

By the Committee on Education Pre-K -12; and Senator Burgess

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.33,
3 F.S.; revising which students may be eligible for an
4 enrollment preference for charter schools; specifying
5 training and reporting requirements for charter school
6 sponsors; requiring the State Board of Education to
7 adopt rules to implement a standard monitoring tool;
8 amending s. 1012.71, F.S.; revising the definition of
9 the term "classroom teacher"; revising how a district
10 school board calculates certain teachers' shares of
11 funds from the Florida Teachers Classroom Supply
12 Assistance Program; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (d) of subsection (10), paragraph (a)
17 of subsection (20), and subsection (28) of section 1002.33,
18 Florida Statutes, are amended to read:

19 1002.33 Charter schools.—

20 (10) ELIGIBLE STUDENTS.—

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

23 1. Students who are siblings of a student enrolled in the
24 charter school.

25 2. Students who are the children of a member of the
26 governing board of the charter school.

27 3. Students who are the children of an employee of the
28 charter school.

29 4. Students who are the children of:

581-03088-23

2023986c1

30 a. An employee of the business partner of a charter school-
31 in-the-workplace established under paragraph (15) (b) or a
32 resident of the municipality in which such charter school is
33 located; or

34 b. A resident or employee of a municipality that operates a
35 charter school-in-a-municipality pursuant to paragraph (15) (c)
36 or allows a charter school to use a school facility or portion
37 of land provided by the municipality for the operation of the
38 charter school.

39 5. Students who have successfully completed, during the
40 previous year, a voluntary prekindergarten education program
41 under ss. 1002.51-1002.79 provided by the charter school, the
42 charter school's governing board, or a voluntary prekindergarten
43 provider that has a written agreement with the governing board.

44 6. Students who are the children of an active duty member
45 of any branch of the United States Armed Forces.

46 7. Students who attended or are assigned to failing schools
47 pursuant to s. 1002.38(2).

48 8. Students who are the children of a school safety officer
49 or officers assigned to the charter school.

50 (20) SERVICES.—

51 (a)1. A sponsor shall provide certain administrative and
52 educational services to charter schools. These services shall
53 include contract management services; full-time equivalent and
54 data reporting services; exceptional student education
55 administration services; services related to eligibility and
56 reporting duties required to ensure that school lunch services
57 under the National School Lunch Program, consistent with the
58 needs of the charter school, are provided by the sponsor at the

581-03088-23

2023986c1

59 request of the charter school, that any funds due to the charter
60 school under the National School Lunch Program be paid to the
61 charter school as soon as the charter school begins serving food
62 under the National School Lunch Program, and that the charter
63 school is paid at the same time and in the same manner under the
64 National School Lunch Program as other public schools serviced
65 by the sponsor or the school district; test administration
66 services, including payment of the costs of state-required or
67 district-required student assessments; processing of teacher
68 certificate data services; and information services, including
69 equal access to the sponsor's student information systems that
70 are used by public schools in the district in which the charter
71 school is located or by schools in the sponsor's portfolio of
72 charter schools if the sponsor is not a school district. Student
73 performance data for each student in a charter school,
74 including, but not limited to, FCAT scores, standardized test
75 scores, previous public school student report cards, and student
76 performance measures, shall be provided by the sponsor to a
77 charter school in the same manner provided to other public
78 schools in the district or by schools in the sponsor's portfolio
79 of charter schools if the sponsor is not a school district.

80 2. A sponsor shall provide training on systems the sponsor
81 will require the charter school to use.

82 3. A sponsor may withhold an administrative fee for the
83 provision of such services which shall be a percentage of the
84 available funds defined in paragraph (17)(b) calculated based on
85 weighted full-time equivalent students. If the charter school
86 serves 75 percent or more exceptional education students as
87 defined in s. 1003.01(3), the percentage shall be calculated

581-03088-23

2023986c1

88 based on unweighted full-time equivalent students. The
89 administrative fee shall be calculated as follows:

90 a. Up to 5 percent for:

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

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

95 (A) Includes conversion charter schools and nonconversion
96 charter schools.

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

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

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

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

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

105 b. Up to 2 percent for enrollment of up to and including
106 250 students in a high-performing charter school as defined in
107 s. 1002.331.

108 c. Up to 2 percent for enrollment of up to and including
109 250 students in an exceptional student education center that
110 meets the requirements of the rules adopted by the State Board
111 of Education pursuant to s. 1008.3415(3).

112 ~~4.3.~~ A sponsor may not charge charter schools any
113 additional fees or surcharges for administrative and educational
114 services in addition to the maximum percentage of administrative
115 fees withheld pursuant to this paragraph. A sponsor may not
116 charge or withhold any administrative fee against a charter

581-03088-23

2023986c1

117 school for any funds specifically allocated by the Legislature
118 for teacher compensation.

119 ~~5.4.~~ A sponsor shall provide to the department by September
120 15 of each year the total amount of funding withheld from
121 charter schools pursuant to this subsection for the prior fiscal
122 year. The department must include the information in the report
123 required under sub-sub-subparagraph (5) (b) 1.k. (III).

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

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

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

143 1012.71 The Florida Teachers Classroom Supply Assistance
144 Program.—

145 (1) For purposes of the Florida Teachers Classroom Supply

581-03088-23

2023986c1

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

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

581-03088-23

2023986c1

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

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