

By the Committee on Education; and Senator Bradley

581-03180-14

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; authorizing contract disputes to be
4 referred to the Division of Administrative Hearings
5 for summary final order; requiring a charter school to
6 request that withdrawing students or parents of
7 withdrawing students complete a survey; requiring a
8 charter school to annually report information
9 concerning why students leave the charter school to
10 its sponsor and the Department of Education; providing
11 that a charter school may only discipline students for
12 the grounds and in the manner specified in the code of
13 student conduct; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (h) of subsection (6) and paragraph
18 (g) of subsection (10) of section 1002.33, Florida Statutes, are
19 amended, to read:

20 1002.33 Charter schools.—

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

23 (h)1. The terms and conditions for the operation of a
24 charter school shall be set forth by the sponsor and the
25 applicant in a written contractual agreement, called a charter.
26 The sponsor may not impose unreasonable rules or regulations
27 that violate the intent of giving charter schools greater
28 flexibility to meet educational goals. The sponsor has 30 days
29 after approval of the application to provide an initial proposed

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30 charter contract to the charter school. The applicant and the
31 sponsor have 40 days thereafter to negotiate and notice the
32 charter contract for final approval by the sponsor unless both
33 parties agree to an extension. The proposed charter contract
34 shall be provided to the charter school at least 7 calendar days
35 prior to the date of the meeting at which the charter is
36 scheduled to be voted upon by the sponsor.

37 2. The Department of Education shall provide mediation
38 services for any dispute regarding this section subsequent to
39 the approval of a charter application and for any dispute
40 relating to the approved charter, except disputes regarding
41 charter school application denials.

42 3. If the Commissioner of Education determines that a the
43 dispute cannot be settled through mediation, or if the sponsor
44 or charter school requests to bypass mediation, a the dispute
45 must be immediately forwarded ~~may be appealed~~ to an
46 administrative law judge appointed by the Division of
47 Administrative Hearings.

48 a. The administrative law judge must issue a summary final
49 order for a dispute regarding language to be included in the
50 initial charter contract. The administrative law judge may
51 consider all documents determined necessary by the
52 administrative law judge to issue the summary final order. The
53 administrative law judge must hold at least one conference with
54 the parties to discuss the dispute, and may require other
55 proceedings only if determined necessary by the administrative
56 law judge. The summary final order must consist of a summary of
57 the facts and law, the position of the charter school and
58 sponsor, the administrative law judge's disposition of the

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59 dispute and supporting rationale, and may include other
60 information if determined necessary by the administrative law
61 judge. The administrative law judge's summary final order must
62 be issued within 30 days of receipt of the referral of the
63 dispute from the Commissioner of Education.

64 b. The administrative law judge has final order authority
65 to rule on issues of equitable treatment of the charter school
66 as a public school, whether proposed provisions of ~~the~~ charter
67 renewals or amendments violate the intended flexibility granted
68 charter schools by statute, or on any other matter regarding
69 this section except a charter school application denial, a
70 charter termination, or a charter nonrenewal.

71 c. The administrative law judge's summary final order or
72 final order pursuant to this subparagraph ~~and~~ shall award the
73 prevailing party reasonable attorney's fees and costs incurred
74 to be paid by the losing party. The costs of the administrative
75 hearing shall be paid by the party whom the administrative law
76 judge rules against.

77 (10) ELIGIBLE STUDENTS.—

78 (g)1. A student may withdraw from a charter school at any
79 time and enroll in another public school as determined by
80 district school board rule. A charter school must request, but
81 may not require, that the student withdrawing or parent of the
82 student withdrawing complete a survey and provide information
83 concerning the student's experiences at the charter school and
84 reasons for withdrawal. A charter school must provide in its
85 annual report to its sponsor and the Department of Education the
86 total number of students that leave the charter school and the
87 reason for leaving the charter school, including but not limited

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88 to, withdrawal, suspension, and dismissal, if known.

89 2. A student may only receive disciplinary action,
90 including but not limited to suspension or dismissal, for the
91 grounds and in the manner specified in the charter school's code
92 of student conduct.

93 Section 2. This act shall take effect July 1, 2014.