

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; authorizing
5 a governing body to oversee multiple charter schools;
6 providing requirements for designation as a high-
7 performing charter school; authorizing a high-performing
8 charter school to increase enrollment and receive capital
9 outlay funds; authorizing a newly approved charter school
10 operated by a high-performing education service provider
11 to receive a 15-year initial charter and become a high-
12 performing charter school; providing requirements for
13 retention of designation as a high-performing charter
14 school; authorizing preference for enrollment in a charter
15 school-in-the-workplace and a charter school-in-a-
16 municipality for certain students; prohibiting school
17 districts from requiring resignations from specified
18 school district personnel who desire employment in a
19 charter school; revising requirements for the
20 establishment of a charter school-in-the-workplace;
21 providing that a charter school-in-the-workplace is
22 eligible for capital outlay funding if it meets specified
23 requirements; removing a reporting requirement relating to
24 student assessment data; requiring the Office of Program
25 Policy Analysis and Government Accountability to conduct a
26 study comparing the funding of charter schools with
27 traditional public schools and examining certain funding
28 and costs; requiring recommendations to the Governor and

29 | Legislature, if warranted, for improving the
 30 | accountability and equity of the funding system for
 31 | charter schools; providing an effective date.

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

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

41 | 1002.33 Charter schools.—

42 | (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

56 |

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

71 (i) The governing body of the charter school shall
 72 exercise continuing oversight over charter school operations. A
 73 governing body may oversee more than one charter school in more
 74 than one school district.

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

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

80 b. "High-performing education service provider" means an
 81 entity that:

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

84 (II) Has received a school grade of "A" or "B" during the

85 previous 3 years for at least 75 percent of the charter schools
86 operated by the entity in this state; and

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

90 2. A charter school shall be designated as a high-
91 performing charter school if during each of the previous 3 years
92 the charter school:

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

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

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

98 3. A high-performing charter school may:

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

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

107 4. A high-performing education service provider may submit
108 an application pursuant to subsection (6) to establish and
109 operate a new charter school that will replicate one or more of
110 the provider's existing high-performing charter schools. Upon
111 approval of the application by the sponsor, the new charter
112 school shall be granted an initial charter for a term of 15

113 years and be designated as a high-performing charter school. The
114 15-year charter is subject to annual review and may be
115 terminated during its term pursuant to subsection (8).

116 5.a. A charter school that is designated as a high-
117 performing charter school may retain such designation pursuant
118 to:

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

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

130 b. The high-performing charter school designation shall be
131 removed if the charter school does not meet the requirements of
132 sub-subparagraph a.

133 (10) ELIGIBLE STUDENTS.—

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

136 1. Students who are siblings of a student enrolled in the
137 charter school.

138 2. Students who are the children of a member of the
139 governing board of the charter school.

140 3. Students who are the children of an employee of the

141 charter school.

142 4. Students who are the children of an employee of a
 143 business or corporation that is in partnership with a charter
 144 school-in-the-workplace or students who are the children of a
 145 resident of a municipality that operates a charter school-in-a-
 146 municipality pursuant to subsection (15).

147 (12) EMPLOYEES OF CHARTER SCHOOLS.—

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

162 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
 163 A-MUNICIPALITY.—

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

166 1. Provides one of the following:

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

168 b. Resources that materially reduce the cost of

169 constructing a school facility;
 170 c. Land for a school facility; or
 171 d. Resources to maintain a school facility;
 172 2. Enrolls students based upon a random lottery that
 173 involves all of the children of employees of that business or
 174 corporation, or within that municipality, who are seeking
 175 enrollment, as provided for in subsection (10); and
 176 3. Enrolls students according to the racial/ethnic balance
 177 provisions described in subparagraph (7) (a)8.
 178
 179 A charter school-in-the-workplace is eligible for charter school
 180 capital outlay funding if it meets the requirements in s.
 181 1013.62. Any portion of a facility used for a public charter
 182 school shall be exempt from ad valorem taxes, as provided for in
 183 s. 1013.54, for the duration of its use as a public school.
 184 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—
 185 (b)1. The Department of Education shall report student
 186 assessment data pursuant to s. 1008.34(3)(c) which is reported
 187 to schools that receive a school grade or student assessment
 188 data pursuant to s. 1008.341(3) which is reported to alternative
 189 schools that receive a school improvement rating to each charter
 190 school that:
 191 a. Does not receive a school grade pursuant to s. 1008.34
 192 or a school improvement rating pursuant to s. 1008.341; and
 193 b. Serves at least 10 students who are tested on the
 194 statewide assessment test pursuant to s. 1008.22.
 195 2. The charter school shall report the information in
 196 subparagraph 1. to each parent of a student at the charter

197 | school, ~~the parent of a child on a waiting list for the charter~~
 198 | ~~school~~, the district in which the charter school is located, and
 199 | the governing board of the charter school. This paragraph does
 200 | not abrogate the provisions of s. 1002.22, relating to student
 201 | records, or the requirements of 20 U.S.C. s. 1232g, the Family
 202 | Educational Rights and Privacy Act.

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

- 213 | (I) Grades 3 through 5;
- 214 | (II) Grades 6 through 8; and
- 215 | (III) Grades 9 through 11.

216 | b. Each charter school shall provide the information
 217 | specified in this paragraph on its Internet website and also
 218 | provide notice to the public at large in a manner provided by
 219 | the rules of the State Board of Education. The State Board of
 220 | Education shall adopt rules to administer the notice
 221 | requirements of this subparagraph pursuant to ss. 120.536(1) and
 222 | 120.54. The website shall include, through links or actual
 223 | content, other information related to school performance.

224 | Section 2. (1) The Office of Program Policy Analysis and

225 Government Accountability shall conduct a study comparing the
 226 funding of charter schools with traditional public schools and
 227 shall:

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

232 (b) Determine the amount of funds that would be available
 233 to charter schools if school districts equitably distribute to
 234 district schools, including charter schools, funds generated by
 235 the capital improvement millage authorized pursuant to s.
 236 1011.71(2), Florida Statutes.

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

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

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