



639048

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (h) of subsection (6) and paragraph  
(g) of subsection (10) of section 1002.33, Florida Statutes, are  
amended, to read:

1002.33 Charter schools.—

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

(h) 1. The terms and conditions for the operation of a



639048

12 charter school shall be set forth by the sponsor and the  
13 applicant in a written contractual agreement, called a charter.  
14 The sponsor may not impose unreasonable rules or regulations  
15 that violate the intent of giving charter schools greater  
16 flexibility to meet educational goals. The sponsor has 30 days  
17 after approval of the application to provide an initial proposed  
18 charter contract to the charter school. The applicant and the  
19 sponsor have 40 days thereafter to negotiate and notice the  
20 charter contract for final approval by the sponsor unless both  
21 parties agree to an extension. The proposed charter contract  
22 shall be provided to the charter school at least 7 calendar days  
23 prior to the date of the meeting at which the charter is  
24 scheduled to be voted upon by the sponsor.

25 2. The Department of Education shall provide mediation  
26 services for any dispute regarding this section subsequent to  
27 the approval of a charter application and for any dispute  
28 relating to the approved charter, except disputes regarding  
29 charter school application denials.

30 3. If the Commissioner of Education determines that ~~at the~~  
31 dispute cannot be settled through mediation, or if the sponsor  
32 or charter school requests to bypass mediation, at the dispute  
33 must be immediately forwarded ~~may be appealed~~ to an  
34 administrative law judge appointed by the Division of  
35 Administrative Hearings.

36 a. The administrative law judge must issue a summary final  
37 order for a dispute regarding language to be included in the  
38 initial charter contract. The administrative law judge may  
39 consider all documents determined necessary by the  
40 administrative law judge to issue the summary final order. The



639048

41 administrative law judge must hold at least one conference with  
42 the parties to discuss the dispute, and may require other  
43 proceedings only if determined necessary by the administrative  
44 law judge. The summary final order must consist of a summary of  
45 the facts and law, the position of the charter school and  
46 sponsor, the administrative law judge's disposition of the  
47 dispute and supporting rationale, and may include other  
48 information if determined necessary by the administrative law  
49 judge. The administrative law judge's summary final order must  
50 be issued within 30 days of receipt of the referral of the  
51 dispute from the Commissioner of Education.

52 b. The administrative law judge has final order authority  
53 to rule on issues of equitable treatment of the charter school  
54 as a public school, whether proposed provisions of ~~the~~ charter  
55 renewals or amendments violate the intended flexibility granted  
56 charter schools by statute, or on any other matter regarding  
57 this section except a charter school application denial, a  
58 charter termination, or a charter nonrenewal.

59 c. The administrative law judge's summary final order or  
60 final order pursuant to this subparagraph~~and~~ shall award the  
61 prevailing party reasonable attorney's fees and costs incurred  
62 to be paid by the losing party. The costs of the administrative  
63 hearing shall be paid by the party whom the administrative law  
64 judge rules against.

65 (10) ELIGIBLE STUDENTS.—

66 (g) 1. A student may withdraw from a charter school at any  
67 time and enroll in another public school as determined by  
68 district school board rule. A charter school must request, but  
69 may not require, that the student withdrawing or parent of the



639048

70 student withdrawing complete a survey and provide information  
71 concerning the student's experiences at the charter school and  
72 reasons for withdrawal. A charter school must provide in its  
73 annual report to its sponsor and the Department of Education the  
74 total number of students that leave the charter school and the  
75 reason for leaving the charter school, including but not limited  
76 to, withdrawal, suspension, and dismissal, if known.

77 2. A student may only receive disciplinary action,  
78 including but not limited to suspension or dismissal, for the  
79 grounds and in the manner specified in the charter school's code  
80 of student conduct.

81 Section 2. This act shall take effect July 1, 2014.

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84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause  
87 and insert:

88 A bill to be entitled  
89 An act relating to charter schools; amending s.  
90 1002.33, F.S.; authorizing contract disputes to be  
91 referred to the Division of Administrative Hearings  
92 for summary final order; requiring a charter school to  
93 request that withdrawing students or parents of  
94 withdrawing students complete a survey; requiring a  
95 charter school to annually report information  
96 concerning why students leave the charter school to  
97 its sponsor and the Department of Education; providing  
98 that a charter school may only discipline students for



639048

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the grounds and in the manner specified in the code of  
student conduct; providing an effective date.