

An act relating to charter schools; creating s. 196.1983, F.S.; providing an exemption from ad valorem taxes for facilities used to house charter schools; amending s. 196.29, F.S.; providing for the cancellation of certain taxes on real property acquired by a charter school governing board; amending s. 228.056, F.S.; revising who is authorized to submit an application to convert an existing public school to a charter school; prohibiting unlawful reprisals against district school board employees as a result of direct or indirect involvement in an application to establish a charter school; establishing procedures for reviewing and deciding alleged unlawful reprisals; revising the date by which charter school applications must be submitted to the district school board; providing an appeal process for failure of a district school board to act on a charter school application; requiring district school boards to provide certain information relating to charter schools to the Department of Education; clarifying the time-frame for charter school approval or denial; requiring the award of reasonable attorney fees and costs incurred to the prevailing party in a charter school dispute; exempting conversion charter schools from being counted toward the number of charter schools in the district for purposes of a limit; authorizing district school boards or charter school applicants to request an increase of the limit on the number of charter schools in the district; providing student eligibility requirements for charter schools established by developmental research schools; authorizing enrollment preference to be given to the child of a member of the governing board of a charter school; authorizing a developmental research school to which a charter has been issued to charge a student activity and service fee; requiring a charter school to comply with certain cost accounting and reporting requirements; establishing the term of a charter issued to a developmental research school; providing an exception to a requirement for alternative arrangements for teachers who choose not to teach in a developmental research school to which a charter has been issued; clarifying that a charter may not be renewed if grounds for nonrenewal have been documented; revising eligibility requirements for a 15-year charter renewal; requiring the recommendation of the charter school governing board for modification of a charter; specifying that reversion of ownership of charter school property is subject to satisfaction of any lawful liens or encumbrances; revising exemptions from statutes to specify certain statutes that charter schools must comply with; deleting the requirement that members of the governing board of a charter school be fingerprinted prior to approval of the charter; providing notice of a tax exemption; requiring facilities used as charter schools to be in compliance with certain safety requirements; clarifying and conforming terminology; requiring the Legislature to review the operation of charter schools during the 2005 Regular Session of the Legislature; amending s. 228.0561, F.S.; revising the calculation for the funding allocation for charter school capital outlay; providing requirements for the distribution of

such funds; deleting provisions relating to the sharing of funds for capital outlay purposes; providing for the reversion of property and funds of a developmental research charter school upon nonrenewal or termination; specifying that the reversion of charter school property is subject to the satisfaction of all lawful liens or encumbrances; creating s. 228.0581, F.S.; establishing a statewide conversion charter school pilot program; providing intent and purpose; providing for application for participation in the pilot program by school principals, parents, teachers, or school advisory council members; prohibiting unlawful reprisals as a result of applying to participate in the pilot program; providing procedures for reviewing and deciding alleged unlawful reprisals; providing requirements for district school boards; establishing a program selection panel and providing membership and duties; authorizing grants to participating districts and reductions in funding for violations of requirements; requiring annual progress reports; amending s. 236.0817, F.S.; clarifying eligibility for categorical funding for developmental research schools to which a charter has been issued; amending s. 236.053, F.S.; providing requirements relating to charters issued to developmental research schools; clarifying provisions relating to funding; deleting obsolete language; providing additional funds for developmental research schools to which a charter has been issued; amending s. 228.505, F.S.; establishing provisions relating to the governance of a charter technical career center; providing an effective date.

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

Section 1. Section 196.1983, Florida Statutes, is created to read:

196.1983 Charter school exemption from ad valorem taxes.—Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board pursuant to s. 228.056(9) shall be exempt from ad valorem taxes. For leasehold properties, the landlord must certify by affidavit to the charter school that the lease payments shall be reduced to the extent of the exemption received. The owner of the property shall disclose to a charter school the full amount of the benefit derived from the exemption and the method for ensuring that the charter school receives such benefit. The charter school shall receive the full benefit derived from the exemption through either an annual or monthly credit to the charter school's lease payments.

Section 2. Section 196.29, Florida Statutes, is amended to read:

196.29 Cancellation of certain taxes on real property acquired by a county, school board, charter school governing board, or community college district board of trustees.—Whenever any county, school board, charter school governing board, or community college district board of trustees of this state has heretofore acquired, or shall hereafter acquire, title to any real property, the taxes of all political subdivisions, as defined in s. 1.01, upon such property for the year in which title to such property was acquired, or shall hereafter be acquired, shall be that portion of the taxes levied or accrued against such property for such year which the portion of such year

which has expired at the date of such acquisition bears to the entire year, and the remainder of such taxes for such year shall stand canceled.

Section 3. Section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(1) **AUTHORIZATION.**—The creation of charter schools is hereby authorized. Charter schools shall be part of the state's program of public education. All charter schools in Florida are fully recognized as public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status.

(2) **PURPOSE.**—The purpose of charter schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Create new professional opportunities for teachers, including the opportunity to own the learning program at the school site.

(3) **APPLICATION; UNLAWFUL REPRISAL PROPOSAL.**—

(a) **An application** ~~A proposal~~ 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 the laws of this state. The district school board or 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 ~~application~~ **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 voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to procedures established by rules of the state board. A private school, parochial school, or home education program shall not be eligible for charter school status.

(b) **No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another**

district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term "unlawful reprisal" means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee's position absent a reduction in force as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal which occurs as a consequence of an employee's direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after a reprisal prohibited by this subsection, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the department shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the department determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the department shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the department shall provide the superintendent of schools of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the department determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the department shall terminate the investigation. Upon termination of any investigation, the department shall notify the complainant and the superintendent of schools of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The department shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the department determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the

complaint, the panel must make findings of fact and conclusions of law for a final decision by the department.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(c) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief must include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.

2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.

4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(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 and consider charter school applications received on or before October 1 ~~through at least November 15~~ of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the district school board. 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. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its

projected FTE. A district school board must by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board must by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (b). 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. For budget projection purposes, the district school board or other sponsor shall report to the department the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the department must include the final projected FTE for the approved charter school. 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 applicant's person's application or failure to act on an application to the State Board of Education no later than 30 calendar days after the district school board's decision or failure to act 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 calendar 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 calendar 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 calendar 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 calendar 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.

(c) The district school board must act upon the recommendation of the State Board of Education within 30 calendar days after it is received. The district board may fail to act in accordance with the recommendation of the state board only for good cause. Good cause for failing to act in accordance with the state board's recommendation arises only if the district school board determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or contrary to the best interests of the pupils or the community. The district school board must articulate in written findings the specific reasons based upon good cause supporting its failure to act in accordance with the state board's recommendation. The district board's action on the state board's recommendation is a final action subject to judicial review.

(d) The Department of Education may provide technical assistance to an applicant upon written request.

(e) Paragraph (a) notwithstanding, a state university may grant a charter to a developmental research school created under s. 228.053. In considering such charter, the state university must consult with the district school board of the county in which the developmental research school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(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, called a charter. 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 charter contract. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter contract violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(g) The sponsor shall monitor and review the charter school in its progress towards the goals established in the charter.

(h) The sponsor shall monitor the revenues and expenditures of the charter school.

(5) NUMBER OF SCHOOLS.—

(a) The number of newly created charter schools or existing public schools which may convert to charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

(b) An existing public school which converts to a charter school shall not be counted towards the limit established by paragraph (a).

Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the limit on the number of charter schools authorized to be established within the district from the State Board of Education.

(6) ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a developmental research school created under s. 228.053 to which a charter has been issued under paragraph (4)(e), the charter school shall be open to any student eligible to attend the developmental research school as provided in s. 228.053 or who resides in the school district in which the charter school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. 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, to the child of a member of the governing board of the charter school, or to the child of an employee of the charter school.

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

(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.
3. Students enrolling in a charter school-in-the-workplace established pursuant to subsection (22).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (13)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (9)(a)8. or any federal provisions which require a school to 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.

(d) A student may withdraw from a charter school at any time and enroll in another public school as determined by school board policy.

(e) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(7) LEGAL ENTITY.—A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a “covered group” under s. 121.021(34). If a

charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(8) REQUIREMENTS.—

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

(b) A charter school shall admit students as provided in subsection (6).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (9).

(d) A charter school shall not charge tuition or fees, except those fees normally charged by other public schools. However, a developmental research school to which a charter has been issued pursuant to paragraph (4)(e) may charge a student activity and service fee as authorized by s. 228.053(5).

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

(f) A charter school shall not violate the antidiscrimination provisions of s. 228.2001.

(g) A charter school shall be subject to an annual financial audit in a manner similar to that of a school district.

(h) No organization shall hold more than 15 charters statewide.

(i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system in accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools." Charter schools are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 236.02(1). Charter schools which are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent, but must reformat this information for reporting according to this paragraph.

(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 incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. This section shall include a detailed description for each of the following:

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

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

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

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, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services. Both public sector and private sector professional experience shall be equally valid in such a consideration.

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 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. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the local school board. A developmental research school is eligible for a charter for a term of up to 15 years issued by a state university pursuant to paragraph (4)(e). In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 10-year charter, subject to approval by the local school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection (10).

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. However, alternative arrangements shall not be required for current teachers who choose not to teach in a developmental research school to which a charter has been issued pursuant to paragraph (4)(e), except as authorized by the employment policies of the state university which grants the charter to the developmental research school.

(b) A charter may be renewed every 5 school years, provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (10)(a) have been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 2 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school governing board and the approval of both parties to the 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 Commissioner of Education at the same time as other annual school accountability reports. 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.

(e) A sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 229.591.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education 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 state assessment program, versus comparable public school students in the district as determined by the state assessment program currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

(g) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications will then be designated as one charter for all purposes listed pursuant to this section.

(10) CAUSES FOR NONRENEWAL OR TERMINATION.—

(a) At the end of the term of a charter, the sponsor may choose not to renew the charter for any of the following grounds:

1. Failure to meet the requirements for student performance stated in the charter.
2. Failure to meet generally accepted standards of fiscal management.
3. Violation of law.
4. Other good cause shown.

(b) During the term of a charter, the sponsor may terminate the charter for any of the grounds listed in paragraph (a).

(c) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request. The charter school's governing body may, within 14 calendar days after receiving the sponsor's decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established in subsection (4).

(e) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered funds from the charter school shall revert to the district school board. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances.

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

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

(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 specifically applying to charter schools; those pertaining to the provision of services to students with disabilities; those pertaining to civil rights, including s. 228.2001, relating to discrimination; and those pertaining to 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.

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

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

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

(e) 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. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a school board from approving alternative leave arrangements consistent with chapter 231.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 231. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 231, and as provided by State Board of Education rule for charter school governing boards. A charter school may not employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g) A charter school shall employ or contract with employees who have been fingerprinted as provided in s. 231.02. Members of the governing board of the charter school shall also be fingerprinted in a manner similar to that provided in s. 231.02 ~~prior to approval of the charter.~~

(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).

(a) Each charter school shall report its student enrollment to the district school board as required in s. 236.081, and in accordance with the definitions in s. 236.013. The district school board shall include each charter school's enrollment in the district's report of student enrollment.

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school will be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of chapter 234. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

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

(e) Any administrative fee charged by the school district relating to a charter school shall be limited to 5 percent of the available funds as defined in paragraph (b). The sponsor shall provide certain administrative and educational services to charter schools at no additional fee. These services shall include contract management services, FTE and data reporting, exceptional student education administration, test administration, processing of teacher certificate data, and information services.

(f) School boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which they may be eligible. 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 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment 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, 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 shall 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. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(14) IMMUNITY.—For the purposes of tort liability, the governing body and employees of a charter school shall be governed by s. 768.28.

(15) LENGTH OF SCHOOL YEAR.—A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(16) FACILITIES.—

(a) A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 235.26 or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

(b) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (9), shall be exempt from ad valorem taxes pursuant to s. 196.1983.

(c) After January 1, 2001, charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633.

(17) INITIAL COSTS.—A sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

(18) INFORMATION.—The Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format which shall include the information specified in subsection (9). This application format may be used by chartering entities.

(19) GENERAL AUTHORITY.—A charter school shall not levy taxes or issue bonds secured by tax revenues.

(20) REVIEW.—

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

(b) The Legislature shall review the operation of charter schools during the 2005 ~~2000~~ Regular Session of the Legislature.

(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.

(22) CHARTER SCHOOLS-IN-THE-WORKPLACE.—

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the

high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery which involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

Section 4. Subsections (1) and (3) of section 228.0561, Florida Statutes, are amended to read:

228.0561 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth ~~one-thirteenth~~ of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. In the first quarter of the fiscal year, Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys. Sixty percent of the funds shall be distributed after the second enrollment survey and the balance shall be distributed after the third enrollment survey projected enrollment as provided in this section. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools. ~~If a school district chooses to share funding for the capital outlay purposes~~

~~described in subsection (2) with the applicable charter school or charter schools, any allocation of charter school capital outlay funds to the charter school or charter schools shall be reduced by the amount shared.~~

(3) When a charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with district public funds shall revert to the ownership of the district school board, as provided for in s. 228.056(10)(e) and (f). In the case of a developmental research school established pursuant to s. 228.053 to which a charter has been issued, any unencumbered funds and all equipment and property purchased with university public funds shall revert to the ownership of the state university that issued the charter. The reversion of such equipment, property, and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. The reversion of all property secured with public funds is subject to the complete satisfaction of all lawful liens or encumbrances. If there are additional local issues such as the shared use of facilities or partial ownership of facilities or property, these issues shall be agreed to in the charter contract prior to the expenditure of funds.

Section 5. Section 228.0581, Florida Statutes, is created to read:

228.0581 Conversion charter school pilot program.—

(1) The conversion charter school pilot program is hereby established with the intent to provide incentives for local school districts to approve conversion charter schools.

(2) The conversion charter school pilot program shall be a statewide pilot program in which 10 schools shall be selected based on a competitive application process in accordance with this section.

(3) The purpose of the pilot program is to produce significant improvements in student achievement and school management, to encourage and measure the use of innovative learning methods, and to make the school the unit for improvement.

(4) Each school principal or a majority of the parents of students attending the school, a majority of the school's teachers, or a majority of the members of the school advisory council, may apply to the school district to participate in this pilot program on forms which shall be provided by the Department of Education. The forms shall include acknowledgement by the principal of applicable provisions of ss. 228.056 and 228.0561. For purposes of this paragraph, "a majority of the parents of students attending the school" means more than 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process; and "a majority of the school's teachers" means more than 50 percent of the teachers employed at the school, according to procedures established by rule of the State Board of Education pursuant to s. 228.056(3).

(5) A person or group who has applied to participate in the pilot program created by this section, pursuant to subsection (4), shall not be subject to an

unlawful reprisal, as defined by s. 228.056(3)(b), as a consequence of such application. The procedures established by s. 228.056(3) shall apply to any alleged unlawful reprisal which occurs as a consequence of such application.

(6) A district school board shall receive and review all applications by principals, parents, teachers, or school advisory council members to participate in the pilot project; shall select the best applications; and shall submit these applications, together with the district school board's letter of endorsement and commitment of support and cooperation toward the success of program implementation, for review by the statewide selection panel established pursuant to subsection (7).

(7) A conversion charter school pilot program statewide selection panel is established. The panel shall be comprised of the following nine members who are not elected public officials:

(a) Three members shall be appointed by the Governor.

(b) Two members shall be appointed by the Commissioner of Education.

(c) Two members shall be appointed by the President of the Senate.

(d) Two members shall be appointed by the Speaker of the House of Representatives.

The panel shall review the conversion charter school pilot program applications submitted by the district school boards and shall select the 10 applications which the panel deems best comply with the purpose of the program pursuant to subsection (3).

(8) Each district school board in which there is a school selected by the statewide panel for participation in the pilot program shall receive a grant for the 2001-2002 school year as follows, or as otherwise specified in the General Appropriations Act:

(a) One hundred thousand dollars for planning and development for each conversion charter school selected; and

(b)1. Eighty thousand dollars for each conversion charter school selected with 500 or fewer students;

2. One hundred thousand dollars for each conversion charter school selected with more than 500 but fewer than 1,001 students; or

3. One hundred twenty thousand dollars for each conversion charter school selected with more than 1,000 students.

The Commissioner of Education is authorized to reduce the district's 2002-2003 FEFP funding entitlement by the amount of the grant awarded under this subsection if he or she determines that the district has failed to comply with its letter of endorsement and commitment of support and cooperation submitted under subsection (6).

(9) Each conversion charter school selected for participation in the pilot program shall make annual progress reports to the district school board and the Commissioner of Education detailing the school's progress in achieving the purpose of the program as described in subsection (3).

Section 6. Section 236.0817, Florida Statutes, is amended to read:

236.0817 Developmental research schools; eligibility for categorical funding.—Categorical funds for developmental research schools, including a developmental research school to which a charter has been issued pursuant to s. 228.056(4)(e), shall be allocated pursuant to s. 228.053(9)(a).

Section 7. Subsections (2) and (9) of section 228.053, Florida Statutes, are amended to read:

228.053 Developmental research schools.—

(2) ESTABLISHMENT.—There is established a category of public schools to be known as developmental research schools. Each developmental research school shall provide sequential instruction and shall be affiliated with the college of education within the state university of closest geographic proximity. A developmental research school to which a charter has been issued under s. 228.056(4)(e) must be affiliated with the college of education within the state university that issued the charter, but is not subject to the requirement that the state university be of closest geographic proximity. For the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida, and other universities approved by the Board of Regents, the State Board of Education, and the Legislature are authorized to sponsor developmental research schools.

(9) FUNDING.—Funding for a developmental research school, including a developmental research school to which a charter has been issued under s. 228.056(4)(e), shall be provided as follows:

(a) Each developmental research school shall be allocated its proportional share of operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act. The nonvoted ad valorem millage that would otherwise be required for developmental research schools shall be allocated from state funds. The required local effort funds calculated pursuant to s. 236.081 shall be allocated from state funds to the schools as a part of the allocation of operating funds pursuant to s. 236.081. Each eligible developmental research school shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 236.081. In addition, each developmental research school shall receive its proportional share of all categorical funds, with the exception of s. 236.083, and new categorical funds enacted after July 1, 1994, for the purpose of elementary or secondary academic program enhancement. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.

(b) There is created a Developmental Research School Educational Facility Trust Fund to be administered by the Commissioner of Education. Allocations from such fund shall be expended solely for the purpose of facility construction, repair, renovation, remodeling, site improvement, or maintenance. The commissioner shall administer the fund in accordance with ss. 235.41-235.435.

(c) All operating funds provided under this section shall be deposited in a Developmental Research School Trust Fund in the State Treasury and shall be expended for the purposes of this section. The university assigned a developmental research school shall be the fiscal agent for these funds, and all rules of the university governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education. The Board of Regents shall be the public employer of developmental research school personnel for collective bargaining purposes.

(d) Each developmental research school shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 236.25(1) by the value of 95 percent of the current year's taxable value for school purposes for the district in which each developmental research school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the developmental research school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act to the Developmental Research School Trust Fund.

(e) Each developmental research school shall receive funds for capital improvement purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for capital improvements pursuant to s. 236.25(2) by the value of 95 percent of the current year's taxable value for school purposes for the district in which each developmental research school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the developmental research school. The amount thus obtained shall be discretionary capital improvement funds and shall be appropriated from state funds in the General Appropriations Act to the Developmental Research School Educational Facility Trust Fund. ~~For purposes of this paragraph, the full-time equivalent membership of the developmental research school shall not include the 25 unweighted full-time equivalent count specified in paragraph (h).~~

(f) In addition to the funds appropriated for capital outlay budget needs, developmental research schools may receive specific funding as specified in the General Appropriations Act for upgrading, renovating, and remodeling science laboratories.

(g) Each developmental research school is designated a teacher education center and may provide inservice training to school district personnel. The Department of Education shall provide funds to the Developmental

Research School Trust Fund for this purpose from appropriations for inservice teacher education.

(h) A developmental research school to which a charter has been issued under s. 228.056(4)(e), is eligible to receive funding for charter school capital outlay if it meets the eligibility requirements of s. 228.0561. If the developmental research school receives funds from charter school capital outlay, the school shall receive capital outlay funds otherwise provided in this subsection only to the extent that funds allocated pursuant to s. 228.0561 are insufficient to provide capital outlay funds to the developmental research school at one-fifteenth of the cost per student station.

Section 8. Subsection (4) of section 228.505, Florida Statutes, is amended to read:

228.505 Charter technical career centers.—

(4) CHARTER.—A sponsor may designate centers as provided in this section. An application to establish a center may be submitted by a sponsor or another organization that is determined, by rule of the State Board of Education, to be appropriate. However, an independent school is not eligible for status as a center. The charter must be signed by the governing body of the center and the sponsor, and must be approved by the district school board and community college board of trustees in whose geographic region the facility is located. If a charter technical career center is established by the conversion to charter status of a public technical center formerly governed by a district school board, the charter status of that center takes precedence in any question of governance. The governance of the center or of any program within the center remains with its board of directors unless the board agrees to a change in governance or its charter is revoked as provided in subsection (15). Such a conversion charter technical career center is not affected by a change in the governance of public technical centers or of programs within other centers that are or have been governed by district school boards. A charter technical career center, or any program within such a center, that was governed by a school board and transferred to a community college prior to the effective date of this act is not affected by this provision. An applicant who wishes to establish a center must submit to the local school board or community college district board of trustees, or a consortium of one or more of each, an application that includes:

(a) The name of the proposed center.

(b) The proposed structure of the center, including a list of proposed members of the board of directors or a description of the qualifications for and method of their appointment or election.

(c) The workforce development goals of the center, the curriculum to be offered, and the outcomes and the methods of assessing the extent to which the outcomes are met.

(d) The admissions policy and criteria for evaluating the admission of students.

- (e) A description of the staff responsibilities and the proposed qualifications of the teaching staff.
- (f) A description of the procedures to be implemented to ensure significant involvement of representatives of business and industry in the operation of the center.
- (g) A method for determining whether a student has satisfied the requirements for graduation specified in s. 232.246 and for completion of a postsecondary certificate or degree.
- (h) A method for granting secondary and postsecondary diplomas, certificates, and degrees.
- (i) A description of and address for the physical facility in which the center will be located.
- (j) A method of resolving conflicts between the governing body of the center and the sponsor and between consortium members, if applicable.
- (k) A method for reporting student data as required by law and rule.
- (l) Other information required by the local school board or community college district board of trustees.

Students at a center must meet the same testing and academic performance standards as those established by law and rule for students at public schools and public technical centers. The students must also meet any additional assessment indicators that are included within the charter approved by the district school board or community college district board of trustees.

Section 9. This act shall take effect July 1, 2000.

Approved by the Governor June 15, 2000.

Filed in Office Secretary of State June 15, 2000.