# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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BILL #: CS/CS/HB 443 COMPANION BILL: CS/CS/SB 822 (Rodriguez)

TITLE: Charter Schools LINKED BILLS: None

SPONSOR(S): Snyder, Rizo RELATED BILLS: <u>CS/HB 569</u> (Kendall) and

CS/CS/CS/SB 1702 (Burgess)

FINAL HOUSE FLOOR ACTION: 86 Y's 25 N's GOVERNOR'S ACTION: Approved

## **SUMMARY**

#### **Effect of the Bill:**

The bill authorizes a charter school to adopt its own code of student conduct and give an enrollment preference to prekindergarten program completers, providing specified requirements are met. Charter school governing boards must adopt procedures relating to student welfare and parental rights and requirements are specified for who can serve on a governing board. Charter school sponsors are prohibited from imposing certain deadlines and enrollment limitations on charter schools and must provide access to and share student data with charter schools. A high-performing charter school may assume the charter of another charter school in the same district.

For purposes of concurrency, a charter school is considered a public facility. Universities operating developmental research (lab) schools and charter lab schools are authorized to use discretionary capital improvement funds for certain purchases, leases, and lease-purchases. Eligible students enrolled in full-time virtual education programs are authorized to participate in interscholastic athletics at any public school in the district where the student resides or develop an agreement to participate at a private school.

# **Fiscal or Economic Impact:**

None

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#### **ANALYSIS**

#### **EFFECT OF THE BILL:**

The bill revises current provisions relating to <u>charter schools</u>, charter school sponsors, lab and charter school facilities, and interscholastic participation.

## **Governance**

A <u>high-performing charter school</u> may assume the charter of an existing charter school within the same school district. Any request to assume a charter must be initiated by a school in a written format to the high-performing charter school. The sponsor then has 40 days to provide an initial draft charter to the charter school. (Section <u>4</u>).

#### **Enrollment**

A charter school that is not on a <u>school improvement plan or corrective action plan</u> may increase its enrollment above the capacity identified in its charter as long as it does not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion includes any improvements to an existing facility or any new facility in which the student of the charter school will enroll. A charter school must notify its sponsor in writing by March 1 if it intends to increase enrollment for the following school year and specify the amount of the enrollment increase.

Charter schools may give an enrollment preference to a student who successfully completed a public or private prekindergarten program during the previous year provided by the charter school, the charter school's governing

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board, or a prekindergarten provider that has a written agreement with the governing board. Currently, this preference is designated only for voluntary prekindergarten (VPK) program completers.<sup>1</sup>

#### Administration

- A charter school governing board has the same duties as a district school board for the purpose of adopting procedures relating to student welfare and parental rights.<sup>2</sup>
- A charter school sponsor must provide the charter school and its contractor with access to the sponsor's student information system, unless prohibited by general or federal law.
- A charter school sponsor and the Department of Education (DOE) must provide student performance data to a charter school and its contractor, unless prohibited by general or federal law.
- A charter school governing board may adopt its own code of student conduct provided it meets or exceeds minimum standards in the sponsor's code of student conduct. More stringent provisions must align with the charter school's mission and be acknowledged electronically or in writing by parents. The sponsor may review and offer recommendations and any complaint or appeal related to the code of student conduct will be resolved by the charter school's governing board, in compliance with applicable law and rules.
- A sponsor is prohibited from imposing earlier administrative deadlines on a charter school than its own corresponding deadlines. Deadlines imposed for financial audits or other administrative requirements may not be earlier than 15 days before the sponsor's own deadline for similar submissions to the DOE.
- A landlord of a charter school, his or her spouse, an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse are prohibited from serving on a charter school governing board unless it was established as a charter school in a municipality. (Section 3).

#### **Facilities**

For the application of <u>concurrency</u> requirements as they relate to the construction of public facilities, a charter school is considered a public facility. (Section  $\underline{1}$ ).

Universities operating <u>lab schools and charter lab schools</u> are authorized to use discretionary capital improvement funds for specific purposes that include:

- Purchase of real property.
- Construction of facilities.
- Purchase, lease-purchase or lease of facilities.
- Purchase of specific vehicles.
- Renovation, repair, and maintenance of facilities.
- Cost of insurance for facilities.
- Purchase, lease-purchase or lease of specific computer hardware and software systems.
- Payment for the cost of the opening day collection for new media centers.

Any such purchase, lease-purchase, or lease must be at or below the appraised value, meaning the fair market value as determined by an independent, state-licensed, qualified appraiser selected by the governing board. (Section  $\underline{2}$ ).

Finally, students enrolled in a full-time virtual instruction program, including the full-time Florida Virtual School program, a full-time school district virtual instruction program, or a full-time virtual charter school, are eligible to participate in an <u>interscholastic athletic team</u> at any public school in the district where the student resides, or develop an agreement to participate at a private school. The bill provides requirements for participation related to:

<sup>&</sup>lt;sup>1</sup> Section <u>1002.33(10)(d)5., F.S.</u>

<sup>&</sup>lt;sup>2</sup> Section 1001.42(8)(c)1. and 4., F.S. A district school board must adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent. See r. 6A-6.0791, F.A.C. The purpose of this rule is to provide information about the process for a parent of a student enrolled in a charter school to request appointment of a Special Magistrate for disputes involving the student's health, safety, or welfare as described in s. 1001.42(8)(c), F.S.

- Grades, the academic performance contract, and student conduct.
- Requirements developed by the virtual school in which the student is enrolled.
- Residency requirements.
- Athletic team standards.
- Registration of student's intent to participate. (Sections <u>5</u> and <u>6</u>).

The bill was approved by the Governor on May 30, 2025, ch. 2025-106, L.O.F., and will become effective on July 1, 2025. (Section 7).

#### **RULEMAKING:**

The State Board of Education (SBE) is required to adopt rules relating to specified aspects of charter school administration. The bill modifies provisions of law already under the SBE's rulemaking authority, thus allowing the SBE to make rules to implement the bill.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

# RELEVANT INFORMATION

## **SUBJECT OVERVIEW:**

#### **Charter Schools**

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor.<sup>3</sup> This performance contract is known as a "charter."<sup>4</sup> The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.<sup>5</sup> One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."<sup>6</sup>

Charter schools are exempt from a number of Florida's Early Learning-20 Education Code statutes,<sup>7</sup> except for statutes that pertain specifically to charter schools.<sup>8</sup> Statutory provisions that expressly include charter schools within their scope include statutes pertaining to student assessment and school grading; the provision of services to students with disabilities; civil rights; student health, safety and welfare; secondary school start times, public records, public meetings and public inspection; criminal and civil penalties and provisions relating to educator compensation, contracts and the substantive requirements relating to performance evaluations.<sup>9</sup> Additionally, charter schools must be in compliance with statutes relating to school safety, including safe-school officers; school safety plans, tools, and reporting; school personnel training on youth mental health; and reporting of involuntary examinations.<sup>10</sup>

Like traditional public schools, charter school operations are funded through the Florida Education Finance Program and charter schools may not charge tuition. <sup>11</sup> Charter school students must participate in Florida's coordinated screening and progress monitoring system and statewide assessments, and charter schools receive an annual school grade. <sup>12</sup> Teachers employed by or under contract with a charter school must be certified like those in traditional public schools. <sup>13</sup>

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<sup>&</sup>lt;sup>3</sup> Section 1002.33(1), (7), and (9)(a), F.S.

<sup>&</sup>lt;sup>4</sup> Section 1002.33(7) and (9)(c), F.S.

<sup>&</sup>lt;sup>5</sup> Section 1002.33(2)(b)3. and (16), F.S.

<sup>&</sup>lt;sup>6</sup> Section <u>1002.33(2)(a)1., F.S.</u>

<sup>&</sup>lt;sup>7</sup> Chapters 1000 through 1013, F.S., comprise the Florida Early Learning-20 Education Code. See s. 1000.01(1), F.S.

<sup>&</sup>lt;sup>8</sup> Section <u>1002.33(16)</u>, F.S.

<sup>&</sup>lt;sup>9</sup> *Id*.

<sup>&</sup>lt;sup>10</sup> Section 1002.33(16)(b)8.-15., F.S.

<sup>&</sup>lt;sup>11</sup> Section 1002.33(9)(d) and (17), F.S.

<sup>&</sup>lt;sup>12</sup> Section 1002.33(16)(a)2., F.S.; see also ss. 1008.25(9), F.S. 1008.22, F.S. and 1008.34, F.S.

<sup>&</sup>lt;sup>13</sup> Section <u>1002.33(12)(f), F.S.</u>

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality or a legal entity organized under Florida law. The school must be organized as a nonprofit organization, and may be operated by a municipality, a public entity authorized under the law, or a nonprofit organization. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization. In a public or nonprofit entity, it may be managed by a for-profit education management organization.

#### **Charter School Governance**

In Florida, several types of entities may sponsor charter schools:

- School districts, Florida College System (FCS) institutions, and state universities may sponsor charter schools.<sup>17</sup>
- State universities may sponsor charter lab schools.<sup>18</sup>
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.<sup>19</sup>

## A sponsor's responsibilities include:

- approving or denying charter school applications;
- overseeing each sponsored charter school's progress toward the goals established in the charter;
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state's education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.<sup>20</sup>

A sponsor must provide various administrative services to sponsored charter schools, such as contract management, student enrollment and achievement data reporting, exceptional student education program administration, eligibility determination and reporting for the National School Lunch Program, assessment test administration, processing of teacher certification data, and student information services.<sup>21</sup>

Each charter school must have a governing board. The board is responsible for:<sup>22</sup>

- negotiating the school's charter agreement with its sponsor;
- exercising continuing oversight over the school's operations;
- adopting and maintaining an annual operating budget;
- ensuring that annual audits are conducted;
- submitting monthly financial statements to the sponsor and implementing corrective actions to remedy financial instability;
- submitting the school's annual progress report to the sponsor; and
- adopting policies which establish standards of ethical conduct for educational support employees, instructional personnel, and school administrators.

The duties assigned to a district school superintendent apply to charter school administrative personnel and the charter school governing board must designate at least one administrative person to be responsible for such duties. The duties assigned to a district school board apply to a charter school governing board.<sup>23</sup> These duties

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<sup>&</sup>lt;sup>14</sup> Section <u>1002.33(3)(a)</u>, F.S.; see also r. 6A-6.0786, F.A.C. and Florida Department of Education, Charter Schools, *Model Application Forms*, <u>Statutes</u>, <u>Rules & Model Forms</u> (last visited May 5, 2025).

<sup>15</sup> Section 1002.33(12)(i), F.S.

<sup>&</sup>lt;sup>16</sup> *Id*.

<sup>&</sup>lt;sup>17</sup> Section 1002.33(5)(a)1. and 3., F.S.

<sup>&</sup>lt;sup>18</sup> Sections <u>1002.32(2)</u> and <u>1002.33(5)(a)2., F.S.</u>

<sup>&</sup>lt;sup>19</sup> Section <u>1002.34(3)(a)-(b), F.S.</u>

<sup>&</sup>lt;sup>20</sup> Section <u>1002.33(5)(b)</u>, F.S.

<sup>&</sup>lt;sup>21</sup> Section 1002.33(20)(a)1., F.S. A sponsor must provide training to charter schools on any systems the sponsor requires the school to use. S. 1002.33(20)(a)2., F.S.

<sup>&</sup>lt;sup>22</sup> Section 1002.33(7), (9)(g)-(k), and (12)(g)3. F.S.

<sup>&</sup>lt;sup>23</sup> Section <u>1002.33(16)(c)</u>, F.S.

include requirements for compensation and salary schedules, workforce reductions, contracts with instructional personnel, and performance evaluations.<sup>24</sup>

An employee of a charter school or charter management organization and their spouses are prohibited from being a member of the governing board of a charter school.<sup>25</sup> Governing board members for charter schools, including schools operated by private entities, are subject to the same requirements that apply to public employees for the solicitation and acceptance of gifts, business transactions, conflicting employment or contractual relationships, and voting conflicts.<sup>26</sup> Board members who violate any of these provisions are subject to various penalties, including fines; impeachment, removal, or suspension from office for officers; dismissal from employment; and reduction in, or forfeiture of, salary.<sup>27</sup>

#### **Charter School Enrollment**

Charter schools are open to all students residing within a school district and students who are covered by an interdistrict enrollment agreement.<sup>28</sup> A parent whose child is not subject to a current expulsion or suspension order may seek enrollment in, and transport his or her child to any public school in the state, including a charter school, which has not reached capacity.<sup>29</sup> The charter school governing board shall determine capacity based upon its contract<sup>30</sup> and capacity determinations for the school, by grade level, must be updated every 12 weeks and be identified on the school website.<sup>31</sup>

The charter for a school is required to address admissions and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance, except in certain circumstances when standards are in accordance with current state law and practice in public schools.<sup>32</sup> Prospective students must apply for enrollment in a charter school and, if the number of applications exceeds the school's capacity, a random lottery must be used to determine which students are enrolled.<sup>33</sup> Enrollment preference may be given to:<sup>34</sup>

- siblings of current charter school students;
- children of a member of the charter school governing board;
- children of charter school employees;
- students who complete a Voluntary Prekindergarten Education (VPK) program, during the previous year, provided by the charter school, the charter school's governing board, or a VPK provider which has a written agreement with the governing board;
- children of active-duty U.S. Armed Forces personnel;
- children of a safe-school officer at the school:
- students who transfer from another classical school in the state; and
- students who attend or are assigned to a failing school.

<sup>&</sup>lt;sup>24</sup> Section <u>1002.33(16)(b)4.-7., F.S.</u>

<sup>&</sup>lt;sup>25</sup> Section 1002.33(26)(c), F.S.

<sup>&</sup>lt;sup>26</sup> Section 1002.33(26)(a)-(b), F.S. A board member, like public employees or officers, may seek a waiver from the governing board after providing full disclosure of a transaction or relationship, from the provisions for business transactions and conflicts of interest. S. 112.313(12), F.S.

<sup>&</sup>lt;sup>27</sup> Section <u>112.317, F.S.</u>

<sup>&</sup>lt;sup>28</sup> Section 1002.33(10)(a), F.S. A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, unless students are enrolling in the immediate prior grade level of an "affiliated charter school." However, a charter school may use a weighted lottery under certain prescribed circumstances. See 20 U.S.C. s. 7221b(c)(3) and s. 7221i(2)(H). See also U.S. Department of Education, Office of Elementary & Secondary Education, Dear Colleague Letter- ESSA flexibilities for CSP Grantees (Nov. 15, 2017), available at <a href="https://oese.ed.gov/files/2019/11/CSP-DCL-1.pdf">https://oese.ed.gov/files/2019/11/CSP-DCL-1.pdf</a>.

<sup>&</sup>lt;sup>29</sup> Section <u>1002.31(2)(a)</u>, F.S.

<sup>&</sup>lt;sup>30</sup> Section <u>1002.31(2)(b), F.S.</u> Generally, the student capacity of a charter school is annually determined by the governing board, in conjunction with the sponsor. S. <u>1002.33(10)(h), F.S.</u>
<sup>31</sup> *Id*.

<sup>&</sup>lt;sup>32</sup> Section 1002.33(7)(a)7., F.S.; see s. 1002.33(10)(e)5., F.S.

<sup>&</sup>lt;sup>33</sup> Section 1002.33(10)(b), F.S.

<sup>34</sup> Section 1002.33(10)(d)1.-3. and 5.-9., F.S.

Additionally, a charter school-in-the-workplace may give enrollment preference to children whose parents are employees of the school's business partner or whose parents are residents of the municipality in which the school is located.<sup>35</sup> A charter school-in-a-municipality may also give enrollment preference to children whose parents are residents or employees of a municipality that operates a charter school-in-the-workplace or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of a charter school.<sup>36</sup>

#### **High-Performing Charter Schools**

A high-performing charter school is a school that has met the following criteria:37

- Received at least two school grades of "A" and no school grade below "B" for the last 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years; or
- During its first 3 years of operation, received funding through the National Fund of the Charter School Growth Fund and received no school grade below "C" for the last 3 school years.

In addition, a high-performing charter school:

- Received an unqualified opinion on each annual audit in the most recent 3 years for which such audits are available.
- Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in statute,<sup>38</sup> in the most recent 3 fiscal years for which audits are available. (For purposes of determining initial eligibility, this requirement only applies for the most recent 2 fiscal years if the charter school earns two consecutive grades of "A.")

Initial eligibility for "high-performing" status is verified by the Commissioner of Education (commissioner), upon request by a charter school. Thereafter, the commissioner must annually verify continued eligibility.<sup>39</sup>

A high-performing charter school is authorized to:40

- Increase its student enrollment once per school year to more than the capacity identified in the charter, not to exceed the capacity of the facility at the time the enrollment increase will take place.
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served, as long as any associated enrollment increase does not exceed facility capacity.
- Submit a quarterly, rather than monthly, financial statement to the sponsor.
- Consolidate the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board under a single charter, regardless of the renewal cycle.
- Receive a modification of its charter to a term of 15 years or a 15-year charter renewal.
- Submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program. If the sponsor fails to act on the application within 90 days, the application is deemed approved.

#### **Charter School Improvement**

Charter schools that earn a school grade of "D" or "F" must develop a school improvement plan to raise student performance, which must be approved by the sponsor.<sup>41</sup> Corrective actions are required for charter schools earning three consecutive grades below a "C". Such a charter school may choose to:

- contract for educational services to be provided directly to students, instructional personnel, and school administrators:
- contract with an outside entity with a track record of effectiveness to operate the school;
- hire a new director or principal who has authority to hire new staff; or
- voluntarily close the school.<sup>42</sup>

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<sup>&</sup>lt;sup>35</sup> Section <u>1002.33(10)(d)4.a., F.S.</u>

<sup>&</sup>lt;sup>36</sup> Section 1002.33(10)(d)4.b., F.S.

<sup>&</sup>lt;sup>37</sup> Section 1002.331(1), F.S.

<sup>&</sup>lt;sup>38</sup> Section <u>218.503</u>, F.S.

<sup>&</sup>lt;sup>39</sup> Sections <u>1002.331(4)</u> and <u>1002.332(2)(a), F.S.</u>

<sup>&</sup>lt;sup>40</sup> Section 1002.331(2)-(3), F.S.

<sup>&</sup>lt;sup>41</sup> Section <u>1002.33(9)(n)1., F.S.</u>

The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C".<sup>43</sup> Corrective actions are no longer required if the charter school improves to a "C" or higher; however, the school must continue to implement its school improvement plan.<sup>44</sup> If a charter school does not improve to a "C" or higher after two full school years of implementing a corrective action, the school must choose another corrective action.<sup>45</sup>

The sponsor must terminate a charter school that earns two consecutive grades of "F," unless the charter school qualifies for an exception.<sup>46</sup> A sponsor may terminate a charter school at any time; however, this discretionary authority does not extend to charter schools that meet an exception to mandatory termination.<sup>47</sup>

The director and a representative of a charter school required to implement a school improvement plan or corrective action must annually appear before the sponsor to report the progress of the corrective strategies being implemented by the school.<sup>48</sup>

# **Concurrency**

The Community Planning Act (Act)<sup>49</sup> promotes the establishment and implementation of comprehensive planning programs to guide and manage a local government's development.<sup>50</sup> Through the comprehensive planning process, the Legislature intended that local governments:

- Preserve, promote, protect, and improve public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare;
- Facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and
- Conserve, develop, utilize, and protect natural resources within their jurisdictions.<sup>51</sup>

To that end, the Act requires each local government to adopt and maintain a comprehensive plan that must provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.<sup>52</sup> Specifically, the comprehensive plan must:

- Identify programs and activities for ensuring the comprehensive plan's implementation;
- Establish meaningful and predictable standards for land use and development and meaningful guidelines for the adoption of detailed land development regulations;<sup>53</sup> and
- Consist of elements set out in statute that must be based upon relevant and appropriate data and an
  analysis by the local government that may involve surveys, studies, community goals and vision, and other
  data available at the plan's adoption or amendment.<sup>54</sup>

In the context of comprehensive planning, "concurrency" refers to the concept of providing additional public facilities necessary to achieve and maintain standards of service in the community in a timely manner in response to increased demand caused by development.<sup>55</sup> All local government comprehensive plans must ensure

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<sup>42</sup> Section 1002.33(9)(n)2.a.(I)-(IV), F.S.
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<sup>&</sup>lt;sup>43</sup> Section <u>1002.33(9)(n)2.b., F.S.</u>

<sup>&</sup>lt;sup>44</sup> Section <u>1002.33(9)(n)2.d., F.S.</u>

<sup>&</sup>lt;sup>45</sup> Section <u>1002.33(9)(n)2.e., F.S.</u>

<sup>&</sup>lt;sup>46</sup> Section 1002.33(9)(n)3., F.S.

<sup>&</sup>lt;sup>47</sup> Section 1002.33(9)(n)5., F.S.

<sup>&</sup>lt;sup>48</sup> Section 1002.33(9)(n)4., F.S.

<sup>&</sup>lt;sup>49</sup> Codified in Part II of Ch. 163, F.S.

<sup>&</sup>lt;sup>50</sup> Section <u>163.3161(2)</u>, F.S.

<sup>&</sup>lt;sup>51</sup> Section 163.3161(4), F.S.

<sup>&</sup>lt;sup>52</sup> Section 163.3177(1)-(2), F.S.

<sup>&</sup>lt;sup>53</sup> "Land development regulations" are ordinances enacted to regulate any land development aspect, including zoning, rezoning, subdivision, building construction, and sign regulation. Within one year after submitting a new or revised comprehensive plan, a local government must adopt or amend and enforce land development regulations that are consistent with the plan. S. 163.3164(26), F.S.

<sup>&</sup>lt;sup>54</sup> A comprehensive plan may also consist of optional elements. S. 163.3177(1), F.S.

<sup>&</sup>lt;sup>55</sup> See s. <u>163.3180(5)(d)</u>, F.S. See also David M. Layman, Concurrency and Moratoria, 71 Fla. B.J. 49 (January 1997).

concurrency in providing public facilities and services for sanitary sewer, solid waste, drainage, and potable water, but local governments may extend concurrency requirements to other public facilities such as transportation and schools.<sup>56</sup> When concurrency is applied to other public facilities and services, the local comprehensive plan must provide sufficient principles, standards, and adopted levels of service to guide its implementation.<sup>57</sup> Concurrency requirements apply to state facilities and other public facilities to the same extent as all other facilities and development.<sup>58</sup>

# Developmental Research (Lab) Schools and Charter Lab School Funding

Lab schools and charter lab schools operated by designated universities are established as separate school districts for purposes of funding. State statute authorizes the calculation and allocation of funds for these schools in lieu of discretionary local tax revenue that is generated for district students by the tax base of the district where the school is located. Because these special districts have no taxing authority, the state provides the same dollar amount per student for the 0.748 discretionary operating millage revenues as is generated for district students by the tax base of the district where the school is located. There is no required local effort for special school districts; therefore, special districts are funded entirely with state funds.

Currently, the following universities operate lab schools and charter lab schools and serve nearly 6,000 students for the 2024-2025 school year:<sup>61</sup>

- Florida Atlantic University.
- Florida State University.
- Florida A&M University.
- University of Florida.

## Interscholastic Athletic Participation

Florida law authorizes home education program students and students who attend a charter school or the Florida Virtual School to participate in interscholastic or intrascholastic activities at a public school or at a private school. Generally, the student is eligible to participate at his or her zoned school, or at the school the student could choose under controlled open enrollment. The student must meet requirements related to educational progress, must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities, and must register with the school of his or her intent to participate.<sup>62</sup>

The Florida High School Athletic Association (FHSAA) is designated as a governing nonprofit organization of athletics in Florida public schools. Any public or private high school or middle school in this state, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA; however, membership in the FHSAA is not mandatory for any school.<sup>63</sup> The FHSAA is required to adopt bylaws that:<sup>64</sup>

- Establish eligibility requirements.
- Prohibit recruiting.
- Require all students to pass a medical evaluation each year.
- Regulate people who conduct investigations on behalf of the FHSAA.
- Establish sanctions for coaches who have committed major violations of the FHSAA bylaws.
- Establish the process and standards by which FHSAA determines eligibility.

<sup>&</sup>lt;sup>56</sup> Section 163.3180(1), (5), and (6), F.S.

<sup>&</sup>lt;sup>57</sup> Section <u>163.3180(1)(a)</u>, F.S.

<sup>&</sup>lt;sup>58</sup> Section <u>163.3180(4)</u>, F.S.

<sup>&</sup>lt;sup>59</sup> Section 1002.32(9), F.S.

<sup>&</sup>lt;sup>60</sup> Florida Department of Education, *Funding for Florida School Districts (2024-2025)*, *available at* <a href="https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf">https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf</a>.

<sup>&</sup>lt;sup>61</sup> Florida Department of Education, *Know Your Schools, PK-12 Enrollment Map (2024-2025), available at* <a href="https://edudata.fldoe.org/AdvancedReports">https://edudata.fldoe.org/AdvancedReports</a> Tableau.html?StudentEnrollments=true.

<sup>62</sup> Section 1006.15(2)(c)-(e), F.S.

<sup>63</sup> Section 1006.20(1), F.S.

<sup>64</sup> Section 1006.20(2), F.S.

- Adopt guidelines to educate athletic coaches, officials, administrators, and student athletes and their parents of the risk of concussion and head injury.
- Adopt bylaws that require each student athlete who is suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity.
- Adopt bylaws for the establishment and duties of a sports medicine advisory committee.

#### **RECENT LEGISLATION:**

YEAR	BILL #	<b>HOUSE SPONSOR(S)</b>	SENATE SPONSOR	OTHER INFORMATION
2022	<u>CS/CS/SB 758</u>	Rizo	Diaz	Took effect on July 1, 2022.

## **OTHER RESOURCES:**

<u>Charter School Background</u>- Education & Employment Committee Fact Sheet
<u>Charter School Performance and Fiscal Accountability</u>- Education & Employment Committee Fact Sheet
<u>Student Participation in Interscholastic Extracurricular Activities</u>- Education & Employment Committee Fact Sheet

JUMP TO <u>SUMMARY</u> <u>ANALYSIS</u> <u>RELEVANT INFORMATION</u>