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

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30 Governor and Legislature, if warranted, for improving  
31 the accountability and equity of the funding system  
32 for charter schools; creating s. 1002.46, F.S.;  
33 providing for the establishment of charter virtual  
34 schools; providing requirements for participation in  
35 the program; providing requirements for student  
36 eligibility; providing for funding; providing  
37 exceptions from certain requirements; providing an  
38 effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Paragraphs (g) and (i) of subsection (9),  
43 paragraph (d) of subsection (10), paragraph (b) of subsection  
44 (15), and paragraph (b) of subsection (21) of section 1002.33,  
45 Florida Statutes, are amended, and paragraph (q) is added to  
46 subsection (9) of that section, to read:

47 1002.33 Charter schools.—

48 (9) CHARTER SCHOOL REQUIREMENTS.—

49 (g) In order to provide financial information that is  
50 comparable to that reported for other public schools, charter  
51 schools are to maintain all financial records that constitute  
52 their accounting system:

53 1. In accordance with the accounts and codes prescribed in  
54 the most recent issuance of the publication titled "Financial  
55 and Program Cost Accounting and Reporting for Florida Schools";  
56 or

57 2. At the discretion of the charter school governing board,  
58 a charter school may elect to follow generally accepted

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59 accounting standards for not-for-profit organizations, but must  
60 reformat this information for reporting according to this  
61 paragraph.

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

77 (i) The governing body of the charter school shall exercise  
78 continuing oversight over charter school operations. A governing  
79 body may oversee more than one charter school in more than one  
80 school district.

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

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

86 b. "High-performing education service provider" means an  
87 entity that:

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

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

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

96 2. A charter school shall be designated as a high-  
97 performing charter school if during each of the previous 3 years  
98 the charter school:

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

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

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

104 3. A high-performing charter school may:

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

108 b. Receive charter school capital outlay funds under s.  
109 1013.62. A high-performing charter school is not required to  
110 comply with s. 1013.62(1)(a)1.-3. but must comply with all other  
111 requirements of s. 1013.62 in order to receive charter school  
112 capital outlay funds as provided in this sub-subparagraph.

113 4. A high-performing education service provider may submit  
114 an application pursuant to subsection (6) to establish and  
115 operate a new charter school that will replicate one or more of  
116 the provider's existing high-performing charter schools. Upon

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117 approval of the application by the sponsor, the new charter  
118 school shall be granted an initial charter for a term of 15  
119 years and be designated as a high-performing charter school. The  
120 15-year charter is subject to annual review and may be  
121 terminated during its term pursuant to subsection (8).

122 5.a. A charter school that is designated as a high-  
123 performing charter school may retain such designation pursuant  
124 to:

125 (I) Subparagraph 2. if the school's governing board, by  
126 July 1 of each year, demonstrates in writing to the school's  
127 sponsor that the charter school continues to meet the  
128 requirements of subparagraph 2.

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

136 b. The high-performing charter school designation shall be  
137 removed if the charter school does not meet the requirements of  
138 sub-subparagraph a.

139 (10) ELIGIBLE STUDENTS.—

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

142 1. Students who are siblings of a student enrolled in the  
143 charter school.

144 2. Students who are the children of a member of the  
145 governing board of the charter school.

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146 3. Students who are the children of an employee of the  
147 charter school.

148 4. Students who are the children of an employee of a  
149 business or corporation that is in partnership with a charter  
150 school-in-the-workplace or students who are the children of a  
151 resident of a municipality that operates a charter school-in-a-  
152 municipality pursuant to subsection (15).

153 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
154 A-MUNICIPALITY.—

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

157 1. Provides one of the following:

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

159 b. Resources that materially reduce the cost of  
160 constructing a school facility;

161 c. Land for a school facility; or

162 d. Resources to maintain a school facility;

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

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

169  
170 A charter school-in-the-workplace is eligible for charter school  
171 capital outlay funding if it meets the requirements in s.

172 1013.62. Any portion of a facility used for a public charter  
173 school shall be exempt from ad valorem taxes, as provided for in  
174 s. 1013.54, for the duration of its use as a public school.

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175 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

176 (b)1. The Department of Education shall report student  
177 assessment data pursuant to s. 1008.34(3)(c) which is reported  
178 to schools that receive a school grade or student assessment  
179 data pursuant to s. 1008.341(3) which is reported to alternative  
180 schools that receive a school improvement rating to each charter  
181 school that:

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

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

186 2. The charter school shall report the information in  
187 subparagraph 1. to each parent of a student at the charter  
188 school, ~~the parent of a child on a waiting list for the charter~~  
189 ~~school~~, the district in which the charter school is located, and  
190 the governing board of the charter school. This paragraph does  
191 not abrogate the provisions of s. 1002.22, relating to student  
192 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
193 Educational Rights and Privacy Act.

194 3.a. Pursuant to this paragraph, the Department of  
195 Education shall compare the charter school student performance  
196 data for each charter school in subparagraph 1. with the student  
197 performance data in traditional public schools in the district  
198 in which the charter school is located and other charter schools  
199 in the state. For alternative charter schools, the department  
200 shall compare the student performance data described in this  
201 paragraph with all alternative schools in the state. The  
202 comparative data shall be provided by the following grade  
203 groupings:

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- 204 (I) Grades 3 through 5;  
205 (II) Grades 6 through 8; and  
206 (III) Grades 9 through 11.

207 b. Each charter school shall provide the information  
208 specified in this paragraph on its Internet website and also  
209 provide notice to the public at large in a manner provided by  
210 the rules of the State Board of Education. The State Board of  
211 Education shall adopt rules to administer the notice  
212 requirements of this subparagraph pursuant to ss. 120.536(1) and  
213 120.54. The website shall include, through links or actual  
214 content, other information related to school performance.

215 Section 2. (1) The Office of Program Policy Analysis and  
216 Government Accountability (OPPAGA) shall conduct a study  
217 comparing the funding of charter schools with traditional public  
218 schools and shall:

219 (a) Identify the school districts that distribute funds  
220 generated by the capital improvement millage authorized pursuant  
221 to s. 1011.71(2), Florida Statutes, to charter schools and the  
222 use of such funds by the charter schools.

223 (b) Determine the amount of funds that would be available  
224 to charter schools if school districts equitably distribute to  
225 district schools, including charter schools, funds generated by  
226 the capital improvement millage authorized pursuant to s.  
227 1011.71(2), Florida Statutes.

228 (c) Examine the costs associated with supervising charter  
229 schools and determine if the 5 percent administrative fee for  
230 administrative and educational services for charter schools  
231 covers the costs associated with the provision of the services.

232 (2) OPPAGA shall make recommendations, if warranted, for



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233 improving the accountability and equity of the funding system  
234 for charter schools based on the findings of the study. The  
235 results of the study shall be provided to the Governor, the  
236 President of the Senate, and the Speaker of the House of  
237 Representatives no later than January 1, 2011.

238 Section 3. Section 1002.46, Florida Statutes, is created to  
239 read:

240 1002.46 Charter virtual school.—

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

243 (2) VIRTUAL INSTRUCTION.—A provider of virtual instruction  
244 that has been approved by the Department of Education pursuant  
245 to s. 1002.45 and that has a charter school agreement approved  
246 by a district school board pursuant to s. 1002.33 may be  
247 established as a charter virtual school as provided in this  
248 section and may provide virtual instruction to students who  
249 reside in the district in which the charter is granted.

250 (3) PROGRAM REQUIREMENTS.—A charter virtual school must  
251 meet the requirements of program definitions, provider  
252 qualifications, virtual instruction, contract requirements,  
253 student participation, and assessment and accountability as  
254 provided in s. 1002.45(1)(a) and (b), (2), (3), (4), (6), and  
255 (8).

256 (4) STUDENT ELGIBILITY.—A charter virtual school may enroll  
257 a student who resides in the school district in which the  
258 charter is granted and meets the requirements of s.  
259 1002.45(5)(a), (b), or (c).

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

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

264 (b) A charter virtual school shall report its full-time  
265 equivalent students to the school district in which the charter  
266 is granted in the manner prescribed by the Department of  
267 Education.

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

272 (d) For each eligible full-time equivalent student reported  
273 by a charter virtual school and funded in the Florida Education  
274 Finance Program, the school district shall receive an annual  
275 allocation for operation which is equivalent to the funds per  
276 unweighted student as provided to the Florida Virtual School.  
277 This amount shall be included in the basic amount to be included  
278 for operation under the Florida Education Finance Program for  
279 each district; however, these payments and full-time equivalent  
280 students may not be used for any other calculation under the  
281 Florida Education Finance Program. The school district may  
282 retain an administrative fee pursuant to s. 1002.33(20)(a) prior  
283 to the distribution of funds to the charter virtual school.

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

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