

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

589-03783-11

20111546c2

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.; requiring that
5 the Department of Education provide or arrange for
6 training and technical assistance for charter schools;
7 providing for the designation of charter schools as
8 high-performing if certain requirements are met;
9 providing definitions relating to the high-performing
10 charter school system; revising provisions to conform
11 to changes made by the act; amending ss. 1002.34,
12 1011.68, 1012.32, and 1013.62, F.S.; conforming cross-
13 references; requiring that the Office of Program
14 Policy Analysis and Government Accountability conduct
15 a study comparing the funding of charter schools to
16 the funding of public schools; providing requirements
17 for the study; requiring that the office submit its
18 recommendations and findings to the Governor and
19 Legislature by a specified date; providing for
20 severability; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (e) of subsection (13) of section
25 163.3180, Florida Statutes, is amended to read:

26 163.3180 Concurrency.—

27 (13) School concurrency shall be established on a
28 districtwide basis and shall include all public schools in the
29 district and all portions of the district, whether located in a

589-03783-11

20111546c2

30 municipality or an unincorporated area unless exempt from the
31 public school facilities element pursuant to s. 163.3177(12).
32 The application of school concurrency to development shall be
33 based upon the adopted comprehensive plan, as amended. All local
34 governments within a county, except as provided in paragraph
35 (f), shall adopt and transmit to the state land planning agency
36 the necessary plan amendments, along with the interlocal
37 agreement, for a compliance review pursuant to s. 163.3184(7)
38 and (8). The minimum requirements for school concurrency are the
39 following:

40 (e) *Availability standard.*—Consistent with the public
41 welfare, a local government may not deny an application for site
42 plan, final subdivision approval, or the functional equivalent
43 for a development or phase of a development authorizing
44 residential development for failure to achieve and maintain the
45 level-of-service standard for public school capacity in a local
46 school concurrency management system where adequate school
47 facilities will be in place or under actual construction within
48 3 years after the issuance of final subdivision or site plan
49 approval, or the functional equivalent. School concurrency is
50 satisfied if the developer executes a legally binding commitment
51 to provide mitigation proportionate to the demand for public
52 school facilities to be created by actual development of the
53 property, including, but not limited to, the options described
54 in subparagraph 1. Options for proportionate-share mitigation of
55 impacts on public school facilities must be established in the
56 public school facilities element and the interlocal agreement
57 pursuant to s. 163.31777.

58 1. Appropriate mitigation options include the contribution

589-03783-11

20111546c2

59 of land; the construction, expansion, or payment for land
60 acquisition or construction of a public school facility; the
61 construction of a charter school that complies with the
62 requirements of s. 1002.33(21) ~~s. 1002.33(18)~~; or the creation
63 of mitigation banking based on the construction of a public
64 school facility in exchange for the right to sell capacity
65 credits. Such options must include execution by the applicant
66 and the local government of a development agreement that
67 constitutes a legally binding commitment to pay proportionate-
68 share mitigation for the additional residential units approved
69 by the local government in a development order and actually
70 developed on the property, taking into account residential
71 density allowed on the property prior to the plan amendment that
72 increased the overall residential density. The district school
73 board must be a party to such an agreement. As a condition of
74 its entry into such a development agreement, the local
75 government may require the landowner to agree to continuing
76 renewal of the agreement upon its expiration.

77 2. If the education facilities plan and the public
78 educational facilities element authorize a contribution of land;
79 the construction, expansion, or payment for land acquisition;
80 the construction or expansion of a public school facility, or a
81 portion thereof; or the construction of a charter school that
82 complies with the requirements of s. 1002.33(21) ~~s. 1002.33(18)~~,
83 as proportionate-share mitigation, the local government shall
84 credit such a contribution, construction, expansion, or payment
85 toward any other impact fee or exaction imposed by local
86 ordinance for the same need, on a dollar-for-dollar basis at
87 fair market value.

589-03783-11

20111546c2

88 3. Any proportionate-share mitigation must be directed by
89 the school board toward a school capacity improvement identified
90 in a financially feasible 5-year district work plan that
91 satisfies the demands created by the development in accordance
92 with a binding developer's agreement.

93 4. If a development is precluded from commencing because
94 there is inadequate classroom capacity to mitigate the impacts
95 of the development, the development may nevertheless commence if
96 there are accelerated facilities in an approved capital
97 improvement element scheduled for construction in year four or
98 later of such plan which, when built, will mitigate the proposed
99 development, or if such accelerated facilities will be in the
100 next annual update of the capital facilities element, the
101 developer enters into a binding, financially guaranteed
102 agreement with the school district to construct an accelerated
103 facility within the first 3 years of an approved capital
104 improvement plan, and the cost of the school facility is equal
105 to or greater than the development's proportionate share. When
106 the completed school facility is conveyed to the school
107 district, the developer shall receive impact fee credits usable
108 within the zone where the facility is constructed or any
109 attendance zone contiguous with or adjacent to the zone where
110 the facility is constructed.

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

115 Section 2. Paragraph (c) of subsection (9) of section
116 1002.32, Florida Statutes, is amended to read:

589-03783-11

20111546c2

117 1002.32 Developmental research (laboratory) schools.—

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

120 (c) All operating funds provided under this section shall
121 be deposited in a Lab School Trust Fund and shall be expended
122 for the purposes of this section. The university assigned a lab
123 school shall be the fiscal agent for these funds, and all rules
124 of the university governing the budgeting and expenditure of
125 state funds shall apply to these funds unless otherwise provided
126 by law or rule of the State Board of Education. The university
127 board of trustees shall be the public employer of lab school
128 personnel for collective bargaining purposes for lab schools in
129 operation prior to the 2002-2003 fiscal year. Employees of
130 charter lab schools authorized prior to June 1, 2003, but not in
131 operation prior to the 2002-2003 fiscal year shall be employees
132 of the entity holding the charter and must comply with the
133 provisions of s. 1002.33(14) ~~s. 1002.33(12)~~.

134 Section 3. Subsections (6) through (26) of section 1002.33,
135 Florida Statutes, are amended to read:

136 1002.33 Charter schools.—

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

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

142 1. Demonstrates how the school will use the guiding
143 principles and meet the statutorily defined purpose of a charter
144 school.

145 2. Provides a detailed curriculum plan that illustrates how

589-03783-11

20111546c2

146 students will be provided services to attain the Sunshine State
147 Standards.

148 3. Contains goals and objectives for improving student
149 learning and measuring that improvement. These goals and
150 objectives must indicate how much academic improvement students
151 are expected to show each year, how success will be evaluated,
152 and the specific results to be attained through instruction.

153 4. Describes the reading curriculum and differentiated
154 strategies that will be used for students reading at grade level
155 or higher and a separate curriculum and strategies for students
156 who are reading below grade level. A sponsor shall deny a
157 charter if the school does not propose a reading curriculum that
158 is consistent with effective teaching strategies that are
159 grounded in scientifically based reading research.

160 5. Contains an annual financial plan for each year
161 requested by the charter for operation of the school for up to 5
162 years. This plan must contain anticipated fund balances based on
163 revenue projections, a spending plan based on projected revenues
164 and expenses, and a description of controls that will safeguard
165 finances and projected enrollment trends.

166 6. Documents that the applicant has participated in the
167 training required in subparagraph (b)2. ~~(f)2.~~ A sponsor may
168 require an applicant to provide additional information as an
169 addendum to the charter school application described in this
170 paragraph.

171 (b)1. The Department of Education shall provide or arrange
172 for training and technical assistance to charter schools in
173 developing business plans and estimating costs and income.
174 Training and technical assistance shall address estimating

589-03783-11

20111546c2

175 startup costs, projecting enrollment, and identifying the types
176 and amounts of state and federal financial assistance that the
177 charter school may be eligible to receive. The department may
178 provide other technical assistance to an applicant upon written
179 request.

180 2. A charter school applicant must participate in the
181 training provided by the Department of Education after approval
182 of an application, but at least 30 calendar days before the
183 first day of classes at the charter school. However, a sponsor
184 may require the charter school applicant to attend training
185 provided by the sponsor in lieu of the department's training if
186 the sponsor's training standards meet or exceed the standards
187 developed by the department. A sponsor may not require a charter
188 school applicant to attend its training within 30 calendar days
189 before the first day of classes at the charter school when it
190 requires the charter school to attend its training in lieu of
191 the department's training. The training must include instruction
192 in accurate financial planning and good business practices. If
193 the applicant is a management company or a nonprofit
194 organization, the charter school principal and the chief
195 financial officer or his or her equivalent must also participate
196 in the training. However, a sponsor may not require a high-
197 performing charter school or high-performing charter school
198 system applicant to participate in the training described in
199 this subparagraph more than once.

200 (c) ~~(b)~~ A sponsor shall receive and review all applications
201 for a charter school using an evaluation instrument developed by
202 the Department of Education. Beginning with the 2007-2008 school
203 year, a sponsor shall receive and consider charter school

589-03783-11

20111546c2

204 applications received on or before August 1 of each calendar
205 year for charter schools to be opened at the beginning of the
206 school district's next school year, or to be opened at a time
207 agreed to by the applicant and the sponsor. A sponsor may
208 receive applications later than this date if it chooses. A
209 sponsor may not charge an applicant for a charter any fee for
210 the processing or consideration of an application, and a sponsor
211 may not base its consideration or approval of an application
212 upon the promise of future payment of any kind. Before approving
213 or denying any application, the sponsor shall allow the
214 applicant at least 7 calendar days to make technical or
215 nonsubstantive corrections and clarifications, including, but
216 not limited to, grammatical, typographical, and like errors or
217 missing signatures, if such errors are identified by the sponsor
218 as cause to deny the application.

219 1. In order to facilitate an accurate budget projection
220 process, a sponsor shall be held harmless for FTE students who
221 are not included in the FTE projection due to approval of
222 charter school applications after the FTE projection deadline.
223 In a further effort to facilitate an accurate budget projection,
224 within 15 calendar days after receipt of a charter school
225 application, a sponsor shall report to the Department of
226 Education the name of the applicant entity, the proposed charter
227 school location, and its projected FTE.

228 2. In order to ensure fiscal responsibility, an application
229 for a charter school shall include a full accounting of expected
230 assets, a projection of expected sources and amounts of income,
231 including income derived from projected student enrollments and
232 from community support, and an expense projection that includes

589-03783-11

20111546c2

233 full accounting of the costs of operation, including start-up
234 costs.

235 3. A sponsor shall by a majority vote approve or deny an
236 application no later than 60 calendar days after the application
237 is received, unless the sponsor and the applicant mutually agree
238 in writing to temporarily postpone the vote to a specific date,
239 at which time the sponsor shall by a majority vote approve or
240 deny the application. If the sponsor fails to act on the
241 application, an applicant may appeal to the State Board of
242 Education as provided in paragraph (d) ~~paragraph (e)~~. If an
243 application is denied, the sponsor shall, within 10 calendar
244 days after such denial, articulate in writing the specific
245 reasons, based upon good cause, supporting its denial of the
246 charter application and shall provide the letter of denial and
247 supporting documentation to the applicant and to the Department
248 of Education supporting those reasons.

249 4. For budget projection purposes, the sponsor shall report
250 to the Department of Education the approval or denial of a
251 charter application within 10 calendar days after such approval
252 or denial. In the event of approval, the report to the
253 Department of Education shall include the final projected FTE
254 for the approved charter school.

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

259 (d) ~~(e)~~ An applicant may appeal any denial of that
260 applicant's application or failure to act on an application to
261 the State Board of Education no later than 30 calendar days

589-03783-11

20111546c2

262 after receipt of the sponsor's decision or failure to act and
263 shall notify the sponsor of its appeal. Any response of the
264 sponsor shall be submitted to the State Board of Education
265 within 30 calendar days after notification of the appeal. Upon
266 receipt of notification from the State Board of Education that a
267 charter school applicant is filing an appeal, the Commissioner
268 of Education shall convene a meeting of the Charter School
269 Appeal Commission to study and make recommendations to the State
270 Board of Education regarding its pending decision about the
271 appeal. The commission shall forward its recommendation to the
272 state board no later than 7 calendar days prior to the date on
273 which the appeal is to be heard. The State Board of Education
274 shall by majority vote accept or reject the decision of the
275 sponsor no later than 90 calendar days after an appeal is filed
276 in accordance with State Board of Education rule. The Charter
277 School Appeal Commission may reject an appeal submission for
278 failure to comply with procedural rules governing the appeals
279 process. The rejection shall describe the submission errors. The
280 appellant may have up to 15 calendar days from notice of
281 rejection to resubmit an appeal that meets requirements of State
282 Board of Education rule. An application for appeal submitted
283 subsequent to such rejection shall be considered timely if the
284 original appeal was filed within 30 calendar days after receipt
285 of notice of the specific reasons for the sponsor's denial of
286 the charter application. The State Board of Education shall
287 remand the application to the sponsor with its written decision
288 that the sponsor approve or deny the application. The sponsor
289 shall implement the decision of the State Board of Education.
290 The decision of the State Board of Education is not subject to

589-03783-11

20111546c2

291 the provisions of the Administrative Procedure Act, chapter 120.

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

296 (f)~~(e)~~1. A Charter School Appeal Commission is established
297 to assist the commissioner and the State Board of Education with
298 a fair and impartial review of appeals by applicants whose
299 charter applications have been denied, whose charter contracts
300 have not been renewed, or whose charter contracts have been
301 terminated by their sponsors.

302 2. The Charter School Appeal Commission may receive copies
303 of the appeal documents forwarded to the State Board of
304 Education, review the documents, gather other applicable
305 information regarding the appeal, and make a written
306 recommendation to the commissioner. The recommendation must
307 state whether the appeal should be upheld or denied and include
308 the reasons for the recommendation being offered. The
309 commissioner shall forward the recommendation to the State Board
310 of Education no later than 7 calendar days prior to the date on
311 which the appeal is to be heard. The state board must consider
312 the commission's recommendation in making its decision, but is
313 not bound by the recommendation. The decision of the Charter
314 School Appeal Commission is not subject to the provisions of the
315 Administrative Procedure Act, chapter 120.

316 3. The commissioner shall appoint the members of the
317 Charter School Appeal Commission. Members shall serve without
318 compensation but may be reimbursed for travel and per diem
319 expenses in conjunction with their service. One-half of the

589-03783-11

20111546c2

320 members must represent currently operating charter schools, and
321 one-half of the members must represent sponsors. The
322 commissioner or a named designee shall chair the Charter School
323 Appeal Commission.

324 4. The chair shall convene meetings of the commission and
325 shall ensure that the written recommendations are completed and
326 forwarded in a timely manner. In cases where the commission
327 cannot reach a decision, the chair shall make the written
328 recommendation with justification, noting that the decision was
329 rendered by the chair.

330 5. Commission members shall thoroughly review the materials
331 presented to them from the appellant and the sponsor. The
332 commission may request information to clarify the documentation
333 presented to it. In the course of its review, the commission may
334 facilitate the postponement of an appeal in those cases where
335 additional time and communication may negate the need for a
336 formal appeal and both parties agree, in writing, to postpone
337 the appeal to the State Board of Education. A new date certain
338 for the appeal shall then be set based upon the rules and
339 procedures of the State Board of Education. Commission members
340 shall provide a written recommendation to the state board as to
341 whether the appeal should be upheld or denied. A fact-based
342 justification for the recommendation must be included. The chair
343 must ensure that the written recommendation is submitted to the
344 State Board of Education members no later than 7 calendar days
345 prior to the date on which the appeal is to be heard. Both
346 parties in the case shall also be provided a copy of the
347 recommendation.

348 ~~(f)1. The Department of Education shall offer or arrange~~

589-03783-11

20111546c2

349 ~~for training and technical assistance to charter school~~
350 ~~applicants in developing business plans and estimating costs and~~
351 ~~income. This assistance shall address estimating startup costs,~~
352 ~~projecting enrollment, and identifying the types and amounts of~~
353 ~~state and federal financial assistance the charter school may be~~
354 ~~eligible to receive. The department may provide other technical~~
355 ~~assistance to an applicant upon written request.~~

356 ~~2. A charter school applicant must participate in the~~
357 ~~training provided by the Department of Education before filing~~
358 ~~an application. However, a sponsor may require the charter~~
359 ~~school applicant to attend training provided by the sponsor in~~
360 ~~lieu of the department's training if the sponsor's training~~
361 ~~standards meet or exceed the standards developed by the~~
362 ~~Department of Education. The training shall include instruction~~
363 ~~in accurate financial planning and good business practices. If~~
364 ~~the applicant is a management company or other nonprofit~~
365 ~~organization, the charter school principal and the chief~~
366 ~~financial officer or his or her equivalent must also participate~~
367 ~~in the training.~~

368 (g) In considering charter applications for a lab school, a
369 state university shall consult with the district school board of
370 the county in which the lab school is located. The decision of a
371 state university may be appealed pursuant to the procedure
372 established in this subsection.

373 (h) The terms and conditions for the operation of a charter
374 school shall be set forth by the sponsor and the applicant in a
375 written contractual agreement, called a charter. The sponsor
376 shall not impose unreasonable rules or regulations that violate
377 the intent of giving charter schools greater flexibility to meet

589-03783-11

20111546c2

378 educational goals. The sponsor shall have 60 days to provide an
379 initial proposed charter contract to the charter school. The
380 applicant and the sponsor shall have 75 days thereafter to
381 negotiate and notice the charter contract for final approval by
382 the sponsor unless both parties agree to an extension. The
383 proposed charter contract shall be provided to the charter
384 school at least 7 calendar days before ~~prior to~~ the date of the
385 meeting at which the charter is scheduled to be voted upon by
386 the sponsor. The Department of Education shall provide mediation
387 services for any dispute regarding this section subsequent to
388 the approval of a charter application and for any dispute
389 relating to the approved charter, except disputes regarding
390 charter school application denials. If the Commissioner of
391 Education determines that the dispute cannot be settled through
392 mediation, the dispute may be appealed to an administrative law
393 judge appointed by the Division of Administrative Hearings. The
394 administrative law judge may rule on issues of equitable
395 treatment of the charter school as a public school, whether
396 proposed provisions of the charter violate the intended
397 flexibility granted charter schools by statute, or on any other
398 matter regarding this section except a charter school
399 application denial, a charter termination, or a charter
400 nonrenewal and shall award the prevailing party reasonable
401 attorney's fees and costs incurred to be paid by the losing
402 party. The costs of the administrative hearing shall be paid by
403 the party whom the administrative law judge rules against.

404 (7) CHARTER.—The major issues involving the operation of a
405 charter school shall be considered in advance and written into
406 the charter. The charter shall be signed by the governing body

589-03783-11

20111546c2

407 of the charter school and the sponsor, following a public
408 hearing to ensure community input.

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

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

413 2. The focus of the curriculum, the instructional methods
414 to be used, any distinctive instructional techniques to be
415 employed, and identification and acquisition of appropriate
416 technologies needed to improve educational and administrative
417 performance which include a means for promoting safe, ethical,
418 and appropriate uses of technology which comply with legal and
419 professional standards. The charter shall ensure that reading is
420 a primary focus of the curriculum and that resources are
421 provided to identify and provide specialized instruction for
422 students who are reading below grade level. The curriculum and
423 instructional strategies for reading must be consistent with the
424 Sunshine State Standards and grounded in scientifically based
425 reading research.

426 3. The current incoming baseline standard of student
427 academic achievement, the outcomes to be achieved, and the
428 method of measurement that will be used. The criteria listed in
429 this subparagraph shall include a detailed description of:

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

432 b. How these baseline rates will be compared to rates of
433 academic progress achieved by these same students while
434 attending the charter school.

435 c. To the extent possible, how these rates of progress will

589-03783-11

20111546c2

436 be evaluated and compared with rates of progress of other
437 closely comparable student populations.

438

439 The district school board is required to provide academic
440 student performance data to charter schools for each of their
441 students coming from the district school system, as well as
442 rates of academic progress of comparable student populations in
443 the district school system.

444 4. The methods used to identify the educational strengths
445 and needs of students and how well educational goals and
446 performance standards are met by students attending the charter
447 school. The methods shall provide a means for the charter school
448 to ensure accountability to its constituents by analyzing
449 student performance data and by evaluating the effectiveness and
450 efficiency of its major educational programs. Students in
451 charter schools shall, at a minimum, participate in the
452 statewide assessment program created under s. 1008.22.

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

456 6. A method for resolving conflicts between the governing
457 body of the charter school and the sponsor.

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

460 8. The ways by which the school will achieve a
461 racial/ethnic balance reflective of the community it serves or
462 within the racial/ethnic range of other public schools in the
463 same school district.

464 9. The financial and administrative management of the

589-03783-11

20111546c2

465 school, including a ~~reasonable~~ demonstration of the professional
466 experience or competence of those individuals or organizations
467 applying to operate the charter school or those hired or
468 retained to perform such professional services and the
469 description of clearly delineated responsibilities and the
470 policies and practices needed to effectively manage the charter
471 school. A description of internal audit procedures and
472 establishment of controls to ensure that financial resources are
473 properly managed must be included. Both public sector and
474 private sector professional experience shall be equally valid in
475 such a consideration.

476 10. The asset and liability projections required in the
477 application which are incorporated into the charter and shall be
478 compared with information provided in the annual report of the
479 charter school.

480 11. A description of procedures that identify various risks
481 and provide for a comprehensive approach to reduce the impact of
482 losses; plans to ensure the safety and security of students and
483 staff; plans to identify, minimize, and protect others from
484 violent or disruptive student behavior; and the manner in which
485 the school will be insured, including whether or not the school
486 will be required to have liability insurance, and, if so, the
487 terms and conditions thereof and the amounts of coverage.

488 12. The term of the charter which shall provide for
489 cancellation of the charter if insufficient progress has been
490 made in attaining the student achievement objectives of the
491 charter and if it is not likely that such objectives can be
492 achieved before expiration of the charter. The initial term of a
493 charter shall be for ~~4~~ 5 years, unless the charter meets the

589-03783-11

20111546c2

494 requirements of a high-performing charter school system pursuant
495 to subsection (11). ~~In order to facilitate access to long-term~~
496 ~~financial resources for charter school construction,~~ Charter
497 schools ~~that are operated by a municipality or other public~~
498 ~~entity as provided by law~~ are eligible for up to a 15-year
499 charter, subject to approval by the district school board. A
500 charter lab school is eligible for a charter for a term of up to
501 15 years. ~~In addition, to facilitate access to long-term~~
502 ~~financial resources for charter school construction,~~ charter
503 schools ~~that are operated by a private, not-for-profit, s.~~
504 ~~501(c)(3) status corporation~~ are eligible for up to a 15-year
505 charter, ~~subject to approval by the district school board~~. Such
506 long-term charters remain subject to annual review and may be
507 terminated during the term of the charter, but only according to
508 the provisions set forth in subsection (8).

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

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

513 15. The governance structure of the school, including the
514 status of the charter school as a public or private employer as
515 required in paragraph (14)(i) ~~(12)(i)~~.

516 16. A timetable for implementing the charter which
517 addresses the implementation of each element thereof and the
518 date by which the charter shall be awarded in order to meet this
519 timetable.

520 17. In the case of an existing public school that is being
521 converted to charter status, alternative arrangements for
522 current students who choose not to attend the charter school and

589-03783-11

20111546c2

523 for current teachers who choose not to teach in the charter
524 school after conversion in accordance with the existing
525 collective bargaining agreement or district school board rule in
526 the absence of a collective bargaining agreement. However,
527 alternative arrangements shall not be required for current
528 teachers who choose not to teach in a charter lab school, except
529 as authorized by the employment policies of the state university
530 which grants the charter to the lab school.

531 18. Full disclosure of the identity of all relatives
532 employed by the charter school who are related to the charter
533 school owner, president, chairperson of the governing board of
534 directors, superintendent, governing board member, principal,
535 assistant principal, or any other person employed by the charter
536 school who has equivalent decisionmaking authority. For the
537 purpose of this subparagraph, the term "relative" means father,
538 mother, son, daughter, brother, sister, uncle, aunt, first
539 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
540 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
541 stepfather, stepmother, stepson, stepdaughter, stepbrother,
542 stepsister, half brother, or half sister.

543 (b)1. A charter may be renewed provided that a program
544 review demonstrates that the criteria in paragraph (a) have been
545 successfully accomplished and that none of the grounds for
546 nonrenewal established by paragraph (8)(a) has been documented.
547 In order to facilitate long-term financing for charter school
548 construction, charter schools operating for a minimum of 3 years
549 and demonstrating exemplary academic programming and fiscal
550 management are eligible for a 15-year charter renewal. Such
551 long-term charter is subject to annual review and may be

589-03783-11

20111546c2

552 terminated during the term of the charter.

553 2. The 15-year charter renewal that may be granted pursuant
554 to subparagraph 1. shall be granted to a charter school that has
555 received a school grade of "A" or "B" pursuant to s. 1008.34 in
556 3 of the past 4 years and is not in a state of financial
557 emergency or deficit position as defined by this section. Such
558 long-term charter is subject to annual review and may be
559 terminated during the term of the charter pursuant to subsection
560 (8).

561 (c) A charter may be modified during its initial term or
562 any renewal term upon the recommendation of the sponsor or the
563 charter school governing board and the approval of both parties
564 to the agreement.

565 (d) The sponsor may not require that board members of the
566 charter school reside in the district in which the charter
567 school is located and shall allow charter school management
568 personnel to represent the charter school board if such
569 representation has been approved by the charter school board.

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

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

573 1. Failure to participate in the state's education
574 accountability system created in s. 1008.31, as required in this
575 section, or failure to meet the requirements for student
576 performance stated in the charter.

577 2. Failure to meet generally accepted standards of fiscal
578 management.

579 3. Violation of law.

580 4. Other good cause shown.

589-03783-11

20111546c2

581 (b) Before ~~At least 90 days prior to~~ renewing or
582 terminating a charter, the sponsor shall notify the governing
583 body of the school of the proposed action in writing. The notice
584 shall state in reasonable detail the grounds for the proposed
585 action and stipulate that the school's governing body may,
586 within 14 calendar days after receiving the notice, file a
587 request for a an informal hearing with the sponsor pursuant to
588 chapter 120 before the sponsor. The matter shall proceed
589 pursuant to chapter 120. The sponsor shall conduct the informal
590 hearing within 30 calendar days after receiving a written
591 request.

592 (c) The final order issued by the sponsor must include the
593 specific reasons for nonrenewal or termination of the charter
594 and shall be provided to the charter school governing body and
595 the Department of Education within 10 calendar days after the
596 final order is issued. If a charter is not renewed or is
597 terminated pursuant to paragraph (b), the sponsor shall, within
598 10 calendar days, articulate in writing the specific reasons for
599 its nonrenewal or termination of the charter and must provide
600 the letter of nonrenewal or termination and documentation
601 supporting the reasons to the charter school governing body, the
602 charter school principal, and the Department of Education. The
603 charter school's governing body may, within 30 calendar days
604 after receiving the sponsor's final order ~~written decision to~~
605 refuse to renew or to terminate the charter, appeal the decision
606 pursuant to the procedure established in subsection (6).

607 (d) A charter may be terminated immediately if the sponsor
608 determines that good cause has been shown or if the health,
609 safety, or welfare of the students is threatened. The sponsor's

589-03783-11

20111546c2

610 determination is ~~not~~ subject to the same process as set forth in
611 paragraphs ~~an informal hearing under paragraph~~ (b) and (c), with
612 the exception that the sponsor's determination may take effect
613 immediately or at a subsequently identified time ~~or pursuant to~~
614 ~~chapter 120~~. The sponsor shall notify in writing the charter
615 school's governing body, the charter school principal, and the
616 department if a charter is immediately terminated as soon as
617 reasonably possible. The sponsor shall clearly identify the
618 specific issues that resulted in the immediate termination and
619 provide evidence of prior notification of issues resulting in
620 the immediate termination when appropriate. The charter school's
621 governing board has 10 days to request a hearing pursuant to s.
622 120.569. The hearing in such cases shall be expedited, and the
623 final order shall be issued no more than 45 days after the date
624 upon which the hearing is requested. ~~The school district in~~
625 which the charter school is located shall assume operation of
626 the school under these circumstances. The charter school's
627 governing board may, within 30 days after receiving the
628 sponsor's decision to terminate the charter, appeal the decision
629 pursuant to the procedure established in subsection (6). The
630 sponsor shall assume and continue operation of the school
631 pending appeal to the State Board of Education under subsection
632 (6), unless the continued operation of the school would
633 materially threaten the physical health, safety, or welfare of
634 the students. A sponsor that fails to assume and to continue
635 operation of the charter school is liable for attorney's fees
636 and costs to the charter school if the charter school prevails
637 on appeal to the State Board of Education.

638 (e) When a charter is not renewed or is terminated, the

589-03783-11

20111546c2

639 school shall be dissolved under the provisions of law under
640 which the school was organized, and any unencumbered public
641 funds, except for capital outlay funds and federal charter
642 school program grant funds, from the charter school shall revert
643 to the sponsor. Capital outlay funds provided pursuant to s.
644 1013.62 and federal charter school program grant funds that are
645 unencumbered shall revert to the department to be redistributed
646 among eligible charter schools. In the event a charter school is
647 dissolved or is otherwise terminated, all district school board
648 property and improvements, furnishings, and equipment purchased
649 with public funds shall automatically revert to full ownership
650 by the district school board, subject to complete satisfaction
651 of any lawful liens or encumbrances. Any unencumbered public
652 funds from the charter school, district school board property
653 and improvements, furnishings, and equipment purchased with
654 public funds, or financial or other records pertaining to the
655 charter school, in the possession of any person, entity, or
656 holding company, other than the charter school, shall be held in
657 trust upon the district school board's request, until any appeal
658 status is resolved.

659 (f) If a charter is not renewed or is terminated, the
660 charter school is responsible for all debts of the charter
661 school. The district may not assume the debt from any contract
662 made between the governing body of the school and a third party,
663 except for a debt that is previously detailed and agreed upon in
664 writing by both the district and the governing body of the
665 school and that may not reasonably be assumed to have been
666 satisfied by the district.

667 (g) If a charter is not renewed or is terminated, a student

589-03783-11

20111546c2

668 who attended the school may apply to, and shall be enrolled in,
669 another public school. Normal application deadlines shall be
670 disregarded under such circumstances.

671 (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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

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

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

686 (g) In order to provide financial information that is
687 comparable to that reported for other public schools, charter
688 schools are to maintain all financial records that constitute
689 their accounting system:

690 1. In accordance with the accounts and codes prescribed in
691 the most recent issuance of the publication titled "Financial
692 and Program Cost Accounting and Reporting for Florida Schools";
693 or

694 2. At the discretion of the charter school governing board,
695 a charter school may elect to follow generally accepted
696 accounting standards for not-for-profit organizations, but must

589-03783-11

20111546c2

697 reformat this information for reporting according to this
698 paragraph.

699

700 Charter schools shall provide annual financial report and
701 program cost report information in the state-required formats
702 for inclusion in district reporting in compliance with s.
703 1011.60(1). Charter schools that are operated by a municipality
704 or are a component unit of a parent nonprofit organization may
705 use the accounting system of the municipality or the parent but
706 must reformat this information for reporting according to this
707 paragraph. A charter school shall provide a monthly financial
708 statement to the sponsor; however, if the charter school is
709 designated as a high-performing charter school under subsection
710 (10) or is part of a high-performing charter school system under
711 subsection (11), it shall provide a quarterly financial
712 statement. The ~~monthly~~ financial statement required under this
713 paragraph shall be in a form prescribed by the Department of
714 Education.

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

717 (i) The governing body of the charter school shall exercise
718 continuing oversight over charter school operations.

719 (j) The governing body of the charter school shall be
720 responsible for:

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

725 2. Reviewing and approving the audit report, including

589-03783-11

20111546c2

726 audit findings and recommendations for the financial recovery
727 plan.

728 3.a. Performing the duties in s. 1002.345, including
729 monitoring a corrective action plan.

730 b. Monitoring a financial recovery plan in order to ensure
731 compliance.

732 4. Participating in governance training approved by the
733 department which must include government in the sunshine,
734 conflicts of interest, ethics, and financial responsibility.

735 (k) The governing body of the charter school shall report
736 its progress annually to its sponsor, which shall forward the
737 report to the Commissioner of Education at the same time as
738 other annual school accountability reports. The Department of
739 Education shall develop a uniform, online annual accountability
740 report to be completed by charter schools. This report shall be
741 easy to utilize and contain demographic information, student
742 performance data, and financial accountability information. A
743 charter school shall not be required to provide information and
744 data that is duplicative and already in the possession of the
745 department. The Department of Education shall include in its
746 compilation a notation if a school failed to file its report by
747 the deadline established by the department. The report shall
748 include at least the following components:

749 1. Student achievement performance data, including the
750 information required for the annual school report and the
751 education accountability system governed by ss. 1008.31 and
752 1008.345. Charter schools are subject to the same accountability
753 requirements as other public schools, including reports of
754 student achievement information that links baseline student data

589-03783-11

20111546c2

755 to the school's performance projections identified in the
756 charter. The charter school shall identify reasons for any
757 difference between projected and actual student performance.

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

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

765 4. Descriptive information about the charter school's
766 personnel, including salary and benefit levels of charter school
767 employees, the proportion of instructional personnel who hold
768 professional or temporary certificates, and the proportion of
769 instructional personnel teaching in-field or out-of-field.

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

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

775 (n) The director and a representative of the governing body
776 of a charter school that has received a school grade of "D"
777 under s. 1008.34(2) shall appear before the sponsor or the
778 sponsor's staff at least once a year to present information
779 concerning each contract component having noted deficiencies.
780 The sponsor shall communicate at the meeting, and in writing to
781 the director, the services provided to the school to help the
782 school address its deficiencies.

783 (o) Upon notification that a charter school receives a

589-03783-11

20111546c2

784 school grade of "D" for 2 consecutive years or a school grade of
785 "F" under s. 1008.34(2), the charter school sponsor or the
786 sponsor's staff shall require the director and a representative
787 of the governing body to submit to the sponsor for approval a
788 school improvement plan to raise student achievement and to
789 implement the plan. The sponsor has the authority to approve a
790 school improvement plan that the charter school will implement
791 in the following school year. The sponsor may also consider the
792 State Board of Education's recommended action pursuant to s.
793 1008.33(1) as part of the school improvement plan. The
794 Department of Education shall offer technical assistance and
795 training to the charter school and its governing body and
796 establish guidelines for developing, submitting, and approving
797 such plans.

798 1. If the charter school fails to improve its student
799 performance from the year immediately prior to the
800 implementation of the school improvement plan, the sponsor shall
801 place the charter school on probation and shall require the
802 charter school governing body to take one of the following
803 corrective actions:

804 a. Contract for the educational services of the charter
805 school;

806 b. Reorganize the school at the end of the school year
807 under a new director or principal who is authorized to hire new
808 staff and implement a plan that addresses the causes of
809 inadequate progress; or

810 c. Reconstitute the charter school.

811 2. A charter school that is placed on probation shall
812 continue the corrective actions required under subparagraph 1.

589-03783-11

20111546c2

813 until the charter school improves its student performance from
814 the year prior to the implementation of the school improvement
815 plan.

816 3. Notwithstanding any provision of this paragraph, the
817 sponsor may terminate the charter at any time pursuant to
818 subsection (8).

819 (p) The director and a representative of the governing body
820 of a graded charter school that has submitted a school
821 improvement plan or has been placed on probation under paragraph
822 (o) shall appear before the sponsor or the sponsor's staff at
823 least once a year to present information regarding the
824 corrective strategies that are being implemented by the school
825 pursuant to the school improvement plan. The sponsor shall
826 communicate at the meeting, and in writing to the director, the
827 services provided to the school to help the school address its
828 deficiencies.

829 (10) HIGH-PERFORMING CHARTER SCHOOLS.-

830 (a) A charter school shall be designated as a high-
831 performing charter school if:

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

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

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

836 c. Did not receive a financial audit that revealed one or
837 more of the conditions set forth in s. 218.503(1); however, the
838 condition is deemed met for a charter school-in-the-workplace if
839 there is a finding in an audit that the school has the monetary
840 resources available to cover any reported deficiency or that the
841 deficiency does not result in a deteriorating financial

589-03783-11

20111546c2

842 condition pursuant to s. 1002.345(1)(a)3.

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

848 (b) If the charter school maintains compliance with s.
849 1002.33(18)(b)3., a high-performing charter school may:

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

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

855 3. Offer voluntary prekindergarten education pursuant to
856 ss. 1002.51-1002.79.

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

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

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

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

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

868 b. "High-performing charter school system" means an entity
869 that:

870 (I) Operates at least three high-performing charter schools

589-03783-11

20111546c2

871 in this state;

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

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

878 (IV) Has not received a school grade of "F" during any of
879 the previous 2 years for any charter school operated by the
880 entity in the state, except for a charter school taken over or
881 managed by, but not created or started by, the entity, in which
882 case the entity loses its high-performing designation if the
883 charter school receives a school grade of "F" in 3 out of 5
884 years.

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

889 1. A local school district may deny a charter application
890 from an operator of a high-performing charter school system only
891 if good cause is shown that the operator fails to materially
892 meet established charter school requirements pursuant to
893 subsection (9). The charter applicant may appeal, as provided in
894 subsection (6). The district is liable to the charter applicant
895 for attorney's fees and costs if the charter applicant prevails
896 on appeal. The State Board of Education may additionally
897 sanction the district with any penalties under s. 1008.32(4) if
898 the state board determines that the district has a pattern of
899 unlawfully denying a high-performing charter system from

589-03783-11

20111546c2

900 replicating a high-performing charter school.

901 2. The new charter school shall receive an initial charter
902 for a term of 15 years, shall be designated as a high-performing
903 charter school for the first 3 years of the charter, and shall
904 receive charter school capital outlay funds under s. 1013.62.
905 The school is not required to comply with s. 1013.62(1)(a)1.-3.,
906 but must comply with any other requirements in s. 1013.62 to
907 receive charter school capital outlay funds as provided in this
908 subparagraph.

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

912
913 This paragraph does not waive a district school board's
914 sovereign immunity.

915 (12)~~(10)~~ ELIGIBLE STUDENTS.-

916 (a) A charter school shall be open to any student covered
917 in an interdistrict agreement or residing in the school district
918 in which the charter school is located; however, in the case of
919 a charter lab school, the charter lab school shall be open to
920 any student eligible to attend the lab school as provided in s.
921 1002.32 or who resides in the school district in which the
922 charter lab school is located. Any eligible student shall be
923 allowed interdistrict transfer to attend a charter school when
924 based on good cause. Good cause shall include, but is not
925 limited to, geographic proximity to a charter school in a
926 neighboring school district.

927 (b) The charter school shall enroll an eligible student who
928 submits a timely application, unless the number of applications

589-03783-11

20111546c2

929 exceeds the capacity of a program, class, grade level, or
930 building. In such case, all applicants shall have an equal
931 chance of being admitted through a random selection process.

932 (c) When a public school converts to charter status,
933 enrollment preference shall be given to students who would have
934 otherwise attended that public school. The district school board
935 shall consult and negotiate with the conversion charter school
936 every 3 years to determine whether realignment of the conversion
937 charter school's attendance zone is appropriate in order to
938 ensure that students residing closest to the charter school are
939 provided with an enrollment preference.

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

942 1. Students who are siblings of a student enrolled in the
943 charter school.

944 2. Students who are the children of a member of the
945 governing board of the charter school.

946 3. Students who are the children of an employee of the
947 charter school.

948 4. Students who are the children of:

949 a. An employee of a business partner, or a resident of a
950 municipality, who complies with paragraph (17) (b) for a charter
951 school-in-the-workplace; or

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

954 5. Students enrolling in a charter school-in-the-workplace
955 or charter school-in-a-municipality established pursuant to this
956 section.

957 (e) A charter school may limit the enrollment process only

589-03783-11

20111546c2

958 to target the following student populations:

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

960 2. Students considered at risk of dropping out of school or
961 academic failure. Such students shall include exceptional
962 education students.

963 3. Students enrolling in a charter school-in-the-workplace
964 or charter school-in-a-municipality established pursuant to
965 subsection (17) ~~(15)~~.

966 4. Students residing within a reasonable distance of the
967 charter school, as described in paragraph (23) (c) ~~(20) (e)~~. Such
968 students are ~~shall be~~ subject to a random lottery and to the
969 racial/ethnic balance provisions described in subparagraph
970 (7) (a)8. or any federal provisions that require a school to
971 achieve a racial/ethnic balance reflective of the community it
972 serves or within the racial/ethnic range of other public schools
973 in the same school district.

974 5. Students who meet reasonable academic, artistic, or
975 other eligibility standards established by the charter school
976 and included in the charter school application and charter or,
977 in the case of existing charter schools, standards that are
978 consistent with the school's mission and purpose. Such standards
979 shall be in accordance with current state law and practice in
980 public schools and may not discriminate against otherwise
981 qualified individuals.

982 6. Students articulating from one charter school to another
983 pursuant to an articulation agreement between the charter
984 schools that has been approved by the sponsor.

985 (f) Students with disabilities and students served in
986 English for Speakers of Other Languages programs shall have an

589-03783-11

20111546c2

987 equal opportunity of being selected for enrollment in a charter
988 school.

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

992 (h) The capacity of the charter school shall be determined
993 annually by the governing board, in conjunction with the
994 sponsor, of the charter school in consideration of the factors
995 identified in this subsection unless the charter school is
996 designated as a high-performing charter school under subsection
997 (10). A sponsor may not require a charter school to waive the
998 provisions in paragraph (10)(b) or require a student enrollment
999 cap that prohibits a high-performing charter school from
1000 increasing enrollment in accordance with paragraph (10)(b) as a
1001 condition of approval or renewal of a charter.

1002 (i) The capacity of a high-performing charter school
1003 pursuant to subsection (10) shall be determined annually by the
1004 governing board of the charter school. The governing board shall
1005 notify the sponsor of any increase in enrollment by March 1 of
1006 the school year preceding the increase.

1007 (13)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
1008 ACTIVITIES.-A charter school student is eligible to participate
1009 in an interscholastic extracurricular activity at the public
1010 school to which the student would be otherwise assigned to
1011 attend pursuant to s. 1006.15(3)(d).

1012 (14)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.-

1013 (a) A charter school shall select its own employees. A
1014 charter school may contract with its sponsor for the services of
1015 personnel employed by the sponsor.

589-03783-11

20111546c2

1016 (b) Charter school employees shall have the option to
1017 bargain collectively. Employees may collectively bargain as a
1018 separate unit or as part of the existing district collective
1019 bargaining unit as determined by the structure of the charter
1020 school.

1021 (c) The employees of a conversion charter school shall
1022 remain public employees for all purposes, unless such employees
1023 choose not to do so.

1024 (d) The teachers at a charter school may choose to be part
1025 of a professional group that subcontracts with the charter
1026 school to operate the instructional program under the auspices
1027 of a partnership or cooperative that they collectively own.
1028 Under this arrangement, the teachers would not be public
1029 employees.

1030 (e) Employees of a school district may take leave to accept
1031 employment in a charter school upon the approval of the district
1032 school board. While employed by the charter school and on leave
1033 that is approved by the district school board, the employee may
1034 retain seniority accrued in that school district and may
1035 continue to be covered by the benefit programs of that school
1036 district, if the charter school and the district school board
1037 agree to this arrangement and its financing. School districts
1038 may shall not require resignations from instructional personnel,
1039 school administrators, or educational support employees who
1040 desire employment of teachers desiring to teach in a charter
1041 school. This paragraph does shall not prohibit a district school
1042 board from approving alternative leave arrangements consistent
1043 with chapter 1012.

1044 (f) Teachers employed by or under contract to a charter

589-03783-11

20111546c2

1045 school shall be certified as required by chapter 1012. A charter
1046 school governing board may employ or contract with skilled
1047 selected noncertified personnel to provide instructional
1048 services or to assist instructional staff members as education
1049 paraprofessionals in the same manner as defined in chapter 1012,
1050 and as provided by State Board of Education rule for charter
1051 school governing boards. A charter school may not knowingly
1052 employ an individual to provide instructional services or to
1053 serve as an education paraprofessional if the individual's
1054 certification or licensure as an educator is suspended or
1055 revoked by this or any other state. A charter school may not
1056 knowingly employ an individual who has resigned from a school
1057 district in lieu of disciplinary action with respect to child
1058 welfare or safety, or who has been dismissed for just cause by
1059 any school district with respect to child welfare or safety. The
1060 qualifications of teachers shall be disclosed to parents.

1061 (g)1. A charter school shall employ or contract with
1062 employees who have undergone background screening as provided in
1063 s. 1012.32. Members of the governing board of the charter school
1064 shall also undergo background screening in a manner similar to
1065 that provided in s. 1012.32.

1066 2. A charter school shall disqualify instructional
1067 personnel and school administrators, as defined in s. 1012.01,
1068 from employment in any position that requires direct contact
1069 with students if the personnel or administrators are ineligible
1070 for such employment under s. 1012.315.

1071 3. The governing board of a charter school shall adopt
1072 policies establishing standards of ethical conduct for
1073 instructional personnel and school administrators. The policies

589-03783-11

20111546c2

1074 must require all instructional personnel and school
1075 administrators, as defined in s. 1012.01, to complete training
1076 on the standards; establish the duty of instructional personnel
1077 and school administrators to report, and procedures for
1078 reporting, alleged misconduct by other instructional personnel
1079 and school administrators which affects the health, safety, or
1080 welfare of a student; and include an explanation of the
1081 liability protections provided under ss. 39.203 and 768.095. A
1082 charter school, or any of its employees, may not enter into a
1083 confidentiality agreement regarding terminated or dismissed
1084 instructional personnel or school administrators, or personnel
1085 or administrators who resign in lieu of termination, based in
1086 whole or in part on misconduct that affects the health, safety,
1087 or welfare of a student, and may not provide instructional
1088 personnel or school administrators with employment references or
1089 discuss the personnel's or administrators' performance with
1090 prospective employers in another educational setting, without
1091 disclosing the personnel's or administrators' misconduct. Any
1092 part of an agreement or contract that has the purpose or effect
1093 of concealing misconduct by instructional personnel or school
1094 administrators which affects the health, safety, or welfare of a
1095 student is void, is contrary to public policy, and may not be
1096 enforced.

1097 4. Before employing instructional personnel or school
1098 administrators in any position that requires direct contact with
1099 students, a charter school shall conduct employment history
1100 checks of each of the personnel's or administrators' previous
1101 employers, screen the instructional personnel or school
1102 administrators through use of the educator screening tools

589-03783-11

20111546c2

1103 described in s. 1001.10(5), and document the findings. If unable
1104 to contact a previous employer, the charter school must document
1105 efforts to contact the employer.

1106 5. The sponsor of a charter school that knowingly fails to
1107 comply with this paragraph shall terminate the charter under
1108 subsection (8).

1109 (h) For the purposes of tort liability, the governing body
1110 and employees of a charter school shall be governed by s.
1111 768.28.

1112 (i) A charter school shall organize as, or be operated by,
1113 a nonprofit organization. A charter school may be operated by a
1114 municipality or other public entity as provided for by law. As
1115 such, the charter school may be either a private or a public
1116 employer. As a public employer, a charter school may participate
1117 in the Florida Retirement System upon application and approval
1118 as a "covered group" under s. 121.021(34). If a charter school
1119 participates in the Florida Retirement System, the charter
1120 school employees shall be compulsory members of the Florida
1121 Retirement System. As either a private or a public employer, a
1122 charter school may contract for services with an individual or
1123 group of individuals who are organized as a partnership or a
1124 cooperative. Individuals or groups of individuals who contract
1125 their services to the charter school are not public employees.

1126 (15)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may
1127 enter into cooperative agreements to form charter school
1128 cooperative organizations that may provide the following
1129 services: charter school planning and development, direct
1130 instructional services, and contracts with charter school
1131 governing boards to provide personnel administrative services,

589-03783-11

20111546c2

1132 payroll services, human resource management, evaluation and
1133 assessment services, teacher preparation, and professional
1134 development.

1135 (16)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
1136 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
1137 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to
1138 borrow or otherwise secure funds for a charter school authorized
1139 in this section from a source other than the state or a school
1140 district shall indemnify the state and the school district from
1141 any and all liability, including, but not limited to, financial
1142 responsibility for the payment of the principal or interest. Any
1143 loans, bonds, or other financial agreements are not obligations
1144 of the state or the school district but are obligations of the
1145 charter school authority and are payable solely from the sources
1146 of funds pledged by such agreement. The credit or taxing power
1147 of the state or the school district shall not be pledged and no
1148 debts shall be payable out of any moneys except those of the
1149 legal entity in possession of a valid charter approved by a
1150 district school board pursuant to this section.

1151 (17)~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-
1152 IN-A-MUNICIPALITY.—

1153 (a) In order to increase business partnerships in
1154 education, to reduce school and classroom overcrowding
1155 throughout the state, and to offset the high costs for
1156 educational facilities construction, the Legislature intends to
1157 encourage the formation of business partnership schools or
1158 satellite learning centers and municipal-operated schools
1159 through charter school status.

1160 (b) A charter school-in-the-workplace may be established

589-03783-11

20111546c2

1161 when a business partner provides the school facility to be used;
1162 enrolls students based upon a random lottery that involves all
1163 of the children of employees of that business or corporation or
1164 residents of that municipality who are seeking enrollment, as
1165 provided for in subsection (12) ~~(10)~~; and enrolls students
1166 according to the racial/ethnic balance provisions described in
1167 subparagraph (7)(a)8. A municipality may be a business partner
1168 notwithstanding paragraph (c). Any portion of a facility used
1169 for a public charter school shall be exempt from ad valorem
1170 taxes, as provided for in s. 1013.54, for the duration of its
1171 use as a public school.

1172 (c) A charter school-in-a-municipality designation may be
1173 granted to a municipality that possesses a charter; enrolls
1174 students based upon a random lottery that involves all of the
1175 children of the residents of that municipality who are seeking
1176 enrollment, as provided for in subsection (12) ~~(10)~~; and enrolls
1177 students according to the racial/ethnic balance provisions
1178 described in subparagraph (7)(a)8. When a municipality has
1179 submitted charter applications for the establishment of a
1180 charter school feeder pattern, consisting of elementary, middle,
1181 and senior high schools, and each individual charter application
1182 is approved by the district school board, such schools shall
1183 then be designated as one charter school for all purposes listed
1184 pursuant to this section. Any portion of the land and facility
1185 used for a public charter school shall be exempt from ad valorem
1186 taxes, as provided for in s. 1013.54, for the duration of its
1187 use as a public school.

1188 (d) As used in this subsection, the terms "business
1189 partner" or "municipality" may include more than one business or

589-03783-11

20111546c2

1190 municipality to form a charter school-in-the-workplace or
 1191 charter school-in-a-municipality.

1192 (18)~~(16)~~ EXEMPTION FROM STATUTES.—

1193 (a) A charter school shall operate in accordance with its
 1194 charter and shall be exempt from all statutes in chapters 1000-
 1195 1013. However, a charter school shall be in compliance with the
 1196 following statutes in chapters 1000-1013:

1197 1. Those statutes specifically applying to charter schools,
 1198 including this section.

1199 2. Those statutes pertaining to the student assessment
 1200 program and school grading system.

1201 3. Those statutes pertaining to the provision of services
 1202 to students with disabilities.

1203 4. Those statutes pertaining to civil rights, including s.
 1204 1000.05, relating to discrimination.

1205 5. Those statutes pertaining to student health, safety, and
 1206 welfare.

1207 (b) Additionally, a charter school shall be in compliance
 1208 with the following statutes:

1209 1. Section 286.011, relating to public meetings and
 1210 records, public inspection, and criminal and civil penalties.

1211 2. Chapter 119, relating to public records.

1212 3. Section 1003.03, relating to the maximum class size,
 1213 except that the calculation for compliance pursuant to s.
 1214 1003.03 shall be the average at the school level.

1215 (19)~~(17)~~ FUNDING.—Students enrolled in a charter school,
 1216 regardless of the sponsorship, shall be funded as if they are in
 1217 a basic program or a special program, the same as students
 1218 enrolled in other public schools in the school district. Funding

589-03783-11

20111546c2

1219 for a charter lab school shall be as provided in s. 1002.32.

1220 (a) Each charter school shall report its student enrollment
1221 to the sponsor as required in s. 1011.62, and in accordance with
1222 the definitions in s. 1011.61. The sponsor shall include each
1223 charter school's enrollment in the district's report of student
1224 enrollment. All charter schools submitting student record
1225 information required by the Department of Education shall comply
1226 with the Department of Education's guidelines for electronic
1227 data formats for such data, and all districts shall accept
1228 electronic data that complies with the Department of Education's
1229 electronic format.

1230 (b) The basis for the agreement for funding students
1231 enrolled in a charter school shall be the sum of the school
1232 district's operating funds from the Florida Education Finance
1233 Program as provided in s. 1011.62 and the General Appropriations
1234 Act, including gross state and local funds, discretionary
1235 lottery funds, and funds from the school district's current
1236 operating discretionary millage levy; divided by total funded
1237 weighted full-time equivalent students in the school district;
1238 multiplied by the weighted full-time equivalent students for the
1239 charter school. Charter schools whose students or programs meet
1240 the eligibility criteria in law shall be entitled to their
1241 proportionate share of categorical program funds included in the
1242 total funds available in the Florida Education Finance Program
1243 by the Legislature, including transportation. Total funding for
1244 each charter school shall be recalculated during the year to
1245 reflect the revised calculations under the Florida Education
1246 Finance Program by the state and the actual weighted full-time
1247 equivalent students reported by the charter school during the

589-03783-11

20111546c2

1248 full-time equivalent student survey periods designated by the
1249 Commissioner of Education.

1250 (c) If the district school board is providing programs or
1251 services to students funded by federal funds, any eligible
1252 students enrolled in charter schools in the school district
1253 shall be provided federal funds for the same level of service
1254 provided students in the schools operated by the district school
1255 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
1256 charter schools shall receive all federal funding for which the
1257 school is otherwise eligible, including Title I funding, not
1258 later than 5 months after the charter school first opens and
1259 within 5 months after any subsequent expansion of enrollment.

1260 (d) Charter schools shall be included by the Department of
1261 Education and the district school board in requests for federal
1262 stimulus funds in the same manner as district school board-
1263 operated public schools, including Title I and IDEA funds and
1264 shall be entitled to receive such funds. Charter schools are
1265 eligible to participate in federal competitive grants that are
1266 available as part of the federal stimulus funds.

1267 (e) District school boards shall make timely and efficient
1268 payment and reimbursement to charter schools, including
1269 processing paperwork required to access special state and
1270 federal funding for which they may be eligible. The district
1271 school board may distribute funds to a charter school for up to
1272 3 months based on the projected full-time equivalent student
1273 membership of the charter school. Thereafter, the results of
1274 full-time equivalent student membership surveys shall be used in
1275 adjusting the amount of funds distributed monthly to the charter
1276 school for the remainder of the fiscal year. The payment shall

589-03783-11

20111546c2

1277 be issued no later than 10 working days after the district
1278 school board receives a distribution of state or federal funds.
1279 If a warrant for payment is not issued within 10 working days
1280 after receipt of funding by the district school board, the
1281 school district shall pay to the charter school, in addition to
1282 the amount of the scheduled disbursement, interest at a rate of
1283 1 percent per month calculated on a daily basis on the unpaid
1284 balance from the expiration of the 10 working days until such
1285 time as the warrant is issued.

1286 (20) BLENDED-LEARNING CHARTER SCHOOLS.-

1287 (a) As used in this section, the term "blended-learning
1288 charter school" means a school that combines traditional
1289 classroom and virtual instruction.

1290 (b) A blended-learning charter school does not have to
1291 apply to become an approved provider under s. 1002.45 and may
1292 provide online instruction only to students enrolled in the
1293 charter school.

1294 (c) Faculty authorized to provide online instruction for
1295 blended-learning courses must be employees of the charter school
1296 or contracted to provide instruction to the charter school
1297 students and must hold a current state or school district
1298 adjunct certification to teach in the subject area of a blended-
1299 learning course.

1300 (d) For purposes of funding and performance accountability,
1301 blended-learning courses are considered the same as traditional
1302 courses.

1303 (21) ~~(18)~~ FACILITIES.-

1304 (a) A startup charter school shall utilize facilities which
1305 comply with the Florida Building Code pursuant to chapter 553

589-03783-11

20111546c2

1306 except for the State Requirements for Educational Facilities.
1307 Conversion charter schools shall utilize facilities that comply
1308 with the State Requirements for Educational Facilities provided
1309 that the school district and the charter school have entered
1310 into a mutual management plan for the reasonable maintenance of
1311 such facilities. The mutual management plan shall contain a
1312 provision by which the district school board agrees to maintain
1313 charter school facilities in the same manner as its other public
1314 schools within the district. Charter schools, with the exception
1315 of conversion charter schools, are not required to comply, but
1316 may choose to comply, with the State Requirements for
1317 Educational Facilities of the Florida Building Code adopted
1318 pursuant to s. 1013.37. The local governing authority shall not
1319 adopt or impose local building requirements or restrictions that
1320 are more stringent than those found in the Florida Building
1321 Code. The agency having jurisdiction for inspection of a
1322 facility and issuance of a certificate of occupancy shall be the
1323 local municipality or, if in an unincorporated area, the county
1324 governing authority.

1325 (b) A charter school shall utilize facilities that comply
1326 with the Florida Fire Prevention Code, pursuant to s. 633.025,
1327 as adopted by the authority in whose jurisdiction the facility
1328 is located as provided in paragraph (a).

1329 (c) Any facility, or portion thereof, used to house a
1330 charter school whose charter has been approved by the sponsor
1331 and the governing board, pursuant to subsection (7), shall be
1332 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
1333 community service, museum, performing arts, theatre, cinema,
1334 church, community college, college, and university facilities

589-03783-11

20111546c2

1335 may provide space to charter schools within their facilities
1336 under their preexisting zoning and land use designations.

1337 (d) Charter school facilities are exempt from assessments
1338 of fees for building permits, except as provided in s. 553.80;
1339 fees for building and occupational licenses; impact fees or
1340 exactions; service availability fees; and assessments for
1341 special benefits.

1342 (e) If a district school board facility or property is
1343 available because it is surplus, marked for disposal, or
1344 otherwise unused, it shall be provided for a charter school's
1345 use on the same basis as it is made available to other public
1346 schools in the district. A charter school receiving property
1347 from the school district may not sell or dispose of such
1348 property without written permission of the school district.
1349 Similarly, for an existing public school converting to charter
1350 status, no rental or leasing fee for the existing facility or
1351 for the property normally inventoried to the conversion school
1352 may be charged by the district school board to the parents and
1353 teachers organizing the charter school. The charter school shall
1354 agree to reasonable maintenance provisions in order to maintain
1355 the facility in a manner similar to district school board
1356 standards. The Public Education Capital Outlay maintenance funds
1357 or any other maintenance funds generated by the facility
1358 operated as a conversion school shall remain with the conversion
1359 school.

1360 (f) To the extent that charter school facilities are
1361 specifically created to mitigate the educational impact created
1362 by the development of new residential dwelling units, pursuant
1363 to subparagraph (2)(c)4., some of or all of the educational

589-03783-11

20111546c2

1364 impact fees required to be paid in connection with the new
1365 residential dwelling units may be designated instead for the
1366 construction of the charter school facilities that will mitigate
1367 the student station impact. Such facilities shall be built to
1368 the State Requirements for Educational Facilities and shall be
1369 owned by a public or nonprofit entity. The local school district
1370 retains the right to monitor and inspect such facilities to
1371 ensure compliance with the State Requirements for Educational
1372 Facilities. If a facility ceases to be used for public
1373 educational purposes, either the facility shall revert to the
1374 school district subject to any debt owed on the facility, or the
1375 owner of the facility shall have the option to refund all
1376 educational impact fees utilized for the facility to the school
1377 district. The district and the owner of the facility may
1378 contractually agree to another arrangement for the facilities if
1379 the facilities cease to be used for educational purposes. The
1380 owner of property planned or approved for new residential
1381 dwelling units and the entity levying educational impact fees
1382 shall enter into an agreement that designates the educational
1383 impact fees that will be allocated for the charter school
1384 student stations and that ensures the timely construction of the
1385 charter school student stations concurrent with the expected
1386 occupancy of the residential units. The application for use of
1387 educational impact fees shall include an approved charter school
1388 application. To assist the school district in forecasting
1389 student station needs, the entity levying the impact fees shall
1390 notify the affected district of any agreements it has approved
1391 for the purpose of mitigating student station impact from the
1392 new residential dwelling units.

589-03783-11

20111546c2

1393 (g) Each school district shall annually provide to the
1394 Department of Education as part of its 5-year work plan the
1395 number of existing vacant classrooms in each school that the
1396 district does not intend to use or does not project will be
1397 needed for educational purposes for the following school year.
1398 The department may recommend that a district make such space
1399 available to an appropriate charter school.

1400 (22)~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are
1401 eligible for capital outlay funds pursuant to s. 1013.62.
1402 Capital outlay funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62
1403 which ~~that~~ have been shared with a charter school-in-the-
1404 workplace prior to July 1, 2010, are deemed to have met the
1405 authorized expenditure requirements for such funds.

1406 (23)~~(20)~~ SERVICES.—

1407 (a)1. A sponsor shall provide certain administrative and
1408 educational services to charter schools. These services shall
1409 include contract management services; full-time equivalent and
1410 data reporting services; exceptional student education
1411 administration services; services related to eligibility and
1412 reporting duties required to ensure that school lunch services
1413 under the federal lunch program, consistent with the needs of
1414 the charter school, are provided by the school district at the
1415 request of the charter school, that any funds due to the charter
1416 school under the federal lunch program be paid to the charter
1417 school as soon as the charter school begins serving food under
1418 the federal lunch program, and that the charter school is paid
1419 at the same time and in the same manner under the federal lunch
1420 program as other public schools serviced by the sponsor or the
1421 school district; test administration services, including payment

589-03783-11

20111546c2

1422 of the costs of state-required or district-required student
1423 assessments; processing of teacher certificate data services;
1424 and information services, including equal access to student
1425 information systems that are used by public schools in the
1426 district in which the charter school is located. Student
1427 performance data for each student in a charter school,
1428 including, but not limited to, FCAT scores, standardized test
1429 scores, previous public school student report cards, and student
1430 performance measures, shall be provided by the sponsor to a
1431 charter school in the same manner provided to other public
1432 schools in the district.

1433 2. A total administrative fee for the provision of such
1434 services shall be calculated based upon up to 5 percent of the
1435 available funds defined in paragraph (19) (b) ~~(17) (b)~~ for all
1436 students. However, a sponsor may only withhold up to a 5-percent
1437 administrative fee for enrollment for up to and including 250
1438 students. For charter schools with a population of 251 or more
1439 students, the difference between the total administrative fee
1440 calculation and the amount of the administrative fee withheld
1441 may only be used for capital outlay purposes specified in s.
1442 1013.62(2).

1443 3. In addition, a sponsor may withhold only up to a 5-
1444 percent administrative fee for enrollment for up to and
1445 including 500 students within a system of charter schools which
1446 meets all of the following:

- 1447 a. Includes both conversion charter schools and
1448 nonconversion charter schools;
- 1449 b. Has all schools located in the same county;
- 1450 c. Has a total enrollment exceeding the total enrollment of

589-03783-11

20111546c2

1451 at least one school district in the state;

1452 d. Has the same governing board; and

1453 e. Does not contract with a for-profit service provider for
1454 management of school operations.

1455 4. The difference between the total administrative fee
1456 calculation and the amount of the administrative fee withheld
1457 pursuant to subparagraph 3. may be used for instructional and
1458 administrative purposes as well as for capital outlay purposes
1459 specified in s. 1013.62(2).

1460 5. Each charter school shall receive 100 percent of the
1461 funds awarded to that school pursuant to s. 1012.225. Sponsors
1462 shall not charge charter schools any additional fees or
1463 surcharges for administrative and educational services in
1464 addition to the maximum 5-percent administrative fee withheld
1465 pursuant to this paragraph.

1466 (b) If goods and services are made available to the charter
1467 school through the contract with the school district, they shall
1468 be provided to the charter school at a rate no greater than the
1469 district's actual cost unless mutually agreed upon by the
1470 charter school and the sponsor in a contract negotiated
1471 separately from the charter. When mediation has failed to
1472 resolve disputes over contracted services or contractual matters
1473 not included in the charter, an appeal may be made for a dispute
1474 resolution hearing before the Charter School Appeal Commission.
1475 To maximize the use of state funds, school districts shall allow
1476 charter schools to participate in the sponsor's bulk purchasing
1477 program if applicable.

1478 (c) Transportation of charter school students shall be
1479 provided by the charter school consistent with the requirements

589-03783-11

20111546c2

1480 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1481 body of the charter school may provide transportation through an
1482 agreement or contract with the district school board, a private
1483 provider, or parents. The charter school and the sponsor shall
1484 cooperate in making arrangements that ensure that transportation
1485 is not a barrier to equal access for all students residing
1486 within a reasonable distance of the charter school as determined
1487 in its charter.

1488 (24)~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1489 (a) The Department of Education shall provide information
1490 to the public, directly and through sponsors, on how to form and
1491 operate a charter school and how to enroll in a charter school
1492 once it is created. This information must ~~shall~~ include a
1493 standard application format, charter format, evaluation
1494 instrument, and charter renewal format, which must ~~shall~~ include
1495 the information specified in subsection (7) and shall be
1496 developed by consulting and negotiating with both school
1497 districts and charter schools before implementation. The charter
1498 and charter renewal formats shall be used by charter school
1499 sponsors.

1500 (b)1. The Department of Education shall report student
1501 assessment data pursuant to s. 1008.34(3)(c) which is reported
1502 to schools that receive a school grade or student assessment
1503 data pursuant to s. 1008.341(3) which is reported to alternative
1504 schools that receive a school improvement rating to each charter
1505 school that:

1506 a. Does not receive a school grade pursuant to s. 1008.34
1507 or a school improvement rating pursuant to s. 1008.341; and

1508 b. Serves at least 10 students who are tested on the

589-03783-11

20111546c2

1509 statewide assessment test pursuant to s. 1008.22.

1510 2. The charter school shall report the information in
1511 subparagraph 1. to each parent of a student at the charter
1512 school, the parent of a child on a waiting list for the charter
1513 school, the district in which the charter school is located, and
1514 the governing board of the charter school. This paragraph does
1515 not abrogate the provisions of s. 1002.22, relating to student
1516 records, or the requirements of 20 U.S.C. s. 1232g, the Family
1517 Educational Rights and Privacy Act.

1518 3.a. Pursuant to this paragraph, the Department of
1519 Education shall compare the charter school student performance
1520 data for each charter school in subparagraph 1. with the student
1521 performance data in traditional public schools in the district
1522 in which the charter school is located and other charter schools
1523 in the state. For alternative charter schools, the department
1524 shall compare the student performance data described in this
1525 paragraph with all alternative schools in the state. The
1526 comparative data shall be provided by the following grade
1527 groupings:

1528 (I) Grades 3 through 5;

1529 (II) Grades 6 through 8; and

1530 (III) Grades 9 through 11.

1531 b. Each charter school shall provide the information
1532 specified in this paragraph on its Internet website and also
1533 provide notice to the public at large in a manner provided by
1534 the rules of the State Board of Education. The State Board of
1535 Education shall adopt rules to administer the notice
1536 requirements of this subparagraph pursuant to ss. 120.536(1) and
1537 120.54. The website shall include, through links or actual

589-03783-11

20111546c2

1538 content, other information related to school performance.

1539 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.~~

1540 ~~(a) The Department of Education shall staff and regularly~~
1541 ~~convene a Charter School Review Panel in order to review issues,~~
1542 ~~practices, and policies regarding charter schools. The~~
1543 ~~composition of the review panel shall include individuals with~~
1544 ~~experience in finance, administration, law, education, and~~
1545 ~~school governance, and individuals familiar with charter school~~
1546 ~~construction and operation. The panel shall include two~~
1547 ~~appointees each from the Commissioner of Education, the~~
1548 ~~President of the Senate, and the Speaker of the House of~~
1549 ~~Representatives. The Governor shall appoint three members of the~~
1550 ~~panel and shall designate the chair. Each member of the panel~~
1551 ~~shall serve a 1-year term, unless renewed by the office making~~
1552 ~~the appointment. The panel shall make recommendations to the~~
1553 ~~Legislature, to the Department of Education, to charter schools,~~
1554 ~~and to school districts for improving charter school operations~~
1555 ~~and oversight and for ensuring best business practices at and~~
1556 ~~fair business relationships with charter schools.~~

1557 ~~(b) The Legislature shall review the operation of charter~~
1558 ~~schools during the 2010 Regular Session of the Legislature.~~

1559 (25)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
1560 receipt of the annual report required by paragraph (9)(k), the
1561 Department of Education shall provide to the State Board of
1562 Education, the Commissioner of Education, the Governor, the
1563 President of the Senate, and the Speaker of the House of
1564 Representatives an analysis and comparison of the overall
1565 performance of charter school students, to include all students
1566 whose scores are counted as part of the statewide assessment

589-03783-11

20111546c2

1567 program, versus comparable public school students in the
1568 district as determined by the statewide assessment program
1569 currently administered in the school district, and other
1570 assessments administered pursuant to s. 1008.22(3).

1571 (26)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1572 (a) This subsection applies to charter school personnel in
1573 a charter school operated by a private entity. As used in this
1574 subsection, the term:

1575 1. "Charter school personnel" means a charter school owner,
1576 president, chairperson of the governing board of directors,
1577 superintendent, governing board member, principal, assistant
1578 principal, or any other person employed by the charter school
1579 who has equivalent decisionmaking authority and in whom is
1580 vested the authority, or to whom the authority has been
1581 delegated, to appoint, employ, promote, or advance individuals
1582 or to recommend individuals for appointment, employment,
1583 promotion, or advancement in connection with employment in a
1584 charter school, including the authority as a member of a
1585 governing body of a charter school to vote on the appointment,
1586 employment, promotion, or advancement of individuals.

1587 2. "Relative" means father, mother, son, daughter, brother,
1588 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
1589 father-in-law, mother-in-law, son-in-law, daughter-in-law,
1590 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
1591 stepdaughter, stepbrother, stepsister, half brother, or half
1592 sister.

1593 (b) Charter school personnel may not appoint, employ,
1594 promote, or advance, or advocate for appointment, employment,
1595 promotion, or advancement, in or to a position in the charter

589-03783-11

20111546c2

1596 school in which the personnel are serving or over which the
1597 personnel exercises jurisdiction or control any individual who
1598 is a relative. An individual may not be appointed, employed,
1599 promoted, or advanced in or to a position in a charter school if
1600 such appointment, employment, promotion, or advancement has been
1601 advocated by charter school personnel who serve in or exercise
1602 jurisdiction or control over the charter school and who is a
1603 relative of the individual or if such appointment, employment,
1604 promotion, or advancement is made by the governing board of
1605 which a relative of the individual is a member.

1606 (c) The approval of budgets does not constitute
1607 "jurisdiction or control" for the purposes of this subsection.
1608

1609 Charter school personnel in schools operated by a municipality
1610 or other public entity are subject to s. 112.3135.

1611 (27)~~(25)~~ STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1612 (a) A member of a governing board of a charter school,
1613 including a charter school operated by a private entity, is
1614 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1615 (b) A member of a governing board of a charter school
1616 operated by a municipality or other public entity is subject to
1617 s. 112.3144, which relates to the disclosure of financial
1618 interests.

1619 (28)~~(26)~~ RULEMAKING.—~~The Department of Education, after~~
1620 ~~consultation with school districts and charter school directors,~~
1621 ~~shall recommend that the State Board of Education adopt rules to~~
1622 ~~implement specific subsections of this section. Such rules shall~~
1623 ~~require minimum paperwork and shall not limit charter school~~
1624 ~~flexibility authorized by statute. The State Board of Education~~

589-03783-11

20111546c2

1625 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
1626 implement this section, including a charter model application
1627 form, evaluation instrument, and charter and charter renewal
1628 formats ~~in accordance with this section.~~

1629 Section 4. Paragraph (c) of subsection (10) and subsection
1630 (13) of section 1002.34, Florida Statutes, are amended to read:

1631 1002.34 Charter technical career centers.—

1632 (10) EXEMPTION FROM STATUTES.—

1633 (c) A center must comply with the antidiscrimination
1634 provisions in s. 1000.05 and the provisions in s. 1002.33(26) ~~s.~~
1635 ~~1002.33(24)~~ which relate to the employment of relatives.

1636 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
1637 of a center may decide matters relating to the operation of the
1638 school, including budgeting, curriculum, and operating
1639 procedures, subject to the center's charter. The board of
1640 directors is responsible for performing the duties provided in
1641 s. 1002.345, including monitoring the corrective action plan.
1642 The board of directors must comply with s. 1002.33(27) ~~s.~~
1643 ~~1002.33(25)~~.

1644 Section 5. Section 1011.68, Florida Statutes, is amended to
1645 read:

1646 1011.68 Funds for student transportation.—The annual
1647 allocation to each district for transportation to public school
1648 programs, including charter schools as provided in s.
1649 1002.33(19)(b) ~~s. 1002.33(17)(b)~~, of students in membership in
1650 kindergarten through grade 12 and in migrant and exceptional
1651 student programs below kindergarten shall be determined as
1652 follows:

1653 (1) Subject to the rules of the State Board of Education,

589-03783-11

20111546c2

1654 each district shall determine the membership of students who are
1655 transported:

1656 (a) By reason of living 2 miles or more from school.

1657 (b) By reason of being students with disabilities or
1658 enrolled in a teenage parent program, regardless of distance to
1659 school.

1660 (c) By reason of being in a state prekindergarten program,
1661 regardless of distance from school.

1662 (d) By reason of being career, dual enrollment, or students
1663 with disabilities transported from one school center to another
1664 to participate in an instructional program or service; or
1665 students with disabilities, transported from one designation to
1666 another in the state, provided one designation is a school
1667 center and provided the student's individual educational plan
1668 (IEP) identifies the need for the instructional program or
1669 service and transportation to be provided by the school
1670 district. A "school center" is defined as a public school
1671 center, community college, state university, or other facility
1672 rented, leased, or owned and operated by the school district or
1673 another public agency. A "dual enrollment student" is defined as
1674 a public school student in membership in both a public secondary
1675 school program and a community college or a state university
1676 program under a written agreement to partially fulfill ss.
1677 1003.435 and 1007.23 and earning full-time equivalent membership
1678 under s. 1011.62(1)(i).

1679 (e) With respect to elementary school students whose grade
1680 level does not exceed grade 6, by reason of being subjected to
1681 hazardous walking conditions en route to or from school as
1682 provided in s. 1006.23. Such rules shall, when appropriate,

589-03783-11

20111546c2

1683 provide for the determination of membership under this paragraph
1684 for less than 1 year to accommodate the needs of students who
1685 require transportation only until such hazardous conditions are
1686 corrected.

1687 (f) By reason of being a pregnant student or student
1688 parent, and the child of a student parent as provided in s.
1689 1003.54, regardless of distance from school.

1690 (2) The allocation for each district shall be calculated
1691 annually in accordance with the following formula:

1692

1693 $T = B + EX$. The elements of this formula are defined as
1694 follows: T is the total dollar allocation for transportation. B
1695 is the base transportation dollar allocation prorated by an
1696 adjusted student membership count. The adjusted membership count
1697 shall be derived from a multiplicative index function in which
1698 the base student membership is adjusted by multiplying it by
1699 index numbers that individually account for the impact of the
1700 price level index, average bus occupancy, and the extent of
1701 rural population in the district. EX is the base transportation
1702 dollar allocation for disabled students prorated by an adjusted
1703 disabled student membership count. The base transportation
1704 dollar allocation for disabled students is the total state base
1705 disabled student membership count weighted for increased costs
1706 associated with transporting disabled students and multiplying
1707 it by an average per student cost for transportation as
1708 determined by the Legislature. The adjusted disabled student
1709 membership count shall be derived from a multiplicative index
1710 function in which the weighted base disabled student membership
1711 is adjusted by multiplying it by index numbers that individually

589-03783-11

20111546c2

1712 account for the impact of the price level index, average bus
1713 occupancy, and the extent of rural population in the district.
1714 Each adjustment factor shall be designed to affect the base
1715 allocation by no more or less than 10 percent.

1716 (3) The total allocation to each district for
1717 transportation of students shall be the sum of the amounts
1718 determined in subsection (2). If the funds appropriated for the
1719 purpose of implementing this section are not sufficient to pay
1720 the base transportation allocation and the base transportation
1721 allocation for disabled students, the Department of Education
1722 shall prorate the available funds on a percentage basis. If the
1723 funds appropriated for the purpose of implementing this section
1724 exceed the sum of the base transportation allocation and the
1725 base transportation allocation for disabled students, the base
1726 transportation allocation for disabled students shall be limited
1727 to the amount calculated in subsection (2), and the remaining
1728 balance shall be added to the base transportation allocation.

1729 (4) No district shall use funds to purchase transportation
1730 equipment and supplies at prices which exceed those determined
1731 by the department to be the lowest which can be obtained, as
1732 prescribed in s. 1006.27(1).

1733 (5) Funds allocated or apportioned for the payment of
1734 student transportation services may be used to pay for
1735 transportation of students to and from school on local general
1736 purpose transportation systems. Student transportation funds may
1737 also be used to pay for transportation of students to and from
1738 school in private passenger cars and boats when the
1739 transportation is for isolated students, or students with
1740 disabilities as defined by rule. Subject to the rules of the

589-03783-11

20111546c2

1741 State Board of Education, each school district shall determine
1742 and report the number of assigned students using general purpose
1743 transportation private passenger cars and boats. The allocation
1744 per student must be equal to the allocation per student riding a
1745 school bus.

1746 (6) Notwithstanding other provisions of this section, in no
1747 case shall any student or students be counted for transportation
1748 funding more than once per day. This provision includes counting
1749 students for funding pursuant to trips in school buses,
1750 passenger cars, or boats or general purpose transportation.

1751 Section 6. Paragraph (b) of subsection (2) of section
1752 1012.32, Florida Statutes, is amended to read:

1753 1012.32 Qualifications of personnel.—

1754 (2)

1755 (b) Instructional and noninstructional personnel who are
1756 hired or contracted to fill positions in any charter school and
1757 members of the governing board of any charter school, in
1758 compliance with s. 1002.33(14)(f) ~~s. 1002.33(12)(g)~~, must, upon
1759 employment, engagement of services, or appointment, undergo
1760 background screening as required under s. 1012.465 or s.
1761 1012.56, whichever is applicable, by filing with the district
1762 school board for the school district in which the charter school
1763 is located a complete set of fingerprints taken by an authorized
1764 law enforcement agency or an employee of the school or school
1765 district who is trained to take fingerprints.

1766

1767 Fingerprints shall be submitted to the Department of Law
1768 Enforcement for statewide criminal and juvenile records checks
1769 and to the Federal Bureau of Investigation for federal criminal

589-03783-11

20111546c2

1770 records checks. A person subject to this subsection who is found
1771 ineligible for employment under s. 1012.315, or otherwise found
1772 through background screening to have been convicted of any crime
1773 involving moral turpitude as defined by rule of the State Board
1774 of Education, shall not be employed, engaged to provide
1775 services, or serve in any position that requires direct contact
1776 with students. Probationary persons subject to this subsection
1777 terminated because of their criminal record have the right to
1778 appeal such decisions. The cost of the background screening may
1779 be borne by the district school board, the charter school, the
1780 employee, the contractor, or a person subject to this
1781 subsection.

1782 Section 7. Paragraphs (a) and (e) of subsection (1) and
1783 subsection (2) of section 1013.62, Florida Statutes, are amended
1784 to read:

1785 1013.62 Charter schools capital outlay funding.—

1786 (1) In each year in which funds are appropriated for
1787 charter school capital outlay purposes, the Commissioner of
1788 Education shall allocate the funds among eligible charter
1789 schools.

1790 (a) To be eligible for a funding allocation, a charter
1791 school must:

1792 1.a. Have been in operation for 3 or more years;

1793 b. Be governed by a governing board established in the
1794 state for 3 or more years which operates both charter schools
1795 and conversion charter schools within the state;

1796 c. Be an expanded feeder chain of a charter school within
1797 the same school district that is currently receiving charter
1798 school capital outlay funds;

589-03783-11

20111546c2

1799 d. Have been accredited by the Commission on Schools of the
1800 Southern Association of Colleges and Schools; or

1801 e. Serve students in facilities that are provided by a
1802 business partner for a charter school-in-the-workplace pursuant
1803 to s. 1002.33(17)(b) ~~s. 1002.33(15)(b)~~.

1804 2. Have financial stability for future operation as a
1805 charter school.

1806 3. Have satisfactory student achievement based on state
1807 accountability standards applicable to the charter school.

1808 4. Have received final approval from its sponsor pursuant
1809 to s. 1002.33 for operation during that fiscal year.

1810 5. Serve students in facilities that are not provided by
1811 the charter school's sponsor.

1812 (e) Unless otherwise provided in the General Appropriations
1813 Act, the funding allocation for each eligible charter school is
1814 determined by multiplying the school's projected student
1815 enrollment by one-fifteenth of the cost-per-student station
1816 specified in s. 1013.64(6)(b) for an elementary, middle, or high
1817 school, as appropriate. If the funds appropriated are not
1818 sufficient, the commissioner shall prorate the available funds
1819 among eligible charter schools. However, a charter school or
1820 charter lab school may not receive state charter school capital
1821 outlay funds greater than the one-fifteenth cost per student
1822 station formula if the charter school's combination of state
1823 charter school capital outlay funds, capital outlay funds
1824 calculated through the reduction in the administrative fee
1825 provided in s. 1002.33(23) ~~s. 1002.33(20)~~, and capital outlay
1826 funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-
1827 fifteenth cost per student station formula.

589-03783-11

20111546c2

1828 (2) A charter school's governing body may use charter
1829 school capital outlay funds for the following purposes:

1830 (a) Purchase of real property.

1831 (b) Construction of school facilities.

1832 (c) Purchase, lease-purchase, or lease of permanent or
1833 relocatable school facilities.

1834 (d) Purchase of vehicles to transport students to and from
1835 the charter school.

1836 (e) Renovation, repair, and maintenance of school
1837 facilities that the charter school owns or is purchasing through
1838 a lease-purchase or long-term lease of 5 years or longer.

1839 (f) Effective July 1, 2008, purchase, lease-purchase, or
1840 lease of new and replacement equipment, and enterprise resource
1841 software applications that are classified as capital assets in
1842 accordance with definitions of the Governmental Accounting
1843 Standards Board, have a useful life of at least 5 years, and are
1844 used to support schoolwide administration or state-mandated
1845 reporting requirements.

1846 (g) Payment of the cost of premiums for property and
1847 casualty insurance necessary to insure the school facilities.

1848 (h) Purchase, lease-purchase, or lease of driver's
1849 education vehicles; motor vehicles used for the maintenance or
1850 operation of plants and equipment; security vehicles; or
1851 vehicles used in storing or distributing materials and
1852 equipment.

1853

1854 Conversion charter schools may use capital outlay funds received
1855 through the reduction in the administrative fee provided in s.
1856 1002.33(23) ~~s. 1002.33(20)~~ for renovation, repair, and

589-03783-11

20111546c2

1857 maintenance of school facilities that are owned by the sponsor.

1858 (3) When a charter school is nonrenewed or terminated, any
1859 unencumbered funds and all equipment and property purchased with
1860 district public funds shall revert to the ownership of the
1861 district school board, as provided for in s. 1002.33(8)(e) and
1862 (f). In the case of a charter lab school, any unencumbered funds
1863 and all equipment and property purchased with university public
1864 funds shall revert to the ownership of the state university that
1865 issued the charter. The reversion of such equipment, property,
1866 and furnishings shall focus on recoverable assets, but not on
1867 intangible or irrecoverable costs such as rental or leasing
1868 fees, normal maintenance, and limited renovations. The reversion
1869 of all property secured with public funds is subject to the
1870 complete satisfaction of all lawful liens or encumbrances. If
1871 there are additional local issues such as the shared use of
1872 facilities or partial ownership of facilities or property, these
1873 issues shall be agreed to in the charter contract prior to the
1874 expenditure of funds.

1875 Section 8. (1) The Office of Program Policy Analysis and
1876 Government Accountability (OPPAGA) shall conduct a study that
1877 compares the funding of charter schools to the funding of
1878 traditional public schools. In conducting this study, OPPAGA
1879 shall:

1880 (a) Identify the school districts that distribute funds
1881 generated by the capital improvement millage authorized pursuant
1882 to s. 1011.71(2), Florida Statutes, to charter schools and the
1883 use of such funds by the charter schools.

1884 (b) Determine the amount of funds that would be available
1885 to charter schools if school districts equitably distribute to

589-03783-11

20111546c2

1886 district schools, including charter schools, the funds generated
1887 by the capital improvement millage authorized pursuant to s.
1888 1011.71(2), Florida Statutes.

1889 (c) Examine the costs associated with supervising charter
1890 schools and determine whether the 5 percent administrative fee
1891 for administrative and educational services for charter schools
1892 covers the costs associated with the provision of the services.

1893 (d) Examine the distribution of IDEA funds.

1894 (2) OPPAGA shall make recommendations, if warranted, for
1895 improving the accountability and equity of the funding system
1896 for charter schools based on the findings of the study. The
1897 results of the study shall be submitted to the Governor, the
1898 President of the Senate, and the Speaker of the House of
1899 Representatives by January 1, 2012.

1900 Section 9. If any provision of this act or its application
1901 to any person or circumstance is held invalid, the invalidity
1902 does not affect other provisions or applications of the act
1903 which can be given effect without the invalid provision or
1904 application, and to this end the provisions of this act are
1905 severable.

1906 Section 10. This act shall take effect July 1, 2011.