

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### CHARTER SCHOOLS

3.90

The purpose of this policy is to ensure the highest quality of instruction and safety for all Charter School participating students and to maintain accountability for the appropriate use of all allocated resources.

#### (1) Eligibility to Apply

- (a) A proposal for a new charter school may be made by an individual, teachers, parents, group of individuals, a municipality, or any legal entity organized under the laws of the state of Florida. The school shall organize as a nonprofit organization prior to receiving approval as a charter school with the School Board.
- (b) The principal, teachers, parents and/or the school advisory council at an existing public school that has been in operation at least two (2) years may submit a proposal for converting the school to a charter school, provided that they demonstrate the support of at least 50 percent of the teachers then currently employed at the school and 50 percent of the parents voting whose children are then currently enrolled in the school. A majority of the parents eligible to vote must participate in the ballot process. The ballot process must be conducted in accordance with State Board of Education rule.
- (c) Private schools, parochial schools and home education schools are not eligible for charter status. A charter school may not be affiliated with a nonpublic sectarian school or religious institution and shall be nonsectarian in programs, admission policies, employment practices and operations.

#### (2) Timelines for Approving Charter Schools

- (a) The School Board shall annually accept applications on or before August 1, and staff may provide technical assistance to organizations and individuals submitting proposals. The School Board shall by a majority vote of the full Board, approve or deny a formal application no later than sixty (60) days after receiving the completed application during the submission period, following a public hearing to ensure community input.
- (b) If the Board denies an application for a conversion charter, the Board shall provide notice of denial to the applicants in writing within ten (10) days after the meeting at which the Board denied the application. The notice must specify the exact reasons for denial and must provide

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documentation supporting those reasons. The notification shall also be submitted to the Department of Education.

### **(3) Application**

Proposals for charter schools shall be submitted on the application form prepared by the Department of Education. No proposal will be accepted until the application is complete and all appropriate signatures are obtained. The application does not constitute the charter which will be considered the legal contract between the School Board and the school organizational body.

#### **(a) The application shall include:**

- (i) All items required by Florida Statutes.**
- (ii) Proof of insurability from an adequate rated insurer with a policy of no less than \$1,000,000 for errors and omissions and general liability coverage to include but not limited to prior Acts, Sexual harassment, civil rights and employment discrimination, breach of contract, insured vs. insured, consultants and independent contractors.**
- (iii) Coverages for property and casualty equal to replacement costs for school structures and contents, automobile and worker's compensation.**
- (iv) An indemnification or hold harmless agreement releasing the School Board of all liability for actions by the charter school governing body or its employees.**

#### **(b) The applicants and members of the governing body of the proposed charter school shall submit with the application a complete set of fingerprints taken or by an employee of the school district who is trained to take fingerprints. These fingerprints shall be submitted to the appropriate state and federal law enforcement agencies for processing with the cost borne by the applicant and charter school governing body members.**

### **(4) Charter**

- (a) Within sixty (60) days of approving a charter school application, the District shall provide an initial proposed charter contract to the charter school.**

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- (b) The applicant and the District shall have seventy-five (75) days to negotiate the charter and provide notice for final approval of the charter contract.
- (c) The following elements shall be included in the school's charter agreement with the School Board:
  - (i) School vision and mission
  - (ii) Students to be served (ages, grades, current school or zone and projected FEFP categories)
  - (iii) Student criteria for admissions, selection process and dismissal procedures
  - (iv) Marketing/recruitment plan
  - (v) Method for achieving racial and ethnic balance of student population
  - (vi) FTE enrollment verification process
  - (vii) Focus of the curriculum with emphasis on reading
  - (viii) Instructional methods to be used, including service to ESE, ADA and ESOL students and students who are reading below grade level
  - (ix) Current baseline standard of student achievement, outcomes to be achieved and method(s) of measurement
  - (x) Methods used to identify the educational strengths and needs of students and how well goals are met by the students
  - (xi) Participation in the statewide assessment program
  - (xii) Method for determining that a student has met graduation or promotion requirements
  - (xiii) Code of Student Conduct consistent with district policies and discipline code
  - (xiv) Method of identification and acquisition of appropriate technologies needed to improve educational and administrative performance

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- (xv) Means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards
- (xvi) Nature of parent involvement
- (xvii) Conflict resolution strategies for students, parents and staff
- (xviii) Methods for resolving conflict between School Board and governing body of the charter school
- (xix) Program evaluation and reporting plan
- (xx) Program evaluation and reporting plan
- (xxi) Annual progress reports to include state required information
- (xxii) Status as a private or public employer
- (xxiii) Staff status related to certification or subcontracting
- (xxiv) Strategies that will be used to recruit, hire, train, and retain qualified staff to achieve best value
- (xxv) Staff selection process, including fingerprinting and criminal background check
- (xxvi) Disclosure of employees of the charter school who are related to the owner, board of directors, president, superintendent, school administrator or other person with decision making authority at the charter school
- (xxvii) Qualifications of teachers which must be disclosed to parents
- (xxviii) Professional development plan
- (xxix) Alternative arrangements for students and teachers at a converting public school who choose not to participate
- (xxx) Charter School Board members and background checks including fingerprinting for governing body

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- (xxxi) Articles of incorporation and governance structure, including names, addresses, financial disclosure to include the same requirements as in Florida Statutes.
- (xxxii) Financial and administrative management of school
- (xxxiii) Internal financial controls and audit process
- (xxxiv) Proposed budget including salary and benefits of staff and letter of credit or other funds to cover start-up costs
- (xxxv) Procedure for notification by auditor if school is in a state of financial emergency or deficit financial position
- (xxxvi) Insurance coverage at specified limits no less than \$1,000,000 for errors and omissions and general liability and property equal to replacement costs of all structures and contents
- (xxxvii) Indemnification or hold harmless agreement
- (xxxviii) Transportation, food service or other plans and agreements with the District or other contractors
- (xxxix) Facilities to be used and their location and evidence of all codes having been met
- (xl) Length of agreement
- (xli) Renewal and modification of the agreement
- (xlii) Provision for cancellation of the agreement for insufficient progress;
- (xliii) Implementation timetable
- (d) The district shall provide academic student performance data to charter schools for each of their students coming from the district, as well as rates of academic progress of comparable student populations in the district school system.
- (e) The governing body shall exercise continuing oversight over charter school operations.
- (f) The governing body shall participate in governance training approved by the Department of Education.

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- (g) After a public hearing to ensure community input, the governing body of the charter school and the District shall sign the charter.

### **(5) Approval**

- (a) The School Board shall receive and review all completed applications for a charter school received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the District's next school year. The School Board shall by a majority vote of the full Board approve or deny a formal application no later than sixty (60) days after receiving the completed application during the submission period, following a public hearing to ensure community input.
- (b) If the Board denies an application for a charter, the Board shall provide notice of denial to the applicants in writing within ten (10) days after the meeting at which the Board denied the application. The notice must specify the exact reasons for denial based on good cause, and must provide documentation supporting those reasons (see (15) for Appeal Process). The notification shall also be submitted to the Department of Education.

### **(6) Selection Criteria**

The School Board shall consider, but is not limited to using the following criteria to evaluate applications for charter school approval:

- (a) Quality and breadth of instructional program.
- (b) Safeguards for the physical and emotional safety of students to be served.
- (c) Innovativeness of approach to teaching and learning.
- (d) Representativeness of student population and impact upon other schools.
- (e) Soundness of the financial plan, including sufficient start up funds or line of credit equivalent to three months operating costs.
- (f) Adequacy of insurance to include property and casualty, general liability, automobile, workers' compensation and errors and omissions, including specific coverage for civil rights and employment discrimination claims, and indemnification of the School Board.

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- (g) Qualifications and diversity of staff, governing body and organizers including criminal background checks, fingerprinting and bonding as necessary.
  - (h) Adequacy of facilities.
  - (i) Extent of parent involvement.
  - (j) Representativeness of governance structure including full financial disclosure on the forms required by the School Board of all members of the governing body.
  - (k) Level of student performance expectations relative to state education and other significant goals.
  - (l) Sufficiency of elements required in the charter by law or policy.
- (7) Nonrenewal or Termination of Charter
- (a) At the end of the term of a charter, the School Board may choose not to renew the charter for any of the following grounds:
    - (i) Failure to participate in the state's education accountability system or failure to meet the requirements for student performance stated in the charter.
    - (ii) Failure to meet generally accepted standards of financial management.
    - (iii) Violation of law, or
    - (iv) Other good cause shown.
  - (b) During the term of a charter, the School Board may terminate the charter for any of the grounds listed in paragraph (7)(a) or if the health, safety, or welfare of the student(s) is threatened.
  - (c) At least ninety (90) days prior to renewing or terminating a charter, unless a state of emergency exists, the School Board shall notify the governing body of the school of the proposed action in writing, detailing the grounds for the action and stipulating that a request for an informal hearing may be requested within fourteen (14) days of receipt of the notice. The School Board shall conduct an informal hearing within thirty (30) days after receiving a written request. The charter school's governing body may,

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within thirty (30) days after receiving the School Board's decision to terminate or refuse to renew the charter, appeal the decision to the State Board of Education.

- (d) In the event a charter is not renewed or is terminated, the school district may assume the operation of the school, or the school shall be dissolved and students assigned to other public schools. All unencumbered funds, as well as property and improvements, furnishings and equipment purchased with public funds shall automatically revert to full ownership of the School Board.
- (e) If a charter is not renewed or is terminated, the governing body of the school is responsible for all debts of the charter school. The District shall not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the governing body of the school and the School Board and that may not reasonably be assumed to have been satisfied by the District.
- (f) If a charter is not renewed or is terminated, any unencumbered capital outlay funds provided pursuant to 1013.62, F.S., and federal charter school program grant funds shall revert to the Department of Education for redistribution among other eligible charter schools.

### **(8) Tuition Prohibition**

A charter school shall not charge tuition or fees, except those fees normally charged by other public schools.

### **(9) Rule Exemptions**

A charter school shall be exempt from all School Board policies except those pertaining to health, safety, civil rights, financial records, accountability related to student enrollment reports, financial audits, and collective bargaining agreements if the staff chooses to remain part of the District bargaining unit(s).

### **(10) Personnel Options**

- (a) Charter school employees may bargain collectively as a separate unit or as part of the existing applicable District collective bargaining unit(s).
- (b) If teachers at a charter school choose to be part of a professional group that subcontracts with the charter school to operate the instructional



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program under the auspices of a partnership or cooperative that they collectively own, they shall not be considered public employees.

- (c) Employees of the School District may take leave for up to three years to accept employment in a charter school upon the approval of the School Board and shall maintain seniority accrued in the School District. They may continue to be covered by the benefit program of the School District only if the charter school and the School Board agree to the arrangement and its financing.
- (d) Teachers employed or under contract to a charter school shall be certified as required by Florida Statutes or if not certified, contracted with according to the provisions defined in Florida Statutes.
- (e) The charter school shall conduct screenings and employment history checks, as required by law, on candidates for instructional and administrative positions that require direct contact with students.
- (f) All governing board members and employees of a charter school shall be fingerprinted and shall undergo a background screening as provided for in Florida Statutes.
- (g) The governing body of a charter school may elect to participate in the Florida Retirement System after proper application and approval under Florida Statutes.

### **(11) Funding**

Students enrolled in a charter school shall be funded the same as students enrolled in a basic or special program in any other public school in the District.

- (a) Each charter school shall report its student enrollment to the District School Board as required by Florida Statutes and School Board policy and procedures. The School Board shall include each charter school's enrollment in the District's report of students.
- (b) Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of all Florida Education Finance Program and General Appropriations Act funds, gross state and local funds, discretionary funds, categorical program funds and federal funds. Total funding for each charter school will be recalculated during the year to adjust for the actual weighted full-time equivalent and eligible students reported by the school and the revised calculations under the

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Florida Education Finance program, following the October and February Full Time Equivalent (FTE) counts.

- (c) Any administrative fee charged by the School District to the charter school shall be no more than five (5%) percent of the available funds defined in (11)(b). The District may only withhold an administrative fee for enrollment up to and including two hundred fifty (250) students. The District may only withhold an administrative fee for enrollment up to and including five hundred (500) students within a system of charter schools that meets designated criteria. Administering the contract includes providing technical assistant, monitoring policy compliance and processing financial, student and other records or required reports. This does not include contract(s) for other specific services to staff or students participation in the benefit packages or other special programs. The fees for these services will be negotiated and will be determined on an actual cost basis.
- (d) The School District shall make every effort to ensure that charter schools receive timely and efficient reimbursement with payment issued no later than ten (10) working days after receipt of, or pay a penalty of one percent (1%) interest per month. Under no circumstances will the School District advance funds before a charter school is open, but the School Board may approve a charter before the applicant has secured space, equipment or personnel if the applicant indicates approval is necessary for it to raise working capital.

### **(12) Facilities Requirement**

A charter school shall utilize facilities which comply with the Florida Building Code adopted pursuant to Florida Statutes, the Florida Prevention Code, pursuant to Florida Statutes and the comprehensive land use plan as adopted by the authority in whose jurisdiction the facility is located. A lease agreement and evidence that all applicable codes have been met shall be provided no less than three (3) weeks prior to the opening of the school year or the school will not be permitted to be open to students.

### **(13) Length of the School Year**

A charter school shall provide instruction for at least one hundred eighty (180) days and may provide instruction for additional days. Reimbursement for additional days of instruction will be subject to the limits of the Florida Education Finance Program, General Appropriations Act and other rule or programs that restrict funding to the School District. Upon approval of a charter application, the

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initial startup must be consistent with the beginning of the school year calendar(s) adopted by School Board.

### **(14) Monitoring and Review**

- (a) The Superintendent, or designee, and the District internal auditor shall have ongoing responsibility for monitoring the health, safety and well being of students and the fiscal responsibility of all approved charter schools. The Superintendent, the Superintendent's designee, the District internal auditor and all School Board members shall have free and open access to the charter school at all times.
- (b) The charter school shall submit a monthly financial report to the School District.
- (c) Annually, no later than forty-five (45) calendar days following the end of the regular school term, the governing body of the charter school shall submit the following for School Board review:
  - (i) The charter school's progress towards achieving the goals outlined in its charter,
  - (ii) The charter school's annual report to parents pursuant to Florida Statutes,
  - (iii) An annual financial audit report obtained by the school reflecting generally accepted financial accounting standards,
  - (iv) Salary and benefit levels of school employees;
  - (v) Certification status of instructional personnel; and
  - (vi) Any other information provided by the school, the Superintendent or the internal auditor.
- (d) Upon receipt of the required annual report, the School Board shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports.
- (e) If a deteriorating financial condition is identified, the School District shall notify the governing board of the charter school within seven (7) business days. The governing board and District shall develop a corrective action plan and submit the plan to the Commissioner of Education within thirty (30) business days after notifying the charter school.

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- (f) If a certified public accountant or an auditor finds that a charter school is in a state of financial emergency, the charter school shall file a detailed financial recovery plan with the District no later than thirty (30) days after receipt of the audit. The Superintendent or designee shall monitor implementation of the recovery plan.
- (g) A charter school that receives a school grade of D shall report to the District regarding areas of deficiency. A charter school that receives a grade of D for two (2) consecutive years or a grade of F shall submit a school improvement plan. The Superintendent or designee shall monitor implementation of the plan in accordance with Florida Statutes.

### **(15) Appeal Process**

- (a) An applicant may appeal any denial of an application for a charter school to the State Board of Education no later than thirty (30) days after the School Board's final decision. The State Board of Education must accept or reject the decision of the School Board no later than ninety (90) days after an appeal is filed, and remand the application with its written recommendation to the School Board.
- (b) The School Board shall act upon the recommendation of the State Board of Education no later than thirty (30) days after it is received.
- (c) The decision of the State Board of Education is a final action subject to judicial review.
- (d) A governing body may appeal the School Board's decision not to renew or to terminate a charter following the same steps described in (15) (a) - (c).

### **(16) Immunity**

For the purposes of tort liability, the governing body and employees of a charter school shall be governed by Florida Statutes. The School Board shall assume no liability for actions of the governing body of the charter schools or its employees.

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**STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.

**LAWS IMPLEMENTED:** 1001.02, 1001.43, 1002.33, 1002.345, 1013.62, F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-6.0781, 6A-6.0785, 6A-6.0787

**HISTORY:** **ADOPTED:** 09/09/02  
**REVISION DATE(S):**10/13/03 (EDITORIAL); 02/14/05;  
08/15/05 (EDITORIAL); 06/11/07; 04/14/08; 12/14/09; 11/08/10  
**FORMERLY:** NEW