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LEGISLATIVE ACTION

Senate

.

House

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04/22/2010 04:48 PM

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Senators Thrasher, Altman, Baker, Fasano, Storms, Bullard,
Bennett, and Gardiner moved the following:

Senate Amendment (with title amendment)

Before line 12

insert:

Section 1. Paragraphs (g) and (i) of subsection (9),
paragraph (d) of subsection (10), paragraph (b) of subsection
(15), and paragraph (b) of subsection (21) of section 1002.33,
Florida Statutes, are amended, and paragraph (q) is added to
subsection (9) of that section, 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 monthly financial
34 statement to the sponsor, unless the charter school is
35 designated as a high-performing charter school under paragraph
36 (q), in which case the high-performing charter school shall
37 provide a quarterly financial statement. The ~~monthly~~ financial
38 statement required under this paragraph shall be in a form
39 prescribed by the Department of Education.

40 (i) The governing body of the charter school shall exercise
41 continuing oversight over charter school operations. A governing



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42 body may oversee more than one charter school in more than one
43 school district.

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

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

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

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

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

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

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

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

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

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

67 3. A high-performing charter school may:

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



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

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

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

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

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

99 b. The high-performing charter school designation shall be



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100 removed if the charter school does not meet the requirements of
101 sub-subparagraph a.

102 (10) ELIGIBLE STUDENTS.—

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

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

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

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

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

116 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
117 A-MUNICIPALITY.—

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

120 1. Provides one of the following:

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

122 b. Resources that materially reduce the cost of
123 constructing a school facility;

124 c. Land for a school facility; or

125 d. Resources to maintain a school facility;

126 2. Enrolls students based upon a random lottery that
127 involves all of the children of employees of that business,
128 corporation, or within that municipality, ~~or corporation~~ who are



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129 seeking enrollment, as provided for in subsection (10); and
130 3. Enrolls students according to the racial/ethnic balance
131 provisions described in subparagraph (7)(a)8.
132
133 A charter school-in-the-workplace is eligible for charter school
134 capital outlay funding if it meets the requirements in s.
135 1013.62. Any portion of a facility used for a public charter
136 school shall be exempt from ad valorem taxes, as provided for in
137 s. 1013.54, for the duration of its use as a public school.
138 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.-
139 (b)1. The Department of Education shall report student
140 assessment data pursuant to s. 1008.34(3)(c) which is reported
141 to schools that receive a school grade or student assessment
142 data pursuant to s. 1008.341(3) which is reported to alternative
143 schools that receive a school improvement rating to each charter
144 school that:
145 a. Does not receive a school grade pursuant to s. 1008.34
146 or a school improvement rating pursuant to s. 1008.341; and
147 b. Serves at least 10 students who are tested on the
148 statewide assessment test pursuant to s. 1008.22.
149 2. The charter school shall report the information in
150 subparagraph 1. to each parent of a student at the charter
151 school, ~~the parent of a child on a waiting list for the charter~~
152 ~~school,~~ the district in which the charter school is located, and
153 the governing board of the charter school. This paragraph does
154 not abrogate the provisions of s. 1002.22, relating to student
155 records, or the requirements of 20 U.S.C. s. 1232g, the Family
156 Educational Rights and Privacy Act.
157 3.a. Pursuant to this paragraph, the Department of



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158 Education shall compare the charter school student performance
159 data for each charter school in subparagraph 1. with the student
160 performance data in traditional public schools in the district
161 in which the charter school is located and other charter schools
162 in the state. For alternative charter schools, the department
163 shall compare the student performance data described in this
164 paragraph with all alternative schools in the state. The
165 comparative data shall be provided by the following grade
166 groupings:

- 167 (I) Grades 3 through 5;
- 168 (II) Grades 6 through 8; and
- 169 (III) Grades 9 through 11.

170 b. Each charter school shall provide the information
171 specified in this paragraph on its Internet website and also
172 provide notice to the public at large in a manner provided by
173 the rules of the State Board of Education. The State Board of
174 Education shall adopt rules to administer the notice
175 requirements of this subparagraph pursuant to ss. 120.536(1) and
176 120.54. The website shall include, through links or actual
177 content, other information related to school performance.

178 Section 2. (1) The Office of Program Policy Analysis and
179 Government Accountability (OPPAGA) shall conduct a study
180 comparing the funding of charter schools with traditional public
181 schools and shall:

182 (a) Identify the school districts that distribute funds
183 generated by the capital improvement millage authorized pursuant
184 to s. 1011.71(2), Florida Statutes, to charter schools and the
185 use of such funds by the charter schools.

186 (b) Determine the amount of funds that would be available



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187 to charter schools if school districts equitably distribute to
188 district schools, including charter schools, funds generated by
189 the capital improvement millage authorized pursuant to s.
190 1011.71(2), Florida Statutes.

191 (c) Examine the costs associated with supervising charter
192 schools and determine if the 5 percent administrative fee for
193 administrative and educational services for charter schools
194 covers the costs associated with the provision of the services.

195 (2) OPPAGA shall make recommendations, if warranted, for
196 improving the accountability and equity of the funding system
197 for charter schools based on the findings of the study. The
198 results of the study shall be provided to the Governor, the
199 President of the Senate, and the Speaker of the House of
200 Representatives no later than January 1, 2011.

201
202 ===== T I T L E A M E N D M E N T =====

203 And the title is amended as follows:

204 Delete line 2

205 and insert:

206 An act relating to charter schools; amending s.
207 1002.33, F.S.; revising requirements for providing
208 financial statements to the sponsor of a charter
209 school; authorizing a governing body to oversee
210 multiple charter schools; providing requirements for
211 designation as a high-performing charter school;
212 authorizing a high-performing charter school to
213 increase enrollment and receive capital outlay funds;
214 authorizing a newly approved charter school operated
215 by a high-performing education service provider to



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216 receive a 15-year initial charter and become a high-
217 performing charter school; providing requirements for
218 retention of designation as a high-performing charter
219 school; authorizing preference for enrollment in a
220 charter school-in-the-workplace and a charter school-
221 in-a-municipality for certain students; authorizing a
222 nonprofit organization to operate multiple charter
223 schools as a network of affiliated schools; revising
224 requirements for the establishment of a charter
225 school-in-the-workplace; providing that a charter
226 school-in-the-workplace is eligible for capital outlay
227 funding if it meets specified requirements; removing a
228 reporting requirement relating to student assessment
229 data; requiring the Office of Program Policy Analysis
230 and Government Accountability to conduct a study
231 comparing the funding of charter schools with
232 traditional public schools and examining certain
233 funding and costs; requiring recommendations to the
234 Governor and Legislature, if warranted, for improving
235 the accountability and equity of the funding system
236 for charter schools; creating