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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/19/2010	.	
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The Committee on Education Pre-K - 12 Appropriations (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (8) through (26) of section 1002.33, Florida Statutes, are redesignated as subsections (9) through (27), respectively, a new subsection (8) is added to that section, and paragraph (g) of subsection (9) of that section is amended, to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(g) In order to provide financial information that is



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13 comparable to that reported for other public schools, charter
14 schools are to maintain all financial records that constitute
15 their accounting system:

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

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

25
26 Charter schools shall provide annual financial report and
27 program cost report information in the state-required formats
28 for inclusion in district reporting in compliance with s.
29 1011.60(1). Charter schools that are operated by a municipality
30 or are a component unit of a parent nonprofit organization may
31 use the accounting system of the municipality or the parent but
32 must reformat this information for reporting according to this
33 paragraph. A charter school shall provide a quarterly ~~monthly~~
34 financial statement to the sponsor, unless a deteriorating
35 financial condition has been identified or the charter school is
36 determined to be in a state of financial emergency pursuant to
37 s. 1002.345, in which case the charter school shall provide a
38 monthly financial statement. The ~~monthly~~ financial statement
39 required under this paragraph shall be in a form prescribed by
40 the Department of Education.

41 (8) HIGH-PERFORMING CHARTER SCHOOLS.-



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42 (a) For purposes of this subsection, the term:

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

47 2. "High-performing education service provider" means an
48 entity that:

49 a. Operates at least two high-performing charter schools in
50 this state;

51 b. Has received a school grade of "A" or "B" during the
52 previous 3 years for at least 75 percent of the charter schools
53 operated by the entity in this state; and

54 c. Has not received a school grade of "F" during any of the
55 previous 3 years for any charter school operated by the entity
56 in this state.

57 (b) A charter school shall be designated as a high-
58 performing charter school if during each of the previous 3 years
59 the charter school:

60 1. Received a school grade of "A" or "B";

61 2. Received an unqualified opinion on each financial audit
62 required under s. 218.39; and

63 3. Did not receive a financial audit that revealed one or
64 more of the conditions set forth in s. 218.503(1).

65 (c) A high-performing charter school may:

66 1. Increase the school's student enrollment once per year
67 by up to 25 percent more than the capacity authorized pursuant
68 to paragraph (11)(h).

69 2. Receive charter school capital outlay funds under s.
70 1013.62. A high-performing charter school is not required to



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71 comply with s. 1013.62(1)(a)1.-3. but must comply with all other
72 requirements of s. 1013.62 in order to receive charter school
73 capital outlay funds as provided in this subparagraph.

74 (d) A high-performing education service provider may submit
75 an application pursuant to subsection (6) to establish and
76 operate a new charter school that will replicate one or more of
77 the provider's existing high-performing charter schools. Upon
78 approval of the application by the sponsor, the new charter
79 school shall be granted an initial charter for a term of 15
80 years and designated as a high-performing charter school. The
81 15-year charter is subject to annual review and may be
82 terminated during its term pursuant to subsection (9).

83 (e)1. A charter school that is designated as a high-
84 performing charter school may retain such designation pursuant
85 to:

86 a. Paragraph (b) if the school's governing board, by July 1
87 of each year, demonstrates in writing to the school's sponsor
88 that the charter school continues to meet the requirements of
89 paragraph (b).

90 b. Paragraph (d) during the school's initial 3 years of
91 operation if the entity operating the school continues to meet
92 the definition of a high-performing education service provider
93 under subparagraph (a)2. After the high-performing charter
94 school has operated for 3 years, the school must comply with
95 sub-subparagraph a. in order to retain its designation as a
96 high-performing charter school.

97 2. The high-performing charter school designation shall be
98 removed if the charter school does meet the requirements of
99 subparagraph 1.



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100 Section 2. Section 1002.46, Florida Statutes, is created to
101 read:

102 1002.46 Charter virtual school.—

103 (1) ESTABLISHMENT.—A charter virtual school shall be part
104 of the state's program of public education.

105 (2) VIRTUAL INSTRUCTION.—A provider of virtual instruction
106 that has been approved by the Department of Education pursuant
107 to s. 1002.45 and that has a charter school agreement approved
108 by a district school board pursuant to s. 1002.33 may be
109 established as a charter virtual school as provided in this
110 section and may provide virtual instruction to students who
111 reside in the district in which the charter is granted.

112 (3) PROGRAM REQUIREMENTS.—A charter virtual school must
113 meet the requirements of program definitions, provider
114 qualifications, virtual instruction, contract requirements,
115 student participation, and assessment and accountability as
116 provided in s. 1002.45(1)(a) and (b), (2), (3), (4), (6), and
117 (8).

118 (4) STUDENT ELGIBILITY.—A charter virtual school may enroll
119 a student who resides in the school district in which the
120 charter is granted and meets the requirements of s.
121 1002.45(5)(a), (b), or (c).

122 (5) FUNDING.—Funding for a charter virtual school shall be
123 through the Florida Education Finance Program as follows:

124 (a) A full-time equivalent student shall be reported as
125 required under s. 1011.61(1)(c)1.b.(III) or (IV).

126 (b) A charter virtual school shall report its full-time
127 equivalent students to the school district in which the charter
128 is granted in the manner prescribed by the Department of



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129 Education.

130 (c) School districts shall report charter virtual school
131 full-time equivalent students to the Department of Education in
132 the manner prescribed by the department and the eligible FTE
133 shall be funded through the Florida Education Finance Program.

134 (d) For each eligible full-time equivalent student reported
135 by a charter virtual school and funded in the Florida Education
136 Finance Program, the school district shall receive an annual
137 allocation for operation which is equivalent to the funds per
138 unweighted student as provided to the Florida Virtual School.
139 This amount shall be included in the basic amount to be included
140 for operation under the Florida Education Finance Program for
141 each district; however, these payments and full-time equivalent
142 students may not be used for any other calculation under the
143 Florida Education Finance Program. The school district may
144 retain an administrative fee pursuant to s. 1002.33(20) (a) prior
145 to the distribution of funds to the charter virtual school.

146 (6) EXCEPTIONS.—A charter virtual school is not required to
147 meet the educational facilities or student transportation
148 requirements for charter schools under s. 1002.33.

149 Section 3. The Office of Program Policy Analysis and
150 Government Accountability (OPPAGA) shall conduct a study
151 comparing the funding of charter schools with traditional public
152 schools and shall:

153 (1) Identify the school districts that distribute funds
154 generated by the capital improvement millage authorized pursuant
155 to s. 1011.71(2), Florida Statutes, to charter schools and the
156 use of such funds by the charter schools.

157 (2) Determine the amount of funds that would be available



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158 to charter schools if school districts equitably distribute to
159 district schools, including charter schools, funds generated by
160 the capital improvement millage authorized pursuant to s.
161 1011.71(2), Florida Statutes.

162 (3) Examine the costs associated with supervising charter
163 schools and determine if the 5 percent administrative fee for
164 administrative and educational services for charter schools
165 covers the costs associated with the provision of the services.

166
167 OPPAGA shall make recommendations, if warranted, for improving
168 the accountability and equity of the funding system for charter
169 schools based on the findings of the study. The results of the
170 study shall be provided to the Governor, the President of the
171 Senate, and the Speaker of the House of Representatives no later
172 than January 1, 2011.

173 Section 4. This act shall take effect July 1, 2010.

174

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

176 And the title is amended as follows:

177 Delete everything before the enacting clause
178 and insert:

179 A bill to be entitled
180 An act relating to charter schools; amending s.
181 1002.33, F.S.; requiring that each charter school
182 provide a quarterly financial statement to the sponsor
183 or a monthly financial statement if a deteriorating
184 financial condition has been identified or the charter
185 school is determined to be in a state of financial
186 emergency; providing for the designation of certain



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187 charter schools as high-performing; creating s.
188 1002.46, F.S.; providing for the establishment of
189 charter virtual schools; providing requirements for
190 participation in the program; providing requirements
191 for student eligibility; providing for funding;
192 providing exceptions from certain requirements;
193 requiring that the Office of Program Policy Analysis
194 and Government Accountability conduct a study
195 comparing the funding of charter schools and public
196 schools and make recommendations; requiring that such
197 study be provided to the Governor and Legislature by a
198 specified date; providing an effective date.