

CHAPTER 3.00 – SCHOOL ADMINISTRATION

Charter Schools

3.90

The School Board, pursuant to Florida Statutes, shall charter schools. 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

- (a) A proposal for a new Charter/Conversion School may be made by an individual, teachers, parents, group of individuals, a municipality, or a legal entity organized under the laws of the State of Florida. The school shall organize as a nonprofit organization prior to receiving School Board approval of their charter 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 Charter School, provided that they demonstrate the support of at least fifty **50 percent (50%)** of the teachers then currently employed at the school and **fifty 50- percent (50%)** of the parents whose children are then currently enrolled in the school.
- (c) Private schools, parochial schools and home education schools are not eligible for Charter status. A Charter School may not be affiliated with a nonpublic sectarian school or religious institution and shall be nonsectarian in programs, admission policies, employment practices and operations.

~~II. Number of Schools~~

- ~~A. There is no current limit on the number of Charter Schools permissible within the Sarasota School District.~~

II Timelines for Approving Charter Schools

- B. The School Board shall accept applications on ~~September~~ **August 1** of each school year.
 - 1. The School Board may extend the application deadline at the request of the applicant by a majority vote of the Board; however, in no case shall applications be accepted after November 1 of any given year.

- C. Applications shall be approved or denied by majority vote of the School Board no later than sixty (60) calendar days after the application has been received.
 - D. The school district and the applicant may mutually agree in writing to postpone the vote to a specific date beyond the sixty (60) calendar days.
 - E. Pursuant to the timelines and procedures in F.S. 1002.33 the applicant may appeal a School Board denial of their application.
 - F. **Within sixty (60) days of approving a charter school application, the District shall provide an initial proposed charter contract to the charter school.**
 - G. **The applicant and the District shall have seventy-five (75) days to negotiate the charter and provide notice for final approval of the charter contract.**
 - H. ~~Within six (6) months of the School Board's approval of the charter application, the applicant and the Board will mutually agree to a written contractual agreement called a Charter.~~ The Charter shall be approved by majority vote of The School Board and The Charter Board. Should the two boards be unable to reach agreement on the Charter, the parties shall adhere to the provisions of F.S. 1002.33 related to mediation and/or dispute resolution through the division of administrative hearings.
- III. Application and Approval
- A. Applications for Charter Schools shall be submitted on a standard application form approved by the School Board. The application form shall include the elements required for School Board approval of a Charter as defined in F.S. 1002.33. The application does not constitute the Charter, which will be considered the legal contract between the School Board and the Charter's organizational body.
 - B. All applications accepted by the sponsor during its application window will be reviewed and recommended to the School Board for approval or denial based on compliance with F.S. 1002.33, and **The District** shall consider, but not be limited to, the following criteria for evaluating the application:
 - 1. Academic Design
 - a. Mission – describing the core philosophy or underlying purpose of the school; and the target student population including how the school will use the guiding principles and

meet the statutorily defined purpose of a Charter School pursuant to F.S. 1002.33.

- b. Program – providing a detailed curriculum that illustrates how students will be provided services to attain the Sunshine State Standards. This plan must contain goals and objectives for improving student learning and measuring their improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction. The curriculum plan must also describe the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum for students reading below grade level. The School District shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research. The curriculum must also describe plans to meet the needs of ESE, LEP, Section 504 and other special populations
- c. Student Assessment – describing all student assessment methods, including establishment of baseline data, outcomes to be achieved, and methods of measurement to be used; defining the process for determining students' strengths and weaknesses; outlining how students' rates of progress will be evaluated and compared with similar populations; describing participation in statewide assessments; and, for secondary students, outlining the method for determining that a student has satisfied the requirements for graduation pursuant to Florida Statutes.

2. Governance and Management

- a. Profile of the application group and management team – providing each person's name, contact details, background, and relevant experience; detailing similar information on all consultants; identifying areas of expertise that may be lacking and how that expertise will be acquired; and providing details on partnerships or contracts with existing schools, businesses, or non-profit organizations
- b. School governance – describing the legal entity that will operate the school; outlining the governance structure

including initial selection and future rotation of members; describing various roles and responsibilities; describing methods of resolving disputes both internally and with the sponsor; describing the manner in which the school will respond to areas of concern raised by School Board staff; detailing parent involvement; and outlining compliance with Florida Statutes relative to public records and public meetings.

- c. Length of Charter and timetable – stating the requested Charter term and providing justification for requests in excess of five (5) years; and providing a time line for the school's start-up
- d. Recruiting and marketing plan – outlining the process of publicizing the school to attract a sufficient number of applicants; and detailing steps to be taken to ensure that applications are received from students from all racial and socio-economic groups

3. Finance, Facilities, and Risk Management

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

- c. 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 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
- c. 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
5. Elements of the Charter -- The following elements shall be required to be included in the school's Charter with the School Board consistent with F.S. 1002.33. (7) (A)-(1-17):
- a. the schools mission and vision
 - b. focus of the curriculum, including instructional methods, any distinctive instructional techniques, technology resources, and ensuring that reading is the primary focus of the curriculum with specialized, researched-based instruction provided to all students including students reading below grade level.
 - c. students to be served (ages, grades, current school zone, projected ESE categories, and, as appropriate, special populations as provided in law).
 - d. Baseline standards of student achievement including
 - (1) how baseline student achievement levels will be established;
 - (2) how baseline rates will be compared to achievement rates of students while attending the Charter School;
 - (3) how achievement rates will be compared with the achievement rates of comparable student populations.
 - e. methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met. These methods must include a means to analyze student performance data to evaluate the effectiveness of the Charter School's educational program. All Charter School students shall participate in the Statewide Student Assessment under F.S. 1008.43.

- f For secondary schools a method of determining that a student has satisfied the requirements for graduation specified in F.S. 1003.43.
- g Criteria for student admission and enrollment ensuring equal access for all eligible students including procedures for achieving racial and ethnic balance reflective of the community being served by the Charter School. Student eligibility and admissions requirements shall be consistent with F.S. 1002.33 (10) (a-j).
- h Procedures for FTE enrollment and verification.
- i Instructional methods to be used, including service to ESE, 504, and ESOL students.
- j A Code of Student Conduct consistent with district policies and discipline code
- k Dismissal procedures incorporating progressive discipline strategies to support and assist students prior to recommendation for formal dismissal. Dismissal procedures must also assure appropriate due-process provisions for students and families consistent with the *District Code Of Student Conduct*.
- l Provision for parent involvement including methods for resolving conflicts for students, parents and staff.
- m A method for resolving conflicts between the governing board of the Charter School and the sponsor including how the Charter School shall respond to concerns or issues raised by the sponsor.
- n Procedures for accurate and timely submission of all reports and other information required by the sponsor and/or the Florida Department of Education including
 - (1 The Charter School's annual report;
 - (2 The Charter School's annual audited financial report;
 - (3 monthly financial reports to the sponsor;

- (4) The Charter School's annual school improvement plan;
 - (5) other reports or information required by the sponsor, The Florida Department of Education, or other governmental entities as appropriate.
- o Description of the financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the Charter School or those hired to perform such professional services. This description must clearly delineate responsibilities and the policies and practices needed to effectively manage the school and must specify internal audit procedures and controls to ensure that the financial resources of the school are properly managed.
- p Description of the how the asset and liability projections of the Charter School shall be incorporated into the annual report including assurances that, if the annual audited financial report reveals a deficit financial position, the auditors are required to notify the Charter School Governing Board, the sponsor, and The Department Of Education in a manner consistent with F.S. 1002.33 (7), (a), 10.
- q Description of procedures to identify various risks and provide for a comprehensive approach to reduce the impact of losses including plans to ensure the safety and security of students and staff.
- r Description of required insurance coverage at specified limits no less than \$1,000,000 per occurrence and \$2,000,000 aggregate 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 consultants and independent contractors. Additionally, coverages for property and causality equal to replacement costs for school structures and contents, automobile and worker's compensation shall also be provided.
- s Specification of the term of the Charter consistent with F.S. 1002.33 (7) (a) 12.

- t Description of the facilities to be used and their location including the necessity for all applicable building code and certificate of occupancy requirements to be met prior to the opening of school.
- u An indemnification or hold-harmless agreement releasing the School Board of all liability for actions by the Charter School governing body or its employees.
- v Provision for cancellation of the agreement for insufficient progress on student achievement objectives or other good cause pursuant to F.S. 1002.33.
- w Description of the qualifications of teachers including the procedures for disclosure of the qualifications of teachers and other staff of the Charter School to parents and the sponsor.
- x Description of the staff selection process, including strategies for recruiting, hiring , training and ~~retraining~~ retaining qualified staff. The staff selection process shall include retaining requirements for fingerprinting and criminal background checks on all staff of the Charter School, including governing board members.
- y Statement of the status of employees of the Charter School as private or public employees.
- z Provision of an Implementation timetable addressing the elements of the charter and the dates for their completion.
 - (1 If applicable alternative arrangements for students and teachers at a conversion public school who choose not to participate in the conversion charter;
 - (2 A proposed budget including salary and benefits of staff, and documentation of a line of credit in an amount specified by the sponsor, which shall be no less than three months of operating expenses;
 - (3 Procedures for renewal or modification of the agreement consistent with F.S. 1002.33 (7) (b-c);

- (4) Description of how transportation, food service or other needed services shall be provided to students of the Charter School. including contracts and agreements with the District or other contractors;
- (5) Method of identification and acquisition of appropriate technologies needed to improve educational and administrative performance including means for promoting safe, ethical, and appropriate uses of technology that comply with legal and professional standards.

6. Additional Charter Provisions

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

- 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 authorized law enforcement officer~~ ~~or 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

- f. By July 1 – a list of all registered students, their addresses, and their most recent schools, plus a reassignment form signed by the parent.. Additional students may be added to the list if the enrollment period is extended by mutual agreement of the Charter School and the sponsor
- g. Other information as required by statute or specified in the charter agreement.

7. Opening of the Charter School

- a. The Charter School shall open on the Sponsor's first day of school for students after the school year in which the Charter was approved. To seek an opening later than the first day, the school must submit a written request including the reason for the delay and a contingency plan detailing how the school will still comply with the 180-day school year requirement. The request must be received in time for consideration by the School Board at least two weeks prior to the first day.
- b. The applicant may request, and the School Board may approve by majority vote, that the opening of the Charter be delayed one (1) school year.
- c. An applicant that has been given an extension under paragraph 7.b. shall meet the requirements by June 30, after the one year extension, or will have to reapply for a Charter.

8. Causes for Non-renewal or Termination

- 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 Accountability System Created by F.S. 1008.31 or failure to meet the requirements for student performance as stated in the Charter;
 - (2) Failure to meet generally accepted standards of financial management;
 - (3) Violation of law;

- (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 7(a) **8.a.** or if the health, safety, or welfare of the student(s) is threatened. 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 request for an informal hearing may be requested within fourteen (14) days of receipt of the notice. The School Board shall conduct an informal hearing within thirty (30) days after receiving a written request. The Charter School's governing board may, within ~~fourteen (14)~~ **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).
- c. a charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of students is threatened. The sponsor shall assume operation of the school under these circumstances. The Charter School governing board may, within ~~fourteen~~ **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) (2).
- 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.
- 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 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 board of the school and the School Board and that may not reasonably be assumed to have been satisfied by the District.

9. Charter School Requirements:

- a. A Charter School shall not charge tuition or fees, except those fees normally charged by other public schools. The collection and use of such funds shall be a part of the required annual financial audit of the school.
- b. A Charter School shall be exempt from all School Board policies except those stated herein, those specified in F.S. 1002.33, those pertaining to health, safety, and civil rights, financial records, and accountability related to student enrollment reports, and financial audits, and collective bargaining agreements if the staff chooses to remain part of the District bargaining unit(s).
- c. A Charter School shall be nonsectarian in its programs, admission policies, employment practices, and operations.
- d. A Charter School shall maintain all financial records in a manner consistent with F.S. 1002.33 (9) (i)
- e. The governing board of the Charter School shall annually adopt and maintain an operating budget which shall be provided to the sponsor no later than thirty days prior to the opening of school each year.
- f. The governing board of the Charter School shall exercise continuing oversight over Charter School operation.
- g. The governing body shall participate in governance training approved by the Department Of Education.**
- g. h.** The governing board of the Charter School shall report its progress annually to the sponsor which shall forward the report to the commissioner of education at the same time as other annual school accountability reports. the annual report shall be submitted in a format provided by the department of education consistent with F.S. 1002.33 (9) (l)

- h. i. Charter Schools shall provide instruction for at least the number of days required by law for other public schools and shall follow the sponsor's school calendar unless otherwise specified by the charter.

10. Personnel Options

- a. a Charter School shall select its own employees. a Charter School may contract with its sponsor for the services of personnel employed by the sponsor.
- b. Charter School employees may bargain collectively as a separate unit or as part of the existing applicable District collective bargaining unit(s).
- c. If teachers at a Charter School choose to be a 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.
- d. Employees of the School District may take leave for up to three years to accept employment in a Charter School upon the approval of the School Board and shall maintain seniority accrued in the School District. They may continue to be covered by the benefit program of the School District only if the Charter School and the School Board agree to the arrangement and its financing.
- e. Teachers employed or under contract to a Charter School shall be certified, as required by F.S. 1012. A Charter School may not knowingly employ an individual to provide instructional services if the individual's certification or licensure as an educator is suspended or revoked in Florida or any other state a Charter School may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action or who has been dismissed for just cause by any school district.
- f. All governing board members and employees of a Charter School shall be fingerprinted and go through a criminal background check as provided for in Florida Statute.
- g. The employees of a Charter School may elect to participate in the Florida Retirement System after proper application under Florida Statutes.

11. Charter School in the workplace or Charter Schools in a municipality: applications for Charter Schools in the workplace or Charter School in a municipality shall be considered consistent with F.S. 1002.33 (15) (a-d)

12. Exemptions from Statutes
 - 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 Statues 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 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.

13. 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 F.S. 1011.62 including compliance with the Department Of Education guidelines for electronic data formats for data submission and School Board policy and procedures.

 - b. Charter School Students Shall Be Funded As Provided In F.S. 1011.62 and the General Appropriations Act.

 - c. Charter Schools whose students or programs meet the eligibility criteria as stated in law shall be entitled to their proportionate share of all Florida Education Finance

Program and General Appropriations Act funds, gross state and local ~~gross~~ and funds, discretionary funds, categorical program funds and federal funds. Total funding for each Charter School will be recalculated during the year to reflect the revised calculation under the Florida Educational Finance Program by the State and the actual weighted-full time equivalent students reported by the Charter School during the full time equivalent student survey periods designated by the Commissioner Of Education.

- 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. 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 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. 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 ~~thirty (30)~~ ten (10) working days after receipt of funding, 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 is approved, 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.

14. Facilities Requirements

- a. Charter Schools shall utilize facilities which comply with the Florida Building Code, pursuant to 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 certificate of occupancy will be the municipality or county governing authority.

- b. A Charter School will utilize facilities that comply with the Florida Fire Prevention Code, pursuant to Chapter 633.025, as adopted by the authority in whose jurisdiction the facility is located.
- c. Surplus property or equipment shall be made available for Charter School use on the same basis as it is made available for use by other public schools in the district. A Charter School receiving such property or equipment from the school district may not sell or dispose of such property without written permission by the school district.

15. Services

- a. 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 five percent (5%) of the Charter School funds for up to five hundred (500) students per Charter School.
- b. Goods and services made available to Charter Schools through contract with the school district shall be provided at a rate no greater than the district's actual cost unless mutually agreed upon by the district and the Charter School.

16. Monitoring and Review

- a. The Superintendent, or designee, shall have ongoing responsibility for monitoring the health, safety and well being of students and the fiscal responsibility of all approved Charter Schools. The Superintendent, the Superintendent's designee, other district personnel and all School Board members shall have free and open access to the Charter School at all times. Annually on the date designated by the Department Of Education, the governing body of the Charter School shall submit its annual report for School Board review and forwarding to the commissioner of education pursuant to F.S. 1002.33 (9) (l) 1-4. Additionally the Superintendent or designee shall regularly monitor Charter School compliance with charter requirements.

17. 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: 1001.02; 1001.43; 1002.33, F.S.

STATE BOARD RULE: 6A-6.0781

HISTORY: ADOPTED: 12/07/04
REVISION DATE(S): 12/07/04, 1/18/05, 10/17/06
FORMERLY: 8.601

NOTES:

No Procedure Necessary