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HB 135, Engrossed 2

2006 Legislature

1 A bill to be entitled
2 An act relating to charter schools; creating s. 1002.335,
3 F.S.; providing findings and intent; establishing the
4 Florida Schools of Excellence Commission as a charter
5 school authorizing entity; providing for startup funds;
6 providing for membership of the commission; providing
7 powers and duties of the commission, including serving as
8 a sponsor of charter schools, approving certain entities
9 to act as cosponsors, approving or denying applications
10 for Florida Schools of Excellence (FSE) charter schools,
11 and developing standards for and evaluating the
12 performance of cosponsors and charter schools; requiring
13 collaboration with municipalities, state universities,
14 community colleges, and regional educational consortia as
15 cosponsors for FSE charter schools; providing chartering
16 authority; prescribing procedures under which a district
17 school board may become the exclusive authority to
18 authorize charter schools within a school district;
19 providing for challenges to grants of exclusive authority;
20 prescribing conditions to be considered by the State Board
21 of Education in determining whether to grant exclusive
22 authority; providing requirements for approval of
23 cosponsors by the commission; providing components of
24 required cosponsor agreements; providing causes for
25 revocation of approval of a cosponsor; providing for FSE
26 charter school application and review procedures;
27 authorizing existing charter schools to apply as FSE

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28 charter schools; providing for application of specified
 29 provisions of law; requiring access to information by
 30 parents; requiring the commission to submit an annual
 31 report; requiring rulemaking; amending s. 1002.33, F.S.;
 32 providing that the sponsor of a charter school shall not
 33 be liable for civil damages for certain actions; providing
 34 that the duty to monitor a charter school shall not be the
 35 basis for a private cause of action; prescribing limits on
 36 immunities of a charter school sponsor; providing
 37 requirements with respect to the right to appeal the
 38 denial of a charter school application; expanding a school
 39 district's immunity from assumption of contractual debts;
 40 revising provisions relating to reporting of charter
 41 school student enrollment for purposes of funding;
 42 providing an effective date.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Section 1002.335, Florida Statutes, is created
 47 to read:

48 1002.335 Florida Schools of Excellence Commission.--

49 (1) FINDINGS.--The Legislature finds that:

50 (a) Charter schools are a critical component in the
 51 state's efforts to provide efficient and high-quality schools
 52 within the state's uniform system of public education.

53 (b) Charter schools provide valuable educational options
 54 and innovative learning opportunities while expanding the

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55 capacity of the state's system of public education and
 56 empowering parents with the ability to make choices that best
 57 fit the individual needs of their children.

58 (c) The growth of charter schools in the state has
 59 contributed to enhanced student performance, greater efficiency,
 60 and the improvement of all public schools.

61 (2) INTENT.--It is the intent of the Legislature that:

62 (a) There be established an independent, state-level
 63 commission whose primary focus is the development and support of
 64 charter schools in order to better meet the growing and diverse
 65 needs of some of the increasing number and array of charter
 66 schools in the state and to further ensure that charter schools
 67 of the highest academic quality are approved and supported
 68 throughout the state in an efficient manner.

69 (b) New sources of community support in the form of
 70 municipalities with knowledge of the unique needs of a
 71 particular community or state universities, community colleges,
 72 or regional educational consortia with special education
 73 expertise should be authorized to participate in developing and
 74 supporting charter schools that maximize access to a wide
 75 variety of high-quality educational options for all students
 76 regardless of disability, race, or socioeconomic status.

77 (3) FLORIDA SCHOOLS OF EXCELLENCE COMMISSION.--

78 (a) The Florida Schools of Excellence Commission is
 79 established as an independent, state-level charter school
 80 authorizing entity working in collaboration with the Department
 81 of Education and under the supervision of the State Board of

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82 | Education. Startup funds necessary to establish and operate the
83 | commission may be received through private contributions and
84 | federal and other institutional grants through the Grants and
85 | Donations Trust Fund and the Educational Aids Trust Fund housed
86 | within the department in addition to funds provided in the
87 | General Appropriations Act. The department shall assist in
88 | securing federal and other institutional grant funds to
89 | establish the commission.

90 | (b) The commission shall be appointed by the State Board
91 | of Education and shall be composed of three appointees
92 | recommended by the Governor, two appointees recommended by the
93 | President of the Senate, and two appointees recommended by the
94 | Speaker of the House of Representatives. The Governor, the
95 | President of the Senate, and the Speaker of the House of
96 | Representatives shall each recommend a list of no fewer than two
97 | nominees for any appointment to the commission. The appointments
98 | shall be made as soon as feasible but no later than September 1,
99 | 2006. Each member shall serve a term of 2 years; however, for
100 | the purpose of providing staggered terms, of the initial
101 | appointments, three members shall be appointed to 1-year terms
102 | and four members shall be appointed to 2-year terms. Thereafter,
103 | each appointee shall serve a 2-year term unless the State Board
104 | of Education, after review, extends the appointment. If a
105 | vacancy occurs on the commission, it shall be filled by the
106 | State Board of Education from a recommendation by the
107 | appropriate authority according to the procedure set forth in
108 | this paragraph. The members of the commission shall annually

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109 | vote to appoint a chair and a vice chair. Each member of the
110 | commission must hold a bachelor's degree or higher, and the
111 | commission must include individuals who have experience in
112 | finance, administration, law, education, and school governance.

113 | (c) The commission is encouraged to convene its first
114 | meeting no later than October 1, 2006, and, thereafter, shall
115 | meet each month at the call of the chair or upon the request of
116 | four members of the commission. Four members of the commission
117 | shall constitute a quorum.

118 | (d) The commission shall appoint an executive director who
119 | shall employ such staff as is necessary to perform the
120 | administrative duties and responsibilities of the commission.

121 | (e) The members of the commission shall not be compensated
122 | for their services on the commission but may be reimbursed for
123 | per diem and travel expenses pursuant to s. 112.061.

124 | (4) POWERS AND DUTIES.--

125 | (a) The commission shall have the power to:

126 | 1. Authorize and act as a sponsor of charter schools,
127 | including the approval or denial of charter school applications
128 | pursuant to subsection (9) and the nonrenewal or termination of
129 | charter schools pursuant to s. 1002.33(8).

130 | 2. Authorize municipalities, state universities, community
131 | colleges, and regional educational consortia to act as
132 | cosponsors of charter schools, including the approval or denial
133 | of cosponsor applications pursuant to State Board of Education
134 | rule and subsection (6) and the revocation of approval of

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135 | cosponsors pursuant to State Board of Education rule and
136 | subsection (8).

137 | 3. Approve or deny Florida Schools of Excellence (FSE)
138 | charter school applications and renew or terminate charters of
139 | FSE charter schools.

140 | 4. Conduct facility and curriculum reviews of charter
141 | schools approved by the commission or one of its cosponsors.

142 | (b) The commission shall have the following duties:

143 | 1. Review charter school applications and assist in the
144 | establishment of Florida Schools of Excellence (FSE) charter
145 | schools throughout the state. An FSE charter school shall exist
146 | as a public school within the state as a component of the
147 | delivery of public education within Florida's K-20 education
148 | system.

149 | 2. Develop, promote, and disseminate best practices for
150 | charter schools and charter school sponsors in order to ensure
151 | that high-quality charter schools are developed and
152 | incentivized. At a minimum, the best practices shall encourage
153 | the development and replication of academically and financially
154 | proven charter school programs.

155 | 3. Develop, promote, and require high standards of
156 | accountability for any school that applies for and is granted a
157 | charter under this section.

158 | 4. Monitor and annually review the performance of
159 | cosponsors approved pursuant to this section and hold the
160 | cosponsors accountable for their performance pursuant to the
161 | provisions of paragraph (6)(c). The commission shall annually

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162 review and evaluate the performance of each cosponsor based upon
163 the financial and administrative support provided to the
164 cosponsor's charter schools and the quality of charter schools
165 approved by the cosponsor, including the academic performance of
166 the students that attend those schools.

167 5. Monitor and annually review and evaluate the academic
168 and financial performance of the charter schools it sponsors and
169 hold the schools accountable for their performance pursuant to
170 the provisions of chapter 1008.

171 6. Report the student enrollment in each of its sponsored
172 charter schools to the district school board of the county in
173 which the school is located.

174 7. Work with its cosponsors to monitor the financial
175 management of each FSE charter school.

176 8. Direct charter schools and persons seeking to establish
177 charter schools to sources of private funding and support.

178 9. Actively seek, with the assistance of the department,
179 supplemental revenue from federal grant funds, institutional
180 grant funds, and philanthropic organizations. The commission
181 may, through the department's Grants and Donations Trust Fund,
182 receive and expend gifts, grants, and donations of any kind from
183 any public or private entity to carry out the purposes of this
184 section.

185 10. Review and recommend to the Legislature any necessary
186 revisions to statutory requirements regarding the qualification
187 and approval of municipalities, state universities, community

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188 colleges, and regional educational consortia as cosponsors for
189 FSE charter schools.

190 11. Review and recommend to the Legislature any necessary
191 revisions to statutory requirements regarding the standards for
192 accountability and criteria for revocation of approval of
193 cosponsors of FSE charter schools.

194 12. Act as liaison for cosponsors and FSE charter schools
195 in cooperating with district school boards that may choose to
196 allow charter schools to utilize excess space within district
197 public school facilities.

198 13. Collaborate with municipalities, state universities,
199 community colleges, and regional educational consortia as
200 cosponsors for FSE charter schools for the purpose of providing
201 the highest level of public education to low-income, low-
202 performing, gifted, or underserved student populations. Such
203 collaborations shall:

204 a. Allow state universities and community colleges that
205 cosponsor FSE charter schools to enable students attending a
206 charter school to take college courses and receive high school
207 and college credit for such courses.

208 b. Be used to determine the feasibility of opening charter
209 schools for students with disabilities, including, but not
210 limited to, charter schools for children with autism that work
211 with and utilize the specialized expertise of the Centers for
212 Autism and Related Disabilities established and operated
213 pursuant to s. 1004.55.

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214 14. Support municipalities when the mayor or chief
 215 executive, through resolution passed by the governing body of
 216 the municipality, expresses an intent to cosponsor and establish
 217 charter schools within the municipal boundaries.

218 15. Meet the needs of charter schools and school districts
 219 by uniformly administering high-quality charter schools, thereby
 220 removing administrative burdens from the school districts.

221 16. Assist FSE charter schools in negotiating and
 222 contracting with district school boards that choose to provide
 223 certain administrative or transportation services to the charter
 224 schools on a contractual basis.

225 17. Provide training for members of FSE charter school
 226 governing bodies within 90 days after approval of the charter
 227 school. The training shall include, but not be limited to, best
 228 practices on charter school governance, the constitutional and
 229 statutory requirements relating to public records and meetings,
 230 and the requirements of applicable statutes and State Board of
 231 Education rules.

232 18. Perform all of the duties of sponsors set forth in s.
 233 1002.33(5)(b) and (20).

234 (5) CHARTERING AUTHORITY.--

235 (a) A charter school applicant may submit an application
 236 to the commission only if the school district in which the FSE
 237 charter school is to be located has not retained exclusive
 238 authority to authorize charter schools as provided in paragraph
 239 (e). If a district school board has not retained exclusive
 240 authority to authorize charter schools as provided in paragraph

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241 (e), the district school board and the commission shall have
242 concurrent authority to authorize charter schools and FSE
243 charter schools, respectively, to be located within the
244 geographic boundaries of the school district. The district
245 school board shall monitor and oversee all charter schools
246 authorized by the district school board pursuant to s. 1002.33.
247 The commission shall monitor and oversee all FSE charter schools
248 sponsored by the commission pursuant to subsection (4).

249 (b) Paragraph (e) may not be construed to eliminate the
250 ability of a district school board to authorize charter schools
251 pursuant to s. 1002.33. A district school board shall retain the
252 authority to reauthorize and to oversee any charter school that
253 it has authorized, except with respect to any charter school
254 that is converted to an FSE charter school under this section.

255 (c) For fiscal year 2007-2008 and for each fiscal year
256 thereafter, a district school board may seek to retain exclusive
257 authority to authorize charter schools within the geographic
258 boundaries of the school district by presenting to the State
259 Board of Education, on or before March 1 of the fiscal year
260 prior to that for which the exclusive authority is to apply, a
261 written resolution adopted by the district school board
262 indicating the intent to retain exclusive authority to authorize
263 charter schools. A district school board may seek to retain the
264 exclusive authority to authorize charter schools by presenting
265 to the state board the written resolution on or before a date 60
266 days after establishment of the commission. The written
267 resolution shall be accompanied by a written description

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268 addressing the elements described in paragraph (e). The district
269 school board shall provide a complete copy of the resolution,
270 including the description, to each charter school authorized by
271 the district school board on or before the date it submits the
272 resolution to the state board.

273 (d) A party may challenge the grant of exclusive authority
274 made by the State Board of Education pursuant to paragraph (e)
275 by filing with the state board a notice of challenge within 30
276 days after the state board grants exclusive authority. The
277 notice shall be accompanied by a specific written description of
278 the basis for the challenge. The challenging party, at the time
279 of filing notice with the state board, shall provide a copy of
280 the notice of challenge to the district school board that has
281 been granted exclusive authority. The state board shall permit
282 the district school board the opportunity to appear and respond
283 in writing to the challenge. The state board shall make a
284 determination upon the challenge within 60 days after receiving
285 the notice of challenge.

286 (e) The State Board of Education shall grant to a district
287 school board exclusive authority to authorize charter schools
288 within the geographic boundaries of the school district if the
289 state board determines, after adequate notice, in a public
290 hearing, and after receiving input from any charter school
291 authorized by the district school board, that the district
292 school board has provided fair and equitable treatment to its
293 charter schools during the 4 years prior to the district school
294 board's submission of the resolution described in paragraph (c).

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- 295 The state board's review of the resolution shall, at a minimum,
296 include consideration of the following:
- 297 1. Compliance with the provisions of s. 1002.33.
 - 298 2. Compliance with full and accurate accounting practices
299 and charges for central administrative overhead costs.
 - 300 3. Compliance with requirements allowing a charter school,
301 at its discretion, to purchase certain services or a combination
302 of services at actual cost to the district.
 - 303 4. The absence of a district school board moratorium
304 regarding charter schools or the absence of any districtwide
305 charter school enrollment limits.
 - 306 5. Compliance with valid orders of the state board.
 - 307 6. The provision of assistance to charter schools to meet
308 their facilities needs by including those needs in local bond
309 issues or otherwise providing available land and facilities that
310 are comparable to those provided to other public school students
311 in the same grade levels within the school district.
 - 312 7. The distribution to charter schools authorized by the
313 district school board of a pro rata share of federal and state
314 grants received by the district school board, except for any
315 grant received for a particular purpose which, by its express
316 terms, is intended to benefit a student population not able to
317 be served by, or a program not able to be offered at, a charter
318 school that did not receive a proportionate share of such grant
319 proceeds.
 - 320 8. The provision of adequate staff and other resources to
321 serve charter schools authorized by the district school board,

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322 which services are provided by the district school board at a
323 cost to the charter schools that does not exceed their actual
324 cost to the district school board.

325 9. The lack of a policy or practice of imposing individual
326 charter school enrollment limits, except as otherwise provided
327 by law.

328 10. The provision of an adequate number of educational
329 choice programs to serve students exercising their rights to
330 transfer pursuant to the "No Child Left Behind Act of 2001,"
331 Pub. L. No. 107-110, and a history of charter school approval
332 that encourages chartering.

333 (f) The decision of the State Board of Education pursuant
334 to paragraph (e) shall not be subject to the provisions of
335 chapter 120 and shall be a final action subject to judicial
336 review by the district court of appeal.

337 (g) For district school boards that have no discernable
338 history of authorizing charter schools, the State Board of
339 Education may not grant exclusive authority unless the district
340 school board demonstrates that no approvable application has
341 come before the district school board.

342 (h) A grant of exclusive authority by the State Board of
343 Education shall continue so long as a district school board
344 continues to comply with this section and has presented a
345 written resolution to the state board as set forth in paragraph
346 (c).

347 (i) Notwithstanding any other provision of this section to
348 the contrary, a district school board may permit the

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349 establishment of one or more FSE charter schools within the
350 geographic boundaries of the school district by adopting a
351 favorable resolution and submitting the resolution to the State
352 Board of Education. The resolution shall be effective until it
353 is rescinded by resolution of the district school board.

354 (6) APPROVAL OF COSPONSORS.--

355 (a) The commission shall begin accepting applications by
356 municipalities, state universities, community colleges, and
357 regional educational consortia no later than January 31, 2007.
358 The commission shall review and evaluate all applications for
359 compliance with the provisions of paragraph (c) and shall have
360 90 days after receipt of an application to approve or deny the
361 application unless the 90-day period is waived by the applicant.

362 (b) The commission shall limit the number of charter
363 schools that a cosponsor may approve pursuant to its review of
364 the cosponsor's application under paragraph (c). Upon
365 application by the cosponsor and review by the commission of the
366 performance of a cosponsor's current charter schools, the
367 commission may approve a cosponsor's application to raise the
368 limit previously set by the commission.

369 (c) Any entity set forth in paragraph (a) that is
370 interested in becoming a cosponsor pursuant to this section
371 shall prepare and submit an application to the commission that
372 provides evidence that the entity:

373 1. Has the necessary staff and infrastructure or has
374 established the necessary contractual or interagency
375 relationships to ensure its ability to handle all of the

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376 administrative responsibilities required of a charter school
377 sponsor as set forth in s. 1002.33(20).

378 2. Has the necessary staff expertise and infrastructure or
379 has established the necessary contractual or interagency
380 relationships to ensure that it will approve and is able to
381 develop and maintain charter schools of the highest academic
382 quality.

383 3. Is able to provide the necessary public and private
384 financial resources and staff to ensure that it can monitor and
385 support charter schools that are economically efficient and
386 fiscally sound.

387 4. Is committed to providing equal access to all students
388 and to maintaining a diverse student population within its
389 charter schools, including compliance with all applicable
390 requirements of federal law.

391 5. Is committed to serving low-income, low-performing,
392 gifted, or underserved student populations.

393 6. Has articulated annual academic and financial goals and
394 expected outcomes for its charter schools as well as the methods
395 and plans by which it will measure and achieve those goals and
396 outcomes.

397 7. Has policies in place to protect its cosponsoring
398 practices from conflicts of interest.

399 (d) The commission's decision to deny an application or to
400 revoke approval of a cosponsor pursuant to subsection (8) is not
401 subject to chapter 120 and may be appealed to the State Board of
402 Education pursuant to s. 1002.33(6).

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403 (7) COSPONSOR AGREEMENT.--
 404 (a) Upon approval of a cosponsor, the commission and the
 405 cosponsor shall enter into an agreement that defines the
 406 cosponsor's rights and obligations and includes the following:
 407 1. An explanation of the personnel, contractual and
 408 interagency relationships, and potential revenue sources
 409 referenced in the application as required in paragraph (6)(c).
 410 2. Incorporation of the requirements of equal access for
 411 all students, including any plans to provide food service or
 412 transportation reasonably necessary to provide access to as many
 413 students as possible.
 414 3. Incorporation of the requirement to serve low-income,
 415 low-performing, gifted, or underserved student populations.
 416 4. An explanation of the academic and financial goals and
 417 expected outcomes for the cosponsor's charter schools and the
 418 method and plans by which they will be measured and achieved as
 419 referenced in the application.
 420 5. The conflict-of-interest policies referenced in the
 421 application.
 422 6. An explanation of the disposition of facilities and
 423 assets upon termination and dissolution of a charter school
 424 approved by the cosponsor.
 425 7. A provision requiring the cosponsor to annually appear
 426 before the commission and provide a report as to the information
 427 provided pursuant to s. 1002.33(9)(1) for each of its charter
 428 schools.

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429 8. A provision requiring that the cosponsor report the
 430 student enrollment in each of its sponsored charter schools to
 431 the district school board of the county in which the school is
 432 located.

433 9. A provision requiring that the cosponsor work with the
 434 commission to provide the necessary reports to the State Board
 435 of Education.

436 10. Any other reasonable terms deemed appropriate by the
 437 commission given the unique characteristics of the cosponsor.

438 (b) No cosponsor may receive applications for charter
 439 schools until a cosponsor agreement with the commission has been
 440 approved and signed by the commission and the appropriate
 441 individuals or governing bodies of the cosponsor.

442 (c) The cosponsor agreement shall be proposed and
 443 negotiated pursuant to the timeframes set forth in s.
 444 1002.33(6)(i).

445 (d) The cosponsor agreement shall be attached to and shall
 446 govern all charter school contracts entered into by the
 447 cosponsor.

448 (8) CAUSES FOR REVOCATION OF APPROVAL OF A COSPONSOR.--If
 449 at any time the commission finds that a cosponsor is not in
 450 compliance, or is no longer willing to comply, with its contract
 451 with a charter school or with its cosponsor agreement with the
 452 commission, the commission shall provide notice and a hearing in
 453 accordance with State Board of Education rule. If after a
 454 hearing the commission confirms its initial finding, the
 455 commission shall revoke the cosponsor's approval. The commission

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456 shall assume temporary sponsorship over any charter school
457 sponsored by the cosponsor at the time of revocation.
458 Thereafter, the commission may assume permanent sponsorship over
459 such school or allow the school's governing body to apply to
460 another sponsor or cosponsor.

461 (9) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter school
462 applications submitted to the commission or to a cosponsor
463 approved by the commission pursuant to subsection (6) shall be
464 subject to the same requirements set forth in s. 1002.33(6). The
465 commission or cosponsor shall receive and review all
466 applications for FSE charter schools according to the provisions
467 for review of charter school applications under s.
468 1002.33(6)(b).

469 (10) APPLICATIONS OF EXISTING CHARTER SCHOOLS.--

470 (a) An application may be submitted pursuant to this
471 section by an existing charter school approved by a district
472 school board provided that the obligations of its charter
473 contract with the district school board will expire prior to
474 entering into a new charter contract with the commission or one
475 of its cosponsors. A district school board may agree to rescind
476 or waive the obligations of a current charter contract to allow
477 an application to be submitted by an existing charter school
478 pursuant to this section. A charter school that changes sponsors
479 pursuant to this subsection shall be allowed to continue the use
480 of all facilities, equipment, and other assets it owned or
481 leased prior to the expiration or rescission of its contract
482 with a district school board sponsor.

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483 (b) An application to the commission or one of its
484 cosponsors by a conversion charter school may only be submitted
485 upon consent of the district school board. In such instance, the
486 district school board may retain the facilities, equipment, and
487 other assets of the conversion charter school for its own use or
488 agree to reasonable terms for their continued use by the
489 conversion charter school.

490 (11) APPLICATION OF CHARTER SCHOOL STATUTE.--

491 (a) The provisions of s. 1002.33(7)-(12), (14), and (16)-
492 (19) shall apply to the commission and the cosponsors and
493 charter schools approved pursuant to this section.

494 (b) The provisions of s. 1002.33(20) shall apply to the
495 commission and the cosponsors and charter schools approved
496 pursuant to this section with the exception that the commission
497 or a cosponsor of a charter school approved pursuant to this
498 section may retain no more than the actual cost of its
499 administrative overhead costs expended to sponsor the charter
500 school not to exceed 5 percent of the funding provided to the
501 charter school.

502 (12) ACCESS TO INFORMATION.--The commission shall provide
503 maximum access to information to all parents in the state. It
504 shall maintain information systems, including, but not limited
505 to, a user-friendly Internet website, that will provide
506 information and data necessary for parents to make informed
507 decisions. At a minimum, the commission must provide parents
508 with information on its accountability standards, links to

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509 schools of excellence throughout the state, and public education
510 programs available in the state.

511 (13) ANNUAL REPORT.--Each year, the chair of the
512 commission shall appear before the State Board of Education and
513 submit a report regarding the academic performance and fiscal
514 responsibility of all charter schools and cosponsors approved
515 under this section.

516 (14) IMPLEMENTATION.--The State Board of Education shall
517 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
518 facilitate the implementation of this section.

519 Section 2. Paragraphs (d) through (h) of subsection (6) of
520 section 1002.33, Florida Statutes, are redesignated as
521 paragraphs (e) through (i), respectively, a new paragraph (d) is
522 added to that subsection, and paragraph (b) of subsection (5),
523 paragraph (f) of subsection (8), and paragraph (a) of subsection
524 (17) of that section are amended, to read:

525 1002.33 Charter schools.--

526 (5) SPONSOR; DUTIES.--

527 (b) Sponsor duties.--

528 1.a. The sponsor shall monitor and review the charter
529 school in its progress toward the goals established in the
530 charter.

531 ~~b.2.~~ The sponsor shall monitor the revenues and
532 expenditures of the charter school.

533 ~~c.3.~~ The sponsor may approve a charter for a charter
534 school before the applicant has secured space, equipment, or

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535 personnel, if the applicant indicates approval is necessary for
536 it to raise working capital.

537 ~~d.4.~~ The sponsor's policies shall not apply to a charter
538 school.

539 ~~e.5.~~ The sponsor shall ensure that the charter is
540 innovative and consistent with the state education goals
541 established by s. 1000.03(5).

542 ~~f.6.~~ The sponsor shall ensure that the charter school
543 participates in the state's education accountability system. If
544 a charter school falls short of performance measures included in
545 the approved charter, the sponsor shall report such shortcomings
546 to the Department of Education.

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

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

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

556 2. Immunity for the sponsor of a charter school under
557 subparagraph 1. applies only with respect to acts or omissions
558 not under the sponsor's direct authority as described in this
559 section.

560 3. Nothing contained in this paragraph shall be considered
561 a waiver of sovereign immunity by a district school board.

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562 4. A community college may work with the school district
563 or school districts in its designated service area to develop
564 charter schools that offer secondary education. These charter
565 schools must include an option for students to receive an
566 associate degree upon high school graduation. District school
567 boards shall cooperate with and assist the community college on
568 the charter application. Community college applications for
569 charter schools are not subject to the time deadlines outlined
570 in subsection (6) and may be approved by the district school
571 board at any time during the year. Community colleges shall not
572 report FTE for any students who receive FTE funding through the
573 Florida Education Finance Program.

574 (6) APPLICATION PROCESS AND REVIEW.--Beginning September
575 1, 2003, applications are subject to the following requirements:

576 (d) For charter school applications in school districts
577 that have not been granted exclusive authority to sponsor
578 charter schools pursuant to s. 1002.335(5), the right to appeal
579 an application denial under paragraph (c) shall be contingent on
580 the applicant having submitted the same or a substantially
581 similar application to the Florida Schools of Excellence
582 Commission or one of its cosponsors. Any such applicant whose
583 application is denied by the commission or one of its cosponsors
584 subsequent to its denial by the district school board may
585 exercise its right to appeal the district school board's denial
586 under paragraph (c) within 30 days after receipt of the
587 commission's or cosponsor's denial or failure to act on the
588 application. However, the applicant forfeits its right to appeal

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589 under paragraph (c) if it fails to submit its application to the
 590 commission or one of its cosponsors by August 1 of the school
 591 year immediately following the district school board's denial of
 592 the application.

593 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

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

602 (17) FUNDING.--Students enrolled in a charter school,
 603 regardless of the sponsorship, shall be funded as if they are in
 604 a basic program or a special program, the same as students
 605 enrolled in other public schools in the school district. Funding
 606 for a charter lab school shall be as provided in s. 1002.32.

607 (a) Each charter school shall report its student
 608 enrollment to the sponsor ~~district school board~~ as required in
 609 s. 1011.62, and in accordance with the definitions in s.
 610 1011.61. The sponsor ~~district school board~~ shall include each
 611 charter school's enrollment in the district's report of student
 612 enrollment. All charter schools submitting student record
 613 information required by the Department of Education shall comply
 614 with the Department of Education's guidelines for electronic
 615 data formats for such data, and all districts shall accept

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616 | electronic data that complies with the Department of Education's
617 | electronic format.

618 | Section 3. This act shall take effect July 1, 2006.