



### **What are charter schools?**

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor. This performance contract is known as a “charter.”<sup>1</sup> The charter exempts the school from many regulations applicable to traditional public schools in order to encourage the use of innovative learning methods.<sup>2</sup> One of the guiding principles of charter schools is to meet high standards of student achievement and increase parental choice and student learning opportunities.<sup>3</sup>

Charter schools are funded in the same manner as traditional public schools and may not charge tuition.<sup>4</sup> Like traditional public schools, a charter school’s students must take the statewide assessments and charter schools receive an annual school grade.<sup>5</sup> Teachers employed by or under contract with a charter school must be certified as those in traditional public schools.<sup>6</sup> Charter schools must comply with constitutional class size limitations; however, such compliance must be maintained at the school-level average, rather than at the classroom level required of traditional public schools in the 2010-11 academic year.<sup>7</sup>

Florida’s first charter school law was enacted in 1996.<sup>8</sup> Since 1996, the number of charter schools in Florida has grown from five to 410 during the 2009-10 academic year. Charter schools operate in 43 of Florida’s 67 school districts and at two state universities.<sup>9</sup> Approximately two-thirds of these schools are located in seven districts: Broward, Dade, Hillsborough, Lee, Orange, Palm Beach, and Polk.<sup>10</sup> Charter schools served 137,196 students in the 2009-10 academic year.<sup>11</sup>

<sup>1</sup> Section 1002.33(5)(a), (7) and (9)(a), F.S.

<sup>2</sup> Section 1002.33(2) and (16), F.S., *as amended by* s. 6, ch. 2010-154, L.O.F.

<sup>3</sup> Section 1002.33(2), F.S.

<sup>4</sup> Section 1002.33(9)(d) and (17), F.S.

<sup>5</sup> Section 1002.33(16)(a), F.S.

<sup>6</sup> Section 1002.33(12)(f), F.S.

<sup>7</sup> Section 1002.33(16)(b)3., F.S., *as amended by* s. 6, ch. 2010-154, L.O.F. Prior to FY 2010-11, class size maximums were measured first at the district-level average (FYs 2003-06), then at the school-level average (FYs 2006-10). Section 1, Art. IX of the State Constitution; s. 1003.03(2), F.S.; *see also* Class Size Fact Sheet.

<sup>8</sup> Chapter 96-186, L.O.F., *initially codified as* s. 228.056, F.S., *redesignated in 2002 as* s. 1002.33, F.S.

<sup>9</sup> Florida Department of Education, Charter Schools Program, at 1 (Aug. 2010), *available at* [https://www.floridaschoolchoice.org/Information/Charter\\_Schools/files/fast\\_facts\\_charter\\_schools.pdf](https://www.floridaschoolchoice.org/Information/Charter_Schools/files/fast_facts_charter_schools.pdf) [hereinafter *Charter Schools*]; *see also* text accompanying note 84.

<sup>10</sup> Florida Department of Education, *Charter Schools Directory*, [http://www.floridaschoolchoice.org/Information/Charter\\_Schools/Directory/default.aspx](http://www.floridaschoolchoice.org/Information/Charter_Schools/Directory/default.aspx) (last visited Aug. 2, 2010).

<sup>11</sup> *Charter Schools*, *supra* note 9, at 2.

### ***Who is eligible to attend charter schools?***

Charter schools are open to all students residing within the district. Enrollment preference may be given to siblings of current charter school students, children of a member of the charter school governing board, or children of charter school employees.<sup>12</sup>

A charter school may limit the enrollment process in order to target the following student populations:

- ❖ Students within specific age groups or grade levels.
- ❖ Students considered at risk of dropping out of school.
- ❖ Exceptional students.
- ❖ Students who wish to enroll in a charter school-in-the-workplace or a charter school-in-a-municipality.
- ❖ Students residing within a reasonable distance of the charter school.
- ❖ Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school.
- ❖ Students articulating from one charter school to another.<sup>13</sup>

The student enrollment capacity of a charter school is determined annually by the governing board and sponsor.<sup>14</sup>

### ***How do the demographic characteristics of students in charter schools compare with students in traditional public schools?***

Demographically, charter school student populations are very similar to traditional public school student populations, with the exception that traditional public schools serve a larger percentage of free or reduced-price lunch eligible students than charter schools.<sup>15</sup> The table which follows compares the characteristics of students enrolled in charter schools with those of students enrolled in traditional public schools:

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<sup>12</sup> Section 1002.33(10)(d), F.S.

<sup>13</sup> Section 1002.33(10)(e), F.S.

<sup>14</sup> Section 1002.33(10)(h), F.S.

<sup>15</sup> Charter schools often face challenges in becoming approved National School Lunch Program providers, which may result in inaccurate reporting of free and reduced-price lunch eligible students. Email, Florida Department of Education, Legislative Affairs Director (Aug. 19, 2010).

<b>2009-10 Demographic Data for Charter School Students Compared to Traditional Public School Students<sup>16</sup></b>		
<b>Student Population</b>		
<b>Ethnic Group</b>	<b>Charter Schools</b>	<b>Traditional Schools</b>
White	39%	45%
African American	22%	23%
Hispanic	33%	26%
Asian	2%	3%
American Indian	0.4%	0.3%
Multiracial	3%	3%
<b>Educational Needs</b>		
Exceptional Student Education	10.5%	14%
<b>Economic Indicator</b>		
Free or Reduced-Price Lunch Eligible	42%	53%

**Who can sponsor a charter school and what are the sponsor’s duties?**

Several types of entities may sponsor charter schools:

- ❖ School districts may sponsor charter schools.<sup>17</sup>
- ❖ State universities may sponsor charter lab schools.<sup>18</sup>
- ❖ School districts, community colleges, or a consortium of school districts or community colleges may sponsor a charter technical career center.<sup>19</sup>

Almost all of Florida’s charter schools are sponsored by school districts.

A sponsor’s responsibilities include:

- ❖ Approving or denying charter school applications.
- ❖ General oversight of each sponsored charter school’s progress toward the goals established in the charter.
- ❖ Monitoring the revenues and expenditures of the charter school.
- ❖ Ensuring that the charter school participates in the state's education accountability system.
- ❖ Intervening when a sponsored charter school demonstrates deficient student performance or financial instability.<sup>20</sup>

A sponsor must provide various administrative services to sponsored charter schools, such as contract management, student enrollment and achievement data reporting, exceptional student education program administration, eligibility and reporting for federal school lunch programs,

<sup>16</sup> Email, Florida Department of Education, Legislative Affairs Director (Aug. 19, 2010).

<sup>17</sup> Section 1002.33(5)(a)1., F.S.

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

<sup>19</sup> Section 1002.34(3)(b), F.S.

<sup>20</sup> Section 1002.33(5)(b), F.S.

assessment test administration, processing of teacher certification data, and student information services.<sup>21</sup>

### ***How are charter schools created, organized, and governed?***

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under Florida law.<sup>22</sup> The school must be operated by a municipality or organized as, or operated by, a nonprofit organization. While a charter school must be organized as a nonprofit, it may be managed by a for-profit education management organization.<sup>23</sup>

Each charter school must have a governing board. The board is responsible for:

- ❖ Negotiating the school's charter agreement with its sponsor;
- ❖ Exercising continuing oversight over the school's operations;
- ❖ Adopting and maintaining an annual operating budget;
- ❖ Ensuring that annual audits are conducted;
- ❖ Submitting monthly financial statements to the sponsor and implementing corrective actions to remedy financial instability; and
- ❖ Submitting the school's annual progress report to the sponsor.<sup>24</sup>

Each board member must participate in governance training that includes such issues as government in the sunshine, conflicts of interest, ethics, and financial responsibility.<sup>25</sup> Members must complete a minimum of four hours of initial training and a two hour refresher course at least once every three years thereafter.<sup>26</sup>

### ***What is the process for charter school applications?***

Charter school applicants must participate in training provided by the Department of Education (DOE) or sponsor before filing an application. If the applicant is a management company or other nonprofit organization, the charter school principal and chief financial officer must participate in the training. The training must include instruction in accurate financial planning and good business practices.<sup>27</sup>

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<sup>21</sup> Section 1002.33(20)(a)1., F.S., as amended by ch. 2010-152, L.O.F.

<sup>22</sup> Section 1002.33(3)(a), F.S.

<sup>23</sup> Section 1002.33(12)(i), F.S.

<sup>24</sup> Section 1002.33(6)(h), (7), and (9)(h)-(k), F.S.

<sup>25</sup> Section 1002.33(9)(j)4., F.S.

<sup>26</sup> Rule 6A-6.0784(1)(b), F.A.C.; see also Charter School Accountability Fact Sheet.

<sup>27</sup> Section 1002.33(6)(f), F.S. Applicant training provided by a sponsor must meet or exceed the standards developed by DOE. *Id.*

A charter school applicant must prepare and submit an application on a model application form developed by DOE.<sup>28</sup> Charter school applications must:

- ❖ Demonstrate how the school will use the guiding principles.<sup>29</sup>
- ❖ Provide a detailed curriculum.
- ❖ Contain goals and objectives for improving student learning and measuring such improvement.
- ❖ Describe the reading curricula and differentiated strategies for serving students at various levels of reading ability.
- ❖ Contain an annual financial plan.
- ❖ Document that the applicant has participated in charter school applicant training.<sup>30</sup>

A sponsor must approve or deny a charter school application within 60 calendar days of receipt. If a sponsor denies an application, it must provide specific written reasons, based upon good cause, for its denial within 10 calendar days to the applicant and DOE.<sup>31</sup> The applicant has 30 calendar days to file an appeal with the State Board of Education after the denial of, or failure to act upon, an application. The state board's decision is a final action subject to judicial review in the district court of appeal.<sup>32</sup>

### ***What is the Charter School Appeal Commission?***

The Charter School Appeal Commission is an eight-member commission comprised of four charter school representatives and four sponsors, who are appointed by the Commissioner of Education. The Commissioner of Education, or his or her designee, serves as the chair of the commission.<sup>33</sup> The commission reviews charter school appeals filed with the state board, arising from the denial of charter applications or non-renewal or termination of charter contracts.<sup>34</sup>

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<sup>28</sup> Section 1002.33(6)(a), F.S. The model application form is available on the DOE website. See Florida Department of Education, *Charter School Applicant Training*, [http://www.floridaschoolchoice.org/information/Charter\\_schools/Applicant\\_Training.asp](http://www.floridaschoolchoice.org/information/Charter_schools/Applicant_Training.asp) (last visited Aug. 3, 2010).

<sup>29</sup> The legislative guiding principles for charter schools provide that they are to meet high standards of student achievement while increasing parental choice; increase learning opportunities for all students, with special emphasis on low-performing students and reading; and utilize innovative learning methods. Charter schools may also serve to provide rigorous competition to stimulate improvement in traditional public schools, expand the capacity of the public school system, mitigate the educational impact created by the development of new residential dwelling units, and create new professional opportunities for teachers, including ownership of the learning program at the school site. Section 1002.33(2), F.S.

<sup>30</sup> Section 1002.33(6)(a), F.S.

<sup>31</sup> Section 1002.33(6)(b)3., F.S.; see also s. 120.68, F.S.

<sup>32</sup> Section 1002.33(6)(c), F.S.

<sup>33</sup> Section 1002.33(6)(e)3., F.S.; Florida Department of Education, *Charter School Appeal Commission: Membership Information* (2010), available at [http://www.floridaschoolchoice.org/information/Charter\\_schools/files/CSAC\\_Member\\_Info.pdf](http://www.floridaschoolchoice.org/information/Charter_schools/files/CSAC_Member_Info.pdf).

<sup>34</sup> Section 1002.33(6)(e)1., F.S. Additionally, if mediation fails to resolve a contractual dispute between a charter school and its sponsor regarding matters negotiated separately from the charter, an appeal may be made for a dispute resolution hearing before the commission. Section 1002.33(20)(b), F.S.

The commission must review the appeal and make a written recommendation to the state as to whether it should be upheld or denied. The state board must consider the commission's recommendation, but is not bound by it when making its final decision.<sup>35</sup>

During the 2009-10 academic year, the commission convened four times to hear 14 charter school appeals. Of those appeals, 11 were appeals of application denials and three were appeals of charter non-renewals. The commission made recommendations supporting the sponsor's position in all 14 appeals. The state board adopted the commission's recommendations in five appeals, and did not adopt the commission's recommendations in two appeals. Seven appeals were withdrawn after the commission made its recommendations, but prior to a final ruling by the state board. At the time of this publication, one appeal is still pending.<sup>36</sup>

### **What must the charter agreement contain?**

The initial term of a charter is four or five years. The charter must include:

- ❖ The students to be served, including ages and grade levels.
- ❖ The curriculum's focus and instructional methods to be used.
- ❖ Baseline standards of student academic achievement, outcomes to be achieved, and methods of measurement to be used.
- ❖ The method for determining the strengths and needs of students and whether they are meeting educational goals.
- ❖ The method for resolving conflicts between the governing body and the sponsor.
- ❖ Admission and dismissal procedures and the school's student conduct code.
- ❖ Methods for achieving a racial/ethnic balance reflective of the community served.
- ❖ The financial and administrative management of the school, including experience required for management positions and a description of internal audit controls.
- ❖ Asset and liability projections.
- ❖ A description of plans to identify various risks, reduce losses, and ensure student and faculty safety.
- ❖ An agreement that the charter may be cancelled if the school has made insufficient progress with student achievement.
- ❖ The facilities to be used.
- ❖ Teacher qualifications, governance structure, and timetables for implementing each element of the charter.
- ❖ Full disclosure of all charter school employees who are relatives of charter school officials and employees who have decision making authority over charter school operations.<sup>37</sup>

The charter may be renewed at the end of its term if a program review conducted by the sponsor demonstrates that the goals and criteria stated in the charter have been met and that none of the grounds for non-renewal have occurred.<sup>38</sup>

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<sup>35</sup> Section 1002.33(6)(e)2., F.S.

<sup>36</sup> Email, Florida Department of Education, Legislative Affairs Director (Dec. 6, 2010).

<sup>37</sup> Sections 1002.33(7), F.S.

<sup>38</sup> Section 1002.33(7)(b)1., F.S.; see *infra* text accompanying note 55.

### **May a charter school be granted a long-term initial charter or charter renewal?**

Yes. Charter schools operated by a municipality or other public entity and charter lab schools are eligible for a 15-year initial charter. Charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation may receive a 15-year initial charter upon approval by the district school board. The charter is subject to annual review and may be terminated during its term for specified reasons.<sup>39</sup>

Additionally, Florida law provides opportunities for charter schools that demonstrate strong academic performance and fiscal stability to be granted a 15-year charter renewal. A sponsor:

- ❖ May grant a 15-year charter renewal to a charter school that has operated for at least three years, that demonstrates exemplary academic programming and fiscal management, and for which none of the grounds for nonrenewal have been documented. Such a long-term charter is subject to annual review and may be terminated during its term at the discretion of the sponsor.<sup>40</sup>
- ❖ Must grant a 15-year charter renewal to a charter school that meets the above requirements, receives a school grade of “A” or “B” in three out of four years, and is not in a state of financial emergency or deficit position. If granted, a long-term charter is subject to annual review and may only be terminated for specified reasons.<sup>41</sup>

### **What are the grounds for nonrenewal or termination of the charter?**

The sponsor of a charter school may choose to terminate or not renew a charter for any of the following reasons:

- ❖ Failure to participate in the state’s education accountability system or failure to meet the charter’s requirements for student performance;
- ❖ Failure to meet generally accepted standards of fiscal management;
- ❖ Violation of law; or
- ❖ Other good cause shown.<sup>42</sup>

A sponsor must provide 90-days written notice to the charter school prior to termination or nonrenewal, except that, “a charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened.”<sup>43</sup> Under these circumstances, the school district is to assume operation of the charter school.<sup>44</sup> The governing board may appeal the sponsor’s decision to terminate or not renew its charter to the state board.<sup>45</sup>

<sup>39</sup> Section 1002.33(7)(a)12., F.S.; see *infra* text accompanying note 55.

<sup>40</sup> Section 1002.33(7)(b)1., F.S.

<sup>41</sup> Section 1002.33(7)(b)2., F.S.; see *infra* text accompanying note 55.

<sup>42</sup> Section 1002.33(8)(a), F.S.

<sup>43</sup> Section 1002.33(8)(b) and (d), F.S.

<sup>44</sup> Section 1002.33(8)(d), F.S.

<sup>45</sup> Section 1002.33(6) and (8)(c)-(d), F.S.; see *infra* text accompanying notes 45-49.

### **What background screening and ethical requirements apply to charter school personnel?**

Instructional and noninstructional personnel who are hired or contracted to fill positions in a charter school and members of the charter school governing board must undergo a Level 2 background screening.<sup>46</sup> Level 2 background screening is a state and national fingerprint-based criminal history check conducted to determine whether an individual's criminal history contains one or more statutorily designated offenses that disqualify an individual from employment.<sup>47</sup> A charter school must disqualify any individual convicted of a disqualifying offense from employment in an instructional or school-based administrator position that requires direct student contact.<sup>48</sup>

Additionally, charter schools must, prior to hiring an individual for an instructional or school-based administrator position with direct student contact, conduct an employment history check and screen the person using DOE-provided educator screening tools. Such efforts, including any inability to contact previous employers, must be documented.<sup>49</sup>

Charter schools must also adopt policies establishing standards of ethical conduct for all instructional personnel and school administrators. The policies must:

- ❖ Require instructional personnel and school administrators to complete training on the standards;
- ❖ Establish a duty to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and
- ❖ Include an explanation of available liability protections pertaining to reporting misconduct.<sup>50</sup>

Charter schools are prohibited from entering into confidentiality agreements regarding an instructor or school-based administrator who is terminated or dismissed or who resigns in lieu of termination due to misconduct affecting the health, safety, or welfare of a student. Further, schools may not provide employment references for such personnel without disclosing such misconduct.<sup>51</sup>

### **What statutory exemptions apply to charter schools?**

Charter schools are generally exempt from the Florida K-20 Education Code,<sup>52</sup> except for statutes that pertain specifically to charter schools, general statutory provisions that expressly include charter schools within their scope, and statutes pertaining to student assessment and school grading; the provision of services to students with disabilities; civil rights; student health,

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<sup>46</sup> Sections 1002.33(12)(g)1., 1012.32(2)(b), 1012.465, and 1012.56(10), F.S.

<sup>47</sup> Section 435.04, F.S. The disqualifying offenses specific to Level 2 background screening are supplemented by additional disqualifying offenses specific to educator certification and employment of instructional personnel and school-based administrators. Section 1012.315, F.S.

<sup>48</sup> Sections 435.04, 1002.33(12)(g)2., 1002.33(12)(g)2., and 1012.315, F.S.; *see also* Educator Ethics Fact Sheet.

<sup>49</sup> Sections 1001.10(5) and 1002.33(12)(g)4., F.S.

<sup>50</sup> Section 1002.33(12)(g)3., F.S.

<sup>51</sup> *Id.*

<sup>52</sup> Chapters 1000 through 1013, F.S., comprise the Florida K-20 Education Code. Section 1000.01(1), F.S.

safety, and welfare; public records, public meetings, and public inspection; and criminal and civil penalties.<sup>53</sup>

Additionally, charter schools are exempt from compliance with the State Requirements for Educational Facilities, but must comply with the Florida Building Code and the Florida Fire Prevention Code.<sup>54</sup> A local governing authority may not impose local building requirements more stringent than those in the Florida Building Code.<sup>55</sup>

Charter school facilities are exempt from ad valorem taxation. Library, community service, museum, performing arts, theatre, cinema, church, community college, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.<sup>56</sup> Charter schools are also exempt from fees charged for building and occupational licenses, service availability fees, impact fees and exactions, and assessments for special benefits.<sup>57</sup>

### **What are conversion charter schools?**

Conversion charter schools are traditional public schools that have been converted to charter schools. The school must have operated for at least two years as a traditional public school (including a school-within-a-school) in a school district before conversion. Application for a conversion may be made by a parent, teacher, principal, district school board, or school advisory council and must be approved by a majority of the teachers and a majority of the parents. A majority of the parents must participate in the vote.<sup>58</sup> During the 2009-10 academic year, 20 conversion charter schools operated in Florida, representing approximately 5 percent of the total number of charter schools in the state.<sup>59</sup>

The charter for a conversion charter school must identify the alternative arrangements that will be used to serve current students who choose not to attend the school after it is converted.<sup>60</sup> Upon conversion, the school must give an enrollment preference to students who would otherwise be assigned to the school.<sup>61</sup>

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<sup>53</sup> Section 1002.33(16), F.S.

<sup>54</sup> Section 1002.33(18)(a) and (b), F.S. Conversion charter school facilities must comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into an agreement in which the school district agrees to maintain the facilities in the same manner as other district public schools. Section 1002.33(18)(a), F.S.

<sup>55</sup> Section 1002.33(18)(a) and (b), F.S.

<sup>56</sup> Section 1002.33(18)(c), F.S.

<sup>57</sup> Section 1002.33(18)(d), F.S., *as amended by* s. 6, ch. 2010-154, L.O.F. Impact fees and exactions are used by local governments to control development and offset the impact of growth on local infrastructure and services. Unless superseded by constitutional or statutory provisions, local governments have broad authority to impose impact fees or exactions on development. Sections. 1(f)-(g) and 2(b), Art. VIII of the State Constitution; s. 125.01(1) and (3), F.S.; s. 166.021(1)-(4), F.S.; *Hollywood, Inc. v. Broward County, Florida*, 431 So. 2d 606, 609-610 (4th D.C.A. 1983)(Holding that Florida counties have implicit authority to impose impact fees or exactions on development so long as such fee or exaction is not inconsistent with general law and is rationally related to the need for additional infrastructure or services caused by the development).

<sup>58</sup> Section 1002.33(3)(b), F.S.

<sup>59</sup> Email, Florida Department of Education, Legislative Affairs Director (Aug. 19, 2010).

<sup>60</sup> Section 1002.33(7)(a)17., F.S.

<sup>61</sup> Section 1002.33(10)(c), F.S.

A conversion charter school is not eligible for charter school capital outlay funding if it operates in facilities provided by the school district.<sup>62</sup>

### ***What are community partnership charter schools?***

School boards and businesses, municipalities, museums, or community colleges may collaborate in the operation of community partnership charter schools. Community partnership charter schools target specific student populations or neighborhoods or focus on specific areas of interest.<sup>63</sup> Community partnership charter schools include:

- ❖ Charter schools-in-the-workplace;<sup>64</sup>
- ❖ Charter schools-in-a-municipality;<sup>65</sup>
- ❖ Community college charter schools;<sup>66</sup> and
- ❖ Museum partnership charter schools.<sup>67</sup>

Miami Children’s Museum Charter School<sup>68</sup> in Miami-Dade County and Palm Beach Maritime Academy<sup>69</sup> in Palm Beach County are examples of museum partnership charter schools.

### ***What are charter schools-in-the workplace?***

Charter schools-in-the-workplace are sponsored by district school boards in partnership with a company or business. Such charter schools usually target the children of the employees of a company or business. The business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of the employees of the business; and enrolls students according to the racial/ethnic balance reflective of the community or other public schools in the same school district.<sup>70</sup>

Two charter schools-in-the-workplace operated in Florida during the 2009-10 academic year. These schools are the Villages Charter Schools in Sumter County and JFK Medical Center Charter School in Palm Beach County.<sup>71</sup>

### ***What are charter schools-in-a-municipality?***

Charter schools-in-a-municipality are sponsored by district school boards in partnership with a municipality. Such schools enroll students based upon a random lottery that involves all of the children of the residents of the municipality and according to the racial/ethnic balance reflective of the community or other public schools in the same school district. If a municipality applies to

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<sup>62</sup> Section 1013.62(1), F.S.

<sup>63</sup> Section 1002.33(15), F.S.

<sup>64</sup> Section 1002.33(15)(b), F.S.

<sup>65</sup> Section 1002.33(15)(c), F.S.

<sup>66</sup> Section 1002.33(5)(b)4., F.S.

<sup>67</sup> Florida Department of Education, Office of Independent Education and Parental Choice, *Florida’s Charter Schools: A Decade of Progress* (Nov. 2006) available at [http://www.floridaschoolchoice.org/information/charter\\_schools/files/Charter\\_10Year\\_Book.pdf](http://www.floridaschoolchoice.org/information/charter_schools/files/Charter_10Year_Book.pdf).

<sup>68</sup> Miami Children’s Museum Charter School; <http://mcmcharter.dadeschools.net/Welcome.html> (last visited July 30, 2010).

<sup>69</sup> Palm Beach Maritime Academy; PBMA Charter School; <http://www.pbmm.org/> (last visited July 30, 2010).

<sup>70</sup> Section 1002.33(15)(b), F.S.

<sup>71</sup> Email, Florida Department of Education, Legislative Affairs Director (Aug. 19, 2010).

establish a charter school feeder pattern and the district school board has approved each individual charter for each elementary, middle, and high school in the feeder pattern, the schools are designated as one charter school.<sup>72</sup>

### **What are community college charter schools?**

Community college charter schools are statutorily authorized when a public community college, in cooperation with the school board or boards within the college's service area, develops a charter school that offers secondary education and allows students to obtain an associate's degree upon graduation from high school. Students have full access to all college facilities, activities, and services.<sup>73</sup>

Florida had six community college partnership schools operating during the 2009-10 academic year:

- ❖ Okaloosa-Walton Community College (OWCC): OWCC Collegiate High School in Okaloosa County.
- ❖ St. Petersburg College: St. Petersburg Collegiate Charter School in Pinellas County.
- ❖ Polk Community College (PCC): PCC Collegiate Charter School and PCC Chain of Lakes Collegiate High School in Polk County.
- ❖ Indian River Community College-Chastain Campus: Clark Advanced Learning Center in Martin County.
- ❖ Edison State College: Edison Collegiate High School in Charlotte County.<sup>74</sup>

### **What are charter lab schools?**

Florida law authorizes state universities to establish developmental research schools (lab schools). Lab schools may not serve students beyond grade 12 and must be affiliated with the college of education within the state university of nearest geographic proximity to the school.<sup>75</sup> Lab schools feature curricula emphasizing mathematics, science, computer science, and foreign languages. Lab schools conduct research regarding teaching, learning, and school management.<sup>76</sup> The admission process at a lab school must comprise a representative sample of public school enrollment based on gender, race, socioeconomic status, and academic ability.<sup>77</sup>

Lab schools receive operating funds through the Florida Education Finance Program (FEFP) based on the county in which the school is located and the General Appropriations Act. The required local effort funds and nonvoted ad valorem millage that would otherwise be required for

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<sup>72</sup> Section 1002.33(15)(c), F.S. Eleven charter schools-in-a-municipality operated in Florida during the 2009-10 academic year. These schools are the City of Pembroke Pines Charter Elementary School, City of Pembroke Pines Charter Middle School, City of Pembroke Pines Charter High School, and City of Coral Springs Charter School in Broward County; Marco Island Charter Middle School in Collier County; Oasis Charter Elementary School, Oasis Charter Middle School, Christa McAuliffe Charter School, and City of Cape Coral Charter High School in Lee County; The City of Kissimmee Charter Academy in Osceola County; and Aventura City of Excellence Charter School in Miami-Dade County. Email, Florida Department of Education, Legislative Affairs Director (Aug. 19, 2010).

<sup>73</sup> Section 1002.33(5)(b)4., F.S.

<sup>74</sup> Email, Florida Department of Education, Legislative Affairs Director (Aug. 19, 2010).

<sup>75</sup> Section 1002.32(2) and (3), F.S.

<sup>76</sup> Section 1002.32(3), F.S.

<sup>77</sup> Section 1002.32(4), F.S.

a lab school is allocated from state funds. Lab schools also receive state categorical funding.<sup>78</sup> Operating funds are deposited in a Lab School Trust Fund and the state university operating a lab school is the fiscal agent for these funds. All rules of the state university governing the budgeting and expenditure of state funds apply to these funds unless otherwise provided by law or state board rule.<sup>79</sup> Lab schools that meet the statutory qualifications may also receive charter school capital outlay funding.<sup>80</sup>

State universities are also authorized to establish “charter lab schools.”<sup>81</sup> Unlike lab schools, charter lab schools operate under a charter and are not required to be established by the nearest state university.<sup>82</sup> In considering an application to establish a charter lab school, a state university must consult with the district school board of the county in which the school is located. If a state university does not act on or denies the application, the applicant may appeal such decision to the state board.<sup>83</sup>

Florida had three charter lab schools operating during the 2009-10 academic year. These charter lab schools are Florida State University School, FAU-SLCSB Tradition University Charter School, and Pembroke Pines/FSUS Charter Elementary School.<sup>84</sup>

### **What are charter technical career centers?**

Charter technical career centers (centers) are publicly-funded schools or technical centers operated under a charter granted by a district school board, community college board of trustees, or a consortium comprised of one or more of each. A sponsoring consortium must include the school district in which the facility is located.<sup>85</sup>

Three centers currently operate in Florida:

- ❖ Advanced Technology College in Volusia County; sponsored by Daytona State College, the School Board of Flagler County, and the School Board of Volusia County.
- ❖ First Coast Technical College in St. Johns County; sponsored by the St. Johns County School Board.
- ❖ Lake Technical Center in Lake County; sponsored by the Lake County School Board.<sup>86</sup>

Like charter schools, a center must be nonsectarian in its programs, admission policies, employment practices, and operations. Centers are managed by a board of directors.<sup>87</sup> Centers are exempted from most K-20 education statutes except provisions pertaining to: civil rights;

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<sup>78</sup> Section 1002.32(9)(a), F.S.

<sup>79</sup> Section 1002.32(9)(c), F.S.

<sup>80</sup> Sections 1002.31(9)(h) and 1013.62, F.S.

<sup>81</sup> Section 1002.33(5)(a)2., F.S.

<sup>82</sup> Section 1002.32(2), F.S.

<sup>83</sup> Section 1002.33(6)(h), F.S.

<sup>84</sup> Email, Florida Department of Education Legislative Affairs Director (Aug. 19, 2010).

<sup>85</sup> Section 1002.34(3)(b) and (11), F.S.

<sup>86</sup> Florida Department of Education, *A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Technical Career Centers, 2008-2009*, at 1(Dec. 2009) available at <http://www.fldoe.org/workforce/pdf/CharterReview09.pdf> [hereinafter *Charter Technical Career Centers*].

<sup>87</sup> Section 1002.34(3)(a), F.S.

student health, safety, and welfare; the provision of services to students with disabilities; and student antidiscrimination.<sup>88</sup>

Centers may offer secondary or postsecondary career and technical education, apprenticeships, adult general education, and continuing workforce education programs. Depending on program type, students attending centers may earn a high school diploma, career certificate, or postsecondary or dual enrollment credit. Students attending the Advanced Technology College in Volusia County may also earn an associate degree that is awarded by the center's sponsor, Daytona State College.<sup>89</sup>

### ***Has any recent research been conducted on Florida's charter schools?***

Yes. "Going Beyond Test Scores: Evaluating Charter School Impact on Educational Attainment in Chicago and Florida," a RAND Education Working Paper issued in August 2008, studied the impact that attendance at a charter high school had on student's likelihood of high school completion and college attendance. The authors found that charter middle school students who transitioned into a charter high school were seven to 15 percent more likely to obtain a standard high school diploma than those who transitioned into a traditional public high school. Additionally, students who attended a charter high school were eight to 10 percent more likely to attend college than their traditional public high school peers.<sup>90</sup>

### ***Where can I get additional information?***

#### ***Florida Department of Education***

Office of Independent Education and Parental Choice  
(850) 245-0502  
Toll-Free Information Hotline: (800) 447-1636  
[www.floridaschoolchoice.org/charter.html](http://www.floridaschoolchoice.org/charter.html)

#### ***Florida House of Representatives***

Education Committee  
(850) 488-7451  
<http://www.myfloridahouse.gov/>

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<sup>88</sup> Section 1002.34(10), F.S.

<sup>89</sup> *Charter Technical Career Centers*, *supra* note 86, at 2-4.

<sup>90</sup> Booker, Kevin, Brian Gill, Tim R. Sass and Ron Zimmer, *Going Beyond Test Scores: Evaluating Charter School Impact on Educational Attainment in Chicago and Florida*, Document Number WR-610-BMG, at i (Aug. 2008) available at [http://www.rand.org/pubs/working\\_papers/2008/RAND\\_WR610.pdf](http://www.rand.org/pubs/working_papers/2008/RAND_WR610.pdf).