

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

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1                                   A bill to be entitled  
2           An act relating to charter schools; amending ss.  
3           163.3180 and 1002.32, F.S.; conforming cross-  
4           references; amending s. 1002.33, F.S.; revising  
5           provisions relating to the sponsoring entities of  
6           charter schools; authorizing state universities and  
7           colleges to approve charter school applications and  
8           develop charter schools under certain circumstances;  
9           requiring that the Department of Education provide or  
10          arrange for training and technical assistance for  
11          charter schools; providing for the designation of  
12          charter schools as high-performing if certain  
13          requirements are met; providing definitions relating  
14          to the high-performing charter school system; revising  
15          provisions to conform to changes made by the act;  
16          amending ss. 1002.34, 1011.68, 1012.32, and 1013.62,  
17          F.S.; conforming cross-references; creating the  
18          College-Preparatory Boarding Academy Pilot Program for  
19          dependent or at-risk students; providing a purpose for  
20          the program; requiring that the State Board of  
21          Education implement the program; providing  
22          definitions; requiring that the state board select a  
23          private nonprofit corporation to operate the academy  
24          if certain qualifications are met; requiring that the  
25          state board request proposals from private nonprofit  
26          corporations; providing requirements for such  
27          proposals; requiring that the state board enter into a  
28          contract with the operator of the academy; requiring  
29          that the contract contain specified requirements;

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30 requiring that the operator adopt bylaws, subject to  
31 approval by the state board; requiring that the  
32 operator adopt an outreach program with the local  
33 education agency or school district and community;  
34 providing that the academy is a public school and part  
35 of the state's education program; providing program  
36 funding guidelines; limiting the capacity of eligible  
37 students attending the academy; requiring that  
38 enrolled students remain under case management  
39 services and the supervision of the lead agency;  
40 authorizing the operator to appropriately bill  
41 Medicaid for services rendered to eligible students or  
42 earn federal or local funding for services provided;  
43 providing for eligible students to be admitted by  
44 lottery if the number of applicants exceeds the  
45 allowed capacity; authorizing the operator to board  
46 dependent, at-risk students; requiring that the state  
47 board issue an annual report and adopt rules;  
48 requiring that the Office of Program Policy Analysis  
49 and Government Accountability conduct a study  
50 comparing the funding of charter schools to the  
51 funding of public schools; providing requirements for  
52 the study; requiring that the office submit its  
53 recommendations and findings to the Governor and  
54 Legislature by a specified date; providing for  
55 severability; providing an effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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59 Section 1. Paragraph (e) of subsection (13) of section  
60 163.3180, Florida Statutes, is amended to read:

61 163.3180 Concurrency.—

62 (13) School concurrency shall be established on a  
63 districtwide basis and shall include all public schools in the  
64 district and all portions of the district, whether located in a  
65 municipality or an unincorporated area unless exempt from the  
66 public school facilities element pursuant to s. 163.3177(12).  
67 The application of school concurrency to development shall be  
68 based upon the adopted comprehensive plan, as amended. All local  
69 governments within a county, except as provided in paragraph  
70 (f), shall adopt and transmit to the state land planning agency  
71 the necessary plan amendments, along with the interlocal  
72 agreement, for a compliance review pursuant to s. 163.3184(7)  
73 and (8). The minimum requirements for school concurrency are the  
74 following:

75 (e) *Availability standard.*—Consistent with the public  
76 welfare, a local government may not deny an application for site  
77 plan, final subdivision approval, or the functional equivalent  
78 for a development or phase of a development authorizing  
79 residential development for failure to achieve and maintain the  
80 level-of-service standard for public school capacity in a local  
81 school concurrency management system where adequate school  
82 facilities will be in place or under actual construction within  
83 3 years after the issuance of final subdivision or site plan  
84 approval, or the functional equivalent. School concurrency is  
85 satisfied if the developer executes a legally binding commitment  
86 to provide mitigation proportionate to the demand for public  
87 school facilities to be created by actual development of the

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88 property, including, but not limited to, the options described  
89 in subparagraph 1. Options for proportionate-share mitigation of  
90 impacts on public school facilities must be established in the  
91 public school facilities element and the interlocal agreement  
92 pursuant to s. 163.31777.

93 1. Appropriate mitigation options include the contribution  
94 of land; the construction, expansion, or payment for land  
95 acquisition or construction of a public school facility; the  
96 construction of a charter school that complies with the  
97 requirements of s. 1002.33(21) ~~s. 1002.33(18)~~; or the creation  
98 of mitigation banking based on the construction of a public  
99 school facility in exchange for the right to sell capacity  
100 credits. Such options must include execution by the applicant  
101 and the local government of a development agreement that  
102 constitutes a legally binding commitment to pay proportionate-  
103 share mitigation for the additional residential units approved  
104 by the local government in a development order and actually  
105 developed on the property, taking into account residential  
106 density allowed on the property prior to the plan amendment that  
107 increased the overall residential density. The district school  
108 board must be a party to such an agreement. As a condition of  
109 its entry into such a development agreement, the local  
110 government may require the landowner to agree to continuing  
111 renewal of the agreement upon its expiration.

112 2. If the education facilities plan and the public  
113 educational facilities element authorize a contribution of land;  
114 the construction, expansion, or payment for land acquisition;  
115 the construction or expansion of a public school facility, or a  
116 portion thereof; or the construction of a charter school that

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117 complies with the requirements of s. 1002.33(21) ~~s. 1002.33(18)~~,  
118 as proportionate-share mitigation, the local government shall  
119 credit such a contribution, construction, expansion, or payment  
120 toward any other impact fee or exaction imposed by local  
121 ordinance for the same need, on a dollar-for-dollar basis at  
122 fair market value.

123 3. Any proportionate-share mitigation must be directed by  
124 the school board toward a school capacity improvement identified  
125 in a financially feasible 5-year district work plan that  
126 satisfies the demands created by the development in accordance  
127 with a binding developer's agreement.

128 4. If a development is precluded from commencing because  
129 there is inadequate classroom capacity to mitigate the impacts  
130 of the development, the development may nevertheless commence if  
131 there are accelerated facilities in an approved capital  
132 improvement element scheduled for construction in year four or  
133 later of such plan which, when built, will mitigate the proposed  
134 development, or if such accelerated facilities will be in the  
135 next annual update of the capital facilities element, the  
136 developer enters into a binding, financially guaranteed  
137 agreement with the school district to construct an accelerated  
138 facility within the first 3 years of an approved capital  
139 improvement plan, and the cost of the school facility is equal  
140 to or greater than the development's proportionate share. When  
141 the completed school facility is conveyed to the school  
142 district, the developer shall receive impact fee credits usable  
143 within the zone where the facility is constructed or any  
144 attendance zone contiguous with or adjacent to the zone where  
145 the facility is constructed.

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146           5. This paragraph does not limit the authority of a local  
147 government to deny a development permit or its functional  
148 equivalent pursuant to its home rule regulatory powers, except  
149 as provided in this part.

150           Section 2. Paragraph (c) of subsection (9) of section  
151 1002.32, Florida Statutes, is amended to read:

152           1002.32 Developmental research (laboratory) schools.—

153           (9) FUNDING.—Funding for a lab school, including a charter  
154 lab school, shall be provided as follows:

155           (c) All operating funds provided under this section shall  
156 be deposited in a Lab School Trust Fund and shall be expended  
157 for the purposes of this section. The university assigned a lab  
158 school shall be the fiscal agent for these funds, and all rules  
159 of the university governing the budgeting and expenditure of  
160 state funds shall apply to these funds unless otherwise provided  
161 by law or rule of the State Board of Education. The university  
162 board of trustees shall be the public employer of lab school  
163 personnel for collective bargaining purposes for lab schools in  
164 operation prior to the 2002-2003 fiscal year. Employees of  
165 charter lab schools authorized prior to June 1, 2003, but not in  
166 operation prior to the 2002-2003 fiscal year shall be employees  
167 of the entity holding the charter and must comply with the  
168 provisions of s. 1002.33(14) ~~s. 1002.33(12)~~.

169           Section 3. Subsections (5) through (26) of section 1002.33,  
170 Florida Statutes, are amended to read:

171           1002.33 Charter schools.—

172           (5) SPONSOR; DUTIES.—

173           (a) *Sponsoring entities*.—

174           1. A district school board may sponsor a charter school in

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175 the county over which the district school board has  
176 jurisdiction.

177 2. A state university may grant a charter to a lab school  
178 created under s. 1002.32 and shall be considered to be the  
179 school's sponsor. Such school shall be considered a charter lab  
180 school.

181 3. A state university may approve an application for a  
182 charter school located in the state. A charter school that is  
183 approved by a state university must enter into a charter  
184 contract with the local school district pursuant to subsection  
185 (7).

186 4. A state university may develop one or more of its own  
187 charter schools, which must be operated by the state university.  
188 These charter schools are exempt from contracting provisions  
189 pursuant to subsection (7). State universities may not report  
190 FTE for any students who receive FTE funding through the Florida  
191 Education Finance Program.

192 5. A Florida College System institution may approve an  
193 application for a charter school located within its designated  
194 service area. A charter school that is approved by such an  
195 institution must enter into a charter contract with the local  
196 school district pursuant to subsection (7).

197 6. A Florida College System institution may develop a  
198 charter school within its designated service area which may  
199 serve kindergarten through grade 12 but must include a secondary  
200 school that provides an option for students to receive an  
201 associate degree upon high school graduation. These charter  
202 schools must be operated by the institution and are exempt from  
203 contracting provisions pursuant to subsection (7). A Florida

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204 College System institution may not report FTE for any students  
205 who receive FTE funding through the Florida Education Finance  
206 Program.

207 (b) *Sponsor duties.*—

208 1.a. The sponsor shall monitor and review the charter  
209 school in its progress toward the goals established in the  
210 charter.

211 b. The sponsor shall monitor the revenues and expenditures  
212 of the charter school and perform the duties provided in s.  
213 1002.345.

214 c. The sponsor may approve a charter for a charter school  
215 before the applicant has identified space, equipment, or  
216 personnel, if the applicant indicates approval is necessary for  
217 it to raise working funds.

218 d. The sponsor's policies shall not apply to a charter  
219 school unless mutually agreed to by both the sponsor and the  
220 charter school.

221 e. The sponsor shall ensure that the charter is innovative  
222 and consistent with the state education goals established by s.  
223 1000.03(5).

224 f. The sponsor shall ensure that the charter school  
225 participates in the state's education accountability system. If  
226 a charter school falls short of performance measures included in  
227 the approved charter, the sponsor shall report such shortcomings  
228 to the Department of Education.

229 g. The sponsor shall not be liable for civil damages under  
230 state law for personal injury, property damage, or death  
231 resulting from an act or omission of an officer, employee,  
232 agent, or governing body of the charter school.



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233 h. The sponsor shall not be liable for civil damages under  
234 state law for any employment actions taken by an officer,  
235 employee, agent, or governing body of the charter school.

236 i. The sponsor's duties to monitor the charter school shall  
237 not constitute the basis for a private cause of action.

238 j. The sponsor shall not impose additional reporting  
239 requirements on a charter school without providing reasonable  
240 and specific justification in writing to the charter school.

241 2. Immunity for the sponsor of a charter school under  
242 subparagraph 1. applies only with respect to acts or omissions  
243 not under the sponsor's direct authority as described in this  
244 section.

245 3. This paragraph does not waive a district school board's  
246 sovereign immunity.

247 4. A community college may work with the school district or  
248 school districts in its designated service area to develop  
249 charter schools ~~that offer secondary education~~. These charter  
250 schools may serve students in kindergarten through grade 12 but  
251 must include a secondary school and provide ~~must include~~ an  
252 option for students to receive an associate degree upon high  
253 school graduation. District school boards shall cooperate with  
254 and assist the community college on the charter application.  
255 Community college applications for charter schools are not  
256 subject to the time deadlines outlined in subsection (6) and may  
257 be approved by the district school board at any time during the  
258 year. Community colleges may not report FTE for any students who  
259 receive FTE funding through the Florida Education Finance  
260 Program.

261 (6) APPLICATION PROCESS AND REVIEW.—Charter school

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262 applications are subject to the following requirements:

263 (a) A person or entity wishing to open a charter school  
264 shall prepare and submit an application on a model application  
265 form prepared by the Department of Education which:

266 1. Demonstrates how the school will use the guiding  
267 principles and meet the statutorily defined purpose of a charter  
268 school.

269 2. Provides a detailed curriculum plan that illustrates how  
270 students will be provided services to attain the Sunshine State  
271 Standards.

272 3. Contains goals and objectives for improving student  
273 learning and measuring that improvement. These goals and  
274 objectives must indicate how much academic improvement students  
275 are expected to show each year, how success will be evaluated,  
276 and the specific results to be attained through instruction.

277 4. Describes the reading curriculum and differentiated  
278 strategies that will be used for students reading at grade level  
279 or higher and a separate curriculum and strategies for students  
280 who are reading below grade level. A sponsor shall deny a  
281 charter if the school does not propose a reading curriculum that  
282 is consistent with effective teaching strategies that are  
283 grounded in scientifically based reading research.

284 5. Contains an annual financial plan for each year  
285 requested by the charter for operation of the school for up to 5  
286 years. This plan must contain anticipated fund balances based on  
287 revenue projections, a spending plan based on projected revenues  
288 and expenses, and a description of controls that will safeguard  
289 finances and projected enrollment trends.

290 6. Documents that the applicant has participated in the

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291 training required in subparagraph (b)2. ~~(f)2.~~ A sponsor may  
292 require an applicant to provide additional information as an  
293 addendum to the charter school application described in this  
294 paragraph.

295 (b)1. The Department of Education shall provide or arrange  
296 for training and technical assistance to charter schools in  
297 developing business plans and estimating costs and income.  
298 Training and technical assistance shall address estimating  
299 startup costs, projecting enrollment, and identifying the types  
300 and amounts of state and federal financial assistance that the  
301 charter school may be eligible to receive. The department may  
302 provide other technical assistance to an applicant upon written  
303 request.

304 2. A charter school applicant must participate in the  
305 training provided by the Department of Education after approval  
306 of an application, but at least 30 calendar days before the  
307 first day of classes at the charter school. However, a sponsor  
308 may require the charter school applicant to attend training  
309 provided by the sponsor in lieu of the department's training if  
310 the sponsor's training standards meet or exceed the standards  
311 developed by the department. A sponsor may not require a charter  
312 school applicant to attend its training within 30 calendar days  
313 before the first day of classes at the charter school when it  
314 requires the charter school to attend its training in lieu of  
315 the department's training. The training must include instruction  
316 in accurate financial planning and good business practices. If  
317 the applicant is a management company or a nonprofit  
318 organization, the charter school principal and the chief  
319 financial officer or his or her equivalent must also participate

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320 in the training. However, a sponsor may not require a high-  
321 performing charter school or high-performing charter school  
322 system applicant to participate in the training described in  
323 this subparagraph more than once.

324 (c) ~~(b)~~ A sponsor shall receive and review all applications  
325 for a charter school using an evaluation instrument developed by  
326 the Department of Education. Beginning with the 2007-2008 school  
327 year, a sponsor shall receive and consider charter school  
328 applications received on or before August 1 of each calendar  
329 year for charter schools to be opened at the beginning of the  
330 school district's next school year, or to be opened at a time  
331 agreed to by the applicant and the sponsor. A sponsor may  
332 receive applications later than this date if it chooses. A  
333 sponsor may not charge an applicant for a charter any fee for  
334 the processing or consideration of an application, and a sponsor  
335 may not base its consideration or approval of an application  
336 upon the promise of future payment of any kind. Before approving  
337 or denying any application, the sponsor shall allow the  
338 applicant at least 7 calendar days to make technical or  
339 nonsubstantive corrections and clarifications, including, but  
340 not limited to, grammatical, typographical, and like errors or  
341 missing signatures, if such errors are identified by the sponsor  
342 as cause to deny the application.

343 1. In order to facilitate an accurate budget projection  
344 process, a sponsor shall be held harmless for FTE students who  
345 are not included in the FTE projection due to approval of  
346 charter school applications after the FTE projection deadline.  
347 In a further effort to facilitate an accurate budget projection,  
348 within 15 calendar days after receipt of a charter school

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349 application, a sponsor shall report to the Department of  
350 Education the name of the applicant entity, the proposed charter  
351 school location, and its projected FTE.

352 2. In order to ensure fiscal responsibility, an application  
353 for a charter school shall include a full accounting of expected  
354 assets, a projection of expected sources and amounts of income,  
355 including income derived from projected student enrollments and  
356 from community support, and an expense projection that includes  
357 full accounting of the costs of operation, including start-up  
358 costs.

359 3. A sponsor shall by a majority vote approve or deny an  
360 application no later than 60 calendar days after the application  
361 is received, unless the sponsor and the applicant mutually agree  
362 in writing to temporarily postpone the vote to a specific date,  
363 at which time the sponsor shall by a majority vote approve or  
364 deny the application. If the sponsor fails to act on the  
365 application, an applicant may appeal to the State Board of  
366 Education as provided in paragraph (d) ~~paragraph (e)~~. If an  
367 application is denied, the sponsor shall, within 10 calendar  
368 days after such denial, articulate in writing the specific  
369 reasons, based upon good cause, supporting its denial of the  
370 charter application and shall provide the letter of denial and  
371 supporting documentation to the applicant and to the Department  
372 of Education supporting those reasons.

373 4. For budget projection purposes, the sponsor shall report  
374 to the Department of Education the approval or denial of a  
375 charter application within 10 calendar days after such approval  
376 or denial. In the event of approval, the report to the  
377 Department of Education shall include the final projected FTE

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378 for the approved charter school.

379 5. Upon approval of a charter application, the initial  
380 startup shall commence with the beginning of the public school  
381 calendar for the district in which the charter is granted unless  
382 the sponsor allows a waiver of this subparagraph for good cause.

383 (d) ~~(e)~~ An applicant may appeal any denial of that  
384 applicant's application or failure to act on an application to  
385 the State Board of Education no later than 30 calendar days  
386 after receipt of the sponsor's decision or failure to act and  
387 shall notify the sponsor of its appeal. Any response of the  
388 sponsor shall be submitted to the State Board of Education  
389 within 30 calendar days after notification of the appeal. Upon  
390 receipt of notification from the State Board of Education that a  
391 charter school applicant is filing an appeal, the Commissioner  
392 of Education shall convene a meeting of the Charter School  
393 Appeal Commission to study and make recommendations to the State  
394 Board of Education regarding its pending decision about the  
395 appeal. The commission shall forward its recommendation to the  
396 state board no later than 7 calendar days prior to the date on  
397 which the appeal is to be heard. The State Board of Education  
398 shall by majority vote accept or reject the decision of the  
399 sponsor no later than 90 calendar days after an appeal is filed  
400 in accordance with State Board of Education rule. The Charter  
401 School Appeal Commission may reject an appeal submission for  
402 failure to comply with procedural rules governing the appeals  
403 process. The rejection shall describe the submission errors. The  
404 appellant may have up to 15 calendar days from notice of  
405 rejection to resubmit an appeal that meets requirements of State  
406 Board of Education rule. An application for appeal submitted

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407 subsequent to such rejection shall be considered timely if the  
408 original appeal was filed within 30 calendar days after receipt  
409 of notice of the specific reasons for the sponsor's denial of  
410 the charter application. The State Board of Education shall  
411 remand the application to the sponsor with its written decision  
412 that the sponsor approve or deny the application. The sponsor  
413 shall implement the decision of the State Board of Education.  
414 The decision of the State Board of Education is not subject to  
415 the provisions of the Administrative Procedure Act, chapter 120.

416 (e)~~(d)~~ The sponsor shall act upon the decision of the State  
417 Board of Education within 30 calendar days after it is received.  
418 The State Board of Education's decision is a final action  
419 subject to judicial review in the district court of appeal.

420 (f)~~(e)~~1. A Charter School Appeal Commission is established  
421 to assist the commissioner and the State Board of Education with  
422 a fair and impartial review of appeals by applicants whose  
423 charter applications have been denied, whose charter contracts  
424 have not been renewed, or whose charter contracts have been  
425 terminated by their sponsors.

426 2. The Charter School Appeal Commission may receive copies  
427 of the appeal documents forwarded to the State Board of  
428 Education, review the documents, gather other applicable  
429 information regarding the appeal, and make a written  
430 recommendation to the commissioner. The recommendation must  
431 state whether the appeal should be upheld or denied and include  
432 the reasons for the recommendation being offered. The  
433 commissioner shall forward the recommendation to the State Board  
434 of Education no later than 7 calendar days prior to the date on  
435 which the appeal is to be heard. The state board must consider

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436 the commission's recommendation in making its decision, but is  
437 not bound by the recommendation. The decision of the Charter  
438 School Appeal Commission is not subject to the provisions of the  
439 Administrative Procedure Act, chapter 120.

440 3. The commissioner shall appoint the members of the  
441 Charter School Appeal Commission. Members shall serve without  
442 compensation but may be reimbursed for travel and per diem  
443 expenses in conjunction with their service. One-half of the  
444 members must represent currently operating charter schools, and  
445 one-half of the members must represent sponsors. The  
446 commissioner or a named designee shall chair the Charter School  
447 Appeal Commission.

448 4. The chair shall convene meetings of the commission and  
449 shall ensure that the written recommendations are completed and  
450 forwarded in a timely manner. In cases where the commission  
451 cannot reach a decision, the chair shall make the written  
452 recommendation with justification, noting that the decision was  
453 rendered by the chair.

454 5. Commission members shall thoroughly review the materials  
455 presented to them from the appellant and the sponsor. The  
456 commission may request information to clarify the documentation  
457 presented to it. In the course of its review, the commission may  
458 facilitate the postponement of an appeal in those cases where  
459 additional time and communication may negate the need for a  
460 formal appeal and both parties agree, in writing, to postpone  
461 the appeal to the State Board of Education. A new date certain  
462 for the appeal shall then be set based upon the rules and  
463 procedures of the State Board of Education. Commission members  
464 shall provide a written recommendation to the state board as to



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465 whether the appeal should be upheld or denied. A fact-based  
466 justification for the recommendation must be included. The chair  
467 must ensure that the written recommendation is submitted to the  
468 State Board of Education members no later than 7 calendar days  
469 prior to the date on which the appeal is to be heard. Both  
470 parties in the case shall also be provided a copy of the  
471 recommendation.

472 ~~(f)1. The Department of Education shall offer or arrange~~  
473 ~~for training and technical assistance to charter school~~  
474 ~~applicants in developing business plans and estimating costs and~~  
475 ~~income. This assistance shall address estimating startup costs,~~  
476 ~~projecting enrollment, and identifying the types and amounts of~~  
477 ~~state and federal financial assistance the charter school may be~~  
478 ~~eligible to receive. The department may provide other technical~~  
479 ~~assistance to an applicant upon written request.~~

480 ~~2. A charter school applicant must participate in the~~  
481 ~~training provided by the Department of Education before filing~~  
482 ~~an application. However, a sponsor may require the charter~~  
483 ~~school applicant to attend training provided by the sponsor in~~  
484 ~~lieu of the department's training if the sponsor's training~~  
485 ~~standards meet or exceed the standards developed by the~~  
486 ~~Department of Education. The training shall include instruction~~  
487 ~~in accurate financial planning and good business practices. If~~  
488 ~~the applicant is a management company or other nonprofit~~  
489 ~~organization, the charter school principal and the chief~~  
490 ~~financial officer or his or her equivalent must also participate~~  
491 ~~in the training.~~

492 (g) In considering charter applications for a lab school, a  
493 state university shall consult with the district school board of

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494 the county in which the lab school is located. The decision of a  
495 state university may be appealed pursuant to the procedure  
496 established in this subsection.

497 (h) The terms and conditions for the operation of a charter  
498 school shall be set forth by the sponsor and the applicant in a  
499 written contractual agreement, called a charter. The sponsor  
500 shall not impose unreasonable rules or regulations that violate  
501 the intent of giving charter schools greater flexibility to meet  
502 educational goals. The sponsor shall have 60 days to provide an  
503 initial proposed charter contract to the charter school. The  
504 applicant and the sponsor shall have 75 days thereafter to  
505 negotiate and notice the charter contract for final approval by  
506 the sponsor unless both parties agree to an extension. The  
507 proposed charter contract shall be provided to the charter  
508 school at least 7 calendar days before ~~prior to~~ the date of the  
509 meeting at which the charter is scheduled to be voted upon by  
510 the sponsor. The Department of Education shall provide mediation  
511 services for any dispute regarding this section subsequent to  
512 the approval of a charter application and for any dispute  
513 relating to the approved charter, except disputes regarding  
514 charter school application denials. If the Commissioner of  
515 Education determines that the dispute cannot be settled through  
516 mediation, the dispute may be appealed to an administrative law  
517 judge appointed by the Division of Administrative Hearings. The  
518 administrative law judge may rule on issues of equitable  
519 treatment of the charter school as a public school, whether  
520 proposed provisions of the charter violate the intended  
521 flexibility granted charter schools by statute, or on any other  
522 matter regarding this section except a charter school

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523 application denial, a charter termination, or a charter  
524 nonrenewal and shall award the prevailing party reasonable  
525 attorney's fees and costs incurred to be paid by the losing  
526 party. The costs of the administrative hearing shall be paid by  
527 the party whom the administrative law judge rules against.

528 (7) CHARTER.—The major issues involving the operation of a  
529 charter school shall be considered in advance and written into  
530 the charter. The charter shall be signed by the governing body  
531 of the charter school and the sponsor, following a public  
532 hearing to ensure community input.

533 (a) The charter shall address and criteria for approval of  
534 the charter shall be based on:

535 1. The school's mission, the students to be served, and the  
536 ages and grades to be included.

537 2. The focus of the curriculum, the instructional methods  
538 to be used, any distinctive instructional techniques to be  
539 employed, and identification and acquisition of appropriate  
540 technologies needed to improve educational and administrative  
541 performance which include a means for promoting safe, ethical,  
542 and appropriate uses of technology which comply with legal and  
543 professional standards. The charter shall ensure that reading is  
544 a primary focus of the curriculum and that resources are  
545 provided to identify and provide specialized instruction for  
546 students who are reading below grade level. The curriculum and  
547 instructional strategies for reading must be consistent with the  
548 Sunshine State Standards and grounded in scientifically based  
549 reading research.

550 3. The current incoming baseline standard of student  
551 academic achievement, the outcomes to be achieved, and the

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552 method of measurement that will be used. The criteria listed in  
553 this subparagraph shall include a detailed description of:

554 a. How the baseline student academic achievement levels and  
555 prior rates of academic progress will be established.

556 b. How these baseline rates will be compared to rates of  
557 academic progress achieved by these same students while  
558 attending the charter school.

559 c. To the extent possible, how these rates of progress will  
560 be evaluated and compared with rates of progress of other  
561 closely comparable student populations.

562

563 The district school board is required to provide academic  
564 student performance data to charter schools for each of their  
565 students coming from the district school system, as well as  
566 rates of academic progress of comparable student populations in  
567 the district school system.

568 4. The methods used to identify the educational strengths  
569 and needs of students and how well educational goals and  
570 performance standards are met by students attending the charter  
571 school. The methods shall provide a means for the charter school  
572 to ensure accountability to its constituents by analyzing  
573 student performance data and by evaluating the effectiveness and  
574 efficiency of its major educational programs. Students in  
575 charter schools shall, at a minimum, participate in the  
576 statewide assessment program created under s. 1008.22.

577 5. In secondary charter schools, a method for determining  
578 that a student has satisfied the requirements for graduation in  
579 s. 1003.428, s. 1003.429, or s. 1003.43.

580 6. A method for resolving conflicts between the governing

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581 body of the charter school and the sponsor.

582 7. The admissions procedures and dismissal procedures,  
583 including the school's code of student conduct.

584 8. The ways by which the school will achieve a  
585 racial/ethnic balance reflective of the community it serves or  
586 within the racial/ethnic range of other public schools in the  
587 same school district.

588 9. The financial and administrative management of the  
589 school, including a ~~reasonable~~ demonstration of the professional  
590 experience or competence of those individuals or organizations  
591 applying to operate the charter school or those hired or  
592 retained to perform such professional services and the  
593 description of clearly delineated responsibilities and the  
594 policies and practices needed to effectively manage the charter  
595 school. A description of internal audit procedures and  
596 establishment of controls to ensure that financial resources are  
597 properly managed must be included. Both public sector and  
598 private sector professional experience shall be equally valid in  
599 such a consideration.

600 10. The asset and liability projections required in the  
601 application which are incorporated into the charter and shall be  
602 compared with information provided in the annual report of the  
603 charter school.

604 11. A description of procedures that identify various risks  
605 and provide for a comprehensive approach to reduce the impact of  
606 losses; plans to ensure the safety and security of students and  
607 staff; plans to identify, minimize, and protect others from  
608 violent or disruptive student behavior; and the manner in which  
609 the school will be insured, including whether or not the school

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610 will be required to have liability insurance, and, if so, the  
611 terms and conditions thereof and the amounts of coverage.

612 12. The term of the charter which shall provide for  
613 cancellation of the charter if insufficient progress has been  
614 made in attaining the student achievement objectives of the  
615 charter and if it is not likely that such objectives can be  
616 achieved before expiration of the charter. The initial term of a  
617 charter shall be for ~~4 or~~ 5 years, unless the charter meets the  
618 requirements of a high-performing charter school system pursuant  
619 to subsection (11). ~~In order to facilitate access to long-term~~  
620 ~~financial resources for charter school construction,~~ Charter  
621 schools ~~that are operated by a municipality or other public~~  
622 ~~entity as provided by law~~ are eligible for up to a 15-year  
623 charter, subject to approval by the district school board. A  
624 charter lab school is eligible for a charter for a term of up to  
625 15 years. ~~In addition, to facilitate access to long-term~~  
626 ~~financial resources for charter school construction,~~ charter  
627 schools ~~that are operated by a private, not-for-profit, s.~~  
628 ~~501(c)(3) status corporation are eligible for up to a 15-year~~  
629 ~~charter, subject to approval by the district school board.~~ Such  
630 long-term charters remain subject to annual review and may be  
631 terminated during the term of the charter, but only according to  
632 the provisions set forth in subsection (8).

633 13. The facilities to be used and their location.

634 14. The qualifications to be required of the teachers and  
635 the potential strategies used to recruit, hire, train, and  
636 retain qualified staff to achieve best value.

637 15. The governance structure of the school, including the  
638 status of the charter school as a public or private employer as

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639 required in paragraph (14) (i) ~~(12) (i)~~.

640 16. A timetable for implementing the charter which  
641 addresses the implementation of each element thereof and the  
642 date by which the charter shall be awarded in order to meet this  
643 timetable.

644 17. In the case of an existing public school that is being  
645 converted to charter status, alternative arrangements for  
646 current students who choose not to attend the charter school and  
647 for current teachers who choose not to teach in the charter  
648 school after conversion in accordance with the existing  
649 collective bargaining agreement or district school board rule in  
650 the absence of a collective bargaining agreement. However,  
651 alternative arrangements shall not be required for current  
652 teachers who choose not to teach in a charter lab school, except  
653 as authorized by the employment policies of the state university  
654 which grants the charter to the lab school.

655 18. Full disclosure of the identity of all relatives  
656 employed by the charter school who are related to the charter  
657 school owner, president, chairperson of the governing board of  
658 directors, superintendent, governing board member, principal,  
659 assistant principal, or any other person employed by the charter  
660 school who has equivalent decisionmaking authority. For the  
661 purpose of this subparagraph, the term "relative" means father,  
662 mother, son, daughter, brother, sister, uncle, aunt, first  
663 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
664 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
665 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
666 stepsister, half brother, or half sister.

667 (b)1. A charter may be renewed provided that a program

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668 review demonstrates that the criteria in paragraph (a) have been  
669 successfully accomplished and that none of the grounds for  
670 nonrenewal established by paragraph (8)(a) has been documented.  
671 In order to facilitate long-term financing for charter school  
672 construction, charter schools operating for a minimum of 3 years  
673 and demonstrating exemplary academic programming and fiscal  
674 management are eligible for a 15-year charter renewal. Such  
675 long-term charter is subject to annual review and may be  
676 terminated during the term of the charter.

677 2. The 15-year charter renewal that may be granted pursuant  
678 to subparagraph 1. shall be granted to a charter school that has  
679 received a school grade of "A" or "B" pursuant to s. 1008.34 in  
680 3 of the past 4 years and is not in a state of financial  
681 emergency or deficit position as defined by this section. Such  
682 long-term charter is subject to annual review and may be  
683 terminated during the term of the charter pursuant to subsection  
684 (8).

685 (c) A charter may be modified during its initial term or  
686 any renewal term upon the recommendation of the sponsor or the  
687 charter school governing board and the approval of both parties  
688 to the agreement.

689 (d) The sponsor may not require that board members of the  
690 charter school reside in the district in which the charter  
691 school is located and shall allow charter school management  
692 personnel to represent the charter school board if such  
693 representation has been approved by the charter school board.

694 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

695 (a) The sponsor may choose not to renew or may terminate  
696 the charter for any of the following grounds:



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697 1. Failure to participate in the state's education  
698 accountability system created in s. 1008.31, as required in this  
699 section, or failure to meet the requirements for student  
700 performance stated in the charter.

701 2. Failure to meet generally accepted standards of fiscal  
702 management.

703 3. Violation of law.

704 4. Other good cause shown.

705 (b) Before ~~At least 90 days prior to~~ renewing or  
706 terminating a charter, the sponsor shall notify the governing  
707 body of the school of the proposed action in writing. The notice  
708 shall state in reasonable detail the grounds for the proposed  
709 action and stipulate that the school's governing body may,  
710 within 14 calendar days after receiving the notice, file a  
711 request for a an informal hearing with the sponsor pursuant to  
712 chapter 120 before the sponsor. The matter shall proceed  
713 pursuant to chapter 120. The sponsor shall conduct the informal  
714 hearing within 30 calendar days after receiving a written  
715 request.

716 (c) The final order issued by the sponsor must include the  
717 specific reasons for nonrenewal or termination of the charter  
718 and shall be provided to the charter school governing body and  
719 the Department of Education within 10 calendar days after the  
720 final order is issued. If a charter is not renewed or is  
721 terminated pursuant to paragraph (b), the sponsor shall, within  
722 10 calendar days, articulate in writing the specific reasons for  
723 its nonrenewal or termination of the charter and must provide  
724 the letter of nonrenewal or termination and documentation  
725 supporting the reasons to the charter school governing body, the

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726 ~~charter school principal, and the Department of Education.~~ The  
727 charter school's governing body may, within 30 calendar days  
728 after receiving the sponsor's final order ~~written decision to~~  
729 ~~refuse to renew or to terminate the charter,~~ appeal the decision  
730 pursuant to the procedure established in subsection (6).

731 (d) A charter may be terminated immediately if the sponsor  
732 determines that good cause has been shown or if the health,  
733 safety, or welfare of the students is threatened. The sponsor's  
734 determination is ~~not~~ subject to the same process as set forth in  
735 paragraphs an informal hearing under paragraph (b) and (c), with  
736 the exception that the sponsor's determination may take effect  
737 immediately or at a subsequently identified time ~~or pursuant to~~  
738 ~~chapter 120.~~ The sponsor shall notify in writing the charter  
739 school's governing body, the charter school principal, and the  
740 department if a charter is immediately terminated as soon as  
741 reasonably possible. The sponsor shall clearly identify the  
742 specific issues that resulted in the immediate termination and  
743 provide evidence of prior notification of issues resulting in  
744 the immediate termination when appropriate. The charter school's  
745 governing board has 10 days to request a hearing pursuant to s.  
746 120.569. The hearing in such cases shall be expedited, and the  
747 final order shall be issued no more than 45 days after the date  
748 upon which the hearing is requested. ~~The school district in~~  
749 ~~which the charter school is located shall assume operation of~~  
750 ~~the school under these circumstances.~~ The charter school's  
751 governing board may, within 30 days after receiving the  
752 sponsor's decision to terminate the charter, appeal the decision  
753 pursuant to the procedure established in subsection (6). The  
754 sponsor shall assume and continue operation of the school

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755 pending appeal to the State Board of Education under subsection  
756 (6), unless the continued operation of the school would  
757 materially threaten the physical health, safety, or welfare of  
758 the students. A sponsor that fails to assume and to continue  
759 operation of the charter school is liable for attorney's fees  
760 and costs to the charter school if the charter school prevails  
761 on appeal to the State Board of Education.

762 (e) When a charter is not renewed or is terminated, the  
763 school shall be dissolved under the provisions of law under  
764 which the school was organized, and any unencumbered public  
765 funds, except for capital outlay funds and federal charter  
766 school program grant funds, from the charter school shall revert  
767 to the sponsor. Capital outlay funds provided pursuant to s.  
768 1013.62 and federal charter school program grant funds that are  
769 unencumbered shall revert to the department to be redistributed  
770 among eligible charter schools. In the event a charter school is  
771 dissolved or is otherwise terminated, all district school board  
772 property and improvements, furnishings, and equipment purchased  
773 with public funds shall automatically revert to full ownership  
774 by the district school board, subject to complete satisfaction  
775 of any lawful liens or encumbrances. Any unencumbered public  
776 funds from the charter school, district school board property  
777 and improvements, furnishings, and equipment purchased with  
778 public funds, or financial or other records pertaining to the  
779 charter school, in the possession of any person, entity, or  
780 holding company, other than the charter school, shall be held in  
781 trust upon the district school board's request, until any appeal  
782 status is resolved.

783 (f) If a charter is not renewed or is terminated, the

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784 charter school is responsible for all debts of the charter  
785 school. The district may not assume the debt from any contract  
786 made between the governing body of the school and a third party,  
787 except for a debt that is previously detailed and agreed upon in  
788 writing by both the district and the governing body of the  
789 school and that may not reasonably be assumed to have been  
790 satisfied by the district.

791 (g) If a charter is not renewed or is terminated, a student  
792 who attended the school may apply to, and shall be enrolled in,  
793 another public school. Normal application deadlines shall be  
794 disregarded under such circumstances.

795 (9) CHARTER SCHOOL REQUIREMENTS.—

796 (a) A charter school shall be nonsectarian in its programs,  
797 admission policies, employment practices, and operations.

798 (b) A charter school shall admit students as provided in  
799 subsection (12) ~~(10)~~.

800 (c) A charter school shall be accountable to its sponsor  
801 for performance as provided in subsection (7).

802 (d) A charter school may ~~shall~~ not charge tuition or  
803 registration fees, except those fees normally charged by other  
804 public schools. However, a charter lab school may charge a  
805 student activity and service fee as authorized by s. 1002.32(5).

806 (e) A charter school shall meet all applicable state and  
807 local health, safety, and civil rights requirements.

808 (f) A charter school may ~~shall~~ not violate the  
809 antidiscrimination provisions of s. 1000.05.

810 (g) In order to provide financial information that is  
811 comparable to that reported for other public schools, charter  
812 schools are to maintain all financial records that constitute

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813 their accounting system:

814 1. In accordance with the accounts and codes prescribed in  
815 the most recent issuance of the publication titled "Financial  
816 and Program Cost Accounting and Reporting for Florida Schools";  
817 or

818 2. At the discretion of the charter school governing board,  
819 a charter school may elect to follow generally accepted  
820 accounting standards for not-for-profit organizations, but must  
821 reformat this information for reporting according to this  
822 paragraph.

823

824 Charter schools shall provide annual financial report and  
825 program cost report information in the state-required formats  
826 for inclusion in district reporting in compliance with s.  
827 1011.60(1). Charter schools that are operated by a municipality  
828 or are a component unit of a parent nonprofit organization may  
829 use the accounting system of the municipality or the parent but  
830 must reformat this information for reporting according to this  
831 paragraph. A charter school shall provide a monthly financial  
832 statement to the sponsor; however, if the charter school is  
833 designated as a high-performing charter school under subsection  
834 (10) or is part of a high-performing charter school system under  
835 subsection (11), it shall provide a quarterly financial  
836 statement. The ~~monthly~~ financial statement required under this  
837 paragraph shall be in a form prescribed by the Department of  
838 Education.

839 (h) The governing board of the charter school shall  
840 annually adopt and maintain an operating budget.

841 (i) The governing body of the charter school shall exercise

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842 continuing oversight over charter school operations.

843 (j) The governing body of the charter school shall be  
844 responsible for:

845 1. Ensuring that the charter school has retained the  
846 services of a certified public accountant or auditor for the  
847 annual financial audit, pursuant to s. 1002.345(2), who shall  
848 submit the report to the governing body.

849 2. Reviewing and approving the audit report, including  
850 audit findings and recommendations for the financial recovery  
851 plan.

852 3.a. Performing the duties in s. 1002.345, including  
853 monitoring a corrective action plan.

854 b. Monitoring a financial recovery plan in order to ensure  
855 compliance.

856 4. Participating in governance training approved by the  
857 department which must include government in the sunshine,  
858 conflicts of interest, ethics, and financial responsibility.

859 (k) The governing body of the charter school shall report  
860 its progress annually to its sponsor, which shall forward the  
861 report to the Commissioner of Education at the same time as  
862 other annual school accountability reports. The Department of  
863 Education shall develop a uniform, online annual accountability  
864 report to be completed by charter schools. This report shall be  
865 easy to utilize and contain demographic information, student  
866 performance data, and financial accountability information. A  
867 charter school shall not be required to provide information and  
868 data that is duplicative and already in the possession of the  
869 department. The Department of Education shall include in its  
870 compilation a notation if a school failed to file its report by

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871 the deadline established by the department. The report shall  
872 include at least the following components:

873 1. Student achievement performance data, including the  
874 information required for the annual school report and the  
875 education accountability system governed by ss. 1008.31 and  
876 1008.345. Charter schools are subject to the same accountability  
877 requirements as other public schools, including reports of  
878 student achievement information that links baseline student data  
879 to the school's performance projections identified in the  
880 charter. The charter school shall identify reasons for any  
881 difference between projected and actual student performance.

882 2. Financial status of the charter school which must  
883 include revenues and expenditures at a level of detail that  
884 allows for analysis of the charter school's ability to meet  
885 financial obligations and timely repayment of debt.

886 3. Documentation of the facilities in current use and any  
887 planned facilities for use by the charter school for instruction  
888 of students, administrative functions, or investment purposes.

889 4. Descriptive information about the charter school's  
890 personnel, including salary and benefit levels of charter school  
891 employees, the proportion of instructional personnel who hold  
892 professional or temporary certificates, and the proportion of  
893 instructional personnel teaching in-field or out-of-field.

894 (l) A charter school shall not levy taxes or issue bonds  
895 secured by tax revenues.

896 (m) A charter school shall provide instruction for at least  
897 the number of days required by law for other public schools and  
898 may provide instruction for additional days.

899 (n) The director and a representative of the governing body

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900 of a charter school that has received a school grade of "D"  
901 under s. 1008.34(2) shall appear before the sponsor or the  
902 sponsor's staff at least once a year to present information  
903 concerning each contract component having noted deficiencies.  
904 The sponsor shall communicate at the meeting, and in writing to  
905 the director, the services provided to the school to help the  
906 school address its deficiencies.

907 (o) Upon notification that a charter school receives a  
908 school grade of "D" for 2 consecutive years or a school grade of  
909 "F" under s. 1008.34(2), the charter school sponsor or the  
910 sponsor's staff shall require the director and a representative  
911 of the governing body to submit to the sponsor for approval a  
912 school improvement plan to raise student achievement and to  
913 implement the plan. The sponsor has the authority to approve a  
914 school improvement plan that the charter school will implement  
915 in the following school year. The sponsor may also consider the  
916 State Board of Education's recommended action pursuant to s.  
917 1008.33(1) as part of the school improvement plan. The  
918 Department of Education shall offer technical assistance and  
919 training to the charter school and its governing body and  
920 establish guidelines for developing, submitting, and approving  
921 such plans.

922 1. If the charter school fails to improve its student  
923 performance from the year immediately prior to the  
924 implementation of the school improvement plan, the sponsor shall  
925 place the charter school on probation and shall require the  
926 charter school governing body to take one of the following  
927 corrective actions:

928 a. Contract for the educational services of the charter



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929 school;

930 b. Reorganize the school at the end of the school year  
931 under a new director or principal who is authorized to hire new  
932 staff and implement a plan that addresses the causes of  
933 inadequate progress; or

934 c. Reconstitute the charter school.

935 2. A charter school that is placed on probation shall  
936 continue the corrective actions required under subparagraph 1.  
937 until the charter school improves its student performance from  
938 the year prior to the implementation of the school improvement  
939 plan.

940 3. Notwithstanding any provision of this paragraph, the  
941 sponsor may terminate the charter at any time pursuant to  
942 subsection (8).

943 (p) The director and a representative of the governing body  
944 of a graded charter school that has submitted a school  
945 improvement plan or has been placed on probation under paragraph  
946 (o) shall appear before the sponsor or the sponsor's staff at  
947 least once a year to present information regarding the  
948 corrective strategies that are being implemented by the school  
949 pursuant to the school improvement plan. The sponsor shall  
950 communicate at the meeting, and in writing to the director, the  
951 services provided to the school to help the school address its  
952 deficiencies.

953 (10) HIGH-PERFORMING CHARTER SCHOOLS.-

954 (a) A charter school shall be designated as a high-  
955 performing charter school if:

956 1. During each of the previous 3 years the charter school:

957 a. Received a school grade of "A" or "B";

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958 b. Received an unqualified opinion on each financial audit  
959 required under s. 218.39; and

960 c. Did not receive a financial audit that revealed one or  
961 more of the conditions set forth in s. 218.503(1); however, the  
962 condition is deemed met for a charter school-in-the-workplace if  
963 there is a finding in an audit that the school has the monetary  
964 resources available to cover any reported deficiency or that the  
965 deficiency does not result in a deteriorating financial  
966 condition pursuant to s. 1002.345(1)(a)3.

967 2. The charter school has been in operation for less than 3  
968 years and is operated by a high-performing charter school system  
969 pursuant to subsection (11). These charter schools may receive  
970 capital outlay funds in their first year pursuant to s. 1013.62  
971 and are not required to comply with s. 1013.62(1)(a)1.-3.

972 (b) If the charter school maintains compliance with s.  
973 1002.33(18)(b)3., a high-performing charter school may:

974 1. Increase the school's student enrollment once per year  
975 by up to 25 percent more than the capacity authorized pursuant  
976 to paragraph (12)(i).

977 2. Expand to any grade level within kindergarten through  
978 grade 12, if not already serving such grades.

979 3. Offer voluntary prekindergarten education pursuant to  
980 ss. 1002.51-1002.79.

981 (c) A high-performing charter school shall receive a 15-  
982 year charter renewal upon expiration of the current charter.

983 (d) The high-performing charter school designation shall be  
984 removed if the charter school does not continue to meet the  
985 requirements in paragraph (a).

986 (11) HIGH-PERFORMING CHARTER SCHOOL SYSTEM.—

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987 (a)1. For purposes of this subsection, the term:

988 a. "Entity" means a municipality or other public entity as  
989 authorized by law to operate a charter school; a private, not-  
990 for-profit, s. 501(c)(3) status corporation; or a private, for-  
991 profit corporation.

992 b. "High-performing charter school system" means an entity  
993 that:

994 (I) Operates at least three high-performing charter schools  
995 in this state;

996 (II) Has received a systemwide average grade of "A" or "B"  
997 during the previous 3 years for all charter schools created or  
998 started by the entity;

999 (III) Has not received a financial audit for any school  
1000 created or started by the entity which reveals one or more of  
1001 the conditions set forth in s. 218.503(1); and

1002 (IV) Has not received a school grade of "F" during any of  
1003 the previous 2 years for any charter school operated by the  
1004 entity in the state, except for a charter school taken over or  
1005 managed by, but not created or started by, the entity, in which  
1006 case the entity loses its high-performing designation if the  
1007 charter school receives a school grade of "F" in 3 out of 5  
1008 years.

1009 (b) A high-performing charter school system may apply to  
1010 establish and operate a new charter school in any district in  
1011 the state which will substantially replicate one or more of the  
1012 provider's existing high-performing charter schools.

1013 1. A local school district may deny a charter application  
1014 from an operator of a high-performing charter school system only  
1015 if good cause is shown that the operator fails to materially

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1016 meet established charter school requirements pursuant to  
1017 subsection (9). The charter applicant may appeal, as provided in  
1018 subsection (6). The district is liable to the charter applicant  
1019 for attorney's fees and costs if the charter applicant prevails  
1020 on appeal. The State Board of Education may additionally  
1021 sanction the district with any penalties under s. 1008.32(4) if  
1022 the state board determines that the district has a pattern of  
1023 unlawfully denying a high-performing charter system from  
1024 replicating a high-performing charter school.

1025 2. The new charter school shall receive an initial charter  
1026 for a term of 15 years, shall be designated as a high-performing  
1027 charter school for the first 3 years of the charter, and shall  
1028 receive charter school capital outlay funds under s. 1013.62.  
1029 The school is not required to comply with s. 1013.62(1)(a)1.-3.,  
1030 but must comply with any other requirements in s. 1013.62 to  
1031 receive charter school capital outlay funds as provided in this  
1032 subparagraph.

1033 3. The designation as a high-performing charter school  
1034 system shall be removed if the system does not continue to meet  
1035 the requirements in paragraph (a).

1036  
1037 This paragraph does not waive a district school board's  
1038 sovereign immunity.

1039 (12)-(10) ELIGIBLE STUDENTS.-

1040 (a) A charter school shall be open to any student covered  
1041 in an interdistrict agreement or residing in the school district  
1042 in which the charter school is located; however, in the case of  
1043 a charter lab school, the charter lab school shall be open to  
1044 any student eligible to attend the lab school as provided in s.

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1045 1002.32 or who resides in the school district in which the  
1046 charter lab school is located. Any eligible student shall be  
1047 allowed interdistrict transfer to attend a charter school when  
1048 based on good cause. Good cause shall include, but is not  
1049 limited to, geographic proximity to a charter school in a  
1050 neighboring school district.

1051 (b) The charter school shall enroll an eligible student who  
1052 submits a timely application, unless the number of applications  
1053 exceeds the capacity of a program, class, grade level, or  
1054 building. In such case, all applicants shall have an equal  
1055 chance of being admitted through a random selection process.

1056 (c) When a public school converts to charter status,  
1057 enrollment preference shall be given to students who would have  
1058 otherwise attended that public school. The district school board  
1059 shall consult and negotiate with the conversion charter school  
1060 every 3 years to determine whether realignment of the conversion  
1061 charter school's attendance zone is appropriate in order to  
1062 ensure that students residing closest to the charter school are  
1063 provided with an enrollment preference.

1064 (d) A charter school may give enrollment preference to the  
1065 following student populations:

1066 1. Students who are siblings of a student enrolled in the  
1067 charter school.

1068 2. Students who are the children of a member of the  
1069 governing board of the charter school.

1070 3. Students who are the children of an employee of the  
1071 charter school.

1072 4. Students who are the children of:

1073 a. An employee of a business partner, or a resident of a

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1074 municipality, who complies with paragraph (17)(b) for a charter  
1075 school-in-the-workplace; or

1076 b. A resident of a municipality that operates a charter  
1077 school-in-a-municipality pursuant to paragraph (17)(c).

1078 5. Students enrolling in a charter school-in-the-workplace  
1079 or charter school-in-a-municipality established pursuant to this  
1080 section.

1081 (e) A charter school may limit the enrollment process only  
1082 to target the following student populations:

1083 1. Students within specific age groups or grade levels.

1084 2. Students considered at risk of dropping out of school or  
1085 academic failure. Such students shall include exceptional  
1086 education students.

1087 3. Students enrolling in a charter school-in-the-workplace  
1088 or charter school-in-a-municipality established pursuant to  
1089 subsection (17) ~~(15)~~.

1090 4. Students residing within a reasonable distance of the  
1091 charter school, as described in paragraph (23)(c) ~~(20)(e)~~. Such  
1092 students are ~~shall be~~ subject to a random lottery and to the  
1093 racial/ethnic balance provisions described in subparagraph  
1094 (7)(a)8. or any federal provisions that require a school to  
1095 achieve a racial/ethnic balance reflective of the community it  
1096 serves or within the racial/ethnic range of other public schools  
1097 in the same school district.

1098 5. Students who meet reasonable academic, artistic, or  
1099 other eligibility standards established by the charter school  
1100 and included in the charter school application and charter or,  
1101 in the case of existing charter schools, standards that are  
1102 consistent with the school's mission and purpose. Such standards

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1103 shall be in accordance with current state law and practice in  
1104 public schools and may not discriminate against otherwise  
1105 qualified individuals.

1106 6. Students articulating from one charter school to another  
1107 pursuant to an articulation agreement between the charter  
1108 schools that has been approved by the sponsor.

1109 (f) Students with disabilities and students served in  
1110 English for Speakers of Other Languages programs shall have an  
1111 equal opportunity of being selected for enrollment in a charter  
1112 school.

1113 (g) A student may withdraw from a charter school at any  
1114 time and enroll in another public school as determined by  
1115 district school board rule.

1116 (h) The capacity of the charter school shall be determined  
1117 annually by the governing board, in conjunction with the  
1118 sponsor, of the charter school in consideration of the factors  
1119 identified in this subsection unless the charter school is  
1120 designated as a high-performing charter school under subsection  
1121 (10). A sponsor may not require a charter school to waive the  
1122 provisions in paragraph (10) (b) or require a student enrollment  
1123 cap that prohibits a high-performing charter school from  
1124 increasing enrollment in accordance with paragraph (10) (b) as a  
1125 condition of approval or renewal of a charter.

1126 (i) The capacity of a high-performing charter school  
1127 pursuant to subsection (10) shall be determined annually by the  
1128 governing board of the charter school. The governing board shall  
1129 notify the sponsor of any increase in enrollment by March 1 of  
1130 the school year preceding the increase.

1131 (13)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR

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1132 ACTIVITIES.—A charter school student is eligible to participate  
1133 in an interscholastic extracurricular activity at the public  
1134 school to which the student would be otherwise assigned to  
1135 attend pursuant to s. 1006.15(3)(d).

1136 (14)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

1137 (a) A charter school shall select its own employees. A  
1138 charter school may contract with its sponsor for the services of  
1139 personnel employed by the sponsor.

1140 (b) Charter school employees shall have the option to  
1141 bargain collectively. Employees may collectively bargain as a  
1142 separate unit or as part of the existing district collective  
1143 bargaining unit as determined by the structure of the charter  
1144 school.

1145 (c) The employees of a conversion charter school shall  
1146 remain public employees for all purposes, unless such employees  
1147 choose not to do so.

1148 (d) The teachers at a charter school may choose to be part  
1149 of a professional group that subcontracts with the charter  
1150 school to operate the instructional program under the auspices  
1151 of a partnership or cooperative that they collectively own.  
1152 Under this arrangement, the teachers would not be public  
1153 employees.

1154 (e) Employees of a school district may take leave to accept  
1155 employment in a charter school upon the approval of the district  
1156 school board. While employed by the charter school and on leave  
1157 that is approved by the district school board, the employee may  
1158 retain seniority accrued in that school district and may  
1159 continue to be covered by the benefit programs of that school  
1160 district, if the charter school and the district school board



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1161 agree to this arrangement and its financing. School districts  
1162 may ~~shall~~ not require resignations from instructional personnel,  
1163 school administrators, or educational support employees who  
1164 desire employment of teachers desiring to teach in a charter  
1165 school. This paragraph does ~~shall~~ not prohibit a district school  
1166 board from approving alternative leave arrangements consistent  
1167 with chapter 1012.

1168 (f) Teachers employed by or under contract to a charter  
1169 school shall be certified as required by chapter 1012. A charter  
1170 school governing board may employ or contract with skilled  
1171 selected noncertified personnel to provide instructional  
1172 services or to assist instructional staff members as education  
1173 paraprofessionals in the same manner as defined in chapter 1012,  
1174 and as provided by State Board of Education rule for charter  
1175 school governing boards. A charter school may not knowingly  
1176 employ an individual to provide instructional services or to  
1177 serve as an education paraprofessional if the individual's  
1178 certification or licensure as an educator is suspended or  
1179 revoked by this or any other state. A charter school may not  
1180 knowingly employ an individual who has resigned from a school  
1181 district in lieu of disciplinary action with respect to child  
1182 welfare or safety, or who has been dismissed for just cause by  
1183 any school district with respect to child welfare or safety. The  
1184 qualifications of teachers shall be disclosed to parents.

1185 (g)1. A charter school shall employ or contract with  
1186 employees who have undergone background screening as provided in  
1187 s. 1012.32. Members of the governing board of the charter school  
1188 shall also undergo background screening in a manner similar to  
1189 that provided in s. 1012.32.

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1190           2. A charter school shall disqualify instructional  
1191 personnel and school administrators, as defined in s. 1012.01,  
1192 from employment in any position that requires direct contact  
1193 with students if the personnel or administrators are ineligible  
1194 for such employment under s. 1012.315.

1195           3. The governing board of a charter school shall adopt  
1196 policies establishing standards of ethical conduct for  
1197 instructional personnel and school administrators. The policies  
1198 must require all instructional personnel and school  
1199 administrators, as defined in s. 1012.01, to complete training  
1200 on the standards; establish the duty of instructional personnel  
1201 and school administrators to report, and procedures for  
1202 reporting, alleged misconduct by other instructional personnel  
1203 and school administrators which affects the health, safety, or  
1204 welfare of a student; and include an explanation of the  
1205 liability protections provided under ss. 39.203 and 768.095. A  
1206 charter school, or any of its employees, may not enter into a  
1207 confidentiality agreement regarding terminated or dismissed  
1208 instructional personnel or school administrators, or personnel  
1209 or administrators who resign in lieu of termination, based in  
1210 whole or in part on misconduct that affects the health, safety,  
1211 or welfare of a student, and may not provide instructional  
1212 personnel or school administrators with employment references or  
1213 discuss the personnel's or administrators' performance with  
1214 prospective employers in another educational setting, without  
1215 disclosing the personnel's or administrators' misconduct. Any  
1216 part of an agreement or contract that has the purpose or effect  
1217 of concealing misconduct by instructional personnel or school  
1218 administrators which affects the health, safety, or welfare of a

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1219 student is void, is contrary to public policy, and may not be  
1220 enforced.

1221 4. Before employing instructional personnel or school  
1222 administrators in any position that requires direct contact with  
1223 students, a charter school shall conduct employment history  
1224 checks of each of the personnel's or administrators' previous  
1225 employers, screen the instructional personnel or school  
1226 administrators through use of the educator screening tools  
1227 described in s. 1001.10(5), and document the findings. If unable  
1228 to contact a previous employer, the charter school must document  
1229 efforts to contact the employer.

1230 5. The sponsor of a charter school that knowingly fails to  
1231 comply with this paragraph shall terminate the charter under  
1232 subsection (8).

1233 (h) For the purposes of tort liability, the governing body  
1234 and employees of a charter school shall be governed by s.  
1235 768.28.

1236 (i) A charter school shall organize as, or be operated by,  
1237 a nonprofit organization. A charter school may be operated by a  
1238 municipality or other public entity as provided for by law. As  
1239 such, the charter school may be either a private or a public  
1240 employer. As a public employer, a charter school may participate  
1241 in the Florida Retirement System upon application and approval  
1242 as a "covered group" under s. 121.021(34). If a charter school  
1243 participates in the Florida Retirement System, the charter  
1244 school employees shall be compulsory members of the Florida  
1245 Retirement System. As either a private or a public employer, a  
1246 charter school may contract for services with an individual or  
1247 group of individuals who are organized as a partnership or a

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1248 cooperative. Individuals or groups of individuals who contract  
1249 their services to the charter school are not public employees.

1250 (15)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may  
1251 enter into cooperative agreements to form charter school  
1252 cooperative organizations that may provide the following  
1253 services: charter school planning and development, direct  
1254 instructional services, and contracts with charter school  
1255 governing boards to provide personnel administrative services,  
1256 payroll services, human resource management, evaluation and  
1257 assessment services, teacher preparation, and professional  
1258 development.

1259 (16)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
1260 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
1261 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to  
1262 borrow or otherwise secure funds for a charter school authorized  
1263 in this section from a source other than the state or a school  
1264 district shall indemnify the state and the school district from  
1265 any and all liability, including, but not limited to, financial  
1266 responsibility for the payment of the principal or interest. Any  
1267 loans, bonds, or other financial agreements are not obligations  
1268 of the state or the school district but are obligations of the  
1269 charter school authority and are payable solely from the sources  
1270 of funds pledged by such agreement. The credit or taxing power  
1271 of the state or the school district shall not be pledged and no  
1272 debts shall be payable out of any moneys except those of the  
1273 legal entity in possession of a valid charter approved by a  
1274 district school board pursuant to this section.

1275 (17)~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-  
1276 IN-A-MUNICIPALITY.—

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1277 (a) In order to increase business partnerships in  
1278 education, to reduce school and classroom overcrowding  
1279 throughout the state, and to offset the high costs for  
1280 educational facilities construction, the Legislature intends to  
1281 encourage the formation of business partnership schools or  
1282 satellite learning centers and municipal-operated schools  
1283 through charter school status.

1284 (b) A charter school-in-the-workplace may be established  
1285 when a business partner provides the school facility to be used;  
1286 enrolls students based upon a random lottery that involves all  
1287 of the children of employees of that business or corporation or  
1288 residents of that municipality who are seeking enrollment, as  
1289 provided for in subsection (12) ~~(10)~~; and enrolls students  
1290 according to the racial/ethnic balance provisions described in  
1291 subparagraph (7)(a)8. A municipality may be a business partner  
1292 notwithstanding paragraph (c). Any portion of a facility used  
1293 for a public charter school shall be exempt from ad valorem  
1294 taxes, as provided for in s. 1013.54, for the duration of its  
1295 use as a public school.

1296 (c) A charter school-in-a-municipality designation may be  
1297 granted to a municipality that possesses a charter; enrolls  
1298 students based upon a random lottery that involves all of the  
1299 children of the residents of that municipality who are seeking  
1300 enrollment, as provided for in subsection (12) ~~(10)~~; and enrolls  
1301 students according to the racial/ethnic balance provisions  
1302 described in subparagraph (7)(a)8. When a municipality has  
1303 submitted charter applications for the establishment of a  
1304 charter school feeder pattern, consisting of elementary, middle,  
1305 and senior high schools, and each individual charter application

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1306 is approved by the district school board, such schools shall  
1307 then be designated as one charter school for all purposes listed  
1308 pursuant to this section. Any portion of the land and facility  
1309 used for a public charter school shall be exempt from ad valorem  
1310 taxes, as provided for in s. 1013.54, for the duration of its  
1311 use as a public school.

1312 (d) As used in this subsection, the terms "business  
1313 partner" or "municipality" may include more than one business or  
1314 municipality to form a charter school-in-the-workplace or  
1315 charter school-in-a-municipality.

1316 (18)~~(16)~~ EXEMPTION FROM STATUTES.-

1317 (a) A charter school shall operate in accordance with its  
1318 charter and shall be exempt from all statutes in chapters 1000-  
1319 1013. However, a charter school shall be in compliance with the  
1320 following statutes in chapters 1000-1013:

1321 1. Those statutes specifically applying to charter schools,  
1322 including this section.

1323 2. Those statutes pertaining to the student assessment  
1324 program and school grading system.

1325 3. Those statutes pertaining to the provision of services  
1326 to students with disabilities.

1327 4. Those statutes pertaining to civil rights, including s.  
1328 1000.05, relating to discrimination.

1329 5. Those statutes pertaining to student health, safety, and  
1330 welfare.

1331 (b) Additionally, a charter school shall be in compliance  
1332 with the following statutes:

1333 1. Section 286.011, relating to public meetings and  
1334 records, public inspection, and criminal and civil penalties.

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1335 2. Chapter 119, relating to public records.

1336 3. Section 1003.03, relating to the maximum class size,  
1337 except that the calculation for compliance pursuant to s.  
1338 1003.03 shall be the average at the school level.

1339 (19)~~(17)~~ FUNDING.—Students enrolled in a charter school,  
1340 regardless of the sponsorship, shall be funded as if they are in  
1341 a basic program or a special program, the same as students  
1342 enrolled in other public schools in the school district. Funding  
1343 for a charter lab school shall be as provided in s. 1002.32.

1344 (a) Each charter school shall report its student enrollment  
1345 to the sponsor as required in s. 1011.62, and in accordance with  
1346 the definitions in s. 1011.61. The sponsor shall include each  
1347 charter school's enrollment in the district's report of student  
1348 enrollment. All charter schools submitting student record  
1349 information required by the Department of Education shall comply  
1350 with the Department of Education's guidelines for electronic  
1351 data formats for such data, and all districts shall accept  
1352 electronic data that complies with the Department of Education's  
1353 electronic format.

1354 (b) The basis for the agreement for funding students  
1355 enrolled in a charter school shall be the sum of the school  
1356 district's operating funds from the Florida Education Finance  
1357 Program as provided in s. 1011.62 and the General Appropriations  
1358 Act, including gross state and local funds, discretionary  
1359 lottery funds, and funds from the school district's current  
1360 operating discretionary millage levy; divided by total funded  
1361 weighted full-time equivalent students in the school district;  
1362 multiplied by the weighted full-time equivalent students for the  
1363 charter school. Charter schools whose students or programs meet

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1364 the eligibility criteria in law shall be entitled to their  
1365 proportionate share of categorical program funds included in the  
1366 total funds available in the Florida Education Finance Program  
1367 by the Legislature, including transportation. Total funding for  
1368 each charter school shall be recalculated during the year to  
1369 reflect the revised calculations under the Florida Education  
1370 Finance Program by the state and the actual weighted full-time  
1371 equivalent students reported by the charter school during the  
1372 full-time equivalent student survey periods designated by the  
1373 Commissioner of Education.

1374 (c) If the district school board is providing programs or  
1375 services to students funded by federal funds, any eligible  
1376 students enrolled in charter schools in the school district  
1377 shall be provided federal funds for the same level of service  
1378 provided students in the schools operated by the district school  
1379 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
1380 charter schools shall receive all federal funding for which the  
1381 school is otherwise eligible, including Title I funding, not  
1382 later than 5 months after the charter school first opens and  
1383 within 5 months after any subsequent expansion of enrollment.

1384 (d) Charter schools shall be included by the Department of  
1385 Education and the district school board in requests for federal  
1386 stimulus funds in the same manner as district school board-  
1387 operated public schools, including Title I and IDEA funds and  
1388 shall be entitled to receive such funds. Charter schools are  
1389 eligible to participate in federal competitive grants that are  
1390 available as part of the federal stimulus funds.

1391 (e) District school boards shall make timely and efficient  
1392 payment and reimbursement to charter schools, including



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1393 processing paperwork required to access special state and  
1394 federal funding for which they may be eligible. The district  
1395 school board may distribute funds to a charter school for up to  
1396 3 months based on the projected full-time equivalent student  
1397 membership of the charter school. Thereafter, the results of  
1398 full-time equivalent student membership surveys shall be used in  
1399 adjusting the amount of funds distributed monthly to the charter  
1400 school for the remainder of the fiscal year. The payment shall  
1401 be issued no later than 10 working days after the district  
1402 school board receives a distribution of state or federal funds.  
1403 If a warrant for payment is not issued within 10 working days  
1404 after receipt of funding by the district school board, the  
1405 school district shall pay to the charter school, in addition to  
1406 the amount of the scheduled disbursement, interest at a rate of  
1407 1 percent per month calculated on a daily basis on the unpaid  
1408 balance from the expiration of the 10 working days until such  
1409 time as the warrant is issued.

1410 (20) BLENDED-LEARNING CHARTER SCHOOLS.-

1411 (a) As used in this section, the term "blended-learning  
1412 charter school" means a school that combines traditional  
1413 classroom and virtual instruction.

1414 (b) A blended-learning charter school does not have to  
1415 apply to become an approved provider under s. 1002.45 and may  
1416 provide online instruction only to students enrolled in the  
1417 charter school.

1418 (c) Faculty authorized to provide online instruction for  
1419 blended-learning courses must be employees of the charter school  
1420 or contracted to provide instruction to the charter school  
1421 students and must hold a current state or school district

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1422 adjunct certification to teach in the subject area of a blended-  
1423 learning course.

1424 (d) For purposes of funding and performance accountability,  
1425 blended-learning courses are considered the same as traditional  
1426 courses.

1427 (21)~~(18)~~ FACILITIES.—

1428 (a) A startup charter school shall utilize facilities which  
1429 comply with the Florida Building Code pursuant to chapter 553  
1430 except for the State Requirements for Educational Facilities.  
1431 Conversion charter schools shall utilize facilities that comply  
1432 with the State Requirements for Educational Facilities provided  
1433 that the school district and the charter school have entered  
1434 into a mutual management plan for the reasonable maintenance of  
1435 such facilities. The mutual management plan shall contain a  
1436 provision by which the district school board agrees to maintain  
1437 charter school facilities in the same manner as its other public  
1438 schools within the district. Charter schools, with the exception  
1439 of conversion charter schools, are not required to comply, but  
1440 may choose to comply, with the State Requirements for  
1441 Educational Facilities of the Florida Building Code adopted  
1442 pursuant to s. 1013.37. The local governing authority shall not  
1443 adopt or impose local building requirements or restrictions that  
1444 are more stringent than those found in the Florida Building  
1445 Code. The agency having jurisdiction for inspection of a  
1446 facility and issuance of a certificate of occupancy shall be the  
1447 local municipality or, if in an unincorporated area, the county  
1448 governing authority.

1449 (b) A charter school shall utilize facilities that comply  
1450 with the Florida Fire Prevention Code, pursuant to s. 633.025,

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1451 as adopted by the authority in whose jurisdiction the facility  
1452 is located as provided in paragraph (a).

1453 (c) Any facility, or portion thereof, used to house a  
1454 charter school whose charter has been approved by the sponsor  
1455 and the governing board, pursuant to subsection (7), shall be  
1456 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
1457 community service, museum, performing arts, theatre, cinema,  
1458 church, community college, college, and university facilities  
1459 may provide space to charter schools within their facilities  
1460 under their preexisting zoning and land use designations.

1461 (d) Charter school facilities are exempt from assessments  
1462 of fees for building permits, except as provided in s. 553.80;  
1463 fees for building and occupational licenses; impact fees or  
1464 exactions; service availability fees; and assessments for  
1465 special benefits.

1466 (e) If a district school board facility or property is  
1467 available because it is surplus, marked for disposal, or  
1468 otherwise unused, it shall be provided for a charter school's  
1469 use on the same basis as it is made available to other public  
1470 schools in the district. A charter school receiving property  
1471 from the school district may not sell or dispose of such  
1472 property without written permission of the school district.  
1473 Similarly, for an existing public school converting to charter  
1474 status, no rental or leasing fee for the existing facility or  
1475 for the property normally inventoried to the conversion school  
1476 may be charged by the district school board to the parents and  
1477 teachers organizing the charter school. The charter school shall  
1478 agree to reasonable maintenance provisions in order to maintain  
1479 the facility in a manner similar to district school board

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1480 standards. The Public Education Capital Outlay maintenance funds  
1481 or any other maintenance funds generated by the facility  
1482 operated as a conversion school shall remain with the conversion  
1483 school.

1484 (f) To the extent that charter school facilities are  
1485 specifically created to mitigate the educational impact created  
1486 by the development of new residential dwelling units, pursuant  
1487 to subparagraph (2)(c)4., some of or all of the educational  
1488 impact fees required to be paid in connection with the new  
1489 residential dwelling units may be designated instead for the  
1490 construction of the charter school facilities that will mitigate  
1491 the student station impact. Such facilities shall be built to  
1492 the State Requirements for Educational Facilities and shall be  
1493 owned by a public or nonprofit entity. The local school district  
1494 retains the right to monitor and inspect such facilities to  
1495 ensure compliance with the State Requirements for Educational  
1496 Facilities. If a facility ceases to be used for public  
1497 educational purposes, either the facility shall revert to the  
1498 school district subject to any debt owed on the facility, or the  
1499 owner of the facility shall have the option to refund all  
1500 educational impact fees utilized for the facility to the school  
1501 district. The district and the owner of the facility may  
1502 contractually agree to another arrangement for the facilities if  
1503 the facilities cease to be used for educational purposes. The  
1504 owner of property planned or approved for new residential  
1505 dwelling units and the entity levying educational impact fees  
1506 shall enter into an agreement that designates the educational  
1507 impact fees that will be allocated for the charter school  
1508 student stations and that ensures the timely construction of the

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1509 charter school student stations concurrent with the expected  
1510 occupancy of the residential units. The application for use of  
1511 educational impact fees shall include an approved charter school  
1512 application. To assist the school district in forecasting  
1513 student station needs, the entity levying the impact fees shall  
1514 notify the affected district of any agreements it has approved  
1515 for the purpose of mitigating student station impact from the  
1516 new residential dwelling units.

1517 (g) Each school district shall annually provide to the  
1518 Department of Education as part of its 5-year work plan the  
1519 number of existing vacant classrooms in each school that the  
1520 district does not intend to use or does not project will be  
1521 needed for educational purposes for the following school year.  
1522 The department may recommend that a district make such space  
1523 available to an appropriate charter school.

1524 (22)~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are  
1525 eligible for capital outlay funds pursuant to s. 1013.62.  
1526 Capital outlay funds authorized in ss. s. 1011.71(2) and 1013.62  
1527 which that have been shared with a charter school-in-the-  
1528 workplace prior to July 1, 2010, are deemed to have met the  
1529 authorized expenditure requirements for such funds.

1530 (23)~~(20)~~ SERVICES.—

1531 (a)1. A sponsor shall provide certain administrative and  
1532 educational services to charter schools. These services shall  
1533 include contract management services; full-time equivalent and  
1534 data reporting services; exceptional student education  
1535 administration services; services related to eligibility and  
1536 reporting duties required to ensure that school lunch services  
1537 under the federal lunch program, consistent with the needs of

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1538 the charter school, are provided by the school district at the  
1539 request of the charter school, that any funds due to the charter  
1540 school under the federal lunch program be paid to the charter  
1541 school as soon as the charter school begins serving food under  
1542 the federal lunch program, and that the charter school is paid  
1543 at the same time and in the same manner under the federal lunch  
1544 program as other public schools serviced by the sponsor or the  
1545 school district; test administration services, including payment  
1546 of the costs of state-required or district-required student  
1547 assessments; processing of teacher certificate data services;  
1548 and information services, including equal access to student  
1549 information systems that are used by public schools in the  
1550 district in which the charter school is located. Student  
1551 performance data for each student in a charter school,  
1552 including, but not limited to, FCAT scores, standardized test  
1553 scores, previous public school student report cards, and student  
1554 performance measures, shall be provided by the sponsor to a  
1555 charter school in the same manner provided to other public  
1556 schools in the district.

1557 2. A total administrative fee for the provision of such  
1558 services shall be calculated based upon up to 5 percent of the  
1559 available funds defined in paragraph (19) (b) ~~(17) (b)~~ for all  
1560 students. However, a sponsor may only withhold up to a 5-percent  
1561 administrative fee for enrollment for up to and including 250  
1562 students. For charter schools with a population of 251 or more  
1563 students, the difference between the total administrative fee  
1564 calculation and the amount of the administrative fee withheld  
1565 may only be used for capital outlay purposes specified in s.  
1566 1013.62(2).

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1567           3. In addition, a sponsor may withhold only up to a 5-  
1568 percent administrative fee for enrollment for up to and  
1569 including 500 students within a system of charter schools which  
1570 meets all of the following:

1571           a. Includes both conversion charter schools and  
1572 nonconversion charter schools;

1573           b. Has all schools located in the same county;

1574           c. Has a total enrollment exceeding the total enrollment of  
1575 at least one school district in the state;

1576           d. Has the same governing board; and

1577           e. Does not contract with a for-profit service provider for  
1578 management of school operations.

1579           4. The difference between the total administrative fee  
1580 calculation and the amount of the administrative fee withheld  
1581 pursuant to subparagraph 3. may be used for instructional and  
1582 administrative purposes as well as for capital outlay purposes  
1583 specified in s. 1013.62(2).

1584           5. Each charter school shall receive 100 percent of the  
1585 funds awarded to that school pursuant to s. 1012.225. Sponsors  
1586 shall not charge charter schools any additional fees or  
1587 surcharges for administrative and educational services in  
1588 addition to the maximum 5-percent administrative fee withheld  
1589 pursuant to this paragraph.

1590           (b) If goods and services are made available to the charter  
1591 school through the contract with the school district, they shall  
1592 be provided to the charter school at a rate no greater than the  
1593 district's actual cost unless mutually agreed upon by the  
1594 charter school and the sponsor in a contract negotiated  
1595 separately from the charter. When mediation has failed to

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1596 resolve disputes over contracted services or contractual matters  
1597 not included in the charter, an appeal may be made for a dispute  
1598 resolution hearing before the Charter School Appeal Commission.  
1599 To maximize the use of state funds, school districts shall allow  
1600 charter schools to participate in the sponsor's bulk purchasing  
1601 program if applicable.

1602 (c) Transportation of charter school students shall be  
1603 provided by the charter school consistent with the requirements  
1604 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1605 body of the charter school may provide transportation through an  
1606 agreement or contract with the district school board, a private  
1607 provider, or parents. The charter school and the sponsor shall  
1608 cooperate in making arrangements that ensure that transportation  
1609 is not a barrier to equal access for all students residing  
1610 within a reasonable distance of the charter school as determined  
1611 in its charter.

1612 (24)~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1613 (a) The Department of Education shall provide information  
1614 to the public, directly and through sponsors, on how to form and  
1615 operate a charter school and how to enroll in a charter school  
1616 once it is created. This information must ~~shall~~ include a  
1617 standard application format, charter format, evaluation  
1618 instrument, and charter renewal format, which must ~~shall~~ include  
1619 the information specified in subsection (7) and shall be  
1620 developed by consulting and negotiating with both school  
1621 districts and charter schools before implementation. The charter  
1622 and charter renewal formats shall be used by charter school  
1623 sponsors.

1624 (b)1. The Department of Education shall report student



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1625 assessment data pursuant to s. 1008.34(3)(c) which is reported  
1626 to schools that receive a school grade or student assessment  
1627 data pursuant to s. 1008.341(3) which is reported to alternative  
1628 schools that receive a school improvement rating to each charter  
1629 school that:

1630 a. Does not receive a school grade pursuant to s. 1008.34  
1631 or a school improvement rating pursuant to s. 1008.341; and

1632 b. Serves at least 10 students who are tested on the  
1633 statewide assessment test pursuant to s. 1008.22.

1634 2. The charter school shall report the information in  
1635 subparagraph 1. to each parent of a student at the charter  
1636 school, the parent of a child on a waiting list for the charter  
1637 school, the district in which the charter school is located, and  
1638 the governing board of the charter school. This paragraph does  
1639 not abrogate the provisions of s. 1002.22, relating to student  
1640 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
1641 Educational Rights and Privacy Act.

1642 3.a. Pursuant to this paragraph, the Department of  
1643 Education shall compare the charter school student performance  
1644 data for each charter school in subparagraph 1. with the student  
1645 performance data in traditional public schools in the district  
1646 in which the charter school is located and other charter schools  
1647 in the state. For alternative charter schools, the department  
1648 shall compare the student performance data described in this  
1649 paragraph with all alternative schools in the state. The  
1650 comparative data shall be provided by the following grade  
1651 groupings:

1652 (I) Grades 3 through 5;

1653 (II) Grades 6 through 8; and

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1654 (III) Grades 9 through 11.

1655 b. Each charter school shall provide the information  
1656 specified in this paragraph on its Internet website and also  
1657 provide notice to the public at large in a manner provided by  
1658 the rules of the State Board of Education. The State Board of  
1659 Education shall adopt rules to administer the notice  
1660 requirements of this subparagraph pursuant to ss. 120.536(1) and  
1661 120.54. The website shall include, through links or actual  
1662 content, other information related to school performance.

1663 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.~~

1664 ~~(a) The Department of Education shall staff and regularly~~  
1665 ~~convene a Charter School Review Panel in order to review issues,~~  
1666 ~~practices, and policies regarding charter schools. The~~  
1667 ~~composition of the review panel shall include individuals with~~  
1668 ~~experience in finance, administration, law, education, and~~  
1669 ~~school governance, and individuals familiar with charter school~~  
1670 ~~construction and operation. The panel shall include two~~  
1671 ~~appointees each from the Commissioner of Education, the~~  
1672 ~~President of the Senate, and the Speaker of the House of~~  
1673 ~~Representatives. The Governor shall appoint three members of the~~  
1674 ~~panel and shall designate the chair. Each member of the panel~~  
1675 ~~shall serve a 1 year term, unless renewed by the office making~~  
1676 ~~the appointment. The panel shall make recommendations to the~~  
1677 ~~Legislature, to the Department of Education, to charter schools,~~  
1678 ~~and to school districts for improving charter school operations~~  
1679 ~~and oversight and for ensuring best business practices at and~~  
1680 ~~fair business relationships with charter schools.~~

1681 ~~(b) The Legislature shall review the operation of charter~~  
1682 ~~schools during the 2010 Regular Session of the Legislature.~~

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1683        (25)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon  
1684 receipt of the annual report required by paragraph (9)(k), the  
1685 Department of Education shall provide to the State Board of  
1686 Education, the Commissioner of Education, the Governor, the  
1687 President of the Senate, and the Speaker of the House of  
1688 Representatives an analysis and comparison of the overall  
1689 performance of charter school students, to include all students  
1690 whose scores are counted as part of the statewide assessment  
1691 program, versus comparable public school students in the  
1692 district as determined by the statewide assessment program  
1693 currently administered in the school district, and other  
1694 assessments administered pursuant to s. 1008.22(3).

1695        (26)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1696        (a) This subsection applies to charter school personnel in  
1697 a charter school operated by a private entity. As used in this  
1698 subsection, the term:

1699            1. "Charter school personnel" means a charter school owner,  
1700 president, chairperson of the governing board of directors,  
1701 superintendent, governing board member, principal, assistant  
1702 principal, or any other person employed by the charter school  
1703 who has equivalent decisionmaking authority and in whom is  
1704 vested the authority, or to whom the authority has been  
1705 delegated, to appoint, employ, promote, or advance individuals  
1706 or to recommend individuals for appointment, employment,  
1707 promotion, or advancement in connection with employment in a  
1708 charter school, including the authority as a member of a  
1709 governing body of a charter school to vote on the appointment,  
1710 employment, promotion, or advancement of individuals.

1711            2. "Relative" means father, mother, son, daughter, brother,

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1712 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,  
1713 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
1714 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
1715 stepdaughter, stepbrother, stepsister, half brother, or half  
1716 sister.

1717 (b) Charter school personnel may not appoint, employ,  
1718 promote, or advance, or advocate for appointment, employment,  
1719 promotion, or advancement, in or to a position in the charter  
1720 school in which the personnel are serving or over which the  
1721 personnel exercises jurisdiction or control any individual who  
1722 is a relative. An individual may not be appointed, employed,  
1723 promoted, or advanced in or to a position in a charter school if  
1724 such appointment, employment, promotion, or advancement has been  
1725 advocated by charter school personnel who serve in or exercise  
1726 jurisdiction or control over the charter school and who is a  
1727 relative of the individual or if such appointment, employment,  
1728 promotion, or advancement is made by the governing board of  
1729 which a relative of the individual is a member.

1730 (c) The approval of budgets does not constitute  
1731 "jurisdiction or control" for the purposes of this subsection.

1732  
1733 Charter school personnel in schools operated by a municipality  
1734 or other public entity are subject to s. 112.3135.

1735 (27)~~(25)~~ STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1736 (a) A member of a governing board of a charter school,  
1737 including a charter school operated by a private entity, is  
1738 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1739 (b) A member of a governing board of a charter school  
1740 operated by a municipality or other public entity is subject to

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1741 s. 112.3144, which relates to the disclosure of financial  
1742 interests.

1743 (28) ~~(26)~~ RULEMAKING.—~~The Department of Education, after~~  
1744 ~~consultation with school districts and charter school directors,~~  
1745 ~~shall recommend that the State Board of Education adopt rules to~~  
1746 ~~implement specific subsections of this section. Such rules shall~~  
1747 ~~require minimum paperwork and shall not limit charter school~~  
1748 ~~flexibility authorized by statute.~~ The State Board of Education  
1749 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
1750 implement this section, including a charter model application  
1751 form, evaluation instrument, and charter and charter renewal  
1752 formats ~~in accordance with this section.~~

1753 Section 4. Paragraph (c) of subsection (10) and subsection  
1754 (13) of section 1002.34, Florida Statutes, are amended to read:  
1755 1002.34 Charter technical career centers.—

1756 (10) EXEMPTION FROM STATUTES.—

1757 (c) A center must comply with the antidiscrimination  
1758 provisions in s. 1000.05 and the provisions in s. 1002.33(26) ~~s.~~  
1759 ~~1002.33(24)~~ which relate to the employment of relatives.

1760 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors  
1761 of a center may decide matters relating to the operation of the  
1762 school, including budgeting, curriculum, and operating  
1763 procedures, subject to the center's charter. The board of  
1764 directors is responsible for performing the duties provided in  
1765 s. 1002.345, including monitoring the corrective action plan.  
1766 The board of directors must comply with s. 1002.33(27) ~~s.~~  
1767 ~~1002.33(25)~~.

1768 Section 5. Section 1011.68, Florida Statutes, is amended to  
1769 read:

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1770           1011.68 Funds for student transportation.—The annual  
1771 allocation to each district for transportation to public school  
1772 programs, including charter schools as provided in s.  
1773 1002.33(19)(b) ~~s. 1002.33(17)(b)~~, of students in membership in  
1774 kindergarten through grade 12 and in migrant and exceptional  
1775 student programs below kindergarten shall be determined as  
1776 follows:

1777           (1) Subject to the rules of the State Board of Education,  
1778 each district shall determine the membership of students who are  
1779 transported:

1780           (a) By reason of living 2 miles or more from school.

1781           (b) By reason of being students with disabilities or  
1782 enrolled in a teenage parent program, regardless of distance to  
1783 school.

1784           (c) By reason of being in a state prekindergarten program,  
1785 regardless of distance from school.

1786           (d) By reason of being career, dual enrollment, or students  
1787 with disabilities transported from one school center to another  
1788 to participate in an instructional program or service; or  
1789 students with disabilities, transported from one designation to  
1790 another in the state, provided one designation is a school  
1791 center and provided the student's individual educational plan  
1792 (IEP) identifies the need for the instructional program or  
1793 service and transportation to be provided by the school  
1794 district. A "school center" is defined as a public school  
1795 center, community college, state university, or other facility  
1796 rented, leased, or owned and operated by the school district or  
1797 another public agency. A "dual enrollment student" is defined as  
1798 a public school student in membership in both a public secondary

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1799 school program and a community college or a state university  
1800 program under a written agreement to partially fulfill ss.  
1801 1003.435 and 1007.23 and earning full-time equivalent membership  
1802 under s. 1011.62(1)(i).

1803 (e) With respect to elementary school students whose grade  
1804 level does not exceed grade 6, by reason of being subjected to  
1805 hazardous walking conditions en route to or from school as  
1806 provided in s. 1006.23. Such rules shall, when appropriate,  
1807 provide for the determination of membership under this paragraph  
1808 for less than 1 year to accommodate the needs of students who  
1809 require transportation only until such hazardous conditions are  
1810 corrected.

1811 (f) By reason of being a pregnant student or student  
1812 parent, and the child of a student parent as provided in s.  
1813 1003.54, regardless of distance from school.

1814 (2) The allocation for each district shall be calculated  
1815 annually in accordance with the following formula:

1816

1817  $T = B + EX$ . The elements of this formula are defined as  
1818 follows: T is the total dollar allocation for transportation. B  
1819 is the base transportation dollar allocation prorated by an  
1820 adjusted student membership count. The adjusted membership count  
1821 shall be derived from a multiplicative index function in which  
1822 the base student membership is adjusted by multiplying it by  
1823 index numbers that individually account for the impact of the  
1824 price level index, average bus occupancy, and the extent of  
1825 rural population in the district. EX is the base transportation  
1826 dollar allocation for disabled students prorated by an adjusted  
1827 disabled student membership count. The base transportation

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1828 dollar allocation for disabled students is the total state base  
1829 disabled student membership count weighted for increased costs  
1830 associated with transporting disabled students and multiplying  
1831 it by an average per student cost for transportation as  
1832 determined by the Legislature. The adjusted disabled student  
1833 membership count shall be derived from a multiplicative index  
1834 function in which the weighted base disabled student membership  
1835 is adjusted by multiplying it by index numbers that individually  
1836 account for the impact of the price level index, average bus  
1837 occupancy, and the extent of rural population in the district.  
1838 Each adjustment factor shall be designed to affect the base  
1839 allocation by no more or less than 10 percent.

1840 (3) The total allocation to each district for  
1841 transportation of students shall be the sum of the amounts  
1842 determined in subsection (2). If the funds appropriated for the  
1843 purpose of implementing this section are not sufficient to pay  
1844 the base transportation allocation and the base transportation  
1845 allocation for disabled students, the Department of Education  
1846 shall prorate the available funds on a percentage basis. If the  
1847 funds appropriated for the purpose of implementing this section  
1848 exceed the sum of the base transportation allocation and the  
1849 base transportation allocation for disabled students, the base  
1850 transportation allocation for disabled students shall be limited  
1851 to the amount calculated in subsection (2), and the remaining  
1852 balance shall be added to the base transportation allocation.

1853 (4) No district shall use funds to purchase transportation  
1854 equipment and supplies at prices which exceed those determined  
1855 by the department to be the lowest which can be obtained, as  
1856 prescribed in s. 1006.27(1).



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1857 (5) Funds allocated or apportioned for the payment of  
1858 student transportation services may be used to pay for  
1859 transportation of students to and from school on local general  
1860 purpose transportation systems. Student transportation funds may  
1861 also be used to pay for transportation of students to and from  
1862 school in private passenger cars and boats when the  
1863 transportation is for isolated students, or students with  
1864 disabilities as defined by rule. Subject to the rules of the  
1865 State Board of Education, each school district shall determine  
1866 and report the number of assigned students using general purpose  
1867 transportation private passenger cars and boats. The allocation  
1868 per student must be equal to the allocation per student riding a  
1869 school bus.

1870 (6) Notwithstanding other provisions of this section, in no  
1871 case shall any student or students be counted for transportation  
1872 funding more than once per day. This provision includes counting  
1873 students for funding pursuant to trips in school buses,  
1874 passenger cars, or boats or general purpose transportation.

1875 Section 6. Paragraph (b) of subsection (2) of section  
1876 1012.32, Florida Statutes, is amended to read:

1877 1012.32 Qualifications of personnel.-

1878 (2)

1879 (b) Instructional and noninstructional personnel who are  
1880 hired or contracted to fill positions in any charter school and  
1881 members of the governing board of any charter school, in  
1882 compliance with s. 1002.33(14)(f) ~~s. 1002.33(12)(g)~~, must, upon  
1883 employment, engagement of services, or appointment, undergo  
1884 background screening as required under s. 1012.465 or s.  
1885 1012.56, whichever is applicable, by filing with the district

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1886 school board for the school district in which the charter school  
1887 is located a complete set of fingerprints taken by an authorized  
1888 law enforcement agency or an employee of the school or school  
1889 district who is trained to take fingerprints.

1890

1891 Fingerprints shall be submitted to the Department of Law  
1892 Enforcement for statewide criminal and juvenile records checks  
1893 and to the Federal Bureau of Investigation for federal criminal  
1894 records checks. A person subject to this subsection who is found  
1895 ineligible for employment under s. 1012.315, or otherwise found  
1896 through background screening to have been convicted of any crime  
1897 involving moral turpitude as defined by rule of the State Board  
1898 of Education, shall not be employed, engaged to provide  
1899 services, or serve in any position that requires direct contact  
1900 with students. Probationary persons subject to this subsection  
1901 terminated because of their criminal record have the right to  
1902 appeal such decisions. The cost of the background screening may  
1903 be borne by the district school board, the charter school, the  
1904 employee, the contractor, or a person subject to this  
1905 subsection.

1906 Section 7. Paragraphs (a) and (e) of subsection (1) and  
1907 subsection (2) of section 1013.62, Florida Statutes, are amended  
1908 to read:

1909 1013.62 Charter schools capital outlay funding.—

1910 (1) In each year in which funds are appropriated for  
1911 charter school capital outlay purposes, the Commissioner of  
1912 Education shall allocate the funds among eligible charter  
1913 schools.

1914 (a) To be eligible for a funding allocation, a charter

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1915 school must:

1916 1.a. Have been in operation for 3 or more years;

1917 b. Be governed by a governing board established in the  
1918 state for 3 or more years which operates both charter schools  
1919 and conversion charter schools within the state;

1920 c. Be an expanded feeder chain of a charter school within  
1921 the same school district that is currently receiving charter  
1922 school capital outlay funds;

1923 d. Have been accredited by the Commission on Schools of the  
1924 Southern Association of Colleges and Schools; or

1925 e. Serve students in facilities that are provided by a  
1926 business partner for a charter school-in-the-workplace pursuant  
1927 to s. 1002.33(17)(b) ~~s. 1002.33(15)(b)~~.

1928 2. Have financial stability for future operation as a  
1929 charter school.

1930 3. Have satisfactory student achievement based on state  
1931 accountability standards applicable to the charter school.

1932 4. Have received final approval from its sponsor pursuant  
1933 to s. 1002.33 for operation during that fiscal year.

1934 5. Serve students in facilities that are not provided by  
1935 the charter school's sponsor.

1936 (e) Unless otherwise provided in the General Appropriations  
1937 Act, the funding allocation for each eligible charter school is  
1938 determined by multiplying the school's projected student  
1939 enrollment by one-fifteenth of the cost-per-student station  
1940 specified in s. 1013.64(6)(b) for an elementary, middle, or high  
1941 school, as appropriate. If the funds appropriated are not  
1942 sufficient, the commissioner shall prorate the available funds  
1943 among eligible charter schools. However, a charter school or

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1944 charter lab school may not receive state charter school capital  
1945 outlay funds greater than the one-fifteenth cost per student  
1946 station formula if the charter school's combination of state  
1947 charter school capital outlay funds, capital outlay funds  
1948 calculated through the reduction in the administrative fee  
1949 provided in s. 1002.33(23) ~~s. 1002.33(20)~~, and capital outlay  
1950 funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-  
1951 fifteenth cost per student station formula.

1952 (2) A charter school's governing body may use charter  
1953 school capital outlay funds for the following purposes:

1954 (a) Purchase of real property.

1955 (b) Construction of school facilities.

1956 (c) Purchase, lease-purchase, or lease of permanent or  
1957 relocatable school facilities.

1958 (d) Purchase of vehicles to transport students to and from  
1959 the charter school.

1960 (e) Renovation, repair, and maintenance of school  
1961 facilities that the charter school owns or is purchasing through  
1962 a lease-purchase or long-term lease of 5 years or longer.

1963 (f) Effective July 1, 2008, purchase, lease-purchase, or  
1964 lease of new and replacement equipment, and enterprise resource  
1965 software applications that are classified as capital assets in  
1966 accordance with definitions of the Governmental Accounting  
1967 Standards Board, have a useful life of at least 5 years, and are  
1968 used to support schoolwide administration or state-mandated  
1969 reporting requirements.

1970 (g) Payment of the cost of premiums for property and  
1971 casualty insurance necessary to insure the school facilities.

1972 (h) Purchase, lease-purchase, or lease of driver's

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1973 education vehicles; motor vehicles used for the maintenance or  
 1974 operation of plants and equipment; security vehicles; or  
 1975 vehicles used in storing or distributing materials and  
 1976 equipment.

1977

1978 Conversion charter schools may use capital outlay funds received  
 1979 through the reduction in the administrative fee provided in s.  
 1980 1002.33(23) ~~s. 1002.33(20)~~ for renovation, repair, and  
 1981 maintenance of school facilities that are owned by the sponsor.

1982 (3) When a charter school is nonrenewed or terminated, any  
 1983 unencumbered funds and all equipment and property purchased with  
 1984 district public funds shall revert to the ownership of the  
 1985 district school board, as provided for in s. 1002.33(8)(e) and  
 1986 (f). In the case of a charter lab school, any unencumbered funds  
 1987 and all equipment and property purchased with university public  
 1988 funds shall revert to the ownership of the state university that  
 1989 issued the charter. The reversion of such equipment, property,  
 1990 and furnishings shall focus on recoverable assets, but not on  
 1991 intangible or irrecoverable costs such as rental or leasing  
 1992 fees, normal maintenance, and limited renovations. The reversion  
 1993 of all property secured with public funds is subject to the  
 1994 complete satisfaction of all lawful liens or encumbrances. If  
 1995 there are additional local issues such as the shared use of  
 1996 facilities or partial ownership of facilities or property, these  
 1997 issues shall be agreed to in the charter contract prior to the  
 1998 expenditure of funds.

1999 Section 8. College-Preparatory Boarding Academy Pilot  
 2000 Program for at-risk students.—

2001 (1) PROGRAM CREATION.—The College-Preparatory Boarding

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2002 Academy Pilot Program is created for the purpose of providing  
2003 unique educational opportunities to dependent or at-risk  
2004 children who are academic underperformers but who have the  
2005 potential to progress from at-risk to college-bound. The State  
2006 Board of Education shall implement this program.

2007 (2) DEFINITIONS.—As used in this section, the term:

2008 (a) "Board" means the board of trustees of a college-  
2009 preparatory boarding academy for at-risk students.

2010 (b) "Eligible student" means a student who is a resident of  
2011 the state and entitled to attend school in a participating  
2012 school district, is at risk of academic failure, is currently  
2013 enrolled in grade 5 or 6, is from a family whose income is below  
2014 200 percent of the federal poverty guidelines, and meets at  
2015 least two of the following additional risk factors:

2016 1. The student has a record of suspensions, office  
2017 referrals, or chronic truancy.

2018 2. The student has been referred for academic intervention  
2019 or has not attained at least a proficient score on the state  
2020 achievement assessment in English and language arts, reading, or  
2021 mathematics.

2022 3. The student's parent is a single parent.

2023 4. The student does not live with the student's custodial  
2024 parent.

2025 5. The student has received a referral from a school,  
2026 teacher, counselor, dependency circuit court judge, or  
2027 community-based care organization.

2028 6. The student resides in a household that receives a  
2029 housing voucher or has been determined as eligible for public  
2030 housing assistance.

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2031 7. A member of the student's immediate family has been  
2032 incarcerated.

2033 8. The student has been declared an adjudicated dependent  
2034 by a court of competent jurisdiction.

2035 9. The student meets any additional criteria prescribed by  
2036 an agreement between the State Board of Education and the  
2037 operator of a college-preparatory boarding academy.

2038 (c) "Operator" means a private, nonprofit corporation that  
2039 is selected by the state under subsection (3) to operate a  
2040 college-preparatory boarding academy for at-risk students.

2041 (d) "Program" means a college-preparatory boarding academy  
2042 for at-risk students which includes:

2043 1. A remedial curriculum for middle school grades;

2044 2. The college-preparatory curriculum for high school  
2045 grades;

2046 3. Extracurricular activities, including athletics and  
2047 cultural events;

2048 4. College admissions counseling;

2049 5. Health and mental health services;

2050 6. Tutoring;

2051 7. Community service and service learning opportunities;

2052 8. A residential student life program;

2053 9. Extended school days and supplemental programs; and

2054 10. Professional services focused on the language arts and  
2055 reading standards, mathematics standards, science standards,  
2056 technology standards, and developmental or life skill standards  
2057 using innovative and best practices for all students.

2058 (e) "Sponsor" means a public school district that acts as  
2059 sponsor pursuant to s. 1002.33, Florida Statutes.

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2060       (3) PROPOSALS.—

2061       (a) The State Board of Education shall select a private,  
2062 nonprofit corporation to operate a college-preparatory boarding  
2063 academy for at-risk students which meets all of the following  
2064 qualifications:

2065           1. The nonprofit corporation has, or will receive as a  
2066 condition of the contract, a public charter school authorized  
2067 under s. 1002.33, Florida Statutes, to offer grades 6 through  
2068 12, or has a partnership with a sponsor to operate a school.

2069           2. The nonprofit corporation has experience operating a  
2070 school or program similar to that authorized under this section.

2071           3. The nonprofit corporation has demonstrated success with  
2072 a school or program similar to that authorized under this  
2073 section.

2074           4. The nonprofit corporation has the capacity to finance  
2075 and secure private funds for the development of a campus for the  
2076 program.

2077       (b) Within 60 days after July 1, 2011, the State Board of  
2078 Education shall issue a request for proposals from private,  
2079 nonprofit corporations interested in operating a college-  
2080 preparatory boarding academy for at-risk students. The state  
2081 board shall select operators from among the qualified responders  
2082 within 120 days after the issuance of the requests for proposal.

2083       (c) Each proposal must contain the following information:

2084           1. The proposed location of the college-preparatory  
2085 boarding academy;

2086           2. A plan for offering grade 6 in the program's initial  
2087 year of operation and a plan for expanding the grade levels  
2088 offered by the school in subsequent years; and



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2089       3. Any other information about the proposed educational  
2090 program, facilities, or operations of the school as determined  
2091 necessary by the state board.

2092       (4) CONTRACT.—The State Board of Education shall contract  
2093 with the operator of a college-preparatory boarding academy. The  
2094 contract must stipulate that:

2095       (a) The academy may operate only if, and to the extent  
2096 that, it holds a valid charter authorized under s. 1002.33,  
2097 Florida Statutes, or is authorized by a local school district  
2098 defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

2099       (b) The operator shall finance and oversee the acquisition  
2100 of a facility for the academy.

2101       (c) The operator shall operate the academy in accordance  
2102 with the terms of the proposal accepted by the state board.

2103       (d) The operator shall comply with this section.

2104       (e) The operator shall comply with any other provisions of  
2105 law specified in the contract, the charter granted by the local  
2106 school district or the operating agreement with the sponsor, and  
2107 the rules adopted by the state board for schools operating in  
2108 this state.

2109       (f) The operator shall comply with the bylaws that it  
2110 adopts.

2111       (g) The operator shall comply with standards for admission  
2112 of students to the academy and standards for dismissal of  
2113 students from the academy which are included in the contract and  
2114 may be reevaluated and revised by mutual agreement between the  
2115 operator and the state board.

2116       (h) The operator shall meet the academic goals and other  
2117 performance standards established by the contract.

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2118 (i) The state board or the operator may terminate the  
2119 contract in accordance with the procedures specified in the  
2120 contract, which must at least require that the party seeking  
2121 termination give prior written notice of the intent to terminate  
2122 the contract and that the party receiving the termination notice  
2123 be granted an opportunity to redress any grievances cited  
2124 therein.

2125 (j) If the school closes for any reason, the academy's  
2126 board of trustees shall execute the closing in a manner  
2127 specified in the contract.

2128 (5) OPERATOR BYLAWS.—The operator of a college-preparatory  
2129 boarding academy for at-risk students shall adopt bylaws for the  
2130 oversight and operation of the academy which are consistent with  
2131 this section, the state law, and the contract between the  
2132 operator and the State Board of Education. The bylaws must  
2133 include procedures for the appointment of board members to the  
2134 academy's board of trustees, which may not exceed 25 members, 5  
2135 members of which shall be appointed by the Governor with the  
2136 advice and consent of the Senate. The bylaws are subject to  
2137 approval of the state board.

2138 (6) OUTREACH.—The operator of a college-preparatory  
2139 boarding academy shall adopt an outreach program with the local  
2140 education agency or school district and community. The outreach  
2141 program shall give special attention to the recruitment of  
2142 children in the state's foster care program as a dependent child  
2143 or as a child in a program to prevent dependency who are  
2144 academic underperformers who, if given the unique educational  
2145 opportunity found in the program, have the potential to progress  
2146 from at-risk children to college-bound children.

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2147       (7) FUNDING.—The college-preparatory boarding academy shall  
2148 be a public school and part of the state's program of education.  
2149 If the program receives state funding from noneducation sources,  
2150 the State Board of Education shall coordinate, streamline, and  
2151 simplify any requirements to eliminate duplicate, redundant, or  
2152 conflicting requirements and oversight by various governmental  
2153 programs or agencies. The applicable regulating entities shall,  
2154 to the maximum extent possible, use independent reports and  
2155 financial audits provided by the program and coordinated by the  
2156 state board to eliminate or reduce contract and administrative  
2157 reviews. Additional items may be suggested, if reasonable, to  
2158 the state board to be included in independent reports and  
2159 financial audits for the purpose of implementing this section.  
2160 Reporting paperwork that is prepared for the state and local  
2161 education agency shall also be shared with and accepted by other  
2162 state and local regulatory entities, to the maximum extent  
2163 possible.

2164       (8) PROGRAM CAPACITY.—Beginning August 2012, a college-  
2165 preparatory boarding academy shall admit 80 students. In each  
2166 additional fiscal year, the program shall grow by an additional  
2167 number of students, as specified in the contract, until the  
2168 program reaches a capacity of 400 students.

2169       (9) STUDENT SERVICES.—Students enrolled in the program who  
2170 have been adjudicated dependent must remain under the case  
2171 management services and supervision of the lead agency and its  
2172 respective providers. The operator may contract with its own  
2173 licensed providers as necessary to provide services to children  
2174 in the program and to ensure continuity of the full range of  
2175 services required by children in foster care who attend the

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2176 academy.

2177 (10) MEDICAID BILLING.—This section does not prohibit an  
2178 operator from appropriately billing Medicaid for services  
2179 rendered to eligible students through the program or from  
2180 earning federal or local funding for services provided.

2181 (11) ADMISSION.—Any eligible student may apply for  
2182 admission to a college-preparatory boarding academy. If more  
2183 eligible students apply for admission than the number of  
2184 students permitted by the capacity established by the board of  
2185 trustees, admission shall be determined by lottery.

2186 (12) STUDENT HOUSING.—Notwithstanding ss. 409.1677(3)(d)  
2187 and 409.176, Florida Statutes, or any other provision of law, an  
2188 operator may house and educate dependent, at-risk youth in its  
2189 residential school for the purpose of facilitating the mission  
2190 of the program and encouraging innovative practices.

2191 (13) ANNUAL REPORT.—

2192 (a) The State Board of Education shall issue an annual  
2193 report for each college-preparatory boarding academy which  
2194 includes all information applicable to schools.

2195 (b) Each college-preparatory boarding academy shall report  
2196 to the Department of Education, in the form and manner  
2197 prescribed in the contract, the following information:

2198 1. The total number of students enrolled in the academy;  
2199 2. The number of students enrolled in the academy who are  
2200 receiving special education services pursuant to an individual  
2201 education plan; and

2202 3. Any additional information specified in the contract.

2203 (c) The operator shall comply with s. 1002.33, Florida  
2204 Statutes, and shall annually assess reading and mathematics

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2205 skills. The operator shall provide the student's legal guardians  
2206 with sufficient information on whether the student is reading at  
2207 grade level and whether the student gains at least a year's  
2208 worth of learning for every year spent in the program.

2209 (14) RULES.—The State Board of Education shall adopt rules  
2210 to administer this section. These rules must identify any  
2211 existing rules that are applicable to the program and preempt  
2212 any other rules that are not specified for the purpose of  
2213 clarifying the rules that may be conflicting, redundant, or that  
2214 result in an unnecessary burden on the program or the operator.

2215 Section 9. (1) The Office of Program Policy Analysis and  
2216 Government Accountability (OPPAGA) shall conduct a study that  
2217 compares the funding of charter schools to the funding of  
2218 traditional public schools. In conducting this study, OPPAGA  
2219 shall:

2220 (a) Identify the school districts that distribute funds  
2221 generated by the capital improvement millage authorized pursuant  
2222 to s. 1011.71(2), Florida Statutes, to charter schools and the  
2223 use of such funds by the charter schools.

2224 (b) Determine the amount of funds that would be available  
2225 to charter schools if school districts equitably distribute to  
2226 district schools, including charter schools, the funds generated  
2227 by the capital improvement millage authorized pursuant to s.  
2228 1011.71(2), Florida Statutes.

2229 (c) Examine the costs associated with supervising charter  
2230 schools and determine whether the 5 percent administrative fee  
2231 for administrative and educational services for charter schools  
2232 covers the costs associated with the provision of the services.

2233 (d) Examine the distribution of IDEA funds.

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2234       (2) OPPAGA shall make recommendations, if warranted, for  
2235 improving the accountability and equity of the funding system  
2236 for charter schools based on the findings of the study. The  
2237 results of the study shall be submitted to the Governor, the  
2238 President of the Senate, and the Speaker of the House of  
2239 Representatives by January 1, 2012.

2240       Section 10. If any provision of this act or its application  
2241 to any person or circumstance is held invalid, the invalidity  
2242 does not affect other provisions or applications of the act  
2243 which can be given effect without the invalid provision or  
2244 application, and to this end the provisions of this act are  
2245 severable.

2246       Section 11. This act shall take effect July 1, 2011.