

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1528

INTRODUCER: Education Committee and Senator Bradley

SUBJECT: Charter Schools

DATE: March 27, 2014

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------|
| 1. | Hand | Klebacha | ED | Fav/CS |
| 2. | | | AED | |
| 3. | | | AP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1528 modifies charter school provisions relating to the resolution of contract disputes and brings transparency to student admission and dismissal procedures.

The bill takes effect July 1, 2014.

II. Present Situation:

Charter schools are public schools that operate under a charter agreement with a sponsor.¹ A charter school is typically sponsored by a district school board.² Charter schools must organize as, or be operated by, a nonprofit organization.³

Standard Charter Contract Formats

In previous years, the Department of Education (DOE) had been required to develop a model charter contract format that sponsors and applicants could choose to use.⁴ The State Board of

¹ Section 1002.33(7), F.S.

² Section 1002.33(5), F.S. However, charter schools may also be sponsored by a state university or Florida College System institution. Sections 1002.33(5)(a)2. and 4., F.S.

³ Section 1002.33(12)(i), F.S. A charter school may also be operated by a state university, Florida College System institution, municipality, or other public entity as provided for by law. Sections 1002.33(5)(a)2. and 4., 1002.33(12)(i), F.S.

⁴ Section 1002.33(27), F.S. (2012).

Education's (SBE) rulemaking authority consisted of adopting rules to implement a charter and charter renewal formats.⁵ The format is essentially a table of contents for a charter agreement.⁶

During the 2013 Legislative session, the Legislature required DOE to develop a proposed, statewide, standard charter school contract, and provide it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2013.⁷ The SBE's rulemaking authority was also changed to reflect that the SBE shall adopt rules to implement a standard charter and charter renewal contracts.

Student Discipline

The charter agreement between the sponsor and the charter school must include the charter school's admissions and dismissal procedures, which include the school's code of student conduct.⁸ Thus, a charter school and sponsor negotiate approval of the charter school's admissions and dismissal procedures.

In implementation, the grounds for dismissal of students may not necessarily be fully transparent to the students, parents, or sponsor.⁹ For example, there are reports of charter schools threatening to dismiss students for poor assessment scores and for withdrawing students without parental consent.¹⁰

III. Effect of Proposed Changes:

CS/SB 1528 modifies charter school provisions relating to the resolution of contract disputes and brings transparency to student admission and dismissal procedures.

Standard Charter Contract Formats

The bill brings efficiency to the resolution of initial contract disputes. For example:

- The charter school or sponsor may request that the Department of Education (DOE) send an initial contract dispute to the Division of Administrative Hearings for assignment to an administrative law judge.

⁵ *Id.*

⁶ See Department of Education, *Florida Model Charter Contract Format*, available at

https://www.floridaschoolchoice.org/Information/Charter_Schools/files/IEPC_M3_new_April2012.pdf.

⁷ See sections 2 and 8, ch. 2013-250, L.O.F.; Department of Education, *Proposed Statewide, Standard Charter School Contract* (on file with the Senate Committee on Education). The proposed, statewide, standard charter is much more comprehensive than the existing DOE model charter contract format; however, it still recognizes and protects charter school autonomy and flexibility. See *Proposed Statewide, Standard Charter School Contract*, sections 1.B.4. and C. of the Miscellaneous Provisions, compare Department of Education, *Florida Model Charter Contract Format*, available at https://www.floridaschoolchoice.org/Information/Charter_Schools/files/IEPC_M3_new_April2012.pdf.

⁸ Section 1002.33(7)(a)7., F.S.

⁹ See Orlando Sentinel, *Charter School Retracts Letter that Threatens to Remove Students if They Fail FCAT* (Oct. 31, 2013) <http://www.tampabay.com/news/education/k12/charter-school-retracts-letter-that-threatens-to-remove-students-if-they/2150176> (last visited Mar. 27, 2014), Miami Herald, *Homestead charter school dismissal of third grader raises questions* (Nov. 11, 2013) <http://www.miamiherald.com/2013/11/08/3740039/homestead-charter-school-dismissal.html> (last visited Mar. 27, 2013).

¹⁰ *Id.*

- The administrative law judge must hold at least one conference, and may consider all documents necessary to issue a summary final order.
- The administrative law judge must issue a summary final order within 30 days of receipt of the dispute.

Student Discipline

The bill brings transparency to student discipline and withdrawal procedures. For example:

- A student may only receive disciplinary action for the grounds, and in the manner specified, in the charter school's code of student conduct.
- The charter school must request that the withdrawing student, or the withdrawing student's parent, complete a survey and provide information concerning the student's experiences at the charter school and reasons for withdrawal.
- A charter school must provide in its annual report to the sponsor and DOE the total number of students that leave the charter school and the reason for leaving the charter school, if known.

The bill takes effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.33 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on March 25, 2014:

The committee substitute:

- Revises the means by which charter schools and sponsors may resolve disputes regarding charter agreements.
- Provides transparency regarding student withdrawals.
- Removes all language in the bill, including charter schools provisions (i.e., application and contract provisions, application deficiencies, term of charter for private nonprofit corporations, automatic termination of double-F charter schools, charter school facilities, and sponsor limitations on charter school enrollment), and all provisions for high-performing charter schools, high-performing charter school systems, virtual charter schools, and virtual instruction programs.

- B. **Amendments:**

None.