CHARTER SCHOOLS 3.16* OPTION 1

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.

I. 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 fifty percent (50%) of the teachers then currently employed at the school and fifty percent (50%) 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. A charter school may operate a virtual charter school to provide full-time online instruction to eligible students. An existing charter school may become a virtual charter school by amending its charter or submitting a new application.

D. 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.

II. Timelines for Approving Charter Schools

The School Board shall annually accept applications on or before February 1, and staff may provide technical assistance to organizations and individuals submitting proposals. Before approving or denying any application, the district shall allow the applicant, upon receipt of written notification, at least seven (7) calendar days to make technical or non-substantive corrections and clarifications. A charter school application shall be approved or denied no later than ninety (90) calendar days after receipt of the application unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date. An approved charter

school will open 18 months later (at the beginning of the district's school year) or to be opened at a time determined by the applicant. However, a charter school may defer the opening of the school for up to three (3) years to provide time for adequate facility planning.

III. Application

A. Proposals for charter schools shall be submitted on the application form prepared by the Department of Edu+++cation. The application does not constitute the charter which will be considered the legal contract between the School Board and the school organizational body.

B. Before final approval or denial of an application, the District shall notify the applicant in writing if technical or no substantive corrections need to be made or signatures need to be added if the errors may cause denial of the application. The applicant will be allowed at least seven (7) calendar days to make the corrections.

C. The application shall include

1. All items required by Florida Statutes.

2. Proof of insurability from an adequate rated insurer with a policy of no less than one million dollars ($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.

3. Coverages for property and casualty equal to replacement costs for school structures and contents, automobile and workers' compensation.

4. An indemnification or hold harmless agreement releasing the School Board of all liability for actions by the charter school governing body or its employees.

D. The applicants and members of the governing body of the proposed charter school shall submit with the application a complete set of fingerprints taken 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.

E. The applicants, members of the governing body, and all proposed service providers shall disclose the name and sponsor of any charter school operated by an applicant, governing board member, or service provider that has closed, the reason for the closure, and the academic and financial history of those charter schools.

IV. Charter

A. Within thirty (30) days of approving a charter school application, the District shall provide an initial proposed charter contract to the charter school.

B. The applicant and the District shall have forty (40) 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:

1. School vision and mission

2. Students to be served (ages, grades, current school or zone and projected FEFP categories)

3. Student criteria for admissions, selection process and dismissal procedures

4. Marketing/recruitment plan

5. Method for achieving racial and ethnic balance of student population

6. FTE enrollment verification process

7. Focus of the curriculum with emphasis on reading

8. Instructional methods to be used, including service to ESE, ADA and ESOL students and students who are reading below grade level

9. Current baseline standard of student achievement, outcomes to be achieved and method(s) of measurement

10. Methods used to identify the educational strengths and needs of students and how well goals are met by the students

11. Participation in the statewide assessment program

12. Method for determining that a student has met graduation or promotion requirements

13. *Code of Student Conduct* consistent with District policies and discipline code

14. Method of identification and acquisition of appropriate technologies needed to improve educational and administrative performance

15. Means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards

16. Nature of parent involvement

17. Conflict resolution strategies for students, parents and staff

18. Methods for resolving conflict between School Board and governing body of the charter school

19. Program evaluation and reporting plan

20. Annual progress reports to include state required information

21. Status as a private or public employer

22. Staff status related to certification or subcontracting

23. Strategies that will be used to recruit, hire, train, and retain qualified staff to achieve best value

24. Staff selection process, including fingerprinting and criminal background check

25. 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

26. Qualifications of teachers which must be disclosed to parents

27. Professional development plan

28. Alternative arrangements for students and teachers at a converting public school who choose not to participate

29. Charter School Board members and background checks including fingerprinting for governing body

30. Articles of incorporation and governance structure, including names, addresses, financial disclosure to include the same requirements as in Florida Statutes

31. Financial and administrative management of school

32. Internal financial controls and audit process

33. Proposed budget including salary and benefits of staff and letter of credit or other funds to cover start-up costs

34. Procedure for notification by auditor if school is in a state of financial emergency or deficit financial position

35. Insurance coverage at specified limits no less than one million dollars ($1,000,000) for errors and omissions and general liability and property equal to replacement costs of all structures and contents

36. Indemnification or hold harmless agreement

37. Transportation, food service or other plans and agreements with the District or other contractors

38. Facilities to be used and their location and evidence of all codes having been met

39. Length of agreement

40. Renewal and modification of the agreement

41. Provision for cancellation of the agreement for insufficient progress

42. 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.

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

H. School Operations

1. The Board may document, in writing, any discrepancies or deficiencies--whether fiscal, educational, or related to school climate--and the steps and timelines for correction and additional monitoring. At a minimum, copies will be provided to the charter school's governing board chair, charter school principal and appropriate Board staff.
2. The Board may withhold monthly payments for FTE that exceed capacity specified by the charter contract or approved facility capacity.
3. The charter school's calendar will be consistent with the beginning of the Board's calendar for the first school year and must provide instruction for at least the number of days required by law for other public schools and may provide instruction for additional days. Should the charter school elect to provide a summer program, additional school days, or year-round school, the charter school shall notify the Board, in writing, each year to ensure appropriate record keeping.
4. A student may not be dismissed based on academic performance while a school is implementing a school improvement plan or corrective action plan.

V. Approval

A. The School Board shall review all completed applications for a charter school received on or before February 1 of each calendar year for charter schools to be opened 18 months later (at the beginning of the district's next school year) or to be opened at a time determined by the applicant. The School Board shall by a majority vote of the full Board approve or deny a formal application no later than ninety (90) days after receiving the completed application during the submission period, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date.

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 reason(s) for denial, based on good cause, and must provide documentation supporting those reasons. The notification shall also be submitted to the Department of Education.

VI. Selection Criteria

Utilizing the Department of Education evaluation instrument, the School Board shall consider but is not limited to using the following criteria to evaluate applications for charter school approval:

A. Mission, guiding principles, and purpose

B. Target population and student body

C. Educational program design

D. Curriculum plan

E. Student performance, assessment, and evaluation

F. Exceptional students

G. English language learners

H. School culture and discipline

I. Supplemental programming

J. Governance

K. Management and staffing

L. Human resources and employment

M. Professional development

N. Student recruitment and enrollment

O. Parent and community involvement

P. Facilities

Q. Transportation

R. Food service

S. School safety and security

T. Budget

U. Financial management and oversight

V. Start-up plan

VII. 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:

1. Failure to participate in the state's education accountability system or failure to meet the requirements for student performance stated in the charter.

2. Failure to meet generally accepted standards of financial management.

3. Material violation of law, or

4. 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 VII. A. If the health, safety, or welfare of the student(s) is threatened, the charter may be terminated immediately.

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 the school's governing board may within fourteen (14) calendar days of receipt of the notice request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings.

1. The administrative law judge's final order shall be submitted to the sponsor and shall award to the prevailing party attorney fees and costs incurred during the administrative proceeding and any appeals.

2. Within thirty (30) calendar days after receiving the final order, the charter school governing board may appeal the decision as allowed by law.

D. After all school grade appeals are final, a charter school's charter contract is automatically terminated if the school earns two (2) consecutive grades of "F" unless the school meets certain criteria.

E. A charter may be terminated by a charter school's governing board through voluntary closure.

F. 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.

G. 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.

H. 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.

VIII. Tuition Prohibition

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

IX. 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).

X. 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 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 to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on approved leave, the employee may retain seniority accrued in the district and 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.

XI. 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 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 percent (5%) of the available funds defined in XI.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 assistance, 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 student 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 funding 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.

XII. Facilities Requirement

A charter school shall utilize facilities which comply with the Florida Building Code adopted pursuant to Florida Statutes, the Florida Fire 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 certificate or temporary certificate of occupancy may be required by the School District within fifteen (15) days of the opening of school.

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

XIV. Monitoring and Review

A. The Superintendent, or designee, and the District internal auditor shall have ongoing responsibility for monitoring the health, safety and wellbeing 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:

1. The charter school's progress towards achieving the goals outlined in its charter;

2. The charter school's annual report to parents pursuant to Florida Statutes;

3. An annual financial audit report obtained by the school reflecting generally accepted financial accounting standards;

4. Salary and benefit levels of school employees;

5. Certification status of instructional personnel; and

6. 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 and the Commissioner of Education 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.

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 and Commissioner of Education 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. The charter school shall submit a school improvement plan for approval by the School Board. The Superintendent or designee shall monitor implementation of the plan in accordance with Florida Statutes.

XV. 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 or failure to act on an application. 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 as outlined in VII.C.

XVI. 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.

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

LAW(S) IMPLEMENTED: **120.68, 1001.02, 1001.43, 1002.33, 1002.331, 1002.345, 1002.45, 1002.455,1013.62, F.S.**

STATE BOARD OF EDUCATION RULE(S): **6A-6.0781, 6A-6.0787**

HISTORY:

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FORMERLY: