school shall revert
767 to the sponsor. Capital outlay funds provided pursuant to s.
768 1013.62 and federal charter school program grant funds that are
769 unencumbered shall revert to the department to be redistributed
770 among eligible charter schools. In the event a charter school is
771 dissolved or is otherwise terminated, all district school board
772 property and improvements, furnishings, and equipment purchased
773 with public funds shall automatically revert to full ownership
774 by the district school board, subject to complete satisfaction
775 of any lawful liens or encumbrances. Any unencumbered public
776 funds from the charter school, district school board property
777 and improvements, furnishings, and equipment purchased with
778 public funds, or financial or other records pertaining to the
779 charter school, in the possession of any person, entity, or
780 holding company, other than the charter school, shall be held in
781 trust upon the district school board's request, until any appeal
782 status is resolved.

783 (f) If a charter is not renewed or is terminated, the

581-03424-11

20111546c1

784 charter school is responsible for all debts of the charter
785 school. The district may not assume the debt from any contract
786 made between the governing body of the school and a third party,
787 except for a debt that is previously detailed and agreed upon in
788 writing by both the district and the governing body of the
789 school and that may not reasonably be assumed to have been
790 satisfied by the district.

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

795 (9) CHARTER SCHOOL REQUIREMENTS.—

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

798 (b) A charter school shall admit students as provided in
799 subsection (12) ~~(10)~~.

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

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

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

808 (f) A charter school may ~~shall~~ not violate the
809 antidiscrimination provisions of s. 1000.05.

810 (g) In order to provide financial information that is
811 comparable to that reported for other public schools, charter
812 schools are to maintain all financial records that constitute

581-03424-11

20111546c1

813 their accounting system:

814 1. In accordance with the accounts and codes prescribed in
815 the most recent issuance of the publication titled "Financial
816 and Program Cost Accounting and Reporting for Florida Schools";
817 or

818 2. At the discretion of the charter school governing board,
819 a charter school may elect to follow generally accepted
820 accounting standards for not-for-profit organizations, but must
821 reformat this information for reporting according to this
822 paragraph.

823

824 Charter schools shall provide annual financial report and
825 program cost report information in the state-required formats
826 for inclusion in district reporting in compliance with s.
827 1011.60(1). Charter schools that are operated by a municipality
828 or are a component unit of a parent nonprofit organization may
829 use the accounting system of the municipality or the parent but
830 must reformat this information for reporting according to this
831 paragraph. A charter school shall provide a monthly financial
832 statement to the sponsor; however, if the charter school is
833 designated as a high-performing charter school under subsection
834 (10) or is part of a high-performing charter school system under
835 subsection (11), it shall provide a quarterly financial
836 statement. The ~~monthly~~ financial statement required under this
837 paragraph shall be in a form prescribed by the Department of
838 Education.

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

841 (i) The governing body of the charter school shall exercise

581-03424-11

20111546c1

842 continuing oversight over charter school operations.

843 (j) The governing body of the charter school shall be
844 responsible for:

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

849 2. Reviewing and approving the audit report, including
850 audit findings and recommendations for the financial recovery
851 plan.

852 3.a. Performing the duties in s. 1002.345, including
853 monitoring a corrective action plan.

854 b. Monitoring a financial recovery plan in order to ensure
855 compliance.

856 4. Participating in governance training approved by the
857 department which must include government in the sunshine,
858 conflicts of interest, ethics, and financial responsibility.

859 (k) The governing body of the charter school shall report
860 its progress annually to its sponsor, which shall forward the
861 report to the Commissioner of Education at the same time as
862 other annual school accountability reports. The Department of
863 Education shall develop a uniform, online annual accountability
864 report to be completed by charter schools. This report shall be
865 easy to utilize and contain demographic information, student
866 performance data, and financial accountability information. A
867 charter school shall not be required to provide information and
868 data that is duplicative and already in the possession of the
869 department. The Department of Education shall include in its
870 compilation a notation if a school failed to file its report by

581-03424-11

20111546c1

871 the deadline established by the department. The report shall
872 include at least the following components:

873 1. Student achievement performance data, including the
874 information required for the annual school report and the
875 education accountability system governed by ss. 1008.31 and
876 1008.345. Charter schools are subject to the same accountability
877 requirements as other public schools, including reports of
878 student achievement information that links baseline student data
879 to the school's performance projections identified in the
880 charter. The charter school shall identify reasons for any
881 difference between projected and actual student performance.

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

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

889 4. Descriptive information about the charter school's
890 personnel, including salary and benefit levels of charter school
891 employees, the proportion of instructional personnel who hold
892 professional or temporary certificates, and the proportion of
893 instructional personnel teaching in-field or out-of-field.

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

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

899 (n) The director and a representative of the governing body

581-03424-11

20111546c1

900 of a charter school that has received a school grade of "D"
901 under s. 1008.34(2) shall appear before the sponsor or the
902 sponsor's staff at least once a year to present information
903 concerning each contract component having noted deficiencies.
904 The sponsor shall communicate at the meeting, and in writing to
905 the director, the services provided to the school to help the
906 school address its deficiencies.

907 (o) Upon notification that a charter school receives a
908 school grade of "D" for 2 consecutive years or a school grade of
909 "F" under s. 1008.34(2), the charter school sponsor or the
910 sponsor's staff shall require the director and a representative
911 of the governing body to submit to the sponsor for approval a
912 school improvement plan to raise student achievement and to
913 implement the plan. The sponsor has the authority to approve a
914 school improvement plan that the charter school will implement
915 in the following school year. The sponsor may also consider the
916 State Board of Education's recommended action pursuant to s.
917 1008.33(1) as part of the school improvement plan. The
918 Department of Education shall offer technical assistance and
919 training to the charter school and its governing body and
920 establish guidelines for developing, submitting, and approving
921 such plans.

922 1. If the charter school fails to improve its student
923 performance from the year immediately prior to the
924 implementation of the school improvement plan, the sponsor shall
925 place the charter school on probation and shall require the
926 charter school governing body to take one of the following
927 corrective actions:

928 a. Contract for the educational services of the charter

581-03424-11

20111546c1

929 school;

930 b. Reorganize the school at the end of the school year
931 under a new director or principal who is authorized to hire new
932 staff and implement a plan that addresses the causes of
933 inadequate progress; or

934 c. Reconstitute the charter school.

935 2. A charter school that is placed on probation shall
936 continue the corrective actions required under subparagraph 1.
937 until the charter school improves its student performance from
938 the year prior to the implementation of the school improvement
939 plan.

940 3. Notwithstanding any provision of this paragraph, the
941 sponsor may terminate the charter at any time pursuant to
942 subsection (8).

943 (p) The director and a representative of the governing body
944 of a graded charter school that has submitted a school
945 improvement plan or has been placed on probation under paragraph
946 (o) shall appear before the sponsor or the sponsor's staff at
947 least once a year to present information regarding the
948 corrective strategies that are being implemented by the school
949 pursuant to the school improvement plan. The sponsor shall
950 communicate at the meeting, and in writing to the director, the
951 services provided to the school to help the school address its
952 deficiencies.

953 (10) HIGH-PERFORMING CHARTER SCHOOLS.-

954 (a) A charter school shall be designated as a high-
955 performing charter school if:

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

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

581-03424-11

20111546c1

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

960 c. Did not receive a financial audit that revealed one or
961 more of the conditions set forth in s. 218.503(1); however, the
962 condition is deemed met for a charter school-in-the-workplace if
963 there is a finding in an audit that the school has the monetary
964 resources available to cover any reported deficiency or that the
965 deficiency does not result in a deteriorating financial
966 condition pursuant to s. 1002.345(1)(a)3.

967 2. The charter school has been in operation for less than 3
968 years and is operated by a high-performing charter school system
969 pursuant to subsection (11). These charter schools may receive
970 capital outlay funds in their first year pursuant to s. 1013.62
971 and are not required to comply with s. 1013.62(1)(a)1.-3.

972 (b) If the charter school maintains compliance with s.
973 1002.33(18)(b)3., a high-performing charter school may:

974 1. Increase the school's student enrollment once per year
975 by up to 25 percent more than the capacity authorized pursuant
976 to paragraph (12)(i).

977 2. Expand to any grade level within kindergarten through
978 grade 12, if not already serving such grades.

979 3. Offer voluntary prekindergarten education pursuant to
980 ss. 1002.51-1002.79.

981 (c) A high-performing charter school shall receive a 15-
982 year charter renewal upon expiration of the current charter.

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

986 (11) HIGH-PERFORMING CHARTER SCHOOL SYSTEM.—

581-03424-11

20111546c1

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

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

992 b. "High-performing charter school system" means an entity
993 that:

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

996 (II) Has received a systemwide average grade of "A" or "B"
997 during the previous 3 years for all charter schools created or
998 started by the entity;

999 (III) Has not received a financial audit for any school
1000 created or started by the entity which reveals one or more of
1001 the conditions set forth in s. 218.503(1); and

1002 (IV) Has not received a school grade of "F" during any of
1003 the previous 2 years for any charter school operated by the
1004 entity in the state, except for a charter school taken over or
1005 managed by, but not created or started by, the entity, in which
1006 case the entity loses its high-performing designation if the
1007 charter school receives a school grade of "F" in 3 out of 5
1008 years.

1009 (b) A high-performing charter school system may apply to
1010 establish and operate a new charter school in any district in
1011 the state which will substantially replicate one or more of the
1012 provider's existing high-performing charter schools.

1013 1. A local school district may deny a charter application
1014 from an operator of a high-performing charter school system only
1015 if good cause is shown that the operator fails to materially

581-03424-11

20111546c1

1016 meet established charter school requirements pursuant to
1017 subsection (9). The charter applicant may appeal, as provided in
1018 subsection (6). The district is liable to the charter applicant
1019 for attorney's fees and costs if the charter applicant prevails
1020 on appeal. The State Board of Education may additionally
1021 sanction the district with any penalties under s. 1008.32(4) if
1022 the state board determines that the district has a pattern of
1023 unlawfully denying a high-performing charter system from
1024 replicating a high-performing charter school.

1025 2. The new charter school shall receive an initial charter
1026 for a term of 15 years, shall be designated as a high-performing
1027 charter school for the first 3 years of the charter, and shall
1028 receive charter school capital outlay funds under s. 1013.62.
1029 The school is not required to comply with s. 1013.62(1)(a)1.-3.,
1030 but must comply with any other requirements in s. 1013.62 to
1031 receive charter school capital outlay funds as provided in this
1032 subparagraph.

1033 3. The designation as a high-performing charter school
1034 system shall be removed if the system does not continue to meet
1035 the requirements in paragraph (a).

1036
1037 This paragraph does not waive a district school board's
1038 sovereign immunity.

1039 (12)(10) ELIGIBLE STUDENTS.-

1040 (a) A charter school shall be open to any student covered
1041 in an interdistrict agreement or residing in the school district
1042 in which the charter school is located; however, in the case of
1043 a charter lab school, the charter lab school shall be open to
1044 any student eligible to attend the lab school as provided in s.

581-03424-11

20111546c1

1045 1002.32 or who resides in the school district in which the
1046 charter lab school is located. Any eligible student shall be
1047 allowed interdistrict transfer to attend a charter school when
1048 based on good cause. Good cause shall include, but is not
1049 limited to, geographic proximity to a charter school in a
1050 neighboring school district.

1051 (b) The charter school shall enroll an eligible student who
1052 submits a timely application, unless the number of applications
1053 exceeds the capacity of a program, class, grade level, or
1054 building. In such case, all applicants shall have an equal
1055 chance of being admitted through a random selection process.

1056 (c) When a public school converts to charter status,
1057 enrollment preference shall be given to students who would have
1058 otherwise attended that public school. The district school board
1059 shall consult and negotiate with the conversion charter school
1060 every 3 years to determine whether realignment of the conversion
1061 charter school's attendance zone is appropriate in order to
1062 ensure that students residing closest to the charter school are
1063 provided with an enrollment preference.

1064 (d) A charter school may give enrollment preference to the
1065 following student populations:

1066 1. Students who are siblings of a student enrolled in the
1067 charter school.

1068 2. Students who are the children of a member of the
1069 governing board of the charter school.

1070 3. Students who are the children of an employee of the
1071 charter school.

1072 4. Students who are the children of:

1073 a. An employee of a business partner, or a resident of a

581-03424-11

20111546c1

1074 municipality, who complies with paragraph (17)(b) for a charter
1075 school-in-the-workplace; or

1076 b. A resident of a municipality that operates a charter
1077 school-in-a-municipality pursuant to paragraph (17)(c).

1078 5. Students enrolling in a charter school-in-the-workplace
1079 or charter school-in-a-municipality established pursuant to this
1080 section.

1081 (e) A charter school may limit the enrollment process only
1082 to target the following student populations:

1083 1. Students within specific age groups or grade levels.

1084 2. Students considered at risk of dropping out of school or
1085 academic failure. Such students shall include exceptional
1086 education students.

1087 3. Students enrolling in a charter school-in-the-workplace
1088 or charter school-in-a-municipality established pursuant to
1089 subsection (17) ~~(15)~~.

1090 4. Students residing within a reasonable distance of the
1091 charter school, as described in paragraph (23)(c) ~~(20)(e)~~. Such
1092 students are ~~shall be~~ subject to a random lottery and to the
1093 racial/ethnic balance provisions described in subparagraph
1094 (7)(a)8. or any federal provisions that require a school to
1095 achieve a racial/ethnic balance reflective of the community it
1096 serves or within the racial/ethnic range of other public schools
1097 in the same school district.

1098 5. Students who meet reasonable academic, artistic, or
1099 other eligibility standards established by the charter school
1100 and included in the charter school application and charter or,
1101 in the case of existing charter schools, standards that are
1102 consistent with the school's mission and purpose. Such standards

581-03424-11

20111546c1

1103 shall be in accordance with current state law and practice in
1104 public schools and may not discriminate against otherwise
1105 qualified individuals.

1106 6. Students articulating from one charter school to another
1107 pursuant to an articulation agreement between the charter
1108 schools that has been approved by the sponsor.

1109 (f) Students with disabilities and students served in
1110 English for Speakers of Other Languages programs shall have an
1111 equal opportunity of being selected for enrollment in a charter
1112 school.

1113 (g) A student may withdraw from a charter school at any
1114 time and enroll in another public school as determined by
1115 district school board rule.

1116 (h) The capacity of the charter school shall be determined
1117 annually by the governing board, in conjunction with the
1118 sponsor, of the charter school in consideration of the factors
1119 identified in this subsection unless the charter school is
1120 designated as a high-performing charter school under subsection
1121 (10). A sponsor may not require a charter school to waive the
1122 provisions in paragraph (10) (b) or require a student enrollment
1123 cap that prohibits a high-performing charter school from
1124 increasing enrollment in accordance with paragraph (10) (b) as a
1125 condition of approval or renewal of a charter.

1126 (i) The capacity of a high-performing charter school
1127 pursuant to subsection (10) shall be determined annually by the
1128 governing board of the charter school. The governing board shall
1129 notify the sponsor of any increase in enrollment by March 1 of
1130 the school year preceding the increase.

1131 (13)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR

581-03424-11

20111546c1

1132 ACTIVITIES.—A charter school student is eligible to participate
1133 in an interscholastic extracurricular activity at the public
1134 school to which the student would be otherwise assigned to
1135 attend pursuant to s. 1006.15(3)(d).

1136 (14)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

1137 (a) A charter school shall select its own employees. A
1138 charter school may contract with its sponsor for the services of
1139 personnel employed by the sponsor.

1140 (b) Charter school employees shall have the option to
1141 bargain collectively. Employees may collectively bargain as a
1142 separate unit or as part of the existing district collective
1143 bargaining unit as determined by the structure of the charter
1144 school.

1145 (c) The employees of a conversion charter school shall
1146 remain public employees for all purposes, unless such employees
1147 choose not to do so.

1148 (d) The teachers at a charter school may choose to be part
1149 of a professional group that subcontracts with the charter
1150 school to operate the instructional program under the auspices
1151 of a partnership or cooperative that they collectively own.
1152 Under this arrangement, the teachers would not be public
1153 employees.

1154 (e) Employees of a school district may take leave to accept
1155 employment in a charter school upon the approval of the district
1156 school board. While employed by the charter school and on leave
1157 that is approved by the district school board, the employee may
1158 retain seniority accrued in that school district and may
1159 continue to be covered by the benefit programs of that school
1160 district, if the charter school and the district school board

581-03424-11

20111546c1

1161 agree to this arrangement and its financing. School districts
1162 may ~~shall~~ not require resignations from instructional personnel,
1163 school administrators, or educational support employees who
1164 desire employment of teachers desiring to teach in a charter
1165 school. This paragraph does ~~shall~~ not prohibit a district school
1166 board from approving alternative leave arrangements consistent
1167 with chapter 1012.

1168 (f) Teachers employed by or under contract to a charter
1169 school shall be certified as required by chapter 1012. A charter
1170 school governing board may employ or contract with skilled
1171 selected noncertified personnel to provide instructional
1172 services or to assist instructional staff members as education
1173 paraprofessionals in the same manner as defined in chapter 1012,
1174 and as provided by State Board of Education rule for charter
1175 school governing boards. A charter school may not knowingly
1176 employ an individual to provide instructional services or to
1177 serve as an education paraprofessional if the individual's
1178 certification or licensure as an educator is suspended or
1179 revoked by this or any other state. A charter school may not
1180 knowingly employ an individual who has resigned from a school
1181 district in lieu of disciplinary action with respect to child
1182 welfare or safety, or who has been dismissed for just cause by
1183 any school district with respect to child welfare or safety. The
1184 qualifications of teachers shall be disclosed to parents.

1185 (g)1. A charter school shall employ or contract with
1186 employees who have undergone background screening as provided in
1187 s. 1012.32. Members of the governing board of the charter school
1188 shall also undergo background screening in a manner similar to
1189 that provided in s. 1012.32.

581-03424-11

20111546c1

1190 2. A charter school shall disqualify instructional
1191 personnel and school administrators, as defined in s. 1012.01,
1192 from employment in any position that requires direct contact
1193 with students if the personnel or administrators are ineligible
1194 for such employment under s. 1012.315.

1195 3. The governing board of a charter school shall adopt
1196 policies establishing standards of ethical conduct for
1197 instructional personnel and school administrators. The policies
1198 must require all instructional personnel and school
1199 administrators, as defined in s. 1012.01, to complete training
1200 on the standards; establish the duty of instructional personnel
1201 and school administrators to report, and procedures for
1202 reporting, alleged misconduct by other instructional personnel
1203 and school administrators which affects the health, safety, or
1204 welfare of a student; and include an explanation of the
1205 liability protections provided under ss. 39.203 and 768.095. A
1206 charter school, or any of its employees, may not enter into a
1207 confidentiality agreement regarding terminated or dismissed
1208 instructional personnel or school administrators, or personnel
1209 or administrators who resign in lieu of termination, based in
1210 whole or in part on misconduct that affects the health, safety,
1211 or welfare of a student, and may not provide instructional
1212 personnel or school administrators with employment references or
1213 discuss the personnel's or administrators' performance with
1214 prospective employers in another educational setting, without
1215 disclosing the personnel's or administrators' misconduct. Any
1216 part of an agreement or contract that has the purpose or effect
1217 of concealing misconduct by instructional personnel or school
1218 administrators which affects the health, safety, or welfare of a

581-03424-11

20111546c1

1219 student is void, is contrary to public policy, and may not be
1220 enforced.

1221 4. Before employing instructional personnel or school
1222 administrators in any position that requires direct contact with
1223 students, a charter school shall conduct employment history
1224 checks of each of the personnel's or administrators' previous
1225 employers, screen the instructional personnel or school
1226 administrators through use of the educator screening tools
1227 described in s. 1001.10(5), and document the findings. If unable
1228 to contact a previous employer, the charter school must document
1229 efforts to contact the employer.

1230 5. The sponsor of a charter school that knowingly fails to
1231 comply with this paragraph shall terminate the charter under
1232 subsection (8).

1233 (h) For the purposes of tort liability, the governing body
1234 and employees of a charter school shall be governed by s.
1235 768.28.

1236 (i) A charter school shall organize as, or be operated by,
1237 a nonprofit organization. A charter school may be operated by a
1238 municipality or other public entity as provided for by law. As
1239 such, the charter school may be either a private or a public
1240 employer. As a public employer, a charter school may participate
1241 in the Florida Retirement System upon application and approval
1242 as a "covered group" under s. 121.021(34). If a charter school
1243 participates in the Florida Retirement System, the charter
1244 school employees shall be compulsory members of the Florida
1245 Retirement System. As either a private or a public employer, a
1246 charter school may contract for services with an individual or
1247 group of individuals who are organized as a partnership or a

581-03424-11

20111546c1

1248 cooperative. Individuals or groups of individuals who contract
1249 their services to the charter school are not public employees.

1250 (15)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may
1251 enter into cooperative agreements to form charter school
1252 cooperative organizations that may provide the following
1253 services: charter school planning and development, direct
1254 instructional services, and contracts with charter school
1255 governing boards to provide personnel administrative services,
1256 payroll services, human resource management, evaluation and
1257 assessment services, teacher preparation, and professional
1258 development.

1259 (16)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
1260 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
1261 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to
1262 borrow or otherwise secure funds for a charter school authorized
1263 in this section from a source other than the state or a school
1264 district shall indemnify the state and the school district from
1265 any and all liability, including, but not limited to, financial
1266 responsibility for the payment of the principal or interest. Any
1267 loans, bonds, or other financial agreements are not obligations
1268 of the state or the school district but are obligations of the
1269 charter school authority and are payable solely from the sources
1270 of funds pledged by such agreement. The credit or taxing power
1271 of the state or the school district shall not be pledged and no
1272 debts shall be payable out of any moneys except those of the
1273 legal entity in possession of a valid charter approved by a
1274 district school board pursuant to this section.

1275 (17)~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-
1276 IN-A-MUNICIPALITY.—

581-03424-11

20111546c1

1277 (a) In order to increase business partnerships in
1278 education, to reduce school and classroom overcrowding
1279 throughout the state, and to offset the high costs for
1280 educational facilities construction, the Legislature intends to
1281 encourage the formation of business partnership schools or
1282 satellite learning centers and municipal-operated schools
1283 through charter school status.

1284 (b) A charter school-in-the-workplace may be established
1285 when a business partner provides the school facility to be used;
1286 enrolls students based upon a random lottery that involves all
1287 of the children of employees of that business or corporation or
1288 residents of that municipality who are seeking enrollment, as
1289 provided for in subsection (12) ~~(10)~~; and enrolls students
1290 according to the racial/ethnic balance provisions described in
1291 subparagraph (7)(a)8. A municipality may be a business partner
1292 notwithstanding paragraph (c). Any portion of a facility used
1293 for a public charter school shall be exempt from ad valorem
1294 taxes, as provided for in s. 1013.54, for the duration of its
1295 use as a public school.

1296 (c) A charter school-in-a-municipality designation may be
1297 granted to a municipality that possesses a charter; enrolls
1298 students based upon a random lottery that involves all of the
1299 children of the residents of that municipality who are seeking
1300 enrollment, as provided for in subsection (12) ~~(10)~~; and enrolls
1301 students according to the racial/ethnic balance provisions
1302 described in subparagraph (7)(a)8. When a municipality has
1303 submitted charter applications for the establishment of a
1304 charter school feeder pattern, consisting of elementary, middle,
1305 and senior high schools, and each individual charter application

581-03424-11

20111546c1

1306 is approved by the district school board, such schools shall
1307 then be designated as one charter school for all purposes listed
1308 pursuant to this section. Any portion of the land and facility
1309 used for a public charter school shall be exempt from ad valorem
1310 taxes, as provided for in s. 1013.54, for the duration of its
1311 use as a public school.

1312 (d) As used in this subsection, the terms "business
1313 partner" or "municipality" may include more than one business or
1314 municipality to form a charter school-in-the-workplace or
1315 charter school-in-a-municipality.

1316 (18)~~(16)~~ EXEMPTION FROM STATUTES.-

1317 (a) A charter school shall operate in accordance with its
1318 charter and shall be exempt from all statutes in chapters 1000-
1319 1013. However, a charter school shall be in compliance with the
1320 following statutes in chapters 1000-1013:

1321 1. Those statutes specifically applying to charter schools,
1322 including this section.

1323 2. Those statutes pertaining to the student assessment
1324 program and school grading system.

1325 3. Those statutes pertaining to the provision of services
1326 to students with disabilities.

1327 4. Those statutes pertaining to civil rights, including s.
1328 1000.05, relating to discrimination.

1329 5. Those statutes pertaining to student health, safety, and
1330 welfare.

1331 (b) Additionally, a charter school shall be in compliance
1332 with the following statutes:

1333 1. Section 286.011, relating to public meetings and
1334 records, public inspection, and criminal and civil penalties.

581-03424-11

20111546c1

1335 2. Chapter 119, relating to public records.

1336 3. Section 1003.03, relating to the maximum class size,
1337 except that the calculation for compliance pursuant to s.
1338 1003.03 shall be the average at the school level.

1339 (19)~~(17)~~ FUNDING.—Students enrolled in a charter school,
1340 regardless of the sponsorship, shall be funded as if they are in
1341 a basic program or a special program, the same as students
1342 enrolled in other public schools in the school district. Funding
1343 for a charter lab school shall be as provided in s. 1002.32.

1344 (a) Each charter school shall report its student enrollment
1345 to the sponsor as required in s. 1011.62, and in accordance with
1346 the definitions in s. 1011.61. The sponsor shall include each
1347 charter school's enrollment in the district's report of student
1348 enrollment. All charter schools submitting student record
1349 information required by the Department of Education shall comply
1350 with the Department of Education's guidelines for electronic
1351 data formats for such data, and all districts shall accept
1352 electronic data that complies with the Department of Education's
1353 electronic format.

1354 (b) The basis for the agreement for funding students
1355 enrolled in a charter school shall be the sum of the school
1356 district's operating funds from the Florida Education Finance
1357 Program as provided in s. 1011.62 and the General Appropriations
1358 Act, including gross state and local funds, discretionary
1359 lottery funds, and funds from the school district's current
1360 operating discretionary millage levy; divided by total funded
1361 weighted full-time equivalent students in the school district;
1362 multiplied by the weighted full-time equivalent students for the
1363 charter school. Charter schools whose students or programs meet

581-03424-11

20111546c1

1364 the eligibility criteria in law shall be entitled to their
1365 proportionate share of categorical program funds included in the
1366 total funds available in the Florida Education Finance Program
1367 by the Legislature, including transportation. Total funding for
1368 each charter school shall be recalculated during the year to
1369 reflect the revised calculations under the Florida Education
1370 Finance Program by the state and the actual weighted full-time
1371 equivalent students reported by the charter school during the
1372 full-time equivalent student survey periods designated by the
1373 Commissioner of Education.

1374 (c) If the district school board is providing programs or
1375 services to students funded by federal funds, any eligible
1376 students enrolled in charter schools in the school district
1377 shall be provided federal funds for the same level of service
1378 provided students in the schools operated by the district school
1379 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
1380 charter schools shall receive all federal funding for which the
1381 school is otherwise eligible, including Title I funding, not
1382 later than 5 months after the charter school first opens and
1383 within 5 months after any subsequent expansion of enrollment.

1384 (d) Charter schools shall be included by the Department of
1385 Education and the district school board in requests for federal
1386 stimulus funds in the same manner as district school board-
1387 operated public schools, including Title I and IDEA funds and
1388 shall be entitled to receive such funds. Charter schools are
1389 eligible to participate in federal competitive grants that are
1390 available as part of the federal stimulus funds.

1391 (e) District school boards shall make timely and efficient
1392 payment and reimbursement to charter schools, including

581-03424-11

20111546c1

1393 processing paperwork required to access special state and
1394 federal funding for which they may be eligible. The district
1395 school board may distribute funds to a charter school for up to
1396 3 months based on the projected full-time equivalent student
1397 membership of the charter school. Thereafter, the results of
1398 full-time equivalent student membership surveys shall be used in
1399 adjusting the amount of funds distributed monthly to the charter
1400 school for the remainder of the fiscal year. The payment shall
1401 be issued no later than 10 working days after the district
1402 school board receives a distribution of state or federal funds.
1403 If a warrant for payment is not issued within 10 working days
1404 after receipt of funding by the district school board, the
1405 school district shall pay to the charter school, in addition to
1406 the amount of the scheduled disbursement, interest at a rate of
1407 1 percent per month calculated on a daily basis on the unpaid
1408 balance from the expiration of the 10 working days until such
1409 time as the warrant is issued.

1410 (20) BLENDED-LEARNING CHARTER SCHOOLS.-

1411 (a) As used in this section, the term "blended-learning
1412 charter school" means a school that combines traditional
1413 classroom and virtual instruction.

1414 (b) A blended-learning charter school does not have to
1415 apply to become an approved provider under s. 1002.45 and may
1416 provide online instruction only to students enrolled in the
1417 charter school.

1418 (c) Faculty authorized to provide online instruction for
1419 blended-learning courses must be employees of the charter school
1420 or contracted to provide instruction to the charter school
1421 students and must hold a current state or school district

581-03424-11

20111546c1

1422 adjunct certification to teach in the subject area of a blended-
1423 learning course.

1424 (d) For purposes of funding and performance accountability,
1425 blended-learning courses are considered the same as traditional
1426 courses.

1427 (21)~~(18)~~ FACILITIES.—

1428 (a) A startup charter school shall utilize facilities which
1429 comply with the Florida Building Code pursuant to chapter 553
1430 except for the State Requirements for Educational Facilities.
1431 Conversion charter schools shall utilize facilities that comply
1432 with the State Requirements for Educational Facilities provided
1433 that the school district and the charter school have entered
1434 into a mutual management plan for the reasonable maintenance of
1435 such facilities. The mutual management plan shall contain a
1436 provision by which the district school board agrees to maintain
1437 charter school facilities in the same manner as its other public
1438 schools within the district. Charter schools, with the exception
1439 of conversion charter schools, are not required to comply, but
1440 may choose to comply, with the State Requirements for
1441 Educational Facilities of the Florida Building Code adopted
1442 pursuant to s. 1013.37. The local governing authority shall not
1443 adopt or impose local building requirements or restrictions that
1444 are more stringent than those found in the Florida Building
1445 Code. The agency having jurisdiction for inspection of a
1446 facility and issuance of a certificate of occupancy shall be the
1447 local municipality or, if in an unincorporated area, the county
1448 governing authority.

1449 (b) A charter school shall utilize facilities that comply
1450 with the Florida Fire Prevention Code, pursuant to s. 633.025,

581-03424-11

20111546c1

1451 as adopted by the authority in whose jurisdiction the facility
1452 is located as provided in paragraph (a).

1453 (c) Any facility, or portion thereof, used to house a
1454 charter school whose charter has been approved by the sponsor
1455 and the governing board, pursuant to subsection (7), shall be
1456 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
1457 community service, museum, performing arts, theatre, cinema,
1458 church, community college, college, and university facilities
1459 may provide space to charter schools within their facilities
1460 under their preexisting zoning and land use designations.

1461 (d) Charter school facilities are exempt from assessments
1462 of fees for building permits, except as provided in s. 553.80;
1463 fees for building and occupational licenses; impact fees or
1464 exactions; service availability fees; and assessments for
1465 special benefits.

1466 (e) If a district school board facility or property is
1467 available because it is surplus, marked for disposal, or
1468 otherwise unused, it shall be provided for a charter school's
1469 use on the same basis as it is made available to other public
1470 schools in the district. A charter school receiving property
1471 from the school district may not sell or dispose of such
1472 property without written permission of the school district.
1473 Similarly, for an existing public school converting to charter
1474 status, no rental or leasing fee for the existing facility or
1475 for the property normally inventoried to the conversion school
1476 may be charged by the district school board to the parents and
1477 teachers organizing the charter school. The charter school shall
1478 agree to reasonable maintenance provisions in order to maintain
1479 the facility in a manner similar to district school board

581-03424-11

20111546c1

1480 standards. The Public Education Capital Outlay maintenance funds
1481 or any other maintenance funds generated by the facility
1482 operated as a conversion school shall remain with the conversion
1483 school.

1484 (f) To the extent that charter school facilities are
1485 specifically created to mitigate the educational impact created
1486 by the development of new residential dwelling units, pursuant
1487 to subparagraph (2)(c)4., some of or all of the educational
1488 impact fees required to be paid in connection with the new
1489 residential dwelling units may be designated instead for the
1490 construction of the charter school facilities that will mitigate
1491 the student station impact. Such facilities shall be built to
1492 the State Requirements for Educational Facilities and shall be
1493 owned by a public or nonprofit entity. The local school district
1494 retains the right to monitor and inspect such facilities to
1495 ensure compliance with the State Requirements for Educational
1496 Facilities. If a facility ceases to be used for public
1497 educational purposes, either the facility shall revert to the
1498 school district subject to any debt owed on the facility, or the
1499 owner of the facility shall have the option to refund all
1500 educational impact fees utilized for the facility to the school
1501 district. The district and the owner of the facility may
1502 contractually agree to another arrangement for the facilities if
1503 the facilities cease to be used for educational purposes. The
1504 owner of property planned or approved for new residential
1505 dwelling units and the entity levying educational impact fees
1506 shall enter into an agreement that designates the educational
1507 impact fees that will be allocated for the charter school
1508 student stations and that ensures the timely construction of the

581-03424-11

20111546c1

1509 charter school student stations concurrent with the expected
1510 occupancy of the residential units. The application for use of
1511 educational impact fees shall include an approved charter school
1512 application. To assist the school district in forecasting
1513 student station needs, the entity levying the impact fees shall
1514 notify the affected district of any agreements it has approved
1515 for the purpose of mitigating student station impact from the
1516 new residential dwelling units.

1517 (g) Each school district shall annually provide to the
1518 Department of Education as part of its 5-year work plan the
1519 number of existing vacant classrooms in each school that the
1520 district does not intend to use or does not project will be
1521 needed for educational purposes for the following school year.
1522 The department may recommend that a district make such space
1523 available to an appropriate charter school.

1524 (22)~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are
1525 eligible for capital outlay funds pursuant to s. 1013.62.
1526 Capital outlay funds authorized in ss. s. 1011.71(2) and 1013.62
1527 which that have been shared with a charter school-in-the-
1528 workplace prior to July 1, 2010, are deemed to have met the
1529 authorized expenditure requirements for such funds.

1530 (23)~~(20)~~ SERVICES.—

1531 (a)1. A sponsor shall provide certain administrative and
1532 educational services to charter schools. These services shall
1533 include contract management services; full-time equivalent and
1534 data reporting services; exceptional student education
1535 administration services; services related to eligibility and
1536 reporting duties required to ensure that school lunch services
1537 under the federal lunch program, consistent with the needs of

581-03424-11

20111546c1

1538 the charter school, are provided by the school district at the
1539 request of the charter school, that any funds due to the charter
1540 school under the federal lunch program be paid to the charter
1541 school as soon as the charter school begins serving food under
1542 the federal lunch program, and that the charter school is paid
1543 at the same time and in the same manner under the federal lunch
1544 program as other public schools serviced by the sponsor or the
1545 school district; test administration services, including payment
1546 of the costs of state-required or district-required student
1547 assessments; processing of teacher certificate data services;
1548 and information services, including equal access to student
1549 information systems that are used by public schools in the
1550 district in which the charter school is located. Student
1551 performance data for each student in a charter school,
1552 including, but not limited to, FCAT scores, standardized test
1553 scores, previous public school student report cards, and student
1554 performance measures, shall be provided by the sponsor to a
1555 charter school in the same manner provided to other public
1556 schools in the district.

1557 2. A total administrative fee for the provision of such
1558 services shall be calculated based upon up to 5 percent of the
1559 available funds defined in paragraph (19) (b) ~~(17) (b)~~ for all
1560 students. However, a sponsor may only withhold up to a 5-percent
1561 administrative fee for enrollment for up to and including 250
1562 students. For charter schools with a population of 251 or more
1563 students, the difference between the total administrative fee
1564 calculation and the amount of the administrative fee withheld
1565 may only be used for capital outlay purposes specified in s.
1566 1013.62(2).

581-03424-11

20111546c1

1567 3. In addition, a sponsor may withhold only up to a 5-
1568 percent administrative fee for enrollment for up to and
1569 including 500 students within a system of charter schools which
1570 meets all of the following:

1571 a. Includes both conversion charter schools and
1572 nonconversion charter schools;

1573 b. Has all schools located in the same county;

1574 c. Has a total enrollment exceeding the total enrollment of
1575 at least one school district in the state;

1576 d. Has the same governing board; and

1577 e. Does not contract with a for-profit service provider for
1578 management of school operations.

1579 4. The difference between the total administrative fee
1580 calculation and the amount of the administrative fee withheld
1581 pursuant to subparagraph 3. may be used for instructional and
1582 administrative purposes as well as for capital outlay purposes
1583 specified in s. 1013.62(2).

1584 5. Each charter school shall receive 100 percent of the
1585 funds awarded to that school pursuant to s. 1012.225. Sponsors
1586 shall not charge charter schools any additional fees or
1587 surcharges for administrative and educational services in
1588 addition to the maximum 5-percent administrative fee withheld
1589 pursuant to this paragraph.

1590 (b) If goods and services are made available to the charter
1591 school through the contract with the school district, they shall
1592 be provided to the charter school at a rate no greater than the
1593 district's actual cost unless mutually agreed upon by the
1594 charter school and the sponsor in a contract negotiated
1595 separately from the charter. When mediation has failed to

581-03424-11

20111546c1

1596 resolve disputes over contracted services or contractual matters
1597 not included in the charter, an appeal may be made for a dispute
1598 resolution hearing before the Charter School Appeal Commission.
1599 To maximize the use of state funds, school districts shall allow
1600 charter schools to participate in the sponsor's bulk purchasing
1601 program if applicable.

1602 (c) Transportation of charter school students shall be
1603 provided by the charter school consistent with the requirements
1604 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1605 body of the charter school may provide transportation through an
1606 agreement or contract with the district school board, a private
1607 provider, or parents. The charter school and the sponsor shall
1608 cooperate in making arrangements that ensure that transportation
1609 is not a barrier to equal access for all students residing
1610 within a reasonable distance of the charter school as determined
1611 in its charter.

1612 (24)~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.-

1613 (a) The Department of Education shall provide information
1614 to the public, directly and through sponsors, on how to form and
1615 operate a charter school and how to enroll in a charter school
1616 once it is created. This information must ~~shall~~ include a
1617 standard application format, charter format, evaluation
1618 instrument, and charter renewal format, which must ~~shall~~ include
1619 the information specified in subsection (7) and shall be
1620 developed by consulting and negotiating with both school
1621 districts and charter schools before implementation. The charter
1622 and charter renewal formats shall be used by charter school
1623 sponsors.

1624 (b)1. The Department of Education shall report student

581-03424-11

20111546c1

1625 assessment data pursuant to s. 1008.34(3)(c) which is reported
1626 to schools that receive a school grade or student assessment
1627 data pursuant to s. 1008.341(3) which is reported to alternative
1628 schools that receive a school improvement rating to each charter
1629 school that:

1630 a. Does not receive a school grade pursuant to s. 1008.34
1631 or a school improvement rating pursuant to s. 1008.341; and

1632 b. Serves at least 10 students who are tested on the
1633 statewide assessment test pursuant to s. 1008.22.

1634 2. The charter school shall report the information in
1635 subparagraph 1. to each parent of a student at the charter
1636 school, the parent of a child on a waiting list for the charter
1637 school, the district in which the charter school is located, and
1638 the governing board of the charter school. This paragraph does
1639 not abrogate the provisions of s. 1002.22, relating to student
1640 records, or the requirements of 20 U.S.C. s. 1232g, the Family
1641 Educational Rights and Privacy Act.

1642 3.a. Pursuant to this paragraph, the Department of
1643 Education shall compare the charter school student performance
1644 data for each charter school in subparagraph 1. with the student
1645 performance data in traditional public schools in the district
1646 in which the charter school is located and other charter schools
1647 in the state. For alternative charter schools, the department
1648 shall compare the student performance data described in this
1649 paragraph with all alternative schools in the state. The
1650 comparative data shall be provided by the following grade
1651 groupings:

1652 (I) Grades 3 through 5;

1653 (II) Grades 6 through 8; and

581-03424-11

20111546c1

1654 (III) Grades 9 through 11.

1655 b. Each charter school shall provide the information
1656 specified in this paragraph on its Internet website and also
1657 provide notice to the public at large in a manner provided by
1658 the rules of the State Board of Education. The State Board of
1659 Education shall adopt rules to administer the notice
1660 requirements of this subparagraph pursuant to ss. 120.536(1) and
1661 120.54. The website shall include, through links or actual
1662 content, other information related to school performance.

1663 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.~~

1664 ~~(a) The Department of Education shall staff and regularly~~
1665 ~~convene a Charter School Review Panel in order to review issues,~~
1666 ~~practices, and policies regarding charter schools. The~~
1667 ~~composition of the review panel shall include individuals with~~
1668 ~~experience in finance, administration, law, education, and~~
1669 ~~school governance, and individuals familiar with charter school~~
1670 ~~construction and operation. The panel shall include two~~
1671 ~~appointees each from the Commissioner of Education, the~~
1672 ~~President of the Senate, and the Speaker of the House of~~
1673 ~~Representatives. The Governor shall appoint three members of the~~
1674 ~~panel and shall designate the chair. Each member of the panel~~
1675 ~~shall serve a 1 year term, unless renewed by the office making~~
1676 ~~the appointment. The panel shall make recommendations to the~~
1677 ~~Legislature, to the Department of Education, to charter schools,~~
1678 ~~and to school districts for improving charter school operations~~
1679 ~~and oversight and for ensuring best business practices at and~~
1680 ~~fair business relationships with charter schools.~~

1681 ~~(b) The Legislature shall review the operation of charter~~
1682 ~~schools during the 2010 Regular Session of the Legislature.~~

581-03424-11

20111546c1

1683 (25)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
1684 receipt of the annual report required by paragraph (9)(k), the
1685 Department of Education shall provide to the State Board of
1686 Education, the Commissioner of Education, the Governor, the
1687 President of the Senate, and the Speaker of the House of
1688 Representatives an analysis and comparison of the overall
1689 performance of charter school students, to include all students
1690 whose scores are counted as part of the statewide assessment
1691 program, versus comparable public school students in the
1692 district as determined by the statewide assessment program
1693 currently administered in the school district, and other
1694 assessments administered pursuant to s. 1008.22(3).

1695 (26)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1696 (a) This subsection applies to charter school personnel in
1697 a charter school operated by a private entity. As used in this
1698 subsection, the term:

1699 1. "Charter school personnel" means a charter school owner,
1700 president, chairperson of the governing board of directors,
1701 superintendent, governing board member, principal, assistant
1702 principal, or any other person employed by the charter school
1703 who has equivalent decisionmaking authority and in whom is
1704 vested the authority, or to whom the authority has been
1705 delegated, to appoint, employ, promote, or advance individuals
1706 or to recommend individuals for appointment, employment,
1707 promotion, or advancement in connection with employment in a
1708 charter school, including the authority as a member of a
1709 governing body of a charter school to vote on the appointment,
1710 employment, promotion, or advancement of individuals.

1711 2. "Relative" means father, mother, son, daughter, brother,

581-03424-11

20111546c1

1712 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
1713 father-in-law, mother-in-law, son-in-law, daughter-in-law,
1714 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
1715 stepdaughter, stepbrother, stepsister, half brother, or half
1716 sister.

1717 (b) Charter school personnel may not appoint, employ,
1718 promote, or advance, or advocate for appointment, employment,
1719 promotion, or advancement, in or to a position in the charter
1720 school in which the personnel are serving or over which the
1721 personnel exercises jurisdiction or control any individual who
1722 is a relative. An individual may not be appointed, employed,
1723 promoted, or advanced in or to a position in a charter school if
1724 such appointment, employment, promotion, or advancement has been
1725 advocated by charter school personnel who serve in or exercise
1726 jurisdiction or control over the charter school and who is a
1727 relative of the individual or if such appointment, employment,
1728 promotion, or advancement is made by the governing board of
1729 which a relative of the individual is a member.

1730 (c) The approval of budgets does not constitute
1731 "jurisdiction or control" for the purposes of this subsection.

1732
1733 Charter school personnel in schools operated by a municipality
1734 or other public entity are subject to s. 112.3135.

1735 (27)~~(25)~~ STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1736 (a) A member of a governing board of a charter school,
1737 including a charter school operated by a private entity, is
1738 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1739 (b) A member of a governing board of a charter school
1740 operated by a municipality or other public entity is subject to

581-03424-11

20111546c1

1741 s. 112.3144, which relates to the disclosure of financial
1742 interests.

1743 (28) ~~(26)~~ RULEMAKING.—~~The Department of Education, after~~
1744 ~~consultation with school districts and charter school directors,~~
1745 ~~shall recommend that the State Board of Education adopt rules to~~
1746 ~~implement specific subsections of this section. Such rules shall~~
1747 ~~require minimum paperwork and shall not limit charter school~~
1748 ~~flexibility authorized by statute.~~ The State Board of Education
1749 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
1750 implement this section, including a charter model application
1751 form, evaluation instrument, and charter and charter renewal
1752 formats ~~in accordance with this section.~~

1753 Section 4. Paragraph (c) of subsection (10) and subsection
1754 (13) of section 1002.34, Florida Statutes, are amended to read:
1755 1002.34 Charter technical career centers.—

1756 (10) EXEMPTION FROM STATUTES.—

1757 (c) A center must comply with the antidiscrimination
1758 provisions in s. 1000.05 and the provisions in s. 1002.33(26) ~~s.~~
1759 ~~1002.33(24)~~ which relate to the employment of relatives.

1760 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
1761 of a center may decide matters relating to the operation of the
1762 school, including budgeting, curriculum, and operating
1763 procedures, subject to the center's charter. The board of
1764 directors is responsible for performing the duties provided in
1765 s. 1002.345, including monitoring the corrective action plan.
1766 The board of directors must comply with s. 1002.33(27) ~~s.~~
1767 ~~1002.33(25)~~.

1768 Section 5. Section 1011.68, Florida Statutes, is amended to
1769 read:

581-03424-11

20111546c1

1770 1011.68 Funds for student transportation.—The annual
1771 allocation to each district for transportation to public school
1772 programs, including charter schools as provided in s.
1773 1002.33(19)(b) ~~s. 1002.33(17)(b)~~, of students in membership in
1774 kindergarten through grade 12 and in migrant and exceptional
1775 student programs below kindergarten shall be determined as
1776 follows:

1777 (1) Subject to the rules of the State Board of Education,
1778 each district shall determine the membership of students who are
1779 transported:

1780 (a) By reason of living 2 miles or more from school.

1781 (b) By reason of being students with disabilities or
1782 enrolled in a teenage parent program, regardless of distance to
1783 school.

1784 (c) By reason of being in a state prekindergarten program,
1785 regardless of distance from school.

1786 (d) By reason of being career, dual enrollment, or students
1787 with disabilities transported from one school center to another
1788 to participate in an instructional program or service; or
1789 students with disabilities, transported from one designation to
1790 another in the state, provided one designation is a school
1791 center and provided the student's individual educational plan
1792 (IEP) identifies the need for the instructional program or
1793 service and transportation to be provided by the school
1794 district. A "school center" is defined as a public school
1795 center, community college, state university, or other facility
1796 rented, leased, or owned and operated by the school district or
1797 another public agency. A "dual enrollment student" is defined as
1798 a public school student in membership in both a public secondary

581-03424-11

20111546c1

1799 school program and a community college or a state university
1800 program under a written agreement to partially fulfill ss.
1801 1003.435 and 1007.23 and earning full-time equivalent membership
1802 under s. 1011.62(1)(i).

1803 (e) With respect to elementary school students whose grade
1804 level does not exceed grade 6, by reason of being subjected to
1805 hazardous walking conditions en route to or from school as
1806 provided in s. 1006.23. Such rules shall, when appropriate,
1807 provide for the determination of membership under this paragraph
1808 for less than 1 year to accommodate the needs of students who
1809 require transportation only until such hazardous conditions are
1810 corrected.

1811 (f) By reason of being a pregnant student or student
1812 parent, and the child of a student parent as provided in s.
1813 1003.54, regardless of distance from school.

1814 (2) The allocation for each district shall be calculated
1815 annually in accordance with the following formula:

1816

1817 $T = B + EX$. The elements of this formula are defined as
1818 follows: T is the total dollar allocation for transportation. B
1819 is the base transportation dollar allocation prorated by an
1820 adjusted student membership count. The adjusted membership count
1821 shall be derived from a multiplicative index function in which
1822 the base student membership is adjusted by multiplying it by
1823 index numbers that individually account for the impact of the
1824 price level index, average bus occupancy, and the extent of
1825 rural population in the district. EX is the base transportation
1826 dollar allocation for disabled students prorated by an adjusted
1827 disabled student membership count. The base transportation

581-03424-11

20111546c1

1828 dollar allocation for disabled students is the total state base
1829 disabled student membership count weighted for increased costs
1830 associated with transporting disabled students and multiplying
1831 it by an average per student cost for transportation as
1832 determined by the Legislature. The adjusted disabled student
1833 membership count shall be derived from a multiplicative index
1834 function in which the weighted base disabled student membership
1835 is adjusted by multiplying it by index numbers that individually
1836 account for the impact of the price level index, average bus
1837 occupancy, and the extent of rural population in the district.
1838 Each adjustment factor shall be designed to affect the base
1839 allocation by no more or less than 10 percent.

1840 (3) The total allocation to each district for
1841 transportation of students shall be the sum of the amounts
1842 determined in subsection (2). If the funds appropriated for the
1843 purpose of implementing this section are not sufficient to pay
1844 the base transportation allocation and the base transportation
1845 allocation for disabled students, the Department of Education
1846 shall prorate the available funds on a percentage basis. If the
1847 funds appropriated for the purpose of implementing this section
1848 exceed the sum of the base transportation allocation and the
1849 base transportation allocation for disabled students, the base
1850 transportation allocation for disabled students shall be limited
1851 to the amount calculated in subsection (2), and the remaining
1852 balance shall be added to the base transportation allocation.

1853 (4) No district shall use funds to purchase transportation
1854 equipment and supplies at prices which exceed those determined
1855 by the department to be the lowest which can be obtained, as
1856 prescribed in s. 1006.27(1).

581-03424-11

20111546c1

1857 (5) Funds allocated or apportioned for the payment of
1858 student transportation services may be used to pay for
1859 transportation of students to and from school on local general
1860 purpose transportation systems. Student transportation funds may
1861 also be used to pay for transportation of students to and from
1862 school in private passenger cars and boats when the
1863 transportation is for isolated students, or students with
1864 disabilities as defined by rule. Subject to the rules of the
1865 State Board of Education, each school district shall determine
1866 and report the number of assigned students using general purpose
1867 transportation private passenger cars and boats. The allocation
1868 per student must be equal to the allocation per student riding a
1869 school bus.

1870 (6) Notwithstanding other provisions of this section, in no
1871 case shall any student or students be counted for transportation
1872 funding more than once per day. This provision includes counting
1873 students for funding pursuant to trips in school buses,
1874 passenger cars, or boats or general purpose transportation.

1875 Section 6. Paragraph (b) of subsection (2) of section
1876 1012.32, Florida Statutes, is amended to read:

1877 1012.32 Qualifications of personnel.-

1878 (2)

1879 (b) Instructional and noninstructional personnel who are
1880 hired or contracted to fill positions in any charter school and
1881 members of the governing board of any charter school, in
1882 compliance with s. 1002.33(14)(f) ~~s. 1002.33(12)(g)~~, must, upon
1883 employment, engagement of services, or appointment, undergo
1884 background screening as required under s. 1012.465 or s.
1885 1012.56, whichever is applicable, by filing with the district

581-03424-11

20111546c1

1886 school board for the school district in which the charter school
1887 is located a complete set of fingerprints taken by an authorized
1888 law enforcement agency or an employee of the school or school
1889 district who is trained to take fingerprints.

1890

1891 Fingerprints shall be submitted to the Department of Law
1892 Enforcement for statewide criminal and juvenile records checks
1893 and to the Federal Bureau of Investigation for federal criminal
1894 records checks. A person subject to this subsection who is found
1895 ineligible for employment under s. 1012.315, or otherwise found
1896 through background screening to have been convicted of any crime
1897 involving moral turpitude as defined by rule of the State Board
1898 of Education, shall not be employed, engaged to provide
1899 services, or serve in any position that requires direct contact
1900 with students. Probationary persons subject to this subsection
1901 terminated because of their criminal record have the right to
1902 appeal such decisions. The cost of the background screening may
1903 be borne by the district school board, the charter school, the
1904 employee, the contractor, or a person subject to this
1905 subsection.

1906 Section 7. Paragraphs (a) and (e) of subsection (1) and
1907 subsection (2) of section 1013.62, Florida Statutes, are amended
1908 to read:

1909 1013.62 Charter schools capital outlay funding.—

1910 (1) In each year in which funds are appropriated for
1911 charter school capital outlay purposes, the Commissioner of
1912 Education shall allocate the funds among eligible charter
1913 schools.

1914 (a) To be eligible for a funding allocation, a charter

581-03424-11

20111546c1

1915 school must:

1916 1.a. Have been in operation for 3 or more years;

1917 b. Be governed by a governing board established in the
1918 state for 3 or more years which operates both charter schools
1919 and conversion charter schools within the state;

1920 c. Be an expanded feeder chain of a charter school within
1921 the same school district that is currently receiving charter
1922 school capital outlay funds;

1923 d. Have been accredited by the Commission on Schools of the
1924 Southern Association of Colleges and Schools; or

1925 e. Serve students in facilities that are provided by a
1926 business partner for a charter school-in-the-workplace pursuant
1927 to s. 1002.33(17)(b) ~~s. 1002.33(15)(b)~~.

1928 2. Have financial stability for future operation as a
1929 charter school.

1930 3. Have satisfactory student achievement based on state
1931 accountability standards applicable to the charter school.

1932 4. Have received final approval from its sponsor pursuant
1933 to s. 1002.33 for operation during that fiscal year.

1934 5. Serve students in facilities that are not provided by
1935 the charter school's sponsor.

1936 (e) Unless otherwise provided in the General Appropriations
1937 Act, the funding allocation for each eligible charter school is
1938 determined by multiplying the school's projected student
1939 enrollment by one-fifteenth of the cost-per-student station
1940 specified in s. 1013.64(6)(b) for an elementary, middle, or high
1941 school, as appropriate. If the funds appropriated are not
1942 sufficient, the commissioner shall prorate the available funds
1943 among eligible charter schools. However, a charter school or

581-03424-11

20111546c1

1944 charter lab school may not receive state charter school capital
1945 outlay funds greater than the one-fifteenth cost per student
1946 station formula if the charter school's combination of state
1947 charter school capital outlay funds, capital outlay funds
1948 calculated through the reduction in the administrative fee
1949 provided in s. 1002.33(23) ~~s. 1002.33(20)~~, and capital outlay
1950 funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-
1951 fifteenth cost per student station formula.

1952 (2) A charter school's governing body may use charter
1953 school capital outlay funds for the following purposes:

1954 (a) Purchase of real property.

1955 (b) Construction of school facilities.

1956 (c) Purchase, lease-purchase, or lease of permanent or
1957 relocatable school facilities.

1958 (d) Purchase of vehicles to transport students to and from
1959 the charter school.

1960 (e) Renovation, repair, and maintenance of school
1961 facilities that the charter school owns or is purchasing through
1962 a lease-purchase or long-term lease of 5 years or longer.

1963 (f) Effective July 1, 2008, purchase, lease-purchase, or
1964 lease of new and replacement equipment, and enterprise resource
1965 software applications that are classified as capital assets in
1966 accordance with definitions of the Governmental Accounting
1967 Standards Board, have a useful life of at least 5 years, and are
1968 used to support schoolwide administration or state-mandated
1969 reporting requirements.

1970 (g) Payment of the cost of premiums for property and
1971 casualty insurance necessary to insure the school facilities.

1972 (h) Purchase, lease-purchase, or lease of driver's

581-03424-11

20111546c1

1973 education vehicles; motor vehicles used for the maintenance or
 1974 operation of plants and equipment; security vehicles; or
 1975 vehicles used in storing or distributing materials and
 1976 equipment.

1977

1978 Conversion charter schools may use capital outlay funds received
 1979 through the reduction in the administrative fee provided in s.
 1980 1002.33(23) ~~s. 1002.33(20)~~ for renovation, repair, and
 1981 maintenance of school facilities that are owned by the sponsor.

1982 (3) When a charter school is nonrenewed or terminated, any
 1983 unencumbered funds and all equipment and property purchased with
 1984 district public funds shall revert to the ownership of the
 1985 district school board, as provided for in s. 1002.33(8)(e) and
 1986 (f). In the case of a charter lab school, any unencumbered funds
 1987 and all equipment and property purchased with university public
 1988 funds shall revert to the ownership of the state university that
 1989 issued the charter. The reversion of such equipment, property,
 1990 and furnishings shall focus on recoverable assets, but not on
 1991 intangible or irrecoverable costs such as rental or leasing
 1992 fees, normal maintenance, and limited renovations. The reversion
 1993 of all property secured with public funds is subject to the
 1994 complete satisfaction of all lawful liens or encumbrances. If
 1995 there are additional local issues such as the shared use of
 1996 facilities or partial ownership of facilities or property, these
 1997 issues shall be agreed to in the charter contract prior to the
 1998 expenditure of funds.

1999 Section 8. College-Preparatory Boarding Academy Pilot
 2000 Program for at-risk students.—

2001 (1) PROGRAM CREATION.—The College-Preparatory Boarding

581-03424-11

20111546c1

2002 Academy Pilot Program is created for the purpose of providing
2003 unique educational opportunities to dependent or at-risk
2004 children who are academic underperformers but who have the
2005 potential to progress from at-risk to college-bound. The State
2006 Board of Education shall implement this program.

2007 (2) DEFINITIONS.—As used in this section, the term:

2008 (a) "Board" means the board of trustees of a college-
2009 preparatory boarding academy for at-risk students.

2010 (b) "Eligible student" means a student who is a resident of
2011 the state and entitled to attend school in a participating
2012 school district, is at risk of academic failure, is currently
2013 enrolled in grade 5 or 6, is from a family whose income is below
2014 200 percent of the federal poverty guidelines, and meets at
2015 least two of the following additional risk factors:

2016 1. The student has a record of suspensions, office
2017 referrals, or chronic truancy.

2018 2. The student has been referred for academic intervention
2019 or has not attained at least a proficient score on the state
2020 achievement assessment in English and language arts, reading, or
2021 mathematics.

2022 3. The student's parent is a single parent.

2023 4. The student does not live with the student's custodial
2024 parent.

2025 5. The student has received a referral from a school,
2026 teacher, counselor, dependency circuit court judge, or
2027 community-based care organization.

2028 6. The student resides in a household that receives a
2029 housing voucher or has been determined as eligible for public
2030 housing assistance.

581-03424-11

20111546c1

2031 7. A member of the student's immediate family has been
2032 incarcerated.

2033 8. The student has been declared an adjudicated dependent
2034 by a court of competent jurisdiction.

2035 9. The student meets any additional criteria prescribed by
2036 an agreement between the State Board of Education and the
2037 operator of a college-preparatory boarding academy.

2038 (c) "Operator" means a private, nonprofit corporation that
2039 is selected by the state under subsection (3) to operate a
2040 college-preparatory boarding academy for at-risk students.

2041 (d) "Program" means a college-preparatory boarding academy
2042 for at-risk students which includes:

2043 1. A remedial curriculum for middle school grades;

2044 2. The college-preparatory curriculum for high school
2045 grades;

2046 3. Extracurricular activities, including athletics and
2047 cultural events;

2048 4. College admissions counseling;

2049 5. Health and mental health services;

2050 6. Tutoring;

2051 7. Community service and service learning opportunities;

2052 8. A residential student life program;

2053 9. Extended school days and supplemental programs; and

2054 10. Professional services focused on the language arts and
2055 reading standards, mathematics standards, science standards,
2056 technology standards, and developmental or life skill standards
2057 using innovative and best practices for all students.

2058 (e) "Sponsor" means a public school district that acts as
2059 sponsor pursuant to s. 1002.33, Florida Statutes.

581-03424-11

20111546c1

2060 (3) PROPOSALS.—

2061 (a) The State Board of Education shall select a private,
2062 nonprofit corporation to operate a college-preparatory boarding
2063 academy for at-risk students which meets all of the following
2064 qualifications:

2065 1. The nonprofit corporation has, or will receive as a
2066 condition of the contract, a public charter school authorized
2067 under s. 1002.33, Florida Statutes, to offer grades 6 through
2068 12, or has a partnership with a sponsor to operate a school.

2069 2. The nonprofit corporation has experience operating a
2070 school or program similar to that authorized under this section.

2071 3. The nonprofit corporation has demonstrated success with
2072 a school or program similar to that authorized under this
2073 section.

2074 4. The nonprofit corporation has the capacity to finance
2075 and secure private funds for the development of a campus for the
2076 program.

2077 (b) Within 60 days after July 1, 2011, the State Board of
2078 Education shall issue a request for proposals from private,
2079 nonprofit corporations interested in operating a college-
2080 preparatory boarding academy for at-risk students. The state
2081 board shall select operators from among the qualified responders
2082 within 120 days after the issuance of the requests for proposal.

2083 (c) Each proposal must contain the following information:

2084 1. The proposed location of the college-preparatory
2085 boarding academy;

2086 2. A plan for offering grade 6 in the program's initial
2087 year of operation and a plan for expanding the grade levels
2088 offered by the school in subsequent years; and

581-03424-11

20111546c1

2089 3. Any other information about the proposed educational
2090 program, facilities, or operations of the school as determined
2091 necessary by the state board.

2092 (4) CONTRACT.—The State Board of Education shall contract
2093 with the operator of a college-preparatory boarding academy. The
2094 contract must stipulate that:

2095 (a) The academy may operate only if, and to the extent
2096 that, it holds a valid charter authorized under s. 1002.33,
2097 Florida Statutes, or is authorized by a local school district
2098 defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

2099 (b) The operator shall finance and oversee the acquisition
2100 of a facility for the academy.

2101 (c) The operator shall operate the academy in accordance
2102 with the terms of the proposal accepted by the state board.

2103 (d) The operator shall comply with this section.

2104 (e) The operator shall comply with any other provisions of
2105 law specified in the contract, the charter granted by the local
2106 school district or the operating agreement with the sponsor, and
2107 the rules adopted by the state board for schools operating in
2108 this state.

2109 (f) The operator shall comply with the bylaws that it
2110 adopts.

2111 (g) The operator shall comply with standards for admission
2112 of students to the academy and standards for dismissal of
2113 students from the academy which are included in the contract and
2114 may be reevaluated and revised by mutual agreement between the
2115 operator and the state board.

2116 (h) The operator shall meet the academic goals and other
2117 performance standards established by the contract.

581-03424-11

20111546c1

2118 (i) The state board or the operator may terminate the
2119 contract in accordance with the procedures specified in the
2120 contract, which must at least require that the party seeking
2121 termination give prior written notice of the intent to terminate
2122 the contract and that the party receiving the termination notice
2123 be granted an opportunity to redress any grievances cited
2124 therein.

2125 (j) If the school closes for any reason, the academy's
2126 board of trustees shall execute the closing in a manner
2127 specified in the contract.

2128 (5) OPERATOR BYLAWS.—The operator of a college-preparatory
2129 boarding academy for at-risk students shall adopt bylaws for the
2130 oversight and operation of the academy which are consistent with
2131 this section, the state law, and the contract between the
2132 operator and the State Board of Education. The bylaws must
2133 include procedures for the appointment of board members to the
2134 academy's board of trustees, which may not exceed 25 members, 5
2135 members of which shall be appointed by the Governor with the
2136 advice and consent of the Senate. The bylaws are subject to
2137 approval of the state board.

2138 (6) OUTREACH.—The operator of a college-preparatory
2139 boarding academy shall adopt an outreach program with the local
2140 education agency or school district and community. The outreach
2141 program shall give special attention to the recruitment of
2142 children in the state's foster care program as a dependent child
2143 or as a child in a program to prevent dependency who are
2144 academic underperformers who, if given the unique educational
2145 opportunity found in the program, have the potential to progress
2146 from at-risk children to college-bound children.

581-03424-11

20111546c1

2147 (7) FUNDING.—The college-preparatory boarding academy shall
2148 be a public school and part of the state's program of education.
2149 If the program receives state funding from noneducation sources,
2150 the State Board of Education shall coordinate, streamline, and
2151 simplify any requirements to eliminate duplicate, redundant, or
2152 conflicting requirements and oversight by various governmental
2153 programs or agencies. The applicable regulating entities shall,
2154 to the maximum extent possible, use independent reports and
2155 financial audits provided by the program and coordinated by the
2156 state board to eliminate or reduce contract and administrative
2157 reviews. Additional items may be suggested, if reasonable, to
2158 the state board to be included in independent reports and
2159 financial audits for the purpose of implementing this section.
2160 Reporting paperwork that is prepared for the state and local
2161 education agency shall also be shared with and accepted by other
2162 state and local regulatory entities, to the maximum extent
2163 possible.

2164 (8) PROGRAM CAPACITY.—Beginning August 2012, a college-
2165 preparatory boarding academy shall admit 80 students. In each
2166 additional fiscal year, the program shall grow by an additional
2167 number of students, as specified in the contract, until the
2168 program reaches a capacity of 400 students.

2169 (9) STUDENT SERVICES.—Students enrolled in the program who
2170 have been adjudicated dependent must remain under the case
2171 management services and supervision of the lead agency and its
2172 respective providers. The operator may contract with its own
2173 licensed providers as necessary to provide services to children
2174 in the program and to ensure continuity of the full range of
2175 services required by children in foster care who attend the

581-03424-11

20111546c1

2176 academy.

2177 (10) MEDICAID BILLING.—This section does not prohibit an
2178 operator from appropriately billing Medicaid for services
2179 rendered to eligible students through the program or from
2180 earning federal or local funding for services provided.

2181 (11) ADMISSION.—Any eligible student may apply for
2182 admission to a college-preparatory boarding academy. If more
2183 eligible students apply for admission than the number of
2184 students permitted by the capacity established by the board of
2185 trustees, admission shall be determined by lottery.

2186 (12) STUDENT HOUSING.—Notwithstanding ss. 409.1677(3)(d)
2187 and 409.176, Florida Statutes, or any other provision of law, an
2188 operator may house and educate dependent, at-risk youth in its
2189 residential school for the purpose of facilitating the mission
2190 of the program and encouraging innovative practices.

2191 (13) ANNUAL REPORT.—

2192 (a) The State Board of Education shall issue an annual
2193 report for each college-preparatory boarding academy which
2194 includes all information applicable to schools.

2195 (b) Each college-preparatory boarding academy shall report
2196 to the Department of Education, in the form and manner
2197 prescribed in the contract, the following information:

2198 1. The total number of students enrolled in the academy;
2199 2. The number of students enrolled in the academy who are
2200 receiving special education services pursuant to an individual
2201 education plan; and

2202 3. Any additional information specified in the contract.

2203 (c) The operator shall comply with s. 1002.33, Florida
2204 Statutes, and shall annually assess reading and mathematics

581-03424-11

20111546c1

2205 skills. The operator shall provide the student's legal guardians
2206 with sufficient information on whether the student is reading at
2207 grade level and whether the student gains at least a year's
2208 worth of learning for every year spent in the program.

2209 (14) RULES.—The State Board of Education shall adopt rules
2210 to administer this section. These rules must identify any
2211 existing rules that are applicable to the program and preempt
2212 any other rules that are not specified for the purpose of
2213 clarifying the rules that may be conflicting, redundant, or that
2214 result in an unnecessary burden on the program or the operator.

2215 Section 9. (1) The Office of Program Policy Analysis and
2216 Government Accountability (OPPAGA) shall conduct a study that
2217 compares the funding of charter schools to the funding of
2218 traditional public schools. In conducting this study, OPPAGA
2219 shall:

2220 (a) Identify the school districts that distribute funds
2221 generated by the capital improvement millage authorized pursuant
2222 to s. 1011.71(2), Florida Statutes, to charter schools and the
2223 use of such funds by the charter schools.

2224 (b) Determine the amount of funds that would be available
2225 to charter schools if school districts equitably distribute to
2226 district schools, including charter schools, the funds generated
2227 by the capital improvement millage authorized pursuant to s.
2228 1011.71(2), Florida Statutes.

2229 (c) Examine the costs associated with supervising charter
2230 schools and determine whether the 5 percent administrative fee
2231 for administrative and educational services for charter schools
2232 covers the costs associated with the provision of the services.

2233 (d) Examine the distribution of IDEA funds.

581-03424-11

20111546c1

2234 (2) OPPAGA shall make recommendations, if warranted, for
2235 improving the accountability and equity of the funding system
2236 for charter schools based on the findings of the study. The
2237 results of the study shall be submitted to the Governor, the
2238 President of the Senate, and the Speaker of the House of
2239 Representatives by January 1, 2012.

2240 Section 10. If any provision of this act or its application
2241 to any person or circumstance is held invalid, the invalidity
2242 does not affect other provisions or applications of the act
2243 which can be given effect without the invalid provision or
2244 application, and to this end the provisions of this act are
2245 severable.

2246 Section 11. This act shall take effect July 1, 2011.