

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1880

SPONSOR: Education Committee and Senator Jones

SUBJECT: Charter Schools/Employees

DATE: April 19, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hill</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill prohibits charter schools from employing individuals who were terminated by any school district or who resigned from employment in lieu of disciplinary action.

This bill substantially amends the following section of the Florida Statutes: 228.056.

II. Present Situation:

Charter Schools

Charter schools are public schools. They are free from many state and local mandates but are held accountable for the academic and financial performance of the school and its students. Each charter school operates under a charter, which is a performance contract with its sponsor. To continue operating, a charter school must successfully meet the academic and operational goals set by its charter.

Florida's charter school law, s. 228.056, F.S., was enacted in 1996. Since that time, the number and enrollment of charter schools have increased dramatically. In 1996-97, five charter schools served 600 students; in 1997-98, 33 charter schools served 3,000 students; and in the Fall of 1998, over 11,000 students were attending 74 of the 85 charter schools approved for operation in 1998-99. Two municipalities (North Fort Lauderdale and Pembroke Pines) began operating charter schools this school year.

Section 228.056, F.S., establishes procedures for establishing, operating, and funding charter schools. Each district school board may sponsor charter schools within its jurisdiction by granting a charter. A state university may sponsor a charter school by authorizing the conversion of the university's developmental research school to charter status.

Applications to establish and operate a new school as a charter school may be submitted to a district school board by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity authorized under the laws of this state. Proposals to convert an existing public school (or school-within-a-school) to a charter school must be submitted by the district school board or by the principal, teachers, parents, and/or the school advisory council of the public school or school-within-a-school. Conversion proposals must be supported by at least 50 percent of teachers employed at the school and 50 percent of the parents whose children attend the school.

A school board's acceptance of an application does not constitute granting the charter. A district school board must, by a majority vote, approve or deny an application no later than 60 days after it is received. If the application is denied, the school board must, within 10 days after the denial, provide specific written reasons based on good cause for denying a charter application. If the application is approved by the district school board, the district board and the charter school applicants negotiate a performance contract or charter. The charter school applicants and the sponsoring school board have six months to negotiate and sign a contract. After that time, if the contract is still pending, the application is automatically denied.

The major issues which must be addressed in the charter (or contract) and the criteria for approving an application are specified in s. 228.056(9), F.S. (i.e., the schools' mission, students to be served, and ages and grades; focus of curriculum, instructional methods, and distinctive instructional techniques, achievement standards, outcomes, and measurement methods, student assessment methods, graduation requirements, conflict resolution methods, admissions and dismissal procedures, ways a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same district.) The charter must also address the qualifications of charter school personnel and the school's governance structure and its status as a public or private employer.

Each charter school's governing body selects its own employees. The governing body may also contract with its sponsor for the services of personnel employed by the sponsor or contract for the services of individuals, groups of individuals, or teachers who are part of a partnership or cooperative. Employees of a conversion charter school remain public employees, unless they choose not to do so. District employees may take leave to become charter school employees, with approval of employing school board, or the school district may provide for alternative leave arrangements consistent with chapter 231.

Charter school employees must undergo the same fingerprinting and background checks as all public school employees who have direct contact with students. Teachers employed by or under contract to a charter school must be certified as required by chapter 231, F.S. That chapter and s. 228.056, F.S., allow charter schools, like school districts, to employ or contract with skilled noncertified personnel to provide instructional services or to assist instructional staff members. Each charter school must tell parents about teachers qualifications.

School District Employee Contracts

Under existing law, a Florida district school board does not have to give any reason for not rehiring annual contract employees since annual contracts are for specific terms of service with no

guarantee of continued employment. Section 231.36, F.S., currently allows school districts to dismiss employees without cause during the first 97 days of employment. Employees may resign during that 97-day period without breach of contract. School district employees who hold annual or professional service contracts may be dismissed during those contracts only for just cause which includes, but is not limited to, misconduct in office, incompetency, gross insubordination, willful neglect of duties, or conviction of a crime involving moral turpitude. Continuing contract employees, district administrative or supervisory staff, and school principals may be dismissed during their contracts only for charges based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of a crime involving moral turpitude. School district employees with professional service or continuing contracts may exercise their statutory due process rights when notified of the school board's intent to terminate or not renew their contracts.

III. Effect of Proposed Changes:

The bill prohibits charter schools from employing anyone who was terminated by any school district or who resigned in lieu of disciplinary action. It may be difficult for a charter school to know or determine whether an individual resigned from previous employment to avoid disciplinary action or for a reason unrelated to potential disciplinary action.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Charter schools may refuse to hire individuals if there is doubt about the reasons the individual resigned from a previous job or is no longer employed by a school district.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
