

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; providing requirements for the
14 reimbursement of federal funds to a charter school by
15 its sponsor; requiring charter school expenditures to
16 comply with rules and regulations to be eligible for
17 reimbursement; requiring approval of the use of funds;
18 amending s. 1002.331, F.S., relating to high-
19 performing charter schools; requiring the Commissioner
20 of Education to annually review a high-performing
21 charter school's eligibility for high-performing
22 status; requiring declassification of high-performing
23 charter schools that fail to maintain eligibility;
24 amending s. 1002.332, F.S., relating to high-
25 performing charter school systems; requiring the
26 commissioner to annually review a high-performing
27 charter school system's eligibility for high-
28 performing status; requiring declassification of high-

29 performing charter school systems that fail to
 30 maintain eligibility; providing an effective date.

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

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

38 1002.33 Charter schools.—

39 (5) SPONSOR; DUTIES.—

40 (b) Sponsor duties.—

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

44 b. The sponsor shall monitor the revenues and expenditures
 45 of the charter school and perform the duties provided in s.
 46 1002.345.

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

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

54 e. The sponsor shall ensure that the charter is innovative
 55 and consistent with the state education goals established by s.
 56 1000.03(5).

57 f. The sponsor shall ensure that the charter school
58 participates in the state's education accountability system. If
59 a charter school falls short of performance measures included in
60 the approved charter, the sponsor shall report such shortcomings
61 to the Department of Education.

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

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

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

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

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

78 3. This paragraph does not waive a district school board's
79 sovereign immunity.

80 4. A Florida College System institution may work with the
81 school district or school districts in its designated service
82 area to develop charter schools that offer secondary education.
83 These charter schools must include an option for students to
84 receive an associate degree upon high school graduation. If a

85 Florida College System institution operates an approved teacher
86 preparation program under s. 1004.04 or s. 1004.85, the
87 institution may operate no more than one charter school that
88 serves students in kindergarten through grade 12. District
89 school boards shall cooperate with and assist the Florida
90 College System institution on the charter application. Florida
91 College System institution applications for charter schools are
92 not subject to the time deadlines outlined in subsection (6) and
93 may be approved by the district school board at any time during
94 the year. Florida College System institutions may not report FTE
95 for any students who receive FTE funding through the Florida
96 Education Finance Program.

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

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

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

104 2. Failure to meet generally accepted standards of fiscal
105 management.

106 3. Violation of law.

107 4. Other good cause shown.

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

113 charter school has received a grade of "F" pursuant to s.
114 1008.34 for 2 years within a 3-year period.

115 (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

131 (c) If the district school board is providing programs or
132 services to students funded by federal funds, any eligible
133 students enrolled in charter schools in the school district
134 shall be provided federal funds for the same level of service
135 provided students in the schools operated by the district school
136 board. Unless otherwise mutually agreed to by the charter school
137 and its sponsor, and consistent with state and federal rules and
138 regulations governing the use and disbursement of federal funds,
139 all federal funds available to the sponsor for the benefit of
140 the charter school, the charter school's students, or the

141 charter school's students as public school students in the
 142 school district, including, but not limited to, Title I, Title
 143 II, and IDEA funds, shall be reimbursed to the charter school on
 144 a monthly basis. All invoices for such funds shall be provided
 145 by the charter school to the sponsor at least 30 days before the
 146 monthly date of reimbursement set by the sponsor. In order to be
 147 reimbursed, any expenditure made by the charter school must
 148 comply with all applicable state and federal rules and
 149 regulations, including, but not limited to, applicable OMB
 150 Circulars, Education Department General Administrative
 151 Regulations, and program-specific statutes, rules, and
 152 regulations. No such funds may be made available to the charter
 153 school until a plan has been submitted to the sponsor for
 154 approval of the use of such funds in accordance with applicable
 155 federal requirements. The sponsor shall have 30 days to review
 156 and approve any plan submitted pursuant to this paragraph.
 157 Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter
 158 schools shall receive all federal funding for which the school
 159 is otherwise eligible, including Title I funding, not later than
 160 5 months after the charter school first opens and within 5
 161 months after any subsequent expansion of enrollment.

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

164 1002.331 High-performing charter schools.—

165 (4) A high-performing charter school may not increase
 166 enrollment or expand grade levels following any school year in
 167 which it receives a school grade of "C" or below. If the charter
 168 school receives a school grade of "C" or below in any 2 years

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169 during the term of the charter awarded under subsection (2), the
170 term of the charter may be modified by the sponsor ~~and the~~
171 ~~charter school loses its high-performing charter school status~~
172 ~~until it regains that status under subsection (1).~~

173 (5) The Commissioner of Education, upon request by a
174 charter school, shall verify that the charter school meets the
175 criteria in subsection (1) and provide a letter to the charter
176 school and the sponsor stating that the charter school is a
177 high-performing charter school pursuant to this section. The
178 commissioner shall annually determine if a high-performing
179 charter school continues to meet the criteria in subsection (1).

180 A high-performing charter school shall maintain its high-
181 performing status unless the commissioner determines that the
182 charter school no longer meets the criteria in subsection (1),
183 at which time the commissioner shall send a letter providing
184 notification of its declassification as a high-performing
185 charter school.

186 Section 3. Paragraph (a) of subsection (2) of section
187 1002.332, Florida Statutes, is amended to read:

188 1002.332 High-performing charter school system.—

189 (2) (a) The Commissioner of Education, upon request by an
190 entity, shall verify that the entity meets the criteria in
191 subsection (1) for the prior school year and provide a letter to
192 the entity stating that it is a high-performing charter school
193 system. The commissioner shall annually determine if a high-
194 performing charter school system continues to meet the criteria
195 in subsection (1). A high-performing charter school system shall
196 maintain its high-performing status unless the commissioner

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197 determines that the charter school system no longer meets the
198 criteria in subsection (1), at which time the commissioner shall
199 send a letter providing notification of its declassification as
200 a high-performing charter school system.

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