



639048

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1002.33 Charter schools.—

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

(h) 1. The terms and conditions for the operation of a



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12 charter school shall be set forth by the sponsor and the
13 applicant in a written contractual agreement, called a charter.
14 The sponsor may not impose unreasonable rules or regulations
15 that violate the intent of giving charter schools greater
16 flexibility to meet educational goals. The sponsor has 30 days
17 after approval of the application to provide an initial proposed
18 charter contract to the charter school. The applicant and the
19 sponsor have 40 days thereafter to negotiate and notice the
20 charter contract for final approval by the sponsor unless both
21 parties agree to an extension. The proposed charter contract
22 shall be provided to the charter school at least 7 calendar days
23 prior to the date of the meeting at which the charter is
24 scheduled to be voted upon by the sponsor.

25 2. The Department of Education shall provide mediation
26 services for any dispute regarding this section subsequent to
27 the approval of a charter application and for any dispute
28 relating to the approved charter, except disputes regarding
29 charter school application denials.

30 3. If the Commissioner of Education determines that ~~at~~
31 ~~the~~ dispute cannot be settled through mediation, or if the sponsor
32 or charter school requests to bypass mediation, at the dispute
33 must be immediately forwarded ~~may be appealed~~ to an
34 administrative law judge appointed by the Division of
35 Administrative Hearings.

36 a. The administrative law judge must issue a summary final
37 order for a dispute regarding language to be included in the
38 initial charter contract. The administrative law judge may
39 consider all documents determined necessary by the
40 administrative law judge to issue the summary final order. The



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41 administrative law judge must hold at least one conference with
42 the parties to discuss the dispute, and may require other
43 proceedings only if determined necessary by the administrative
44 law judge. The summary final order must consist of a summary of
45 the facts and law, the position of the charter school and
46 sponsor, the administrative law judge's disposition of the
47 dispute and supporting rationale, and may include other
48 information if determined necessary by the administrative law
49 judge. The administrative law judge's summary final order must
50 be issued within 30 days of receipt of the referral of the
51 dispute from the Commissioner of Education.

52 b. The administrative law judge has final order authority
53 to rule on issues of equitable treatment of the charter school
54 as a public school, whether proposed provisions of ~~the~~ charter
55 renewals or amendments violate the intended flexibility granted
56 charter schools by statute, or on any other matter regarding
57 this section except a charter school application denial, a
58 charter termination, or a charter nonrenewal.

59 c. The administrative law judge's summary final order or
60 final order pursuant to this subparagraph~~and~~ shall award the
61 prevailing party reasonable attorney's fees and costs incurred
62 to be paid by the losing party. The costs of the administrative
63 hearing shall be paid by the party whom the administrative law
64 judge rules against.

65 (10) ELIGIBLE STUDENTS.—

66 (g) 1. A student may withdraw from a charter school at any
67 time and enroll in another public school as determined by
68 district school board rule. A charter school must request, but
69 may not require, that the student withdrawing or parent of the



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70 student withdrawing complete a survey and provide information
71 concerning the student's experiences at the charter school and
72 reasons for withdrawal. A charter school must provide in its
73 annual report to its sponsor and the Department of Education the
74 total number of students that leave the charter school and the
75 reason for leaving the charter school, including but not limited
76 to, withdrawal, suspension, and dismissal, if known.

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

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

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84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating to charter schools; amending s.
90 1002.33, F.S.; authorizing contract disputes to be
91 referred to the Division of Administrative Hearings
92 for summary final order; requiring a charter school to
93 request that withdrawing students or parents of
94 withdrawing students complete a survey; requiring a
95 charter school to annually report information
96 concerning why students leave the charter school to
97 its sponsor and the Department of Education; providing
98 that a charter school may only discipline students for



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the grounds and in the manner specified in the code of
student conduct; providing an effective date.