

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

### CHARTER SCHOOLS

3.90

All charter schools in Florida are public schools and are part of the state's program of public education. Charter schools are one of the school choice options available to parents. The School Board, pursuant to Florida Statutes, shall sponsor charter schools authorize charter schools through a rigorous standards-based approval process and, for approved charters, shall monitor the charter school in its progress towards its established student performance goals, monitor adherence to the charter and statutory requirements, and maintain accountability for allocated resources. The district will collaborate with and offer guidance to charter schools to support their efforts to provide students with access to a quality education in a safe learning environment. The Superintendent shall review and present to the School Board all charter/conversion applications for the School Board's consideration. If a charter is approved, the Superintendent shall work with the applicant to develop a charter, shall monitor charter implementation, and make further presentations and recommendations to the School Board regarding charter schools as necessary.

#### I. Eligibility to Apply for a Charter School

A. A proposal for a new Ccharter/Conversion Sschool may be made by an individual, teachers, parents, group of individuals, a municipality, or any legal entity organized under the laws of the Sstate of Florida. The school shall organize as a nonprofit organization prior to receiving School Board approval as a of their charter school with the School Board application.

B. The principal, teachers, parents and/or the school advisory council at an existing public that has been in operation for at least two (2) years school may submit a proposal for converting the school to a Ccharter Sschool, 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

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31 school. A majority of the parents eligible to vote must participate in the  
32 ballot process. The ballot process must be conducted in accordance with  
33 State Board of Education rule.

34

35 B. Applications may be submitted for a charter school including a collegiate  
36 charter school, a conversion charter school, a school-within-a-school  
37 charter, a virtual charter, a replication charter or a high-performing  
38 replication charter school, pursuant to s.1002.33 and following the state and  
39 district procedural requirements for submitting the application.

40

41 C. Private schools, parochial schools and home education schools are not  
42 eligible for ~~C~~charter status. A ~~C~~charter ~~S~~school may not be affiliated with a  
43 nonpublic sectarian school or religious institution and shall be nonsectarian  
44 in programs, admission policies, employment practices and operations.

45

46 II. Timelines for the Application and Approval Process Approving Charter Schools

47

48 A. The School Board shall annually accept charter school applications on or  
49 before August~~February~~ 1 of each school year~~for proposals to open a charter~~  
50 school 18 months later, at the beginning of the school district's school year,  
51 or to be opened at a time agreed to by the applicant and the sponsor.

52

53 A.B. Applications shall be approved or denied by majority vote of the School  
54 Board no later than ~~sixty~~ (60)ninety (90) calendar days after the application  
55 has been received.

56

57 C. The School District and the applicant may mutually agree in writing to  
58 postpone the vote to a specific date beyond the ~~sixty~~ (60)ninety (90)  
59 calendar days.

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61       B. The School Board may extend the application deadline at the request of the  
62       applicant by a majority vote of the Board; however, in no case shall applications  
63       be accepted after November 1 of any given year.

64       D. Within sixty (60) thirty (30) days of approving a charter school application,  
65       the District shall provide an initial proposed charter contract to the charter  
66       school. The applicant and the District shall have seventy-five (75) forty (40)  
67       days thereafter to negotiate the charter and provide notice for final approval  
68       of the charter contract, unless both parties agree to an extension.

69  
70       E. The charter contract shall be approved by majority vote of the School Board  
71       and the charter school's governing board. Should the two boards be unable  
72       to reach agreement on the charter, the parties shall adhere to the provisions  
73       of F.S. 1002.33 related to mediation and/or dispute resolution through the  
74       Division of Administrative Hearings.

75  
76       C.E. If an application is denied, the School Board shall notify the applicant within  
77       ten (10) calendar days after such denial and specify in writing the reasons  
78       for the denial of the application and shall provide the letter of denial and  
79       supporting documentation to the applicant and to the Department of  
80       Education.

81  
82       D.G. Pursuant to the timelines and procedures in F.S. 1002.33(6)(c) the applicant  
83       may appeal a School Board denial of their application to the State Board of  
84       Education no later than 30 calendar days after the receipt of the District 's  
85       notification of denial. The applicant shall notify the District of its appeal.

### 87       III. Application Requirements and District Review Process and Approval

88  
89       A. Charter school applications are subject to the follow requirements:

90  
Revised:

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- 91     1. A person or entity seeking to open a charter school shall prepare  
92       and submit an application on the standard application form  
93       prepared by the Department of Education which:
  - 94         a. Demonstrates how the school will use the guiding principles  
95           and meet the statutorily defined purpose of a charter school.
  - 96         b. Provides a detailed curriculum plan that illustrates how  
97           students will be provided services to attain the Sunshine  
98           State Standards.
  - 99         c. Contains goals and objectives for improving student learning  
100          and measuring that improvement. These goals and  
101          objectives must indicate how much academic improvement  
102          students are expected to show each year, how success will  
103          be evaluated, and the specific results to be attained through  
104          instruction.
  - 105         d. Describes the reading curriculum and differentiated  
106          strategies that will be used for students reading at grade  
107          level or higher and a separate curriculum and strategies for  
108          students who are reading below grade level. The District  
109          shall deny an application if the school does not propose a  
110          reading curriculum that is consistent with effective teaching  
111          strategies that are grounded in scientifically based reading  
112          research.
  - 113         e. Contains an annual financial plan for each year requested by  
114          the charter for operation of the school for up to 5 years. This  
115          plan must contain anticipated fund balances based on  
116          revenue projections, a spending plan based on projected

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117                   revenues and expenses, and a description of controls that  
118                   will safeguard finances and projected enrollment trends.

119                   f.     Discloses the name of each applicant, governing board  
120                   member, and all proposed education services providers; the  
121                   name and sponsor of any charter school operated by each  
122                   applicant, each governing board member, and each  
123                   proposed education services provider that has closed and  
124                   the reasons for the closure; and the academic and financial  
125                   history of such charter schools, which the District shall  
126                   consider in deciding whether to approve or deny the  
127                   application.

128                   g.     Provides all of the information and relevant documents  
129                   required for completion of the state-required application.

130                   h.     Contains additional information the District may require,  
131                   which shall be attached as an addendum to the charter  
132                   school application described above.

133  
134                   A.     Applications for charter schools shall be submitted on the application form  
135                   prepared by the Department of Education. The application form shall  
136                   include the elements required for School Board approval of a charter as  
137                   defined in F.S. 1002.33. The application does not constitute the charter,  
138                   which will be considered the legal contract between the School Board and  
139                   the charter's organizational body.

140  
141                   B.     All timely submitted applications accepted by the sponsor during its  
142                   application window will be reviewed and evaluated and recommended to  
143                   the School Board for approval or denial based on the elements defined in  
144                   III.A., compliance with F.S. 1002.33, and the degree to which the

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145 application meets the standards and criteria delineated in the Florida  
146 Charter School Application Evaluation Instrument. The District shall  
147 consider, but not be limited to, the following criteria for evaluating the  
148 application.

149

150 Academic Design

151

- 152 a. Mission describing the core philosophy or underlying  
153 purpose of the school and the target student population  
154 including how the school will use the guiding principles and  
155 meet the statutorily defined purpose of a charter school  
156 pursuant to F.S. 1002.33.
- 157 b. Program providing a detailed curriculum that illustrates how  
158 students will be provided services to attain the Sunshine State  
159 Standards. This plan must contain goals and objectives for  
160 improving student learning and measuring their improvement.  
161 These goals and objectives must indicate how much  
162 academic improvement students are expected to show each  
163 year, how success will be evaluated, and the specific results  
164 to be attained through instruction. The curriculum plan must  
165 also describe the reading curriculum and differentiated  
166 strategies that will be used for students reading at grade level  
167 or higher and a separate curriculum for students reading  
168 below grade level. The School District shall deny a charter if  
169 the school does not propose a reading curriculum that is  
170 consistent with effective teaching strategies that are grounded  
171 in scientifically based reading research. The curriculum must  
172 also describe plans to meet the needs of ESE, LEP, Section  
173 504 and other special populations.

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174                   c. Student Assessment — describing all student assessment  
175                   methods, including establishment of baseline data, outcomes  
176                   to be achieved, and methods of measurement to be used;  
177                   defining the process for determining students' strengths and  
178                   weaknesses; outlining how students' rates of progress will be  
179                   evaluated and compared with similar populations; describing  
180                   participation in statewide assessments; and, for secondary  
181                   students, outlining the method for determining that a student  
182                   has satisfied the requirements for graduation pursuant to  
183                   Florida Statutes.

184  
185                   2. Governance and Management

186  
187                   a. Profile of the Application Group and Management Team —  
188                   providing each person's name, contact details, background,  
189                   and relevant experience; detailing similar information on all  
190                   consultants; identifying areas of expertise that may be lacking  
191                   and how that expertise will be acquired; and providing details  
192                   on partnerships or contracts with existing schools,  
193                   businesses, or nonprofit organizations.

194                   b. School Governance — describing the legal entity that will  
195                   operate the school; outlining the governance structure  
196                   including initial selection and future rotation of members;  
197                   describing various roles and responsibilities; describing  
198                   methods of resolving disputes both internally and with the  
199                   sponsor; describing the manner in which the school will  
200                   respond to areas of concern raised by School Board staff;  
201                   detailing parent involvement; and outlining compliance with  
202                   Florida Statutes relative to public records and public  
203                   meetings.

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- 204       c. Length of Charter and Timetable stating the requested  
205       charter term and providing justification for requests in excess  
206       of five (5) years; and providing a time line for the school's start-  
207       up.
- 208       d. Recruiting and Marketing Plan outlining the process of  
209       publicizing the school to attract a sufficient number of  
210       applicants; and detailing steps to be taken to ensure that  
211       applications are received from students from all racial and  
212       socioeconomic groups.

### 213 214       3. Finance, Facilities, and Risk Management

- 215       a. Facilities describing the site or potential sites and their  
216       suitability relative to the school's mission, academic design,  
217       and student body; detailing the extent to which the facility  
218       meets all applicable building code requirements, and a time  
219       line for renovations necessary to meet any code  
220       shortcomings; describing any partnerships regarding site  
221       acquisition; and outlining the financing or leasing plans.
- 222       b. Finance providing an annual financial plan for each year  
223       requested by the charter application for operation of the  
224       schools for up to five years. This plan must contain anticipated  
225       fund balances based on revenue projections, a spending plan  
226       based on projected revenues, and expenses and a  
227       description of controls that will safeguard financial and  
228       projected enrollment trends. This financial plan shall also  
229       describe financial management and internal accounting /  
230       control procedures; detail the manner in which financial  
231       reports will be maintained and shared; outline the projected  
232       enrollment for the first three years of operation and the

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resulting budget revealing all sources of revenues, including sufficient start up funds or line of credit equivalent to three months operating costs; describe the process for obtaining the yearly financial audit from an independent certified public accounting firm; describe how student and financial records will be stored safely; and describe the format and frequency of financial reporting to the sponsor.

- e. Risk Management — describing the procedures that identify various risks and provide a comprehensive approach to reduce the impact of losses; outlining plans to ensure safety and security of students, staff, parents, and visitors; describing the school's entire insurance coverage plans; and describing the school's plans to prepare for emergencies such as fires, hurricanes, tornadoes, and child safety.

### 4. Operations

- a. Admissions and Registration — describing procedures for initial admission, articulation, and withdrawal; describing the initial year's and subsequent years' time lines for application and selection, including provisions for a lottery when applications exceed demands; detailing the manner in which the school will meet a racial/ethnic balance reflective of its community; describing the enrollment impacts on surrounding public schools; and, in the case of a conversion charter, describing alternative arrangements for prior students who do not wish to attend the charter school.

- b. Student Code of Conduct, Discipline, and Dismissal Procedures — describing the school's Code of Student Conduct and, if it differs from the sponsor's code, why it differs

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and how the school will coordinate actions involving major discipline violations which may require expulsion; describing discipline and dismissal procedures including articulation back to a District school if requested by the parent; and detailing plans to ensure the safety of all on the campus from violent or disruptive student behavior.

- e. Human Resources – describing strategies to recruit, hire, train, and retain certified, or otherwise qualified, teachers and other staff; outlining the processes for screening/ training volunteers and for determining the limits of a volunteer's contacts with students; describing the plan for determining salaries, contracts, hiring/dismissal, and benefits, including participation, if any, in the Florida Retirement System; detailing how staff qualifications will be shared with parents; and describing the anticipated staffing patterns.
- d. Transportation – describing plans for transporting students to and from school, including details for contracts with the sponsor, public/private providers, and parents; describing the process for determining the school's "reasonable distance;" and outlining how the school will ensure that transportation is not a barrier to equal access to all students.

B.C. 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.

C.D. All charter school applications and proposal materials submitted to the District become public records pursuant to Chapter 119, Florida Statutes.

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294  
295 D.E. The Superintendent may establish a District Charter Review Committee  
296 (CRC) to process, review and evaluate applications and present  
297 evaluation findings.

- 298  
299 1. The District CRC committee membership is determined annually by  
300 the Superintendent or designee. The District CRC membership  
301 includes district and school-based staff with expertise in the areas  
302 addressed in the application. The District CRC may also include  
303 parents or community representatives.
- 304  
305 2. The District CRC shall use the Florida Charter School Application  
306 Evaluation Instrument to identify strengths and deficiencies in the  
307 written application, appendices, historical performance, and/or  
308 other areas that require clarification to fully evaluate the quality of  
309 the application or the capacity of the applicant to properly  
310 implement the proposed plan.
- 311  
312 4.3. Before final approval or denial of an application, the District shall  
313 notify the applicant in writing if minor technical or non-substantive  
314 corrections need to be made or signatures need to be added if the  
315 errors may cause denial of the application. Upon written  
316 notification, the applicant will be allowed at least seven (7) calendar  
317 days to make and submit the corrections. This process may not be  
318 used by the applicant to make substantive changes or submit new  
319 information or make any revisions that would constitute a  
320 substantial or material amendment to the original submitted  
321 application.
- 322

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323       2.4. The District CRC may conduct a capacity interview with the  
324       applicant and the proposed school's founding/governing board  
325       members (or Board of Directors) in order to corroborate information  
326       provided in the written application and to assess the capacity of the  
327       school's board members to operate a successful charter school.

- 328
- 329       a.     There is no statutory requirement for the applicant to  
330       participate in the capacity interview session.
- 331       b.     Any information or evidence from the capacity interview that  
332       is used by the District CRC to support the evaluation of the  
333       application must be properly documented by means of a  
334       recording or transcript.
- 335       c.     The District CRC may, at its sole discretion, evaluate the  
336       application without any additional input from the applicant if  
337       the majority of the founding governing board members of the  
338       prospective charter school are not present or do not  
339       participate in the interview.

340       5. The District CRC shall submit a final charter school application  
341       evaluation report to the Superintendent. The Superintendent shall  
342       present the report to the School Board for action to approve or deny  
343       the application.

344

345       IV.     Elements of the Charter Contract

346

347       A.     The terms and conditions for the operation of a charter school shall be set  
348       forth by the School Board and the charter school's governing board in a  
349       written contractual agreement, called a charter.

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351       B. The charter application and any addenda related to the application approval  
352       process are part of the charter.

353  
354       C. The following elements shall be ~~required to be~~ included in the school's  
355       charter contract with the School Board consistent with F.S. 1002.33~~(7)(a)1-~~  
356       48.

357  
358       1. The school's mission and vision.

359  
360       2. Focus of the curriculum with emphasis on reading, including  
361       instructional methods, any distinctive instructional techniques,  
362       technology resources, and ensuring that reading is the primary focus  
363       of the curriculum with specialized, research-based instruction  
364       provided to all students including students reading below grade level.

365  
366       3. Students to be served (ages, grades, ~~current school zone~~, projected  
367       ~~FEFPES~~ categories, and, as appropriate, special populations as  
368       provided in law).

369  
370       4. Baseline standards of student achievement, outcomes to be  
371       achieved and method(s) of measurement, including:

- 372  
373       a. ~~How baseline student achievement levels will be established;~~  
374       b. ~~How baseline rates will be compared to achievement rates of~~  
375       ~~students while attending the charter school;~~  
376       c. ~~How achievement rates will be compared with the~~  
377       ~~achievement rates of comparable student populations.~~

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- 379       5. Methods used to identify the educational strengths and needs of  
380       students and how well educational goals and performance standards  
381       are met. ~~These methods must include a means to analyze student~~  
382       ~~performance data to evaluate the effectiveness of the charter~~  
383       ~~school's educational program.~~
- 384
- 385       5.6. All charter school students shall participate in the statewide student  
386       assessment under F.S. 1008.43.
- 387
- 388       6.7. ~~Method of determining that a student has met graduation or~~  
389       ~~promotion requirements~~~~For secondary schools a method of~~  
390       ~~determining that a student has satisfied the requirements for~~  
391       ~~graduation specified in F.S. 1003.43.~~
- 392
- 393       7.8. Criteria for student admission and enrollment ensuring equal access  
394       for all eligible students including procedures for achieving racial and  
395       ethnic balance reflective of the community being served by the  
396       charter school. ~~Student eligibility and admissions requirements shall~~  
397       ~~be consistent with F.S. 1002.33 (10) (a-h).~~
- 398
- 399       8.9. Procedures for FTE enrollment and verification.
- 400
- 401       9.10. Instructional methods to be used, including service to ESE, 504, and  
402       ESOL students.
- 403
- 404       10.11. A Code of Student Conduct consistent with district policies and  
405       discipline code.
- 406
- 407       11.12. Dismissal procedures incorporating progressive discipline strategies  
408       to support and assist students prior to recommendation for formal

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409 dismissal. Dismissal procedures must also assure appropriate due  
410 process provisions for students and families consistent with the  
411 District *Code of Student Conduct*.

412

413 42.13. Provision for parent involvement including methods for resolving  
414 conflicts for students, parents and staff.

415

416 43.14. A method for resolving conflicts between the governing body~~ard~~ of  
417 the charter school and the School Board~~sponsor including how the~~  
418 ~~charter school shall respond to concerns or issues raised by the~~  
419 ~~sponsor~~.

420

421 44.15. Procedures for accurate and timely submission of all reports and  
422 other information required by the sponsor and/or the Florida  
423 Department of Education including:

- 424
- 425 1. ~~The charter school's annual report;~~  
426 2. ~~The charter school's annual audited financial report;~~  
427 3. ~~Monthly financial reports to the sponsor;~~  
428 4. ~~The charter school's annual school improvement plan;~~  
429 5. ~~Other reports or information required by the sponsor,~~  
430 ~~the Florida Department of Education, or other~~  
431 ~~governmental entities as appropriate.~~

432

433 45.16. Financial and administrative management of school. Description of  
434 the financial and administrative management of the school, including  
435 a reasonable demonstration of the professional experience or  
436 competence of those individuals or organizations applying to operate  
437 the charter school or those hired to perform such professional  
438 services. This description must clearly delineate responsibilities and

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439 the policies and practices needed to effectively manage the school  
440 and must specify internal audit procedures and controls to ensure  
441 that the financial resources of the school are properly managed.

442

443 46.17. Internal financial controls and audit process.

444

445 47.18. Articles of Incorporation and governance structure, including names,  
446 addresses, financial disclosure to include the same requirements as  
447 in Florida Statutes.

448

449 48.19. Procedure for notification by auditor if school is in a state of financial  
450 emergency or deficit financial position. Description of the how the  
451 asset and liability projections of the charter school shall be  
452 incorporated into the annual report including assurances that, if the  
453 annual audited financial report reveals a deficit financial position, the  
454 auditors are required to notify the charter school governing board,  
455 the sponsor, and the Department of Education in a manner  
456 consistent with F.S. 1002.33 (7)(a)10.

457

458 49.20. Description of procedures to identify various risks and provide for a  
459 comprehensive approach to reduce the impact of losses including  
460 plans to ensure the safety and security of students and staff.

461

462 50.21. Description of required insurance coverage at specified limits no less  
463 than \$1,000,000 per occurrence and \$2,000,000 aggregate for errors  
464 and omissions and general liability coverage to include but not limited  
465 to prior acts, sexual harassment, civil rights and employment  
466 discrimination, breach of contract, insured consultants and  
467 independent contractors. Additionally, coverages for property and  
468 causality equal to replacement costs for school structures and

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469                   contents, automobile and worker's compensation shall also be  
470                   provided.

471  
472                   24.22. Specification of the term of the Charter consistent with F.S. 1002.33  
473                   (7)(a)12.

474  
475                   22.23. Description of the facilities to be used and evidence of all codes  
476                   having been met their location including the necessity for all  
477                   applicable building code and certificate of occupancy requirements  
478                   to be met prior to the opening of school.

479  
480                   23.24. An indemnification or hold-harmless agreement releasing the School  
481                   Board of all liability for actions by the charter school governing body  
482                   or its employees.

483  
484                   24.25. Provision for cancellation of the agreement for insufficient progress  
485                   on student achievement objectives or other good cause pursuant to  
486                   F.S. 1002.33.

487  
488                   25.26. Description of the ~~Qualifications~~ of teachers including the  
489                   procedures for disclosure of the qualifications of teachers and other  
490                   staff of the charter school to parents and the sponsor.

491  
492                   26.27. Professional development plan.

493  
494                   27.28. Description of the staff selection process, including strategies for  
495                   recruiting, hiring, training and qualified staff. The ~~S~~taff selection  
496                   process ~~shall include~~<sup>ing</sup> retraining requirements for fingerprinting  
497                   and criminal background checks on all staff of the charter school,  
498                   including governing board members.

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500                   28.29. Statement of the status of employees of the charter school as private  
501                   or public employees.

502

503                    29.30. Provision of an Implementation timetable addressing the elements of  
504                    the charter and the dates for their completion.

505

306                   30.31. If applicable, alternative arrangements for students and teachers at  
507                   a conversion public school who choose not to participate in the  
508                   conversion charter; ;

509

31.32. A proposed budget including salary and benefits of staff, and  
511 documentation of a line of credit in an amount specified by the  
512 sponsor, which shall be no less than three months of operating  
513 expenses;\_

514

515                   32.33. Procedures for renewal or modification of the agreement consistent  
516                   with F.S. 1002.33-(7)(b-c);

517

518                   33.34. Description of how transportation, food service or other needed  
519                   services shall be provided to students of the charter school including  
520                   contracts and agreements with the District or other contractors; b

521

522                   35. Method of identification and acquisition of appropriate technologies  
523                   needed to improve educational and administrative performance.  
524                   including

525

526

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## 532 V. Additional Charter Provisions

533 The charter will also contain the following provisions, including a time line for the  
534 school's submission of proof of its accomplishment:

535

- A. No later than thirty (30) days prior to school opening proof of insurance consistent with the terms of the charter.
  - B. Thirty (30) days prior to school opening a complete set of fingerprints, taken by an employee of the School District who is trained to take fingerprints, of all governing board and staff members. No staff member may be on campus with students until their fingerprints are taken. These fingerprints shall be submitted to the appropriate state and/or federal law enforcement agencies for a criminal background check with the cost borne by the staff members or the charter school.
  - C. Prior to approval of the charter by the School Board, articles of incorporation as a nonprofit organization.
  - D. Prior to approval of the charter by the School Board, governance structure, including names, addresses, of the governing board members.
  - E. No later than thirty (30) days prior to the opening of school, proof of availability of facilities to adequately house the charter school including documentation that all applicable building codes have been met and that a certificate of occupancy has been obtained.

557

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558 F. By July 1, a list of all registered students, their addresses, and their most  
559 recent schools, plus a reassignment form signed by the parent. Additional  
560 students may be added to the list if the enrollment period is extended by  
561 mutual agreement of the charter school and the sponsor.

562  
563 G. Other information as required by statute or specified in the charter  
564 agreement.

### 565 I. Opening of the Charter School

566 A. The charter school shall open on the sponsor's first day of school for  
567 students after the school year in which the charter was approved. To seek  
568 an opening later than the first day, the school must submit a written request  
569 including the reason for the delay and a contingency plan detailing how the  
570 school will still comply with the 180-day school year requirement. The  
571 request must be received in time for consideration by the School Board at  
572 least two (2) weeks prior to the first day.

573 B. The applicant may request, and the School Board may approve by majority  
574 vote, that the opening of the charter be delayed one (1) school year.

575 C. An applicant that has been given an extension under paragraph VI.B shall  
576 meet the requirements by June 30 after the one year extension or will have  
577 to reapply for a charter.

### 578 VI. Charter Renewals

579 A. Prior to renewal of a charter, the sponsor shall perform a program review to  
580 evaluate determine the following:

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- 588      1. The level of success of the current academic program;
- 589      2. Achievement of the goals and objectives required by State  
590            accountability standards and successful accomplishment of the  
591            criteria under F.S. 1002.33(7)(a);
- 592      3. The viability of the organization;
- 593      4. Compliance with terms of the charter; and
- 594      5. That none of the statutory grounds for non-renewal exist.

- 595
- 596      B. Any charter school seeking renewal shall be required to complete a  
597            charter renewal application and undergo the Sponsor's renewal process.  
598            The charter renewal application shall include supporting documentation for  
599            items 1-5 above.
- 600
- 601      C. Renewals shall be for a term of five (5) years unless a longer term is  
602            mutually agreed upon, required or allowed by law. Upon approval, the  
603            charter contract will be renewed following the charter negotiation process.  
604            Charter schools that are not granted a renewal may appeal by following  
605            the non-renewal appeal process.

### 607 VII.VI. Causes for Nonrenewal or Termination of Charter

- 608
- 609      A. At the end of the term of a charter, the School Board may choose not to  
610            renew the charter for any of the following grounds:
- 611
- 612      1. Failure to participate in the state's accountability system ~~created by~~  
613            ~~F.S. 1008.31~~—or failure to meet the requirements for student  
614            performance ~~as~~—stated in the charter;

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- 615           2. Failure to meet generally accepted standards of financial  
616           management;
- 617           3. Violation of law; or
- 618           4. Other good cause shown.
- 619
- 620       B. During the term of a charter, the School Board may terminate the charter  
621       for any of the grounds listed in paragraph VI.A. ~~or if the health, safety, or~~  
~~welfare of the student(s) is threatened.~~ A charter may be terminated  
622       immediately if the sponsor ~~determines that good cause has been shown or~~  
~~if sets forth in writing the particular facts and circumstances indicating that~~  
~~an immediate and serious danger to~~ the health, safety, or welfare of ~~the~~  
623       charter school's students ~~exists~~is threatened.
- 624
- 625       C. At least ninety (90) days prior to renewing, nonrenewing or terminating a  
626       charter, unless a state of emergency exists, the School Board shall notify  
627       the governing body of the school of the proposed action in writing, detailing  
628       the grounds for the action and stipulating that ~~the~~a request for an informal  
629       hearing may be requested within fourteen (14) days of receipt of the notice.
- 630
- 631       1. Within sixty (60) days after receipt of the request for a hearing, the  
632       School Board may:
- 633
- 634       a. ~~The School Board shall Conduct an informal hearing to~~  
~~decide upon nonrenewal or termination by a majority vote~~  
~~or, within thirty (30) days after receiving a written request. The~~  
~~Charter School's governing board may, within thirty (30) days~~  
~~after receiving the School Board's decision to terminate or~~  
~~refuse to renew the charter, appeal the decision pursuant to~~  
~~the procedures established in F.S. 1002.33 (6) (c)~~

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- b. Elect to have a hearing conducted by an administrative law judge assigned by the Department of Administrative Hearings.  
The School Board may adopt or modify by majority vote the order recommended by the judge.

647

2. The School Board shall issue the final order which shall state the specific reasons for the Board's decision. The final order shall be provided to the charter school and the Department of Education within ten (10) days after its issuance.

652

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

654

- C. The sponsor shall assume operation of the school under these circumstances. The Charter School governing board may, within thirty (30) days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedures established in F.S. 1002.33 (6).

659

- 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, ~~with the exception of capital outlay funds as well as property and improvements, furnishings and equipment purchased with public funds shall automatically revert to full ownership of the School Board subject to complete satisfaction of any lawful liens or encumbrances. Capital outlay funds provided pursuant to F.S. 1013.62 that are unencumbered, shall revert to the Department of Education.~~

669

- E. If a charter school is not renewed or is terminated, the governing body of the school is responsible for all debts of the charter school. The District

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672 shall not assume the debt from any contract for services made between the  
673 governing body of the school and a third party, except for a debt that is  
674 previously detailed and agreed upon in writing by both the governing board  
675 of the school and the School Board and that may not reasonably be  
676 assumed to have been satisfied by the District.

677

678 E.If a charter is not renewed or is terminated, any unencumbered capital  
679 outlay funds provided pursuant to 1013.62, F.S., and federal charter school  
680 program grant funds shall revert to the Department of Education for  
681 redistribution among other eligible charter schools.

682

683 VII. Academic Accountability and Student Achievement

684

685 Academic achievement for all students shall be the most important factor when  
686 considering to renew, non-renew or terminate a charter.

687

688 A. In the first year of operation the charter school shall be responsible for the  
689 academic achievement and performance goals stated in the charter  
690 application or, to a set of goals mutually agreed to and specified in the  
691 charter.

692

693 B. In the second year of operation the charter school shall provide its proposed  
694 four-year academic achievement goals for the remaining years of the  
695 contract up to a maximum of four years and thereafter, resubmit  
696 achievement goals every four years of the charter through the end of the  
697 charter term.

698

699 C. The charter school may opt to submit its academic achievement goals in an  
700 annual School Improvement Plan each year of the Contract in accordance

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701 with and as outlined in the District's School Improvement Plan guidelines  
702 for establishing goals and the time line for review and approval.

703  
704 1. The charter school may submit the School Improvement Plan in the  
705 same format as used by other District schools or in a different format  
706 mutually agreed to by the charter school and the District.

707  
708 2. The charter school shall notify the District in writing by May 1<sup>st</sup> of  
709 each year if the school elects not to implement a School  
710 Improvement Plan.

711  
712 4.3. Charter schools that have contracts in excess of five-four years and  
713 choose not to develop and implement a School Improvement Plan,  
714 unless required to do so pursuant to section 1002.33(9)(n), F.S.,  
715 shall submit proposed academic achievement goals for five years  
716 and resubmit every four years using the same parameters for  
717 achievement goals set forth in the charter.

718  
719 C. D. A charter school who receives a school grade of "C" shall appear before the  
720 School Board to present the school's plan for addressing the deficiencies in  
721 student performance, the actions and strategies to improve student  
722 achievement and, the specific achievement goals and performance  
723 outcomes to be attained in the subsequent school year.

724  
725 E. Pursuant to section 1002.33(9)(n), F.S., a charter school who receives a  
726 school grade of "D" or "F" but is not subject to corrective action must develop  
727 and submit a School Improvement Plan to the School Board for review and  
728 approval. The plan must include:

729  
730 1. An analysis of student performance and the identification of the  
deficiencies in student performance

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731       2. Identification of barriers to student success with a plan of action to  
732       address each barrier

733       3. A detailed plan of the specific actions to be implemented to address  
734       the barriers and to remedy the deficiencies in student achievement.

735       4.4. All other elements of the School Improvement Plan delineated in  
736       6A-1.099827

738       D. F. The Superintendent or designee shall review the proposed academic  
739       achievement goals within 30 days of receipt and shall either accept the  
740       proposed goals as presented or provide a written explanation for the  
741       District's recommended revisions to the proposed goals. If the charter  
742       school and the District cannot agree on the academic achievement goals  
743       either party may request mediation pursuant to 1002.33, F.S.

### IX. VIII. Other Charter School Requirements

749       A. A charter school shall be nonsectarian in its programs, admission policies,  
750       employment practices, and operations.

752       B. A charter school shall maintain all financial records in a manner consistent  
753       with F.S. 1002.33(9)(g).

755       C. Tuition Prohibition. A charter school shall not charge tuition or fees, except  
756       those fees normally charged by other public schools.—~~The collection and~~  
757       ~~use of such funds shall be a part of the required annual financial audit of the~~  
758       ~~school.~~

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760 C.D. Length of School Year. Charter schools shall provide instruction for at least  
761 the number of days required by law for other public schools and shall follow  
762 the sponsor's school calendar unless otherwise specified by the charter  
763 contract. A charter school shall provide instruction for at least one hundred  
764 eighty (180) days and may provide instruction for additional days.  
765 Reimbursement for additional days of instruction will be subject to the limits  
766 of the Florida Education Finance Program, General Appropriations Act and  
767 other rule or programs that restrict funding to the School District.

768  
769 E. School Calendar. Upon approval of a charter application, the initial startup  
770 must be consistent with the beginning of the school year calendar(s)  
771 adopted by School Board. If the school will not follow the Sponsor's school  
772 calendar, the school shall notify the Sponsor in writing by May 1<sup>st</sup> of each  
773 year and provide the Sponsor with the school's calendar for the following  
774 school year.

775  
776 D.F. Each charter school shall maintain a website that enables the public to  
777 obtain information regarding the school; the school's academic  
778 performance; the names of the governing board members; the programs at  
779 the school; any management companies, service providers, or education  
780 management corporations associated with the school; the school's annual  
781 budget and its annual independent fiscal audit; the school's grade pursuant  
782 to s. 1008.34; and, on a quarterly basis, the minutes of governing board  
783 meetings.

784  
785 G. If an organization (management organization), including but not limited to:  
786 1) a management company, 2) an educational service provider, or 3) a  
787 parent organization, will be managing or providing significant services to the  
788 school, the contract for services between the management organization and  
789 the governing board shall be provided to the District and attached as an

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790 appendix to the charter contract. Any contract between the management  
791 organization and the school must ensure that:

- 792
- 793 1. The contract will clearly define each party's rights and responsibilities  
794 including specific services provided by the management organization  
795 and the fees for those services and specifies reasonable and feasible  
796 terms under which either party may terminate the contract. The  
797 contracts must provide that the management company/education  
798 service provider must comply with the school's charter contract with  
799 the District. Additionally, all management company/education  
800 service provider contracts with charter schools shall contain clearly  
801 defined performance indicators for evaluating the management  
802 company/education service provider, initial contract execution date.
- 803 2. All public funds paid to the school will be paid to, and controlled by,  
804 the governing board, which in turn will pay the management  
805 organization for successful provision of services.
- 806 3. Any default or breach of the terms of the contract by the management  
807 company shall constitute a default or breach under the terms of the  
808 contract between the school and District.

809

810 H. Education Program and Curriculum. Any material change to a charter  
811 school's current education program and/or curriculum and/or any material  
812 change to what is described in the approved Application or Charter requires  
813 Sponsor approval and shall be submitted to the Sponsor for consideration  
814 by May 1st in any given year for the subsequent school year.

815

816 I. A charter school may give preference in admission to students or limit the  
817 enrollment as provided for in section 1002.33(10), Florida Statutes, and as  
818 specified in the Charter Application. Changes to the school's criteria for

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

819 admissions and/or eligibility for enrollment must be submitted to the  
820 Sponsor for approval 60 days prior to the registration and enrollment period  
821 for the subsequent school year.

822  
823 J. A charter school will not conduct routine or random drug testing of students  
824 for any purpose.

825  
826 K. Professional Development and Leadership Development

828 1. A charter school is responsible for ensuring that all administrators,  
829 student support personnel and all full-time instructional personnel  
830 are trained prior to the start of school in the most relevant  
831 components of the school's staff development plan, which must  
832 address federal and state requirements, as applicable.

833 2. Professional development and training needs shall be based on  
834 student achievement and other student outcome data as well as be  
835 aligned to the needs of the individual employee based on the results  
836 of the teacher/principal evaluation results.

837 3. Employees of a charter school may participate in professional  
838 development activities offered by the District. Any costs associated  
839 with professional development for which there is an additional fee,  
840 and for which no federal funding has been provided for such  
841 purposes to the Sponsor, will be the responsibility of the school or  
842 individual school employee.

843  
844 X. Rule Exemptions

845  
**Revised:**

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

846        A charter school shall be exempt from all School Board policies except those  
847        ~~stated herein, those specified in F.S. 1002.33, those pertaining to health, safety,~~  
848        civil rights, financial records, accountability related to student enrollment reports,  
849        financial audits, and collective bargaining agreements if the staff chooses to  
850        remain part of the District bargaining unit(s).

### X. Governance and Management

- 854        A.      The governing board of the charter school shall annually adopt and maintain  
855                  an operating budget which shall be provided to the sponsor no later than  
856                  thirty (30) days prior to the opening of school each year.
- 858        B.      The governing board of the charter school shall exercise continuing  
859                  oversight over charter school operation.
- 861        C.      The governing body shall participate in governance training approved by  
862                  the Department of Education.
- 864        D.      The governing board of the charter school shall report its progress annually  
865                  to the sponsor which shall forward the report to the Commissioner of  
866                  Education at the same time as other annual school accountability reports.  
867                  The annual report shall be submitted in a format provided by the  
868                  Department of Education consistent with F.S. 1002.33-(9)(k).

### XI. Human Resources and Personnel Options

- 872        A.      A charter school shall select its own employees. A charter school may  
873                  contract with its sponsor for the services of personnel employed by the  
874                  sponsor.

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- 876       B. Charter school employees may bargain collectively as a separate unit or as  
877       part of the existing applicable District collective bargaining unit(s).
- 878
- 879       C. If teachers at a charter school choose to be a part of a professional group  
880       that subcontracts with the charter school to operate the instructional  
881       program under the auspices of a partnership or cooperative that they  
882       collectively own, they shall not be considered public employees.
- 883
- 884       D. Employees of the School District may take leave ~~for up to three years~~ to  
885       accept employment in a charter school upon the approval of the School  
886       Board and may shall maintain seniority accrued in the School District. They  
887       may continue to be covered by the benefit program of the School District  
888       only if the charter school and the School Board agree to the arrangement  
889       and its financing.
- 890
- 891       E. Teachers employed or under contract to a charter school shall be certified,  
892       as required by Florida Statutes.~~1012.~~ or if not certified, contracted with  
893       according to the provisions defined in Florida Statutes.
- 894
- 895       E.F. A charter school may not knowingly employ an individual to provide  
896       instructional services if the individual's certification or licensure as an  
897       educator is suspended or revoked in Florida or any other state. A charter  
898       school may not knowingly employ an individual who has resigned from a  
899       school district in lieu of disciplinary action or who has been dismissed for  
900       just cause by any School District.
- 901
- 902       F.G. The charter school shall conduct screenings and employment history  
903       checks, as required by law, on candidates for instructional and  
904       administrative positions that require direct contact with students.
- 905

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

906       H. All governing board members and employees of a charter school shall be  
907           fingerprinted and shall undergo go through a criminal background screening  
908           check as provided for in Florida Statutes.

910       G.I. The employeesgoverning body of a ~~charter S~~chool may elect to  
911           participate in the Florida Retirement System after proper application and  
912           approval under Florida Statutes.

914       J. The charter school shall disclose to the School District the employees of the  
915           charter school who are related to the owner, board of directors, president,  
916           superintendent, school administrator or other person with decision making  
917           authority at the charter school.

919       H.K. A charter school shall comply with the restriction on employment of relatives  
920           provisions included in section 1002.33(24), Florida Statutes.

922       I.L. A charter school shall comply with section 1012.34, Florida Statutes, related  
923           to performance evaluation requirements for charter school instructional  
924           personnel and school administrators. A charter school shall notify the  
925           District by May 1<sup>st</sup> of each school year as to the school's intent to follow the  
926           District's Instructional Personnel and School Administrators Evaluation  
927           System or if the school will adopt their own performance evaluation system  
928           for implementation in the subsequent school year.

930       XII. Charter Schools in the Workplace or Charter Schools in a Municipality  
931           Applications for charter schools in the workplace or charter schools in a  
932           municipality shall be considered consistent with F.S. 1002.33 (15) (a-d).

934       XIII.XII. Exemptions from Statutes

Revised:

# **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

- A. A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013 with the exception of:
    - 1. Statutes specifically applying to charter schools;
    - 2. Statutes relating to the student assessment program and the school grading system;
    - 3. Statutes pertaining to provision of services to student with disabilities;
    - 4. Statutes pertaining to civil rights, including F.S. 1000.05 relating to discrimination
    - 5. Statutes relating to maximum class size;
    - 6. Statutes relating to student health, safety and welfare.

- B. Charter schools will also be in compliance with the following statutes:

1. Section 286.011 relating to public meetings and records, public inspection and criminal and civil penalties;
  2. Chapter 119 relating to public records;
  3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level;
  4. Section 1012.22(1)(c), relating to compensation and salary schedules;

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- 960       5. Section 1012.33(5), relating to workforce reductions;
- 961       2.6. Section 1012.335, relating to contracts with instructional personnel  
962                  hired on or after July 1, 2011;
- 963       3.7. Section 1012.34, relating to the substantive requirements for  
964                  performance evaluations for instructional personnel and school  
965                  administrators.

966

967       **XIV.**XIII. Funding

968

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

971

972       A. Each charter school shall report its student enrollment to the District School  
973                  Board as required by Florida Statutes~~F.S. 1011.62 including compliance~~  
974                  ~~with the Department of Education guidelines for electronic data formats for~~  
975                  ~~data submission and School Board policy and procedures.~~ The School  
976                  Board shall include each charter school's enrollment in the District's report  
977                  of students.

978

979       B. Charter school students shall be funded as provided in F.S. 1011.62 and  
980                  the General Appropriations Act.

981

982       C.B. Charter schools whose students or programs meet the eligibility criteria as  
983                  stated in law shall be entitled to their proportionate share of all Florida  
984                  Education Finance Program and General Appropriations Act funds, gross  
985                  state and local funds, discretionary funds, categorical program funds and  
986                  federal funds. Total funding for each ~~C~~charter ~~S~~chool will be recalculated  
987                  during the year to reflect the revised calculation under the Florida Education

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Finance Program by the state and adjust for the actual weighted-full time equivalent and eligible students reported by the charter school and the revised calculations under the Florida Education Finance Program, following the October and February Full Time Equivalent (FTE) counts during the full time equivalent student survey periods designated by the Commissioner of Education.

**C. Any administrative fee charged by the School District to the charter school**

The District shall provide certain administrative and educational services to charter schools consistent with F.S. 1002.33. The total administrative fee for the provision of such services shall be no more than five percent (5%) of the available funds defined in XIII.B. The District may only withhold an administrative fee for enrollment charter school funds for 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. Charter school students shall be provided federal funding for the same level of services provided to students in the schools operated by the district school board consistent with 20 U.S.C. 8061.**

**E.D. The School District shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which the charter**

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school may be eligible. The District may distribute funds to a charter school for up to three (3) months based on the charter school's projected enrollment. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to charter schools for the remainder of the school fiscal year. ~~– with Payment shall be issued no later than ten (10) working days after the District receives a distribution of state or federal funds. If a payment is not issued within ten (10) working days after receipt of funding, or~~ the District shall pay a penalty of one percent (1%) interest per month. Under no circumstances will the School District advance funds before a charter ~~school~~ is approved~~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.

~~F.~~E. Millage Levy, if applicable. The District may, at its discretion, provide additional funding to a charter school.

### ~~XV.~~XIV. Facilities Requirements

~~A. G~~charter schools 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 who jurisdiction the facility is located. Chapter 553, except for the State Requirements for Education Facilities. Charter schools may, but are not required, to comply with the State Requirements for Education Facilities pursuant to F.S. 1013.37. The agency having jurisdiction for the inspection of a facility and issuance of ~~a~~A certificate of occupancy may will be required by the School District within fifteen (15) days of the opening of school~~the municipality or county governing authority.~~

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1048  
1049 A. A charter school will utilize facilities that comply with the Florida Fire  
1050 Prevention Code, pursuant to Chapter 633.025, as adopted by the authority  
1051 in whose jurisdiction the facility is located.

1052  
1053 B. Surplus property or equipment shall be made available for charter school  
1054 use on the same basis as it is made available for use by other public  
1055 schools in the District. A charter school receiving such property or  
1056 equipment from the School District may not sell or dispose of such  
1057 property without written permission by the School District.

### XV. Services

1058  
1059 C. A. Goods and services made available to charter schools through contract with  
1060 the School District shall be provided at a rate no greater than the District's  
1061 actual cost unless mutually agreed upon by the district and the charter  
1062 school.

### XVI. Monitoring and Review

1063  
1064 A. The Superintendent, or designee, shall have ongoing responsibility for  
1065 monitoring the health, safety and well-being of students and the fiscal  
1066 responsibility of all approved charter schools. The Superintendent, the  
1067 Superintendent's designee, other District personnel and all School Board  
1068 members shall have free and open access to the charter school at all times.

1069  
1070 B. The charter school shall submit a monthly financial report to the School  
1071 District no later than the last day of the month following the month being  
1072 reported. Financial reports for schools designated by the state as high-

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1077 performing charter schools shall be submitted quarterly as provided by  
1078 Florida law.

1079  
1080 C. Annually, as specified in the charter, on the date designated by the  
1081 ~~Department of Education,~~ the governing body of the charter school shall  
1082 submit the following for District review: its annual report for School Board  
1083 review and forwarding to the Commissioner of Education pursuant to F.S.  
1084 1002.33 (9)(k)1-4.

1085  
1086 1. The charter school's progress towards achieving the goals outlined  
1087 in its charter;

1088 2. The charter school's annual report to parents pursuant to Florida  
1089 Statutes;

1090 3. An annual financial audit report obtained by the school reflecting  
1091 generally accepted financial accounting standards;

1092 4. Salary and benefit levels of school employees;

1093 5. Certification status of instructional personnel; and

1094 6. Any other documents specified in the charter or requested by the  
1095 Superintendent.

1096  
1097 D. Upon receipt of the required annual report, the School Board shall forward  
1098 the report to the Commissioner of Education at the same time as other  
1099 annual school accountability reports.

1100  
1101 E. If a deteriorating financial condition is identified, the School District shall  
1102 notify the governing board of the charter school and the Commissioner of  
1103 Education within seven (7) business days. The governing board and District

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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.

C.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.

D.G. Additionally the Superintendent or designee shall regularly monitor charter school compliance with charter requirements.

### XVII. 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.

**LAWS 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:** 6A-6.0781, 6A-6.0785, 6A-6.0787

**HISTORY:** ADOPTED: 12/07/04

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1134 REVISION DATE(S): 12/07/04, 01/18/05, 10/17/06, 12/11/07, 09/01/09, 02/15/11

**FORMERLY: 8.601**

1136

1137 NOTES: