

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Stargel offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraphs (g) and (i) of subsection (9),
6 paragraph (d) of subsection (10), paragraph (e) of subsection
7 (12), paragraph (b) of subsection (15), and paragraph (b) of
8 subsection (21) of section 1002.33, Florida Statutes, are
9 amended, and paragraph (q) is added to subsection (9) of that
10 section, to read:

11 1002.33 Charter schools.—

12 (9) CHARTER SCHOOL REQUIREMENTS.—

13 (g) In order to provide financial information that is
14 comparable to that reported for other public schools, charter
15 schools are to maintain all financial records that constitute
16 their accounting system:

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17 1. In accordance with the accounts and codes prescribed in
18 the most recent issuance of the publication titled "Financial
19 and Program Cost Accounting and Reporting for Florida Schools";
20 or

21 2. At the discretion of the charter school governing
22 board, a charter school may elect to follow generally accepted
23 accounting standards for not-for-profit organizations, but must
24 reformat this information for reporting according to this
25 paragraph.

26
27 Charter schools shall provide annual financial report and
28 program cost report information in the state-required formats
29 for inclusion in district reporting in compliance with s.
30 1011.60(1). Charter schools that are operated by a municipality
31 or are a component unit of a parent nonprofit organization may
32 use the accounting system of the municipality or the parent but
33 must reformat this information for reporting according to this
34 paragraph. A charter school shall provide a monthly financial
35 statement to the sponsor, unless the charter school is
36 designated as a high-performing charter school under paragraph
37 (q), in which case the high-performing charter school shall
38 provide a quarterly financial statement. The ~~monthly~~ financial
39 statement required under this paragraph shall be in a form
40 prescribed by the Department of Education.

41 (i) The governing body of the charter school shall
42 exercise continuing oversight over charter school operations. A
43 governing body may oversee more than one charter school in more
44 than one school district.

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

46 a. "Entity" means a municipality or other public entity as
47 authorized by law to operate a charter school; a private, not-
48 for-profit, s. 501(c)(3) status corporation; or a private, for-
49 profit corporation.

50 b. "High-performing education service provider" means an
51 entity that:

52 (I) Operates at least two high-performing charter schools
53 in this state;

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

57 (III) Has not received a school grade of "F" during any of
58 the previous 3 years for any charter school operated by the
59 entity in this state.

60 2. A charter school shall be designated as a high-
61 performing charter school if during each of the previous 3 years
62 the charter school:

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

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

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

68 3. A high-performing charter school may:

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

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72 b. Receive charter school capital outlay funds under s.
73 1013.62. A high-performing charter school is not required to
74 comply with s. 1013.62(1)(a)1.-3. but must comply with all other
75 requirements of s. 1013.62 in order to receive charter school
76 capital outlay funds as provided in this sub-subparagraph.

77 4. A high-performing education service provider may submit
78 an application pursuant to subsection (6) to establish and
79 operate a new charter school that will replicate one or more of
80 the provider's existing high-performing charter schools. Upon
81 approval of the application by the sponsor, the new charter
82 school shall be granted an initial charter for a term of 15
83 years and be designated as a high-performing charter school. The
84 15-year charter is subject to annual review and may be
85 terminated during its term pursuant to subsection (8).

86 5.a. A charter school that is designated as a high-
87 performing charter school may retain such designation pursuant
88 to:

89 (I) Subparagraph 2. if the school's governing board, by
90 July 1 of each year, demonstrates in writing to the school's
91 sponsor that the charter school continues to meet the
92 requirements of subparagraph 2.

93 (II) Subparagraph 4. during the school's initial 3 years
94 of operation if the entity operating the school continues to
95 meet the definition of a high-performing education service
96 provider under sub-subparagraph 1.b. After the high-performing
97 charter school has operated for 3 years, the school must comply
98 with sub-sub-subparagraph (I) in order to retain its designation
99 as a high-performing charter school.

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100 b. The high-performing charter school designation shall be
101 removed if the charter school does not meet the requirements of
102 sub-subparagraph a.

103 (10) ELIGIBLE STUDENTS.—

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

106 1. Students who are siblings of a student enrolled in the
107 charter school.

108 2. Students who are the children of a member of the
109 governing board of the charter school.

110 3. Students who are the children of an employee of the
111 charter school.

112 4. Students who are the children of an employee of a
113 business or corporation that is in partnership with a charter
114 school-in-the-workplace or students who are the children of a
115 resident of a municipality that operates a charter school-in-a-
116 municipality pursuant to subsection (15).

117 (12) EMPLOYEES OF CHARTER SCHOOLS.—

118 (e) Employees of a school district may take leave to
119 accept employment in a charter school upon the approval of the
120 district school board. While employed by the charter school and
121 on leave that is approved by the district school board, the
122 employee may retain seniority accrued in that school district
123 and may continue to be covered by the benefit programs of that
124 school district, if the charter school and the district school
125 board agree to this arrangement and its financing. School
126 districts shall not require resignations from instructional
127 personnel, school administrators, or educational support

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128 employees who desire employment ~~of teachers desiring to teach~~ in
129 a charter school. This paragraph shall not prohibit a district
130 school board from approving alternative leave arrangements
131 consistent with chapter 1012.

132 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
133 A-MUNICIPALITY.-

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

136 1. Provides one of the following:

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

138 b. Resources that materially reduce the cost of
139 constructing a school facility;

140 c. Land for a school facility; or

141 d. Resources to maintain a school facility;

142 2. Enrolls students based upon a random lottery that
143 involves all of the children of employees of that business or
144 corporation, or within that municipality, who are seeking
145 enrollment, as provided for in subsection (10); and

146 3. Enrolls students according to the racial/ethnic balance
147 provisions described in subparagraph (7) (a)8.

148
149 A charter school-in-the-workplace is eligible for charter school
150 capital outlay funding if it meets the requirements in s.

151 1013.62. Any portion of a facility used for a public charter
152 school shall be exempt from ad valorem taxes, as provided for in
153 s. 1013.54, for the duration of its use as a public school.

154 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.-

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155 (b)1. The Department of Education shall report student
156 assessment data pursuant to s. 1008.34(3)(c) which is reported
157 to schools that receive a school grade or student assessment
158 data pursuant to s. 1008.341(3) which is reported to alternative
159 schools that receive a school improvement rating to each charter
160 school that:

161 a. Does not receive a school grade pursuant to s. 1008.34
162 or a school improvement rating pursuant to s. 1008.341; and

163 b. Serves at least 10 students who are tested on the
164 statewide assessment test pursuant to s. 1008.22.

165 2. The charter school shall report the information in
166 subparagraph 1. to each parent of a student at the charter
167 school, ~~the parent of a child on a waiting list for the charter~~
168 ~~school,~~ the district in which the charter school is located, and
169 the governing board of the charter school. This paragraph does
170 not abrogate the provisions of s. 1002.22, relating to student
171 records, or the requirements of 20 U.S.C. s. 1232g, the Family
172 Educational Rights and Privacy Act.

173 3.a. Pursuant to this paragraph, the Department of
174 Education shall compare the charter school student performance
175 data for each charter school in subparagraph 1. with the student
176 performance data in traditional public schools in the district
177 in which the charter school is located and other charter schools
178 in the state. For alternative charter schools, the department
179 shall compare the student performance data described in this
180 paragraph with all alternative schools in the state. The
181 comparative data shall be provided by the following grade
182 groupings:

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- 183 (I) Grades 3 through 5;
- 184 (II) Grades 6 through 8; and
- 185 (III) Grades 9 through 11.

186 b. Each charter school shall provide the information
187 specified in this paragraph on its Internet website and also
188 provide notice to the public at large in a manner provided by
189 the rules of the State Board of Education. The State Board of
190 Education shall adopt rules to administer the notice
191 requirements of this subparagraph pursuant to ss. 120.536(1) and
192 120.54. The website shall include, through links or actual
193 content, other information related to school performance.

194 Section 2. (1) The Office of Program Policy Analysis and
195 Government Accountability shall conduct a study comparing the
196 funding of charter schools with traditional public schools and
197 shall:

198 (a) Identify the school districts that distribute funds
199 generated by the capital improvement millage authorized pursuant
200 to s. 1011.71(2), Florida Statutes, to charter schools and the
201 use of such funds by the charter schools.

202 (b) Determine the amount of funds that would be available
203 to charter schools if school districts equitably distribute to
204 district schools, including charter schools, funds generated by
205 the capital improvement millage authorized pursuant to s.
206 1011.71(2), Florida Statutes.

207 (c) Examine the costs associated with supervising charter
208 schools and determine whether the 5-percent administrative fee
209 for administrative and educational services for charter schools
210 covers the costs associated with the provision of the services.

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211 (2) The Office of Program Policy Analysis and Government
212 Accountability shall make recommendations, if warranted, for
213 improving the accountability and equity of the funding system
214 for charter schools based on the findings of the study. The
215 results of the study shall be provided to the Governor, the
216 President of the Senate, and the Speaker of the House of
217 Representatives no later than January 1, 2011.

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

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

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Remove the entire title and insert:

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A bill to be entitled

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An act relating to charter schools; amending s. 1002.33, F.S.;

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revising requirements for providing financial statements to the

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sponsor of a charter school; authorizing a governing body to

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oversee multiple charter schools; providing requirements for

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designation as a high-performing charter school; authorizing a

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high-performing charter school to increase enrollment and

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receive capital outlay funds; authorizing a newly approved

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charter school operated by a high-performing education service

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provider to receive a 15-year initial charter and become a high-

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performing charter school; providing requirements for retention

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of designation as a high-performing charter school; authorizing

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preference for enrollment in a charter school-in-the-workplace

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239 and a charter school-in-a-municipality for certain students;
240 prohibiting school districts from requiring resignations from
241 specified school district personnel who desire employment in a
242 charter school; revising requirements for the establishment of a
243 charter school-in-the-workplace; providing that a charter
244 school-in-the-workplace is eligible for capital outlay funding
245 if it meets specified requirements; removing a reporting
246 requirement relating to student assessment data; requiring the
247 Office of Program Policy Analysis and Government Accountability
248 to conduct a study comparing the funding of charter schools with
249 traditional public schools and examining certain funding and
250 costs; requiring recommendations to the Governor and
251 Legislature, if warranted, for improving the accountability and
252 equity of the funding system for charter schools; providing an
253 effective date.