

CS/HB 443

2023

1 A bill to be entitled
 2 An act relating to education; amending s. 1002.33,
 3 F.S.; authorizing charter schools to give enrollment
 4 preference to specified students; requiring charter
 5 school sponsors to provide specified training and a
 6 certain report to its charter schools; requiring the
 7 report to be submitted to the Department of Education
 8 by a specified date; requiring the State Board of
 9 Education to adopt rules to implement a standard
 10 monitoring tool; amending s. 1012.71, F.S.; revising
 11 the definition of the term "classroom teacher";
 12 requiring district school boards to calculate prorated
 13 shares of funds from the Florida Teachers Classroom
 14 Supply Assistance Program for certain classroom
 15 teachers; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Paragraph (d) of subsection (10), paragraph (a)
 20 of subsection (20) and subsection (28) of section 1002.33,
 21 Florida Statutes, are amended to read:

22 1002.33 Charter schools.—

23 (10) ELIGIBLE STUDENTS.—

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

- 26 1. Students who are siblings of a student enrolled in the
 27 charter school.
- 28 2. Students who are the children of a member of the
 29 governing board of the charter school.
- 30 3. Students who are the children of an employee of the
 31 charter school.
- 32 4. Students who are the children of:
- 33 a. An employee of the business partner of a charter
 34 school-in-the-workplace established under paragraph (15) (b) or a
 35 resident of the municipality in which such charter school is
 36 located; or
- 37 b. A resident or employee of a municipality that operates
 38 a charter school-in-a-municipality pursuant to paragraph (15) (c)
 39 or allows a charter school to use a school facility or portion
 40 of land provided by the municipality for the operation of the
 41 charter school.
- 42 5. Students who have successfully completed, during the
 43 previous year, a voluntary prekindergarten education program
 44 under ss. 1002.51-1002.79 provided by the charter school, the
 45 charter school's governing board, or a voluntary prekindergarten
 46 provider that has a written agreement with the governing board.
- 47 6. Students who are the children of an active duty member
 48 of any branch of the United States Armed Forces.
- 49 7. Students who attended or are assigned to failing
 50 schools pursuant to s. 1002.38(2).

51 8. Students who are the children of a safe-school officer,
52 as defined in s. 1006.12, at the school.

53 (20) SERVICES.—

54 (a)1. A sponsor shall provide certain administrative and
55 educational services to charter schools. These services shall
56 include contract management services; full-time equivalent and
57 data reporting services; exceptional student education
58 administration services; services related to eligibility and
59 reporting duties required to ensure that school lunch services
60 under the National School Lunch Program, consistent with the
61 needs of the charter school, are provided by the sponsor at the
62 request of the charter school, that any funds due to the charter
63 school under the National School Lunch Program be paid to the
64 charter school as soon as the charter school begins serving food
65 under the National School Lunch Program, and that the charter
66 school is paid at the same time and in the same manner under the
67 National School Lunch Program as other public schools serviced
68 by the sponsor or the school district; test administration
69 services, including payment of the costs of state-required or
70 district-required student assessments; processing of teacher
71 certificate data services; and information services, including
72 equal access to the sponsor's student information systems that
73 are used by public schools in the district in which the charter
74 school is located or by schools in the sponsor's portfolio of
75 charter schools if the sponsor is not a school district. Student

76 performance data for each student in a charter school,
77 including, but not limited to, FCAT scores, standardized test
78 scores, previous public school student report cards, and student
79 performance measures, shall be provided by the sponsor to a
80 charter school in the same manner provided to other public
81 schools in the district or by schools in the sponsor's portfolio
82 of charter schools if the sponsor is not a school district.

83 2. A sponsor shall provide training to charter schools on
84 systems the sponsor will require the charter school to use.

85 ~~3.2.~~ A sponsor may withhold an administrative fee for the
86 provision of such services which shall be a percentage of the
87 available funds defined in paragraph (17)(b) calculated based on
88 weighted full-time equivalent students. If the charter school
89 serves 75 percent or more exceptional education students as
90 defined in s. 1003.01(3), the percentage shall be calculated
91 based on unweighted full-time equivalent students. The
92 administrative fee shall be calculated as follows:

93 a. Up to 5 percent for:

94 (I) Enrollment of up to and including 250 students in a
95 charter school as defined in this section.

96 (II) Enrollment of up to and including 500 students within
97 a charter school system which meets all of the following:

98 (A) Includes conversion charter schools and nonconversion
99 charter schools.

100 (B) Has all of its schools located in the same county.

101 (C) Has a total enrollment exceeding the total enrollment
102 of at least one school district in this state.

103 (D) Has the same governing board for all of its schools.

104 (E) Does not contract with a for-profit service provider
105 for management of school operations.

106 (III) Enrollment of up to and including 250 students in a
107 virtual charter school.

108 b. Up to 2 percent for enrollment of up to and including
109 250 students in a high-performing charter school as defined in
110 s. 1002.331.

111 c. Up to 2 percent for enrollment of up to and including
112 250 students in an exceptional student education center that
113 meets the requirements of the rules adopted by the State Board
114 of Education pursuant to s. 1008.3415(3).

115 ~~4.3.~~ A sponsor may not charge charter schools any
116 additional fees or surcharges for administrative and educational
117 services in addition to the maximum percentage of administrative
118 fees withheld pursuant to this paragraph. A sponsor may not
119 charge or withhold any administrative fee against a charter
120 school for any funds specifically allocated by the Legislature
121 for teacher compensation.

122 ~~5.4.~~ A sponsor shall provide to the department by
123 September 15 of each year the total amount of funding withheld
124 from charter schools pursuant to this subsection for the prior
125 fiscal year. The department must include the information in the

126 report required under sub-sub-subparagraph (5) (b)1.k. (III) .

127 6. A sponsor shall annually provide a report to its
 128 charter schools on what services are being rendered from the
 129 sponsor's portion of the administrative fee. The report must
 130 include the listed services and be submitted to the department
 131 by September 15 of each year.

132 (28) RULEMAKING.—The Department of Education, after
 133 consultation with sponsors and charter school directors, shall
 134 recommend that the State Board of Education adopt rules to
 135 implement specific subsections of this section. Such rules shall
 136 require minimum paperwork and shall not limit charter school
 137 flexibility authorized by statute. The State Board of Education
 138 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 139 implement a standard charter application form, standard
 140 application form for the replication of charter schools in a
 141 high-performing charter school system, standard evaluation
 142 instrument, standard monitoring tool, and standard charter and
 143 charter renewal contracts in accordance with this section.

144 Section 2. Subsections (1) and (3) of section 1012.71,
 145 Florida Statutes, are amended to read:

146 1012.71 The Florida Teachers Classroom Supply Assistance
 147 Program.—

148 (1) For purposes of the Florida Teachers Classroom Supply
 149 Assistance Program, the term "classroom teacher" means a
 150 certified teacher employed by a public school district or a

151 public charter school in that district on or before September 1
152 of each year whose full-time or job-share responsibility is the
153 classroom instruction of students in prekindergarten through
154 grade 12, including full-time media specialists and certified
155 school counselors serving students in prekindergarten through
156 grade 12, who are funded through the Florida Education Finance
157 Program. A "job-share" classroom teacher is one of two teachers
158 whose combined full-time equivalent employment for the same
159 teaching assignment equals one full-time classroom teacher. The
160 term "classroom teacher" may also include an administrator or a
161 substitute teacher who holds a valid teaching certificate who is
162 filling a vacancy in an identified teaching position on or
163 before September 1 of each year.

164 (3) From the funds allocated to each school district and
165 any funds received from local contributions for the Florida
166 Teachers Classroom Supply Assistance Program, the district
167 school board shall calculate an identical amount for each
168 classroom teacher who is estimated to be employed by the school
169 district or a charter school in the district on September 1 of
170 each year, which is that teacher's proportionate share of the
171 total amount allocated to the district from state funds and
172 funds received from local contributions. A job-share classroom
173 teacher may receive a prorated share of the amount provided to a
174 full-time classroom teacher. The school district shall calculate
175 a prorated share of the funds for a classroom teacher who

176 | teaches less than full time. For a classroom teacher determined
177 | eligible on July 1, the district school board and each charter
178 | school board may provide the teacher with his or her total
179 | proportionate share by August 1 based on the estimate of the
180 | number of teachers who will be employed on September 1. For a
181 | classroom teacher determined eligible after July 1, the district
182 | school board and each charter school board shall provide the
183 | teacher with his or her total proportionate share by September
184 | 30. The proportionate share may be provided by any means
185 | determined appropriate by the district school board or charter
186 | school board, including, but not limited to, direct deposit,
187 | check, debit card, or purchasing card. If a debit card is used,
188 | an identifier must be placed on the front of the debit card
189 | which clearly indicates that the card has been issued for the
190 | Florida Teachers Classroom Supply Assistance Program.
191 | Expenditures under the program are not subject to state or local
192 | competitive bidding requirements. Funds received by a classroom
193 | teacher do not affect wages, hours, or terms and conditions of
194 | employment and, therefore, are not subject to collective
195 | bargaining. Any classroom teacher may decline receipt of or
196 | return the funds without explanation or cause.

197 | Section 3. This act shall take effect July 1, 2023.