

## CHAPTER 97-207

### Committee Substitute for House Bill No. 539

An act relating to charter schools; amending s. 228.056, F.S.; revising provisions relating to proposals; providing additional application and denial of application requirements; revising appeal procedures in the case of denial of an application; revising enrollment and charter provisions; revising annual reporting requirements; authorizing waiver of statutes; revising provisions relating to employees; revising provisions relating to distribution of funds to charter schools; providing for use of facilities, property, goods, and services; providing requirements; providing an effective date.

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

Section 1. Subsection (3), paragraphs (a), (b), and (f) of subsection (4), paragraphs (a) and (c) of subsection (6), paragraphs (a), (d), and (f) of subsection (9), subsection (11), paragraphs (a) and (d) of subsection (12), and paragraph (f) of subsection (13) of section 228.056, Florida Statutes, 1996 Supplement, are amended, paragraphs (g) and (h) are added to subsection (13) of said section, and subsection (21) is added to said section, to read:

228.056 Charter schools.—

(3) PROPOSAL.—A proposal for a new charter school may be made by an individual, teachers, parents, a group of individuals, or a legal entity organized under the laws of this state. The principal, teachers, parents, and/or the school advisory council at an existing public school, including a public school-within-a-school that is designated as a school by the district school board, shall submit any proposal for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents whose children are enrolled at the school. A private school, parochial school, or home education program shall not be eligible for charter school status.

(4) SPONSOR.—A district school board may sponsor a charter school in the county over which the board has jurisdiction.

(a) A district school board shall receive and review all applications for a charter school. A district school board shall receive charter school applications through at least February 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year. A district school board may receive applications later than this date if it chooses. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students which are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. A district school board must by a majority vote approve or deny an application no later than 60 days after the application is received. If an application is denied, the district school board must,

within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application. Upon approval of a charter application, the initial startup must be consistent with the beginning of the public school calendar for the district in which the charter is granted unless the district school board allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of that person's application to the State Board of Education no later than 30 days after the district school board's decision and shall notify the district school board of its appeal. Any response of the school board shall be submitted to the state board within 30 days after notification of the appeal. The state board must by majority vote accept or reject the decision of the district school board no later than ~~60~~ 30 days after an appeal is filed in accordance with state board rule. The state board may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 days from notice of rejection to resubmit an appeal that meets requirements of rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 days after the school board denial. The state board shall remand the application to the district school board with its written recommendation that the district board approve or deny the application consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

(f) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 6 months in which to mutually agree to the provisions of the contract. If, after 6 months, the contract is still pending, the application is deemed denied. This contract shall constitute the school's charter.

(6) ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student residing in the school district in which the charter school is located. When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. A charter school may give enrollment preference to a sibling of a student enrolled in the charter school or to the child of an employee of the charter school.

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

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students those with scores in the lower quartile on the reading and mathematics sections

~~of norm-referenced tests; a grade point average of 2.0 or below for grades 9 through 12; and/or a writing score on Florida Writes of 2 or below.~~

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

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

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

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed.

3. The current baseline standard of achievement and the outcomes to be achieved and the method of measurement that will be used.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. Students in charter schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246.

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

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

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

9. The financial and administrative management of the school.

10. The manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The term of the charter, not to exceed 3 years, which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter.

12. The facilities to be used and their location.

13. The qualifications to be required of the teachers.

14. The governance structure of the school, including the status of the charter school as a public or private employer as required in subsection (7).

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

16. In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or school board policy in the absence of a collective bargaining agreement.

(d) The governing body of the charter school shall make annual progress reports to its sponsor, which upon verification shall be forwarded to the State Board of Education, the Commissioner of Education at the same time as other annual school accountability reports, ~~the President of the Senate, and the Speaker of the House of Representatives.~~ The report shall contain at least the following information:

1. The charter school's progress towards achieving the goals outlined in its charter.
2. The information required in the annual school report pursuant to s. 229.592.
3. Financial records of the charter school, including revenues and expenditures.
4. Salary and benefit levels of charter school employees.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education ~~sponsor~~ shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the norm-referenced assessment tests, versus comparable public school students in the district as determined by norm-referenced assessment tests currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, Grade Ten Assessment Test, ~~and the High School Competency Test,~~ and other assessments administered pursuant to s. 229.57(3).

(11) EXEMPTION FROM STATUTES.—A charter school shall operate in accordance with its charter and shall be exempt from all statutes of the Florida School Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. A charter school shall not be exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, relating to public meetings and records, public inspection, and penalties. The sponsor, upon request of a charter school, may apply to the Commissioner of Education for a waiver of provisions of chapters 230 through 239 which are applicable to charter schools under this section, except that the provisions of chapters 236 or 237 shall not be eligible for waiver if the waiver would affect funding allocations

or create inequity in public school funding. The Commissioner may grant the waiver if necessary to implement the school program.

(12) EMPLOYEES OF CHARTER SCHOOLS.—

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

(d) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. This paragraph shall not prohibit a school board from approving alternative leave arrangements consistent with chapter 231.

(13) REVENUE.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a chartered developmental research school shall be as provided in s. 228.053(9).

(f) School boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 30 working days after the district school board receives a distribution of state or federal funds receipt of an invoice. If a warrant for payment of an invoice is not issued within 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement invoice, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 30-day period until such time as the warrant is issued.

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

(h) If other goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost.

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

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.