

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; authorizing a charter school operated
4 by a Florida College System institution to serve
5 students in kindergarten through grade 12 if certain
6 criteria are met; requiring a sponsor to not renew or
7 terminate the charter of certain low-performing
8 charter schools; requiring charter schools to maintain
9 an Internet website that enables the public to obtain
10 information regarding the school, its personnel, and
11 its programs; requiring that information regarding any
12 entity that owns, operates, or manages the school be
13 posted on the website; requiring that federal
14 education funding be paid directly to a charter school
15 unless otherwise mutually agreed to by the charter
16 school and sponsor; amending s. 1002.331, F.S.,
17 relating to high-performing charter schools; requiring
18 the Commissioner of Education to annually review a
19 high-performing charter school's eligibility for high-
20 performing status; requiring declassification of high-
21 performing charter schools that fail to maintain
22 eligibility; amending s. 1002.332, F.S., relating to
23 high-performing charter school systems; requiring the
24 commissioner to annually review a high-performing
25 charter school system's eligibility for high-
26 performing status; requiring declassification of high-
27 performing charter school systems that fail to
28 maintain eligibility; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5), paragraph (a) of subsection (8), and paragraph (c) of subsection (17) of section 1002.33, Florida Statutes, are amended, and paragraph (q) is added to subsection (9) of that section, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) Sponsor duties.—

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

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

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

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

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

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If

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57 | a charter school falls short of performance measures included in
58 | the approved charter, the sponsor shall report such shortcomings
59 | to the Department of Education.

60 | g. The sponsor shall not be liable for civil damages under
61 | state law for personal injury, property damage, or death
62 | resulting from an act or omission of an officer, employee,
63 | agent, or governing body of the charter school.

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

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

69 | j. The sponsor shall not impose additional reporting
70 | requirements on a charter school without providing reasonable
71 | and specific justification in writing to the charter school.

72 | 2. Immunity for the sponsor of a charter school under
73 | subparagraph 1. applies only with respect to acts or omissions
74 | not under the sponsor's direct authority as described in this
75 | section.

76 | 3. This paragraph does not waive a district school board's
77 | sovereign immunity.

78 | 4. A Florida College System institution may work with the
79 | school district or school districts in its designated service
80 | area to develop charter schools that offer secondary education.
81 | These charter schools must include an option for students to
82 | receive an associate degree upon high school graduation. If a
83 | Florida College System institution operates an approved teacher
84 | preparation program under s. 1004.04 or s. 1004.85, the

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85 institution may operate no more than one charter school that
86 serves students in kindergarten through grade 12. District
87 school boards shall cooperate with and assist the Florida
88 College System institution on the charter application. Florida
89 College System institution applications for charter schools are
90 not subject to the time deadlines outlined in subsection (6) and
91 may be approved by the district school board at any time during
92 the year. Florida College System institutions may not report FTE
93 for any students who receive FTE funding through the Florida
94 Education Finance Program.

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

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

98 1. Failure to participate in the state's education
99 accountability system created in s. 1008.31, as required in this
100 section, or failure to meet the requirements for student
101 performance stated in the charter.

102 2. Failure to meet generally accepted standards of fiscal
103 management.

104 3. Violation of law.

105 4. Other good cause shown.

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107 Notwithstanding paragraph (9)(o), the sponsor may not renew the
108 charter if the charter school has received a grade of "F"
109 pursuant to s. 1008.34 for 2 years within the 3-year period
110 prior to renewal. The sponsor shall terminate the charter if the
111 charter school has received a grade of "F" pursuant to s.
112 1008.34 for 2 years within a 3-year period.

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113 (9) CHARTER SCHOOL REQUIREMENTS.—

114 (q) Each charter school shall maintain an Internet website
115 that enables the public to obtain information regarding the
116 school, its personnel, and its programs. The website shall
117 include information or online links to information regarding any
118 entity that owns, operates, or manages the school, including any
119 nonprofit or for-profit entity; the names of all governing
120 officers and administrative personnel of the entity; and any
121 fees the school pays to the entity. The information or online
122 links must be prominently displayed and easily accessible to
123 visitors of the website.

124 (17) FUNDING.—Students enrolled in a charter school,
125 regardless of the sponsorship, shall be funded as if they are in
126 a basic program or a special program, the same as students
127 enrolled in other public schools in the school district. Funding
128 for a charter lab school shall be as provided in s. 1002.32.

129 (c) If the district school board is providing programs or
130 services to students funded by federal funds, any eligible
131 students enrolled in charter schools in the school district
132 shall be provided federal funds for the same level of service
133 provided students in the schools operated by the district school
134 board. Unless otherwise mutually agreed to by the charter school
135 and its sponsor, all federal funds received by the sponsor for
136 the benefit of the charter school, the charter school's
137 students, or the charter school's students as public school
138 students in the school district, including, but not limited to,
139 Title I, Title II, and IDEA funds, shall be paid in total to the
140 charter school within 60 days after receipt by the sponsor.

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141 Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter
142 schools shall receive all federal funding for which the school
143 is otherwise eligible, including Title I funding, not later than
144 5 months after the charter school first opens and within 5
145 months after any subsequent expansion of enrollment.

146 Section 2. Subsections (4) and (5) of section 1002.331,
147 Florida Statutes, are amended to read:

148 1002.331 High-performing charter schools.-

149 (4) A high-performing charter school may not increase
150 enrollment or expand grade levels following any school year in
151 which it receives a school grade of "C" or below. If the charter
152 school receives a school grade of "C" or below in any 2 years
153 during the term of the charter awarded under subsection (2), the
154 term of the charter may be modified by the sponsor ~~and the~~
155 ~~charter school loses its high-performing charter school status~~
156 ~~until it regains that status under subsection (1).~~

157 (5) The Commissioner of Education, upon request by a
158 charter school, shall verify that the charter school meets the
159 criteria in subsection (1) and provide a letter to the charter
160 school and the sponsor stating that the charter school is a
161 high-performing charter school pursuant to this section. The
162 commissioner shall annually determine if a high-performing
163 charter school continues to meet the criteria in subsection (1).
164 A high-performing charter school shall maintain its high-
165 performing status unless the commissioner determines that the
166 charter school no longer meets the criteria in subsection (1),
167 at which time the commissioner shall send a letter providing

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168 notification of its declassification as a high-performing
169 charter school.

170 Section 3. Paragraph (a) of subsection (2) of section
171 1002.332, Florida Statutes, is amended to read:

172 1002.332 High-performing charter school system.—

173 (2) (a) The Commissioner of Education, upon request by an
174 entity, shall verify that the entity meets the criteria in
175 subsection (1) for the prior school year and provide a letter to
176 the entity stating that it is a high-performing charter school
177 system. The commissioner shall annually determine if a high-
178 performing charter school system continues to meet the criteria
179 in subsection (1). A high-performing charter school system shall
180 maintain its high-performing status unless the commissioner
181 determines that the charter school system no longer meets the
182 criteria in subsection (1), at which time the commissioner shall
183 send a letter providing notification of its declassification as
184 a high-performing charter school system.

185 Section 4. This act shall take effect July 1, 2012.