

Senate Proposed Legislation for Charter School Capital Outlay Funding

In response to charter school capital outlay revisions approved by the House Appropriations Committee, the Senate Education Appropriations Subcommittee has proposed an alternative proposal.

The proposed legislation:

- Does not include any provision requiring school districts to expend local capital outlay millage revenue for charter school capital outlay.
- Retains the existing criteria for a charter school to be eligible for state funding.
- Retains the existing requirement that each charter school's capital outlay allocation cannot exceed 1/15th of the statutory cost per student station.
- Eliminates the current prioritization system and awards capital outlay funds on a weighted basis to provide that all eligible charter schools would receive a standard base amount of funds per FTE derived from the gross capital outlay funding amount appropriated for charter schools. In addition:
 - Charter schools with 75% or more free and reduced lunch enrollment would receive an additional 25% of the standard base amount.
 - Charter schools with 25% or more ESE enrollment would receive an additional 25% of the standard base amount.
 - Charter schools that meet both of these enrollment thresholds would receive an additional 50% of the standard base amount.
- Prohibits the use of charter school capital outlay funds for "private enrichment" by prohibiting an otherwise eligible charter school from receiving a capital outlay allocation unless the governing board of the schools annually certifies under oath that the funds will be used solely and exclusively for constructing, renovating or improving charter school facilities:
 - Owned by a school district, political subdivision of the state, municipality, Florida College System Institution, or state university;
 - Owned by an 501(c)(3) organization whose articles of incorporation specify that upon the organization's dissolution all of the subject property will be transferred to a school district, political subdivision of the state, municipality, Florida College institution or state university; or
 - Owned by and leased from a person who, or entity that, is not an affiliated party of the charter school.
- Requires OPPAGA to work with DOE to conduct a study of the statutory cost per student station amounts and provide recommendations for the revised costs to the Governor and legislative leadership.
- Prohibits school districts from spending more than the statutory cost per student station on new construction from all available revenue sources and requires school districts to maintain accurate documentation on the costs of all new construction projects.

- Requires the Auditor General to review the documentation maintained by the districts and to verify compliance with statutory per student station costs during its scheduled operational audits of the school districts.
- Establishes the following sanctions for districts that exceed the statutory student station costs as verified by the Auditor General:
 - Districts shall be ineligible for allocations from the PECO Trust Fund for the next three years in which the district would have received allocations had the violation not occurred.
 - The district will be subject to the supervision of a district capital outlay oversight committee, authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for three fiscal years following the violation. Each district capital outlay oversight committee shall be comprised of one appointee of the Commissioner of Education, one appointee of the State Attorney's Office with jurisdiction over the district, and one appointee of the Auditor General who is a licensed Certified Public Accountant.