

1                   A bill to be entitled  
2           An act relating to charter schools; amending s. 1002.33,  
3           F.S.; revising requirements for providing financial  
4           statements to the sponsor of a charter school; providing  
5           requirements for designation as a high-performing charter  
6           school; authorizing a high-performing charter school to  
7           increase enrollment and receive capital outlay funds;  
8           authorizing a newly approved charter school operated by a  
9           high-performing education service provider to receive a  
10          15-year initial charter and become a high-performing  
11          charter school; providing requirements for retention of  
12          designation as a high-performing charter school;  
13          authorizing preference for enrollment in a charter school-  
14          in-the-workplace and a charter school-in-a-municipality  
15          for certain students; prohibiting school districts from  
16          requiring resignations from specified school district  
17          personnel who desire employment in a charter school;  
18          revising requirements for the establishment of a charter  
19          school-in-the-workplace; providing that a charter school-  
20          in-the-workplace is eligible for capital outlay funding if  
21          it meets specified requirements; removing a reporting  
22          requirement relating to student assessment data; requiring  
23          the Office of Program Policy Analysis and Government  
24          Accountability to conduct a study comparing the funding of  
25          charter schools with traditional public schools and  
26          examining certain funding and costs; requiring  
27          recommendations to the Governor and Legislature, if  
28          warranted, for improving the accountability and equity of

29 | the funding system for charter schools; providing an  
 30 | effective date.

31 |

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

33 |

34 | Section 1. Paragraphs (g) and (i) of subsection (9),  
 35 | paragraph (d) of subsection (10), paragraph (e) of subsection  
 36 | (12), paragraph (b) of subsection (15), and paragraph (b) of  
 37 | subsection (21) of section 1002.33, Florida Statutes, are  
 38 | amended, and paragraph (q) is added to subsection (9) of that  
 39 | section, to read:

40 | 1002.33 Charter schools.—

41 | (9) CHARTER SCHOOL REQUIREMENTS.—

42 | (g) In order to provide financial information that is  
 43 | comparable to that reported for other public schools, charter  
 44 | schools are to maintain all financial records that constitute  
 45 | their accounting system:

46 | 1. In accordance with the accounts and codes prescribed in  
 47 | the most recent issuance of the publication titled "Financial  
 48 | and Program Cost Accounting and Reporting for Florida Schools";  
 49 | or

50 | 2. At the discretion of the charter school governing  
 51 | board, a charter school may elect to follow generally accepted  
 52 | accounting standards for not-for-profit organizations, but must  
 53 | reformat this information for reporting according to this  
 54 | paragraph.

55 |

56 | Charter schools shall provide annual financial report and

57 | program cost report information in the state-required formats  
58 | for inclusion in district reporting in compliance with s.  
59 | 1011.60(1). Charter schools that are operated by a municipality  
60 | or are a component unit of a parent nonprofit organization may  
61 | use the accounting system of the municipality or the parent but  
62 | must reformat this information for reporting according to this  
63 | paragraph. A charter school shall provide a monthly financial  
64 | statement to the sponsor, unless the charter school is  
65 | designated as a high-performing charter school under paragraph  
66 | (q), in which case the high-performing charter school shall  
67 | provide a quarterly financial statement. The ~~monthly~~ financial  
68 | statement required under this paragraph shall be in a form  
69 | prescribed by the Department of Education.

70 | (i) The governing body of the charter school shall  
71 | exercise continuing oversight over charter school operations.

72 | (q)1. For purposes of this paragraph, the term:

73 | a. "Entity" means a municipality or other public entity as  
74 | authorized by law to operate a charter school; a private, not-  
75 | for-profit, s. 501(c)(3) status corporation; or a private, for-  
76 | profit corporation.

77 | b. "High-performing education service provider" means an  
78 | entity that:

79 | (I) Operates at least two high-performing charter schools  
80 | in this state;

81 | (II) Has received a school grade of "A" or "B" during the  
82 | previous 3 years for at least 75 percent of the charter schools  
83 | operated by the entity in this state; and

84 | (III) Has not received a school grade of "F" during any of

85 the previous 3 years for any charter school operated by the  
86 entity in this state.

87 2. A charter school shall be designated as a high-  
88 performing charter school if during each of the previous 3 years  
89 the charter school:

90 a. Received a school grade of "A" or "B";

91 b. Received an unqualified opinion on each financial audit  
92 required under s. 218.39; and

93 c. Did not receive a financial audit that revealed one or  
94 more of the conditions set forth in s. 218.503(1).

95 3. A high-performing charter school may:

96 a. Increase the school's student enrollment once per year  
97 by up to 25 percent more than the capacity authorized pursuant  
98 to paragraph (10) (h).

99 b. Receive charter school capital outlay funds under s.  
100 1013.62. A high-performing charter school is not required to  
101 comply with s. 1013.62(1)(a)1.-3. but must comply with all other  
102 requirements of s. 1013.62 in order to receive charter school  
103 capital outlay funds as provided in this sub-subparagraph.

104 4. A high-performing education service provider may submit  
105 an application pursuant to subsection (6) to establish and  
106 operate a new charter school that will replicate one or more of  
107 the provider's existing high-performing charter schools. Upon  
108 approval of the application by the sponsor, the new charter  
109 school shall be granted an initial charter for a term of 15  
110 years and be designated as a high-performing charter school. The  
111 15-year charter is subject to annual review and may be  
112 terminated during its term pursuant to subsection (8).

113 5.a. A charter school that is designated as a high-  
114 performing charter school may retain such designation pursuant  
115 to:

116 (I) Subparagraph 2. if the school's governing board, by  
117 July 1 of each year, demonstrates in writing to the school's  
118 sponsor that the charter school continues to meet the  
119 requirements of subparagraph 2.

120 (II) Subparagraph 4. during the school's initial 3 years  
121 of operation if the entity operating the school continues to  
122 meet the definition of a high-performing education service  
123 provider under sub-subparagraph 1.b. After the high-performing  
124 charter school has operated for 3 years, the school must comply  
125 with sub-sub-subparagraph (I) in order to retain its designation  
126 as a high-performing charter school.

127 b. The high-performing charter school designation shall be  
128 removed if the charter school does not meet the requirements of  
129 sub-subparagraph a.

130 (10) ELIGIBLE STUDENTS.—

131 (d) A charter school may give enrollment preference to the  
132 following student populations:

133 1. Students who are siblings of a student enrolled in the  
134 charter school.

135 2. Students who are the children of a member of the  
136 governing board of the charter school.

137 3. Students who are the children of an employee of the  
138 charter school.

139 4. Students who are the children of:

140 a. An employee of a business partner, or a resident of a

141 municipality, that complies with subparagraph (15)(b)1. for a  
 142 charter school-in-the-workplace; or

143 b. A resident of a municipality that operates a charter-  
 144 school-in-a-municipality pursuant to paragraph (15)(c).

145 (12) EMPLOYEES OF CHARTER SCHOOLS.—

146 (e) Employees of a school district may take leave to  
 147 accept employment in a charter school upon the approval of the  
 148 district school board. While employed by the charter school and  
 149 on leave that is approved by the district school board, the  
 150 employee may retain seniority accrued in that school district  
 151 and may continue to be covered by the benefit programs of that  
 152 school district, if the charter school and the district school  
 153 board agree to this arrangement and its financing. School  
 154 districts shall not require resignations from instructional  
 155 personnel, school administrators, or educational support  
 156 employees who desire employment ~~of teachers desiring to teach~~ in  
 157 a charter school. This paragraph shall not prohibit a district  
 158 school board from approving alternative leave arrangements  
 159 consistent with chapter 1012.

160 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
 161 A-MUNICIPALITY.—

162 (b) A charter school-in-the-workplace may be established  
 163 when a business partner or a municipality:

164 1. Provides one of the following:

165 a. Access to a ~~the~~ school facility to be used;

166 b. Resources that materially reduce the cost of  
 167 constructing a school facility;

168 c. Land for a school facility; or

- 169        d. Resources to maintain a school facility;  
 170        2. Enrolls students based upon a random lottery that  
 171 involves all of the children of employees of that business  
 172 partner or of residents within that municipality ~~corporation~~ who  
 173 are seeking enrollment, as provided for in subsection (10); and  
 174        3. Enrolls students according to the racial/ethnic balance  
 175 provisions described in subparagraph (7) (a)8.

176  
 177 A charter school-in-the-workplace is eligible for charter school  
 178 capital outlay funding if it meets the requirements in s.  
 179 1013.62. Any portion of a facility used for a public charter  
 180 school shall be exempt from ad valorem taxes, as provided for in  
 181 s. 1013.54, for the duration of its use as a public school.

182        (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

183        (b)1. The Department of Education shall report student  
 184 assessment data pursuant to s. 1008.34(3) (c) which is reported  
 185 to schools that receive a school grade or student assessment  
 186 data pursuant to s. 1008.341(3) which is reported to alternative  
 187 schools that receive a school improvement rating to each charter  
 188 school that:

- 189        a. Does not receive a school grade pursuant to s. 1008.34  
 190 or a school improvement rating pursuant to s. 1008.341; and  
 191        b. Serves at least 10 students who are tested on the  
 192 statewide assessment test pursuant to s. 1008.22.

193        2. The charter school shall report the information in  
 194 subparagraph 1. to each parent of a student at the charter  
 195 school, ~~the parent of a child on a waiting list for the charter~~  
 196 ~~school,~~ the district in which the charter school is located, and

197 the governing board of the charter school. This paragraph does  
 198 not abrogate the provisions of s. 1002.22, relating to student  
 199 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
 200 Educational Rights and Privacy Act.

201 3.a. Pursuant to this paragraph, the Department of  
 202 Education shall compare the charter school student performance  
 203 data for each charter school in subparagraph 1. with the student  
 204 performance data in traditional public schools in the district  
 205 in which the charter school is located and other charter schools  
 206 in the state. For alternative charter schools, the department  
 207 shall compare the student performance data described in this  
 208 paragraph with all alternative schools in the state. The  
 209 comparative data shall be provided by the following grade  
 210 groupings:

- 211 (I) Grades 3 through 5;
- 212 (II) Grades 6 through 8; and
- 213 (III) Grades 9 through 11.

214 b. Each charter school shall provide the information  
 215 specified in this paragraph on its Internet website and also  
 216 provide notice to the public at large in a manner provided by  
 217 the rules of the State Board of Education. The State Board of  
 218 Education shall adopt rules to administer the notice  
 219 requirements of this subparagraph pursuant to ss. 120.536(1) and  
 220 120.54. The website shall include, through links or actual  
 221 content, other information related to school performance.

222 Section 2. (1) The Office of Program Policy Analysis and  
 223 Government Accountability shall conduct a study comparing the  
 224 funding of charter schools with traditional public schools and



225 shall:

226 (a) Identify the school districts that distribute funds  
227 generated by the capital improvement millage authorized pursuant  
228 to s. 1011.71(2), Florida Statutes, to charter schools and the  
229 use of such funds by the charter schools.

230 (b) Determine the amount of funds that would be available  
231 to charter schools if school districts equitably distribute to  
232 district schools, including charter schools, funds generated by  
233 the capital improvement millage authorized pursuant to s.  
234 1011.71(2), Florida Statutes.

235 (c) Examine the costs associated with supervising charter  
236 schools and determine whether the 5-percent administrative fee  
237 for administrative and educational services for charter schools  
238 covers the costs associated with the provision of the services.

239 (2) The Office of Program Policy Analysis and Government  
240 Accountability shall make recommendations, if warranted, for  
241 improving the accountability and equity of the funding system  
242 for charter schools based on the findings of the study. The  
243 results of the study shall be provided to the Governor, the  
244 President of the Senate, and the Speaker of the House of  
245 Representatives no later than January 1, 2011.

246 Section 3. This act shall take effect July 1, 2010.