

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 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

I. Eligibility to Apply for a Charter School

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

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

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.

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31 II. Timeline for the Application and Approval Process

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33 A. The School Board shall annually accept charter school applications on or
34 before February 1 for proposals to open a charter school 18 months later,
35 at the beginning of the school district's school year, or to be opened at a
36 time agreed to by the applicant and the sponsor.

37

38 B. Applications shall be approved or denied by majority vote of the School
39 Board no later than ninety (90) calendar days after the application has been
40 received.

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42 C. The School District and the applicant may mutually agree in writing to
43 postpone the vote to a specific date beyond the ninety (90) calendar days.

44

45 D. Within thirty (30) days of approving a charter school application, the District
46 shall provide an initial proposed charter contract to the charter school. The
47 applicant and the District shall have forty (40) days thereafter to negotiate
48 the charter and provide notice for final approval of the charter contract,
49 unless both parties agree to an extension.

50

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

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57 F. If an application is denied, the School Board shall notify the applicant within
58 ten (10) calendar days after such denial and specify in writing the reasons
59 for the denial of the application and shall provide the letter of denial and

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60 supporting documentation to the applicant and to the Department of
61 Education.

62

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

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68 III. Application Requirements and District Review Process

69

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

71

72 1. A person or entity seeking to open a charter school shall prepare
73 and submit an application on the standard application form
74 prepared by the Department of Education which:

75 a. Demonstrates how the school will use the guiding principles
76 and meet the statutorily defined purpose of a charter school.

77 b. Provides a detailed curriculum plan that illustrates how
78 students will be provided services to attain the Sunshine
79 State Standards.

80 c. Contains goals and objectives for improving student learning
81 and measuring that improvement. These goals and
82 objectives must indicate how much academic improvement
83 students are expected to show each year, how success will
84 be evaluated, and the specific results to be attained through
85 instruction.

86 d. Describes the reading curriculum and differentiated
87 strategies that will be used for students reading at grade

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88 level or higher and a separate curriculum and strategies for
89 students who are reading below grade level. The District
90 shall deny an application if the school does not propose a
91 reading curriculum that is consistent with effective teaching
92 strategies that are grounded in scientifically based reading
93 research.

94 e. Contains an annual financial plan for each year requested by
95 the charter for operation of the school for up to 5 years. This
96 plan must contain anticipated fund balances based on
97 revenue projections, a spending plan based on projected
98 revenues and expenses, and a description of controls that
99 will safeguard finances and projected enrollment trends.

100 f. Discloses the name of each applicant, governing board
101 member, and all proposed education services providers; the
102 name and sponsor of any charter school operated by each
103 applicant, each governing board member, and each
104 proposed education services provider that has closed and
105 the reasons for the closure; and the academic and financial
106 history of such charter schools, which the District shall
107 consider in deciding whether to approve or deny the
108 application.

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

111 h. Contains additional information the District may require,
112 which shall be attached as an addendum to the charter
113 school application described above.

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- B. All timely submitted applications accepted by the sponsor during its application window will be reviewed and evaluated based on the elements defined in III.A, compliance with F.S. 1002.33, and the degree to which the application meets the standards and criteria delineated in the Florida Charter School Application Evaluation Instrument.

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

- D. The Superintendent may establish a District Charter Review Committee (CRC) to process, review and evaluate applications and present evaluation findings.
 - 1. The District CRC committee membership is determined annually by the Superintendent or designee. The District CRC membership includes district and school-based staff with expertise in the areas addressed in the application. The District CRC may also include parents or community representatives.

 - 2. The District CRC shall use the Florida Charter School Application Evaluation Instrument to identify strengths and deficiencies in the written application, appendices, historical performance, and/or other areas that require clarification to fully evaluate the quality of the application or the capacity of the applicant to properly implement the proposed plan.

 - 3. Before final approval or denial of an application, the District shall notify the applicant in writing if minor technical or non-substantive corrections need to be made or signatures need to be added if the

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145 errors may cause denial of the application. Upon written
146 notification, the applicant will be allowed at least seven (7) calendar
147 days to make and submit the corrections. This process may not be
148 used by the applicant to make substantive changes or submit new
149 information or make any revisions that would constitute a
150 substantial or material amendment to the original submitted
151 application.

- 152
- 153 4. The District CRC may conduct a capacity interview with the
154 applicant and the proposed school’s founding/governing board
155 members (or Board of Directors) in order to corroborate information
156 provided in the written application and to assess the capacity of the
157 school’s board members to operate a successful charter school.
- 158
- 159 a. There is no statutory requirement for the applicant to
160 participate in the capacity interview session.
- 161 b. Any information or evidence from the capacity interview that
162 is used by the District CRC to support the evaluation of the
163 application must be properly documented by means of a
164 recording or transcript.
- 165 c. The District CRC may, at its sole discretion, evaluate the
166 application without any additional input from the applicant if
167 the majority of the founding governing board members of the
168 prospective charter school are not present or do not
169 participate in the interview.
- 170 5. The District CRC shall submit a final charter school application
171 evaluation report to the Superintendent. The Superintendent shall

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172 present the report to the School Board for action to approve or deny
173 the application.
174

175 IV. Charter Contract

176
177 A. The terms and conditions for the operation of a charter school shall be set
178 forth by the School Board and the charter school's governing board in a
179 written contractual agreement, called a charter.

180
181 B. The charter application and any addenda related to the application approval
182 process are part of the charter.

183
184 C. The following elements shall be included in the school's charter contract
185 with the School Board consistent with F.S. 1002.33.

186
187 1. The school's mission and vision.

188
189 2. Focus of the curriculum with emphasis on reading.

190
191 3. Students to be served (ages, grades, projected FEFP categories,
192 and, as appropriate, special populations as provided in law).

193
194 4. Baseline standards of student achievement, outcomes to be
195 achieved and method(s) of measurement.

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197
198 5. Methods used to identify the educational strengths and needs of
199 students and how well educational goals and performance standards
200 are met.
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- 202 6. All charter school students shall participate in the statewide student
203 assessment under F.S. 1008.43.
204
- 205 7. Method of determining that a student has met graduation or
206 promotion requirements.
207
- 208 8. Criteria for student admission and enrollment ensuring equal access
209 for all eligible students including procedures for achieving racial and
210 ethnic balance reflective of the community being served by the
211 charter school.
212
- 213 9. Procedures for FTE enrollment and verification.
214
- 215 10. Instructional methods to be used, including service to ESE, 504, and
216 ESOL students.
217
- 218 11. A Code of Student Conduct consistent with district policies and
219 discipline code.
220
- 221 12. Dismissal procedures incorporating progressive discipline strategies
222 to support and assist students prior to recommendation for formal
223 dismissal. Dismissal procedures must also assure appropriate due
224 process provisions for students and families consistent with the
225 *District Code of Student Conduct*.
226
- 227 13. Provision for parent involvement including methods for resolving
228 conflicts for students, parents and staff.
229
- 230 14. A method for resolving conflicts between the governing body of the
231 charter school and the School Board.

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15. Procedures for accurate and timely submission of all reports and other information required by the sponsor and/or the Florida Department of Education
16. Financial and administrative management of school.
17. Internal financial controls and audit process.
18. Articles of Incorporation and governance structure, including names, addresses, financial disclosure to include the same requirements as in Florida Statutes.
19. Procedure for notification by auditor if school is in a state of financial emergency or deficit financial position.
20. 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.
21. 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.

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- 262 22. Specification of the term of the Charter consistent with F.S. 1002.33.
263
264 23. Description of the facilities to be used and evidence of all codes
265 having been met.
266
267 24. An indemnification or hold-harmless agreement releasing the School
268 Board of all liability for actions by the charter school governing body
269 or its employees.
270
271 25. Provision for cancellation of the agreement for insufficient progress
272 on student achievement objectives or other good cause pursuant to
273 F.S. 1002.33.
274
275 26. Qualifications of teachers including the procedures for disclosure of
276 the qualifications of teachers and other staff of the charter school to
277 parents and the sponsor.
278
279 27. Professional development plan.
280
281 28. Description of the staff selection process, including strategies for
282 recruiting, hiring, training and qualified staff. Staff selection process,
283 including fingerprinting and criminal background check.
284
285 29. Statement of the status of employees of the charter school as private
286 or public employees.
287
288 30. Provision of an Implementation timetable addressing the elements of
289 the charter and the dates for their completion.
290

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- 291 31. If applicable, alternative arrangements for students and teachers at
292 a conversion public school who choose not to participate in the
293 conversion charter.
294
- 295 32. A proposed budget including salary and benefits of staff, and
296 documentation of a line of credit in an amount specified by the
297 sponsor, which shall be no less than three months of operating
298 expenses.
299
- 300 33. Procedures for renewal or modification of the agreement consistent
301 with F.S. 1002.33.
302
- 303 34. Description of how transportation, food service or other needed
304 services shall be provided to students of the charter school including
305 contracts and agreements with the District or other contractors.
306
- 307 35. Method of identification and acquisition of appropriate technologies
308 needed to improve educational and administrative performance.
309
- 310 36. Means for promoting safe, ethical, and appropriate uses of
311 technology that comply with legal and professional standards.
312
- 313 37. Other information as required by statute or specified in the charter
314 contract.
315

316 V. Charter Renewals

317

- 318 A. Prior to renewal of a charter, the sponsor shall perform a program review to
319 evaluate the following:
320

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- 321 1. The level of success of the current academic program;
- 322 2. Achievement of the goals and objectives required by State
- 323 accountability standards and successful accomplishment of the
- 324 criteria under F.S. 1002.33(7)(a);
- 325 3. The viability of the organization;
- 326 4. Compliance with terms of the charter; and
- 327 5. That none of the statutory grounds for non-renewal exist.
- 328
- 329 B. Any charter school seeking renewal shall be required to complete a
- 330 charter renewal application and undergo the Sponsor's renewal process.
- 331 The charter renewal application shall include supporting documentation for
- 332 items 1-5 above.
- 333
- 334 C. Renewals shall be for a term of five (5) years unless a longer term is
- 335 mutually agreed upon, required or allowed by law. Upon approval, the
- 336 charter contract will be renewed following the charter negotiation process.
- 337 Charter schools that are not granted a renewal may appeal by following
- 338 the non-renewal appeal process.
- 339
- 340 VI. Nonrenewal or Termination of Charter
- 341
- 342 A. At the end of the term of a charter, the School Board may choose not to
- 343 renew the charter for any of the following grounds:
- 344
- 345 1. Failure to participate in the state's accountability system or failure to
- 346 meet the requirements for student performance stated in the charter;

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- 347 2. Failure to meet generally accepted standards of financial
348 management;
- 349 3. Violation of law; or
- 350 4. Other good cause shown.
- 351
- 352 B. During the term of a charter, the School Board may terminate the charter
353 for any of the grounds listed in paragraph VI.A A charter may be terminated
354 immediately if the sponsor sets forth in writing the particular facts and
355 circumstances indicating that an immediate and serious danger to the
356 health, safety, or welfare of the charter school's students exists.
- 357
- 358 C. At least ninety (90) days prior to renewing, **nonrenewing** or terminating a
359 charter, unless a state of emergency exists, the School Board shall notify
360 the governing body of the school of the proposed action in writing, detailing
361 the grounds for the action and stipulating that a request for a hearing may
362 be requested within fourteen (14) days of receipt of the notice.
- 363
- 364 1. Within sixty (60) days after receipt of the request for a hearing, the
365 School Board may:
- 366 a. Conduct a hearing to decide upon nonrenewal or termination
367 by a majority vote or,
- 368 b. Elect to have a hearing conducted by an administrative law
369 judge assigned by the Department of Administrative Hearings.
370 The School Board may adopt or modify by majority vote the
371 order recommended by the judge.
- 372
- 373 2. The School Board shall issue the final order which shall state the
374 specific reasons for the Board's decision. The final order shall be

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375 provided to the charter school and the Department of Education
376 within ten (10) days after its issuance.

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

379
380 D. In the event a charter is not renewed or is terminated, the School District
381 may assume the operation of the school, or the school shall be dissolved
382 and students assigned to other public schools. All unencumbered funds, as
383 well as property and improvements, furnishings and equipment purchased
384 with public funds shall automatically revert to full ownership of the School
385 Board.

386
387 E. If a charter school is not renewed or is terminated, the governing body of
388 the school is responsible for all debts of the charter school. The District
389 shall not assume the debt from any contract for services made between the
390 governing body of the school and a third party, except for a debt that is
391 previously detailed and agreed upon in writing by both the governing board
392 of the school and the School Board and that may not reasonably be
393 assumed to have been satisfied by the District.

394
395 F. If a charter is not renewed or is terminated, any unencumbered capital
396 outlay funds provided pursuant to 1013.62, F.S., and federal charter school
397 program grant funds shall revert to the Department of Education for
398 redistribution among other eligible charter schools.

399
400 VII. Academic Accountability and Student Achievement
401
402 Academic achievement for all students shall be the most important factor when
403 considering to renew, non-renew or terminate a charter.
404

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- 405 A. In the first year of operation the charter school shall be responsible for the
406 academic achievement and performance goals stated in the charter
407 application or, to a set of goals mutually agreed to and specified in the
408 charter.
- 409
- 410 B. In the second year of operation the charter school shall provide its proposed
411 four-year academic achievement goals for the remaining years of the
412 contract up to a maximum of four years and thereafter, resubmit
413 achievement goals every four years of the charter through the end of the
414 charter term.
- 415
- 416 C. The charter school may opt to submit its academic achievement goals in an
417 annual School Improvement Plan each year of the Contract in accordance
418 with and as outlined in the District’s School Improvement Plan **guidelines**
419 **for establishing goals and the time line for review and approval.**
- 420
- 421 1. **The charter school may submit the School Improvement Plan in the**
422 **same format as used by other District schools or in a different format**
423 **mutually agreed to by the charter school and the District.**
- 424 2. The charter school shall notify the District in writing by May 1st of
425 each year if the school elects not to implement a School
426 Improvement Plan.
- 427
- 428 3. Charter schools that have contracts in excess of **four** years and
429 choose not to develop and implement a School Improvement Plan,
430 unless required to do so pursuant to section 1002.33(9)(n), F.S.,
431 shall submit proposed academic achievement goals for five years
432 and resubmit every four years using the same parameters for
433 achievement goals set forth in the charter.
- 434

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435 D. A charter school who receives a school grade of “C” shall appear before the
436 School Board to present the school’s plan for addressing the deficiencies in
437 student performance, the actions and strategies to improve student
438 achievement and, the specific achievement goals and performance
439 outcomes to be attained in the subsequent school year.

440
441 E. Pursuant to section 1002.33(9)(n), F.S, a charter school who receives a
442 school grade of “D” or “F” but is not subject to corrective action must develop
443 and submit a School Improvement Plan to the School Board for review and
444 approval. The plan must include:

445 1. An analysis of student performance and the identification of the
446 deficiencies in student performance

447 2. Identification of barriers to student success with a plan of action to
448 address each barrier

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

451 4. All other elements of the School Improvement Plan delineated in
452 6A-1.099827

453
454 F. The Superintendent or designee shall review the proposed academic
455 achievement goals within 30 days of receipt and shall either accept the
456 proposed goals as presented or provide a written explanation for the
457 District’s recommended revisions to the proposed goals. If the charter
458 school and the District cannot agree on the academic achievement goals
459 either party may request mediation pursuant to 1002.33, F.S.

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461 VIII. Other Charter School Requirements

462

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

465

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

468

469 C. Tuition Prohibition. A charter school shall not charge tuition or fees, except
470 those fees normally charged by other public schools.

471

472 D. Length of School Year. A charter school shall provide instruction for at least
473 one hundred eighty (180) days and may provide instruction for additional
474 days. Reimbursement for additional days of instruction will be subject to
475 the limits of the Florida Education Finance Program, General Appropriations
476 Act and other rule or programs that restrict funding to the School District.

477

478 E. School Calendar. Upon approval of a charter application, the initial startup
479 must be consistent with the beginning of the school year calendar(s)
480 adopted by School Board. If the school will not follow the Sponsor's school
481 calendar, the school shall notify the Sponsor in writing by May 1st of each
482 year and provide the Sponsor with the school's calendar for the following
483 school year.

484

485 F. Each charter school shall maintain a website that enables the public to
486 obtain information regarding the school; the school's academic
487 performance; the names of the governing board members; the programs at
488 the school; any management companies, service providers, or education
489 management corporations associated with the school; the school's annual
490 budget and its annual independent fiscal audit; the school's grade pursuant

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491 to s. 1008.34; and, on a quarterly basis, the minutes of governing board
492 meetings.

493

494 G. If an organization (management organization), including but not limited to:
495 1) a management company, 2) an educational service provider, or 3) a
496 parent organization, will be managing or providing significant services to the
497 school, the contract for services between the management organization and
498 the governing board shall be provided to the District and attached as an
499 appendix to the charter contract. Any contract between the management
500 organization and the school must ensure that:

501

502 1. The contract will clearly define each party's rights and responsibilities
503 including specific services provided by the management organization
504 and the fees for those services and specifies reasonable and feasible
505 terms under which either party may terminate the contract. The
506 contracts must provide that the management company/education
507 service provider must comply with the school's charter contract with
508 the District. Additionally, all management company/education
509 service provider contracts with charter schools shall contain clearly
510 defined performance indicators for evaluating the management
511 company/education service provider, initial contract execution date.

512 2. All public funds paid to the school will be paid to, and controlled by,
513 the governing board, which in turn will pay the management
514 organization for successful provision of services.

515 3. Any default or breach of the terms of the contract by the management
516 company shall constitute a default or breach under the terms of the
517 contract between the school and District.

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

524
525 I. A charter school may give preference in admission to students or limit the
526 enrollment as provided for in section 1002.33(10), Florida Statutes, and as
527 specified in the Charter Application. Changes to the school's criteria for
528 admissions and/or eligibility for enrollment must be submitted to the
529 Sponsor for approval 60 days prior to the registration and enrollment period
530 for the subsequent school year.

531
532 J. A charter school will not conduct routine or random drug testing of students
533 for any purpose.

534
535 K. Professional Development and Leadership Development

536
537 1. A charter school is responsible for ensuring that all administrators,
538 student support personnel and all full-time instructional personnel
539 are trained in the most relevant components of the school's staff
540 development plan, which must address federal and state
541 requirements, as applicable.

542 2. Professional development and training needs shall be based on
543 student achievement and other student outcome data as well as be
544 aligned to the needs of the individual employee based on the results
545 of the teacher/principal evaluation results.

546 3. Employees of a charter school may participate in professional
547 development activities offered by the District. Any costs associated

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548 with professional development for which there is an additional fee,
549 and for which no federal funding has been provided for such
550 purposes to the Sponsor, will be the responsibility of the school or
551 individual school employee.

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553 IX. Rule Exemptions

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

559

560 X. Governance

561

562 A. The governing board of the charter school shall annually adopt and maintain
563 an operating budget which shall be provided to the sponsor no later than
564 thirty (30) days prior to the opening of school each year.

565

566 B. The governing board of the charter school shall exercise continuing
567 oversight over charter school operation.

568

569 C. The governing body shall participate in governance training approved by
570 the Department of Education.

571

572 D. The governing board of the charter school shall report its progress annually
573 to the sponsor which shall forward the report to the Commissioner of
574 Education at the same time as other annual school accountability reports.
575 The annual report shall be submitted in a format provided by the
576 Department of Education consistent with F.S. 1002.33.

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578 XI. Human Resources and Personnel Options

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580 A. A charter school shall select its own employees. A charter school may
581 contract with its sponsor for the services of personnel employed by the
582 sponsor.

583

584 B. Charter school employees may bargain collectively as a separate unit or as
585 part of the existing applicable District collective bargaining unit(s).

586

587 C. If teachers at a charter school choose to be a part of a professional group
588 that subcontracts with the charter school to operate the instructional
589 program under the auspices of a partnership or cooperative that they
590 collectively own, they shall not be considered public employees.

591

592 D. Employees of the School District may take leave to accept employment in
593 a charter school upon the approval of the School Board and may maintain
594 seniority accrued in the School District. They may continue to be covered
595 by the benefit program of the School District only if the charter school and
596 the School Board agree to the arrangement and its financing.

597

598 E. Teachers employed or under contract to a charter school shall be certified,
599 as required by Florida Statutes or if not certified, contracted with according
600 to the provisions defined in Florida Statutes.

601

602 F. A charter school may not knowingly employ an individual to provide
603 instructional services if the individual's certification or licensure as an
604 educator is suspended or revoked in Florida or any other state. A charter
605 school may not knowingly employ an individual who has resigned from a
606 school district in lieu of disciplinary action or who has been dismissed for
607 just cause by any School District.

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- G. The charter school shall conduct screenings and employment history checks, as required by law, on candidates for instructional and administrative positions that require direct contact with students.
- H. All governing board members and employees of a charter school shall be fingerprinted and shall undergo a background screening as provided for in Florida Statutes.
- I. The governing body of a charter school may elect to participate in the Florida Retirement System after proper application and approval under Florida Statutes.
- J. The charter school shall disclose to the School District the employees of the charter school who are related to the owner, board of directors, president, superintendent, school administrator or other person with decision making authority at the charter school.
- K. A charter school shall comply with the restriction on employment of relatives provisions included in section 1002.33(24), Florida Statutes.
- L. A charter school shall comply with section 1012.34, Florida Statutes, related to performance evaluation requirements for charter school instructional personnel and school administrators. A charter school shall notify the District by May 1st of each school year as to the school's intent to follow the District's Instructional Personnel and School Administrators Evaluation System or if the school will adopt their own performance evaluation system for implementation in the subsequent school year.

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637 XII. Exemptions from Statutes

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639 A. A charter school shall operate in accordance with its charter and shall be
640 exempt from all statutes in chapters 1000-1013 with the exception of:

641

642 1. Statutes specifically applying to charter schools;

643 2. Statutes relating to the student assessment program and the school
644 grading system;

645 3. Statutes pertaining to provision of services to student with
646 disabilities;

647 4. Statutes pertaining to civil rights, including F.S. 1000.05 relating to
648 discrimination

649 5. Statutes relating to maximum class size;

650 6. Statutes relating to student health, safety and welfare.

651

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

653

654 1. Section 286.011 relating to public meetings and records, public
655 inspection and criminal and civil penalties;

656 2. Chapter 119 relating to public records;

657 3. Section 1003.03, relating to the maximum class size, except that the
658 calculation for compliance pursuant to s. 1003.03 shall be the
659 average at the school level;

660 4. Section 1012.22(1)(c), relating to compensation and salary
661 schedules;

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- 662 5. Section 1012.33(5), relating to workforce reductions;
- 663 6. Section 1012.335, relating to contracts with instructional personnel
- 664 hired on or after July 1, 2011;
- 665 7. Section 1012.34, relating to the substantive requirements for
- 666 performance evaluations for instructional personnel and school
- 667 administrators.

668

669 XIII. Funding

670

671 Students enrolled in a charter school shall be funded the same as students

672 enrolled in a basic or special program in any other public school in the District.

673

674 A. Each charter school shall report its student enrollment to the District School

675 Board as required by Florida Statutes and School Board policy and

676 procedures. The School Board shall include each charter school's

677 enrollment in the District's report of students.

678

679 B. Charter schools whose students or programs meet the eligibility criteria in

680 law shall be entitled to their proportionate share of all Florida Education

681 Finance Program and General Appropriations Act funds, gross state and

682 local funds, discretionary funds, categorical program funds and federal

683 funds. Total funding for each charter school will be recalculated during the

684 year to adjust for the actual weighted-full time equivalent and eligible

685 students reported by the school and the revised calculations under the

686 Florida Education Finance Program, following the October and February

687 Full Time Equivalent (FTE) counts.

688

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

690 shall be no more than five percent (5%) of the available funds defined in

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691 **XIII.B.** The District may only withhold an administrative fee for enrollment
692 up to and including two hundred fifty (250) students. The District may only
693 withhold an administrative fee for enrollment up to and including five
694 hundred (500) students within a system of charter schools that meets
695 designated criteria. Administering the contract includes providing technical
696 assistance, monitoring policy compliance and processing financial, student
697 and other records or required reports. This does not include contract(s) for
698 other specific services to staff or student participation in the benefit
699 packages or other special programs. The fees for these services will be
700 negotiated and will be determined on an actual cost basis.

701
702 D. The District shall make every effort to ensure that charter schools receive
703 timely and efficient reimbursement, including processing paperwork
704 required to access special state and federal funding for which the charter
705 school may be eligible. The District may distribute funds to a charter school
706 for up to three (3) months based on the charter school's projected
707 enrollment. Thereafter, the results of full-time equivalent student
708 membership surveys shall be used in adjusting the amount of funds
709 distributed monthly to charter schools for the remainder of the school fiscal
710 year with payment issued no later than ten (10) working days after receipt
711 of funding or the District shall pay a penalty of one percent (1%) interest per
712 month. Under no circumstances will the School District advance funds
713 before a charter school is open, but the School Board may approve a
714 charter before the applicant has secured space, equipment, or personnel if
715 the applicant indicates approval is necessary for it to raise working capital.

716
717 E. Millage Levy, if applicable. The District may, at its discretion, provide
718 additional funding to a charter school.

719

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720 XIV. Facilities Requirement

721
722 A charter school shall utilize facilities which comply with the Florida Building
723 Code adopted pursuant to Florida Statutes, the Florida Fire Prevention
724 Code pursuant to Florida Statutes and the comprehensive land use plan as
725 adopted by the authority in who jurisdiction the facility is located. A
726 certificate of occupancy may be required by the School District within fifteen
727 (15) days of the opening of school.

728 729 XV. Services

730
731 A. Goods and services made available to charter schools through contract with
732 the School District shall be provided at a rate no greater than the District's
733 actual cost unless mutually agreed upon by the district and the charter
734 school.

735 736 XVI. Monitoring and Review

737
738 A. The Superintendent, or designee, shall have ongoing responsibility for
739 monitoring the health, safety and well-being of students and the fiscal
740 responsibility of all approved charter schools. The Superintendent, the
741 Superintendent's designee, other District personnel and all School Board
742 members shall have free and open access to the charter school at all times.

743
744 B. The charter school shall submit a monthly financial report to the School
745 District no later than the last day of the month following the month being
746 reported. Financial reports for schools designated by the state as high-
747 performing charter schools shall be submitted quarterly as provided by
748 Florida law.

749

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750 C. Annually, as specified in the charter, the governing body of the charter
751 school shall submit the following for District review:

752

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

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

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

759 4. Salary and benefit levels of school employees;

760 5. Certification status of instructional personnel; and

761 6. Any other documents specified in the charter or requested by the
762 Superintendent.

763

764 D. Upon receipt of the required annual report, the School Board shall forward
765 the report to the Commissioner of Education at the same time as other
766 annual school accountability reports.

767

768 E. If a deteriorating financial condition is identified, the School District shall
769 notify the governing board of the charter school and the Commissioner of
770 Education within seven (7) business days. The governing board and District
771 shall develop a corrective action plan and submit the plan to the
772 Commissioner of Education within thirty (30) business days after notifying
773 the charter school.

774

775 F. If a certified public accountant or an auditor finds that a charter school is in
776 a state of financial emergency, the charter school shall file a detailed

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777 financial recovery plan with the District and Commissioner of Education no
778 later than thirty (30) days after receipt of the audit. The Superintendent or
779 designee shall monitor implementation of the recovery plan.

780
781 G. Additionally, the Superintendent or designee shall regularly monitor charter
782 school compliance with charter requirements.

783
784 XVII. Immunity

785
786 For the purposes of tort liability, the governing body and employees of a charter
787 school shall be governed by Florida Statutes. The School Board shall assume no
788 liability for actions of the governing body of the charter schools or its employees.

789
790
791
792 **STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.

793
794 **LAWS IMPLEMENTED:** 120.68, 1001.02, 1001.43, 1002.33, 1002.331,
795 1002.345, 1002.45, 1002.455, 1013.62, F.S.

796
797 **STATE BOARD OF EDUCATION RULE:** 6A-6.0781, 6A-6.0785, 6A-6.0787

798
799 **HISTORY:** ADOPTED: 12/07/04
800 REVISION DATE(S): 12/07/04, 01/18/05, 10/17/06, 12/11/07, 09/01/09, 02/15/11
801 FORMERLY: 8.601

802
803 **NOTES:**