

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/SB 758 — Education

by Appropriations Committee; Education Committee; and Senator Diaz.

The bill modifies and establishes provisions relating to charter school authorization, facilities, sponsor oversight, and distribution of funds. The bill also expands the current authorization for district school board members or charter school governing board members to visit schools under their jurisdiction to specify that any member of the Legislature may visit any public school in his or her legislative district.

Charter School Authorization

The bill creates the Charter School Review Commission (CSRC), subject to an appropriation, and requires the State Board of Education to appoint the membership, confirmed by the Senate. Additionally, the CSRC:

- Is provided the same powers as a sponsor in regard to reviewing and approving charter schools.
- Must consider in its review input from the district school board of the school district where the proposed charter school will be located, which must serve as the sponsor and supervisor of an approved charter school.
- Decisions may be appealed to the State Board of Education.

The bill creates, subject to appropriation, the Florida Institute for Charter School Innovation (institute) at Miami Dade College (MDC). The purpose of the institute is to improve charter school authorization in this state. Duties include analyzing charter school applications and identifying best practices, providing technical assistance to sponsors, conducting research and workshops, and collaborating with the Department of Education in developing a sponsor evaluation framework.

Charter School Facilities

The bill provides that an interlocal agreement or ordinance that imposes a greater regulatory burden on charter schools than school districts is void and unenforceable. A charter school may use an interlocal agreement, including provisions relating to the extension of infrastructure, entered into by a school district for the development of district schools.

The bill provides that any entity that contributes toward the construction of charter school facilities created to mitigate the educational impact of residential development must receive credit toward any educational impact fees or exactions to the extent that the entity has not received credit under school concurrency requirements for such contribution.

The bill specifies that any facility or land owned by a public postsecondary institution or facility used as a school or childcare facility may be used as a charter school without obtaining a special exemption from existing zoning and land use designations.

The bill directs the Office of Program Policy and Government Accountability to complete, by January 1, 2023, an analysis of the distribution of capital outlay and federal funds to charter schools.

Sponsor Oversight

The bill provides that a charter school that receives a school grade lower than a “B” in the most recent graded school year, and has met the terms of its program review with no grounds for nonrenewal being expressly found, must be granted no less than a 5-year charter renewal, subject to specified school grade provisions. The bill requires a 15-year charter renewal for a charter school that has received a school grade of “A” or “B” in the most recent graded school year and meets other specified conditions.

The bill specifies that a charter school must be under a deteriorating financial condition or financial emergency in order for a sponsor to not renew or terminate a charter for fiscal mismanagement. The bill also removes “other good cause shown” as a grounds for the termination or nonrenewal of a charter school.

Distribution of Funds

The bill modifies the Teacher Salary Increase Allocation in the Florida Education Finance Program (FEFP) to require that if a school district has not received its allocation due to its failure to submit an approved district salary distribution plan, each charter school within its district that has submitted a salary distribution plan must be provided its proportionate share of the allocation. The bill also prohibits a sponsor from withholding any administrative fee against a charter school for funds specifically allocated by the Legislature for teacher compensation

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 27-11; House 86-28