

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 Appropriations Committee on Pre-K - 12 Education

BILL: CS/SB 822

INTRODUCER: Education Pre-K - 12 Committee and Senator Rodriguez

SUBJECT: Education

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 822 modifies numerous provisions related to charter schools, high performing charter schools and disposal of real property by school districts. Specifically, the bill:

- Limits the administrative deadlines a sponsor can impose on a charter school.
- Allows a charter school to adopt its own code of student conduct with certain restrictions.
- Modifies priority enrollment provisions for eligible charter school students related to prekindergarten participation.
- Requires charter schools to comply with parental notification requirements related to student well-being.
- Allows charter schools meeting certain conditions to increase enrollment capacity to more than what is specified in the charter without exceeding the capacity of the facility and requiring notice to the sponsor.
- Requires that access to the sponsor's student information system as allowed by law be provided to the charter school or its contractor and specifies the performance data to be accessed.
- Requires that the Department of Education provide student performance data to the charter school and its contractor as allowed by law.
- Adds a prohibition for the landlord or other associated individuals of a charter school to serve on a governing board of that charter school.
- Allows a high-performing charter school to assume the charter of an existing charter school in the same school district under certain circumstances.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations for traditional public schools. During the 2022–2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.¹ In general, charter schools are exempt for most Florida laws that govern public schools. The specific regulations that charter schools must comply with are named in law.² Charter school governing board members are provided with requirements regarding standards of conduct and financial disclosure.³

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.⁴

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity applies to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.⁵

Charter schools are required to employ or contract with employees who have undergone background screening that is the same as required for school district employees.⁶ Members of the governing board of a charter school are also required to undergo similar background screening.

A charter school must be organized as, or be operated by, a nonprofit organization. The charter school may serve at-risk students, or offer a specialized curriculum or core academic program,

¹ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

² Section 1002.33(16), F.S.

³ Section 1002.33(26), F.S.

⁴ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited April 8, 2025). See also s. 1002.33(10), F.S.

⁵ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited April 8, 2025). See also s. 1002.33(6), F.S.

⁶ Section 1002.33(12), F.S.

provide early intervention programs, or serve exceptional education students.⁷ Charter schools are permitted to give preference for enrollment to certain student populations that include students who are:

- Siblings of a student enrolled in the charter school.
- Children of a member of the governing board of the charter school.
- Children of an employee of the charter school.
- Children of specific residents or employees related to a charter school-in-the-workplace or a charter school-in-a-municipality.
- Students who have successfully completed, during the previous year, a voluntary prekindergarten (VPK) education program provided by the charter school, the charter school's governing board, or a VPK provider that has a written agreement with the governing board.
- Children of an active duty member of any branch of the United States Armed Forces.
- Students who attended or are assigned to failing schools.
- Children of a safe-school officer at the school.
- Students who transfer from a classical school in this state to a charter classical school in this state.⁸

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education (DOE), which:

- Demonstrates how the school will use the guiding principles.
- Provides a detailed curriculum.
- Contains goals and objectives for improving student learning.
- Describes the separate reading curricula and differentiated strategies.
- Contains an annual financial plan.⁹

A school board is required to review all charter school applications and, within 90 days of receipt, approve or deny the application.¹⁰

A charter school may be sponsored by any of the following:

- A district school board.
- A state university approved to sponsor certain lab schools.
- A state university approved by the DOE.
- Florida College System institution approved by the DOE.¹¹

Each charter school sponsor is provided with duties specified in law. The charter school sponsor is tasked with performing the following:

⁷ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited April 8, 2025). See also s. 1002.33(6), F.S.

⁸ Section 1002.33(10), F.S.

⁹ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited April 8, 2025). See also s. 1002.33(6), F.S.

¹⁰ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited April 8, 2025). See also s. 1002.33(6), F.S.

¹¹ Section 1002.33(5), F.S.

- Monitor and review the charter school in its progress toward the goals established in the charter.
- Monitor the revenues and expenditures of the charter school and perform the duties related to deteriorating financial conditions of charter schools.
- Approve a charter before the applicant has identified space, equipment, or personnel, when necessary.
- Ensure that the charter is innovative and consistent with the state education goals established in Florida law.
- Ensure that the charter school participates in the state's education accountability system and report any shortcoming to the DOE.

Charter school sponsors are also subject to additional provisions, specifically the sponsor:

- Cannot apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school.
- Is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.
- Is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.
- By monitoring the charter school that does not constitute the basis for a private cause of action.
- Cannot impose additional reporting requirements on a charter school except when the charter school has been identified as having a deteriorating financial condition or a financial emergency.
- Is required to submit an annual report to the DOE in a web-based format determined by the DOE.¹²

The charter agreement is a written agreement that sets forth the terms and conditions for the operation of a charter school, including a virtual charter school, by the sponsor and the applicant. The sponsor and the governing board of the charter school are required to use the standard charter contract or standard virtual charter contract. The charter must be signed by the governing board of the charter school and the sponsor, following a public hearing. The charter agreement is required to include or address the following elements:

- The school's mission, the types of students to be served, and, for a virtual charter school, the types of students the school intends to serve who reside outside of the sponsoring school district.
- The ages and grades to be served.
- The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance.
- Ensure that reading is a primary focus. The curriculum and instructional strategies for reading must be consistent with the state's academic standards and grounded in scientifically based reading research.
- Ensure that mathematics is a focus of the curriculum.

¹² Section 1002.33(5), F.S.

- Facilitate the integration of technology within traditional classroom instruction.
- The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.
- The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school.
- A method for determining that a student has satisfied the requirements for graduation.
- A method for resolving conflicts between the governing board of the charter school and the sponsor.
- Admissions procedures and dismissal procedures, including the school's code of student conduct.
- The ways by which the school will achieve a racial/ethnic balance that reflects the community it serves.
- The financial and administrative management of the school.
- The asset and liability projections of the charter school.
- A description of procedures to reduce the impact of losses; plans to ensure the safety and security of students and staff; and the way the school will be insured.
- The term of the charter.
- The facilities to be used and their location.
- The qualifications of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff.
- The governance structure of the school.
- A timetable for implementing the charter.
- In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school.
- Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decision-making authority.
- Implementation of the activities of a charter school determined to be a high-performing charter school.¹³

High Performing Charter Schools

A high-performing charter school is a school that has met each of the following criteria:

- Received at least two school grades of "A" and no school grade below "B" for the last three years or received at least two consecutive school grades of "A" in the most recent two school years.
- Received an unqualified opinion on each annual audit in the most recent three years for which such audits are available
- Has not received a financial audit that revealed one or more of the financial emergency conditions set described in Florida law in the most three recent fiscal years for which audits

¹³ Section 1002.33(7), F.S.

are available or for initial eligibility, for the most recent two fiscal years if the charter school has earned two consecutive grades of “A.”¹⁴

High performance charter schools are allowed additional considerations that include:

- Increasing the school’s student enrollment once per school year to more than the capacity identified in the charter but limited to the capacity of the facility.
- Expanding grade levels within kindergarten through grade 12 to add grade levels not already served.
- Submitting a quarterly, rather than a monthly, financial statement to the sponsor.
- Consolidation under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools’ governing board.
- Receiving a modification of its charter to a term of 15 years or a 15-year charter renewal.¹⁵

Student Code of Conduct

Each district school board is required to adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools. The school district is required to distribute the codes to all teachers, school personnel, students, and parents, at the beginning of every school year. The code of conduct is required to be made available in the student handbook or a similar publication. Each code is required to include the following elements:

- Consistent policies and specific grounds for disciplinary action for the possession or use of alcohol.
- Procedures to be followed for acts requiring discipline, including corporal punishment.
- Responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.
- Responsibilities of each student with regard to appropriate dress, respect for self and others.
- Notice that illegal use, possession, or sale of controlled substances is grounds for disciplinary action by the school and can result in criminal penalties being imposed.
- Notice regarding use of a wireless communications device.
- Notice regarding the possession of a firearm or weapon.
- Notice regarding violence against any district school board personnel,
- Notice regarding violation of district school board transportation policies.
- Notice regarding violation of the district school board sexual harassment policy.
- Policies regarding the assignment of violent or disruptive students to an alternative educational program and referral to mental health services.
- Notice regarding a student having made a threat or false report involving school or school personnel’s property, school transportation, or a school-sponsored activity.
- Criteria for recommending to law enforcement participation in a prearrest delinquency citation program as an alternative to expulsion or arrest.
- Criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program.¹⁶

¹⁴ Section 1002.331(1), F.S.

¹⁵ Section 1002.331(2), F.S.

¹⁶ Section 1006.07(2), F.S.

Charter schools are not subject to the district school board adopted policies for code of conduct.¹⁷

III. Effect of Proposed Changes:

This bill modifies numerous provisions related to charter schools including administrative, enrollment, control of students, student safety, facilities, and high-performing charter schools. The bill modifies s. 1002.33, F.S., which:

- Prohibits a charter school sponsor from imposing upon a charter school administrative deadlines that are earlier than the sponsor's own corresponding deadlines for similar reports or submissions. The bill prohibits any deadline imposed upon a charter school for financial audits or other administrative requirements that is earlier than 15 days before the sponsor's own deadline for similar submissions to the Department of Education (DOE).
- Allows a charter school meeting certain criteria to increase its student enrollment to more than the capacity identified in the charter, as long as the increase does not exceed the facility capacity, including new or expanded facilities. The bill requires the charter school to notify its sponsor by March 1 if the school intends to increase enrollment capacity in the following school year and is required to specify the amount of increase.
- Allows a charter school governing board to adopt its own code of student conduct, which the sponsor may review and offer recommendations. The code of student conduct must meet or exceed the minimum standards in the sponsor's code of student conduct. If a provision of the code of student conduct is more stringent than the sponsor's code of student conduct it must align with the mission of the charter school. The bill requires that any complaint or appeal related to the code of student conduct has to be resolved by the charter school's governing board using the board's established procedures and must be in compliance with applicable law and rules.
- Removes the reference for priority enrollment in charter schools that specifically referred to Voluntary Prekindergarten (VPK) and allows for any child completing a prekindergarten program that meets certain conditions to have a priority.
- Requires charter schools to comply with s. 1001.42(8)(c), F.S., regarding procedures for notification of a student's parents related to a student's mental, emotional, or physical well-being.
- Requires that the sponsor and the DOE ensure that student data, including student assessment data, are promptly and efficiently shared with charter schools, including a charter school's contractor. The sponsor or the DOE must comply with law that may limit sharing or providing data.
- Adds a requirement that a landlord of a charter school or his or her spouse or an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established as a charter school-in-a-municipality.

The bill modifies s. 1002.331, F.S., to allow a high performing charter school to assume the charter of an existing charter school within the same school district in which the high-performing charter school operates. The request to be assumed is required to be initiated by the school being assumed and is required to be in writing to the high performing charter school.

¹⁷ Section 1002.33(16), F.S.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33 and 1002.331.

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 Pre-K - 12 on March 31, 2025:

The committee substitute maintained numerous provisions from the bill related to charter schools, with some modifications, related to the authority of a charter school to increase its enrollment subject to facility capacity, priorities for prekindergarten enrollment, district and Department of Education sharing of data with charter schools or their contractors, and charter school charters being assumed by high performing charter schools. Additionally, the committee substitute removed provisions in the bill that:

- Allowed a charter school to assign its charter to a not-for-profit board of another charter school.
- Allowed for a charter school to conduct background screening independent of the sponsor's screening procedures.
- Allowed charter schools to use land owned by specified entities and that met certain criteria without rezoning or change in land use designation.
- Clarified provisions in law related to conduct and financial disclosure for certain charter school transactions.
- Provided legislative intent concerning real property and set requirements regarding disposal of real property by school districts. Provided certain rights to charter schools regarding real property being disposed of by a school district.

- B. **Amendments:**

None.