

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 ~~C~~charter/~~Conversion~~ ~~S~~school may be made by an individual, teachers, parents, group of individuals, a municipality, or any legal entity organized under the laws of the ~~S~~state 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.

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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.

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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.

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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.

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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 G.F. 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 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. Applications for charter schools shall be submitted on the required
90 application form prepared by the Department of Education. The

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91 application form shall include the elements required for School Board
92 approval of a charter as defined in F.S. 1002.33. ~~The application does not~~
93 ~~constitute the charter, which will be considered the legal contract between~~
94 ~~the School Board and the charter's organizational body.~~

95
96 B. [All charter school applications and proposal materials submitted to the](#)
97 [District become public records pursuant to Chapter 119, Florida Statutes.](#)

98
99 C. [All timely submitted](#) applications accepted by the sponsor during its
100 application window will be reviewed and recommended to the School
101 Board for approval or denial based on compliance with F.S. 1002.33 [and](#)
102 [the standards and criteria delineated in the Florida Charter School](#)
103 [Application Evaluation Instrument.](#) ~~The District shall consider, but not be~~
104 ~~limited to, the following criteria for evaluating the application.~~

105 106 Academic Design

107
108 a. ~~Mission~~ describing the core philosophy or underlying
109 ~~purpose of the school and the target student population~~
110 ~~including how the school will use the guiding principles and~~
111 ~~meet the statutorily defined purpose of a charter school~~
112 ~~pursuant to F.S. 1002.33.~~

113 b. ~~Program~~ providing a detailed curriculum that illustrates how
114 ~~students will be provided services to attain the Sunshine State~~
115 ~~Standards. This plan must contain goals and objectives for~~
116 ~~improving student learning and measuring their improvement.~~
117 ~~These goals and objectives must indicate how much~~
118 ~~academic improvement students are expected to show each~~
119 ~~year, how success will be evaluated, and the specific results~~
120 ~~to be attained through instruction. The curriculum plan must~~

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121 also describe the reading curriculum and differentiated
122 strategies that will be used for students reading at grade level
123 or higher and a separate curriculum for students reading
124 below grade level. The School District shall deny a charter if
125 the school does not propose a reading curriculum that is
126 consistent with effective teaching strategies that are grounded
127 in scientifically based reading research. The curriculum must
128 also describe plans to meet the needs of ESE, LEP, Section
129 504 and other special populations.

130 c. ~~Student Assessment~~ — describing all student assessment
131 methods, including establishment of baseline data, outcomes
132 to be achieved, and methods of measurement to be used;
133 defining the process for determining students' strengths and
134 weaknesses; outlining how students' rates of progress will be
135 evaluated and compared with similar populations; describing
136 participation in statewide assessments; and, for secondary
137 students, outlining the method for determining that a student
138 has satisfied the requirements for graduation pursuant to
139 Florida Statutes.

140 2. ~~Governance and Management~~

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142
143 a. ~~Profile of the Application Group and Management Team~~ —
144 providing each person's name, contact details, background,
145 and relevant experience; detailing similar information on all
146 consultants; identifying areas of expertise that may be lacking
147 and how that expertise will be acquired; and providing details
148 on partnerships or contracts with existing schools,
149 businesses, or nonprofit organizations.

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150 b. ~~School Governance~~ — describing the legal entity that will
151 ~~operate the school; outlining the governance structure~~
152 ~~including initial selection and future rotation of members;~~
153 ~~describing various roles and responsibilities; describing~~
154 ~~methods of resolving disputes both internally and with the~~
155 ~~sponsor; describing the manner in which the school will~~
156 ~~respond to areas of concern raised by School Board staff;~~
157 ~~detailing parent involvement; and outlining compliance with~~
158 ~~Florida Statutes relative to public records and public~~
159 ~~meetings.~~

160 c. ~~Length of Charter and Timetable~~ — stating the requested
161 ~~charter term and providing justification for requests in excess~~
162 ~~of five (5) years; and providing a time line for the school's start-~~
163 ~~up.~~

164 d. ~~Recruiting and Marketing Plan~~ — outlining the process of
165 ~~publicizing the school to attract a sufficient number of~~
166 ~~applicants; and detailing steps to be taken to ensure that~~
167 ~~applications are received from students from all racial and~~
168 ~~socioeconomic groups.~~

169 3. ~~Finance, Facilities, and Risk Management~~

170
171
172 a. ~~Facilities~~ — describing the site or potential sites and their
173 ~~suitability relative to the school's mission, academic design,~~
174 ~~and student body; detailing the extent to which the facility~~
175 ~~meets all applicable building code requirements, and a time~~
176 ~~line for renovations necessary to meet any code~~
177 ~~shortcomings; describing any partnerships regarding site~~
178 ~~acquisition; and outlining the financing or leasing plans.~~

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179 b. ~~Finance — providing an annual financial plan for each year~~
180 ~~requested by the charter application for operation of the~~
181 ~~schools for up to five years. This plan must contain anticipated~~
182 ~~fund balances based on revenue projections, a spending plan~~
183 ~~based on projected revenues, and expenses and a~~
184 ~~description of controls that will safeguard financial and~~
185 ~~projected enrollment trends. This financial plan shall also~~
186 ~~describe financial management and internal accounting /~~
187 ~~control procedures; detail the manner in which financial~~
188 ~~reports will be maintained and shared; outline the projected~~
189 ~~enrollment for the first three years of operation and the~~
190 ~~resulting budget revealing all sources of revenues, including~~
191 ~~sufficient start-up funds or line of credit equivalent to three~~
192 ~~months operating costs; describe the process for obtaining~~
193 ~~the yearly financial audit from an independent certified public~~
194 ~~accounting firm; describe how student and financial records~~
195 ~~will be stored safely; and describe the format and frequency~~
196 ~~of financial reporting to the sponsor.~~

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

204 4. ~~Operations~~

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206
207 a. ~~Admissions and Registration — describing procedures for~~
208 ~~initial admission, articulation, and withdrawal; describing the~~

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209 initial year's and subsequent years' time lines for application
210 and selection, including provisions for a lottery when
211 applications exceed demands; detailing the manner in which
212 the school will meet a racial/ethnic balance reflective of its
213 community; describing the enrollment impacts on surrounding
214 public schools; and, in the case of a conversion charter,
215 describing alternative arrangements for prior students who do
216 not wish to attend the charter school.

217 b. ~~Student Code of Conduct, Discipline, and Dismissal~~
218 ~~Procedures~~—describing the school's *Code of Student*
219 *Conduct* and, if it differs from the sponsor's code, why it differs
220 and how the school will coordinate actions involving major
221 discipline violations which may require expulsion; describing
222 discipline and dismissal procedures including articulation
223 back to a District school if requested by the parent; and
224 detailing plans to ensure the safety of all on the campus from
225 violent or disruptive student behavior.

226 c. ~~Human Resources~~—describing strategies to recruit, hire,
227 train, and retain certified, or otherwise qualified, teachers and
228 other staff; outlining the processes for screening/ training
229 volunteers and for determining the limits of a volunteer's
230 contacts with students; describing the plan for determining
231 salaries, contracts, hiring/dismissal, and benefits, including
232 participation, if any, in the Florida Retirement System;
233 detailing how staff qualifications will be shared with parents;
234 and describing the anticipated staffing patterns.

235 d.a. ~~Transportation~~—describing plans for transporting students to
236 and from school, including details for contracts with the
237 sponsor, public/private providers, and parents; describing the
238 process for determining the school's "reasonable distance;"

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239 and outlining how the school will ensure that transportation is
240 not a barrier to equal access to all students.
241

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

247
248 D.E. The Superintendent may establish a District Charter Review Committee
249 (CRC) to process, review and evaluate applications and present
250 evaluation findings.

251
252 1. The District CRC committee membership is determined annually by
253 the Superintendent or designee. The District CRC membership
254 includes district and school-based staff with expertise in the areas
255 addressed in the application. The District CRC may also include
256 parents or community representatives.

257
258 2. The District CRC shall use the Florida Charter School Application
259 Evaluation Instrument to identify strengths and deficiencies in the
260 written application, appendices, historical performance, and/or
261 other areas that require clarification to fully evaluate the quality of
262 the application or the capacity of the applicant to properly
263 implement the proposed plan.

264
265 4.3. Before final approval or denial of an application, the District shall
266 notify the applicant in writing if minor technical or non-substantive
267 corrections need to be made or signatures need to be added if the
268 errors may cause denial of the application. Upon written

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269 notification the applicant will be allowed at least seven (7) calendar
270 days to make and submit the corrections. This process may not be
271 used by the applicant to make substantive changes or submit new
272 information or make any revisions that would constitute a
273 substantial or material amendment to the original submitted
274 application.

275
276 2.4. The District CRC may conduct a capacity interview with the
277 applicant and the proposed school's founding/governing board
278 members (or Board of Directors) in order to corroborate information
279 provided in the written application and to assess the capacity of the
280 school's board members to operate a successful charter school.

281
282 a. There is no statutory requirement for the applicant to
283 participate in the capacity interview session.

284 b. Any information or evidence from the capacity interview that
285 is used by the District CRC to support the evaluation of the
286 application must be properly documented by means of a
287 recording or transcript.

288 c. The District CRC may, at its sole discretion, evaluate the
289 application without any additional input from the applicant if
290 the majority of the founding governing board members of the
291 prospective charter school are not present or do not
292 participate in the interview.

293
294 5. The District CRC shall submit a final charter school application
295 evaluation report to the Superintendent. The Superintendent shall

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296 present the report to the School Board for action to approve or deny
297 the application.
298

299 IV. ~~Elements of the Charter~~ Contract

300

301 A. The terms and conditions for the operation of a charter school shall be set
302 forth by the School Board and the charter school's governing board in a
303 written contractual agreement, called a charter.
304

305 B. The charter application and any addenda related to the application approval
306 process are part of the charter.
307

308 C. The following elements shall be ~~required to be~~ included in the school's
309 charter contract with the School Board consistent with F.S. 1002.33(7)(a)1-
310 48.

311
312 1. The school's mission and vision.

313
314 2. Focus of the curriculum with emphasis on reading, including
315 instructional methods, any distinctive instructional techniques,
316 technology resources, and ensuring that reading is the primary focus
317 of the curriculum with specialized, researched-based instruction
318 provided to all students including students reading below grade level.
319

320 3. Students to be served (ages, grades, ~~current school zone~~, projected
321 FEFPESE categories, and, as appropriate, special populations as
322 provided in law).

323
324 4. Baseline standards of student achievement, outcomes to be
325 achieved and method(s) of measurement. including:

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

5. 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.~~

5.6. All charter school students shall participate in the statewide student assessment under F.S. 1008.43.

6.7. Method of determining that a student has met graduation or promotion requirements ~~For secondary schools a method of determining that a student has satisfied the requirements for graduation specified in F.S. 1003.43.~~

7.8. 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-h).~~

8.9. Procedures for FTE enrollment and verification.

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~~9.~~10. Instructional methods to be used, including service to ESE, 504, and ESOL students.

~~10.~~11. A Code of Student Conduct consistent with district policies and discipline code.

~~11.~~12. 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*.

~~12.~~13. Provision for parent involvement including methods for resolving conflicts for students, parents and staff.

~~13.~~14. A method for resolving conflicts between the governing body and of the charter school and the School Board sponsor including how the charter school shall respond to concerns or issues raised by the sponsor.

~~14.~~15. 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;~~

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383 5. ~~Other reports or information required by the sponsor,~~
384 ~~the Florida Department of Education, or other~~
385 ~~governmental entities as appropriate.~~

386
387 ~~15.~~ 16. Financial and administrative management of school. Description of
388 the financial and administrative management of the school, including
389 a reasonable demonstration of the professional experience or
390 competence of those individuals or organizations applying to operate
391 the charter school or those hired to perform such professional
392 services. This description must clearly delineate responsibilities and
393 the policies and practices needed to effectively manage the school
394 and must specify internal audit procedures and controls to ensure
395 that the financial resources of the school are properly managed.

396
397 ~~16.~~ 17. Internal financial controls and audit process.

398
399 ~~17.~~ 18. Articles of Incorporation and governance structure, including names,
400 addresses, financial disclosure to include the same requirements as
401 in Florida Statutes.

402
403 ~~18.~~ 19. Procedure for notification by auditor if school is in a state of financial
404 emergency or deficit financial position. Description of the how the
405 asset and liability projections of the charter school shall be
406 incorporated into the annual report including assurances that, if the
407 annual audited financial report reveals a deficit financial position, the
408 auditors are required to notify the charter school governing board,
409 the sponsor, and the Department of Education in a manner
410 consistent with F.S. 1002.33 (7)(a)10.

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412 19.~~20.~~ Description of procedures to identify various risks and provide for a
413 comprehensive approach to reduce the impact of losses including
414 plans to ensure the safety and security of students and staff.

415
416 20.~~21.~~ Description of required insurance coverage at specified limits no less
417 than \$1,000,000 per occurrence and \$2,000,000 aggregate for errors
418 and omissions and general liability coverage to include but not limited
419 to prior acts, sexual harassment, civil rights and employment
420 discrimination, breach of contract, insured consultants and
421 independent contractors. Additionally, coverages for property and
422 causality equal to replacement costs for school structures and
423 contents, automobile and worker's compensation shall also be
424 provided.

425
426 21.~~22.~~ Specification of the term of the Charter consistent with F.S. 1002.33
427 (7)(a)12.

428
429 22.~~23.~~ Description of the facilities to be used and [evidence of all codes](#)
430 [having been met](#) ~~their location including the necessity for all~~
431 ~~applicable building code and certificate of occupancy requirements~~
432 ~~to be met prior to the opening of school.~~

433
434 23.~~24.~~ An indemnification or hold-harmless agreement releasing the School
435 Board of all liability for actions by the charter school governing body
436 or its employees.

437
438 24.~~25.~~ Provision for cancellation of the agreement for insufficient progress
439 on student achievement objectives or other good cause pursuant to
440 F.S. 1002.33.

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442 ~~25.~~26. Description of the ~~q~~Qualifications of teachers including the
443 procedures for disclosure of the qualifications of teachers and other
444 staff of the charter school to parents and the sponsor.

445
446 ~~26.~~27. Professional development plan.

447
448 ~~27.~~28. Description of the staff selection process, including strategies for
449 recruiting, hiring, training and qualified staff. ~~The~~ Staff selection
450 process, ~~shall include~~ing ~~retraining requirements for fingerprinting~~
451 ~~and criminal background checks on all staff of the charter school,~~
452 ~~including governing board members.~~

453
454 ~~28.~~29. Statement of the status of employees of the charter school as private
455 or public employees.

456
457 ~~29.~~30. Provision of an Implementation timetable addressing the elements of
458 the charter and the dates for their completion.

459
460 ~~30.~~31. If applicable, alternative arrangements for students and teachers at
461 a conversion public school who choose not to participate in the
462 conversion charter;

463
464 ~~31.~~32. A proposed budget including salary and benefits of staff, and
465 documentation of a line of credit in an amount specified by the
466 sponsor, which shall be no less than three months of operating
467 expenses;

468
469 ~~32.~~33. Procedures for renewal or modification of the agreement consistent
470 with F.S. 1002.33 (7) (b-c);

471

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472 ~~33.~~34. Description of how transportation, food service or other needed
473 services shall be provided to students of the charter school including
474 contracts and agreements with the District or other contractors; ;
475

476 35. Method of identification and acquisition of appropriate technologies
477 needed to improve educational and administrative performance. ;
478 including
479

480 ~~34.~~36. Mmeans for promoting safe, ethical, and appropriate uses of
481 technology that comply with legal and professional standards.
482

483 ~~35.~~37. Other information as required by statute or specified in the charter
484 contractagreement.
485

486 ~~V.~~ Additional Charter Provisions

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

489
490 ~~A.~~ No later than thirty (30) days prior to school opening proof of insurance
491 consistent with the terms of the charter.
492

493 ~~B.~~ Thirty (30) days prior to school opening a complete set of fingerprints, taken
494 by an employee of the School District who is trained to take fingerprints, of
495 all governing board and staff members. No staff member may be on campus
496 with students until their fingerprints are taken. These fingerprints shall be
497 submitted to the appropriate state and/or federal law enforcement agencies
498 for a criminal background check with the cost borne by the staff members
499 or the charter school.
500

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501 ~~C. Prior to approval of the charter by the School Board, articles of incorporation~~
502 ~~as a nonprofit organization.~~

503
504 ~~D. Prior to approval of the charter by the School Board, governance structure,~~
505 ~~including names, addresses, of the governing board members.~~

506
507 ~~E. No later than thirty (30) days prior to the opening of school, proof of~~
508 ~~availability of facilities to adequately house the charter school including~~
509 ~~documentation that all applicable building codes have been met and that a~~
510 ~~certificate of occupancy has been obtained.~~

511
512 ~~F. By July 1, a list of all registered students, their addresses, and their most~~
513 ~~recent schools, plus a reassignment form signed by the parent. Additional~~
514 ~~students may be added to the list if the enrollment period is extended by~~
515 ~~mutual agreement of the charter school and the sponsor.~~

516
517 ~~G. Other information as required by statute or specified in the charter~~
518 ~~agreement.~~

519 520 ~~I. Opening of the Charter School~~

521
522 ~~A. The charter school shall open on the sponsor's first day of school for~~
523 ~~students after the school year in which the charter was approved. To seek~~
524 ~~an opening later than the first day, the school must submit a written request~~
525 ~~including the reason for the delay and a contingency plan detailing how the~~
526 ~~school will still comply with the 180-day school year requirement. The~~
527 ~~request must be received in time for consideration by the School Board at~~
528 ~~least two (2) weeks prior to the first day.~~

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

532
533 ~~C. An applicant that has been given an extension under paragraph VI.B shall~~
534 ~~meet the requirements by June 30 after the one year extension or will have~~
535 ~~to reapply for a charter.~~

536 537 VI.V. Charter Renewals

538
539 A. Prior to renewal of a charter, the sponsor shall perform a program review to
540 determine the following:

541
542 1. The level of success of the current academic program;

543 2. Achievement of the goals and objectives required by State
544 accountability standards and successful accomplishment of the
545 criteria under F.S. 1002.33(7)(a);

546 3. The viability of the organization;

547 4.4. Compliance with terms of the charter; and

548 2.5. That none of the statutory grounds for non-renewal exist.

549
550 B. Any charter school seeking renewal shall be required to complete a
551 charter renewal application and undergo the Sponsor's renewal process.
552 The charter renewal application shall include supporting documentation for
553 items 1-5 above.

554
555 C. Renewals shall be for a term of five (5) years unless a longer term is
556 mutually agreed upon, required or allowed by law. Upon approval, the

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557 [charter contract will be renewed following the charter negotiation process.](#)
558 [Charter schools that are not granted a renewal may appeal by following](#)
559 [the non-renewal appeal process.](#)

561 VII.VI. Causes for Nonrenewal or Termination [of Charter](#)

562
563 A. At the end of the term of a charter, the School Board may choose not to
564 renew the charter for any of the following grounds:

- 565
- 566 1. Failure to participate in the state's accountability system ~~created by~~
567 ~~F.S. 1008.31~~ or failure to meet the requirements for student
568 performance as stated in the charter;
 - 569 2. Failure to meet generally accepted standards of financial
570 management;
 - 571 3. Violation of law; [or](#)
 - 572 4. Other good cause shown.

573
574 B. During the term of a charter, the School Board may terminate the charter
575 for any of the grounds listed in paragraph VI.A. ~~or if the health, safety, or~~
576 ~~welfare of the student(s) is threatened.~~ A charter may be terminated
577 immediately if the sponsor ~~determines that good cause has been shown or~~
578 ~~if~~ [sets forth in writing the particular facts and circumstances indicating that](#)
579 [an immediate and serious danger to](#) the health, safety, or welfare of [the](#)
580 [charter school's](#) students ~~exists~~ [is threatened](#).

581
582 [C.](#) At least ninety (90) days prior to renewing or terminating a ~~C~~[c](#)harter, unless
583 a state of emergency exists, the School Board shall notify the governing
584 body of the school of the proposed action in writing, detailing the grounds

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585 for the action and stipulating that ~~the~~^a request for an informal hearing may
586 be requested within fourteen (14) days of receipt of the notice.

587
588 1. Within sixty (60) days after receipt of the request for a hearing, the
589 School Board may:

590 a. The School Board shall ~~C~~^C conduct an informal hearing to
591 decide upon nonrenewal or termination by a majority vote
592 or, within thirty (30) days after receiving a written request. The
593 Charter School's governing board may, within thirty (30) days
594 after receiving the School Board's decision to terminate or
595 refuse to renew the charter, appeal the decision pursuant to
596 the procedures established in F.S. 1002.33 (6) (c)

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

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

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

607
608 ~~C.D.~~ C.D. ~~. The sponsor shall assume operation of the school under these~~
609 ~~circumstances. The Charter School governing board may, within thirty (30)~~
610 ~~days after receiving the sponsor's decision to terminate the charter, appeal~~
611 ~~the decision pursuant to the procedures established in F.S. 1002.33 (6).~~

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~~D.E.~~ 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.~~

~~F.~~ 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.

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

~~VIII.~~VII. Academic Accountability

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

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641 A. In the first year of operation the charter school shall be responsible for the
642 academic achievement and performance goals stated in the charter
643 application or, to a set of goals mutually agreed to and specified in the
644 charter.

645
646 B. In the second year of operation the charter school shall provide its proposed
647 four-year academic achievement goals for the remaining years of the
648 contract up to a maximum of four years and thereafter, resubmit
649 achievement goals every four years of the charter through the end of the
650 charter term.

651
652 C. The charter school may opt to submit its academic achievement goals in an
653 annual School Improvement Plan (SIP) each year of the Contract in
654 accordance with and as outlined in the District’s School Improvement Plan
655 Guidelines and time line.

656
657 1. The charter school shall notify the District in writing by May 1st of
658 each year if the school elects not to implement a School
659 Improvement Plan.

660 2. Schools that have contracts in excess of five years and choose not
661 to develop and implement a School Improvement Plan, unless
662 required to do so pursuant to section 1002.33(9)(n), F.S., shall
663 submit proposed academic achievement goals for five years and
664 resubmit every four years using the same parameters for
665 achievement goals set forth in the charter.

666
667 D. The Superintendent or designee shall review the proposed academic
668 achievement goals within 30 days of receipt and shall either accept the
669 proposed goals as presented or provide a written explanation for the

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District's recommended revisions to the proposed goals. If the charter school and the District cannot agree on the academic achievement goals either party may request mediation pursuant to 1002.33, F.S.

~~IX.~~VIII. Other Charter School Requirements

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

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

C. Tuition Prohibition. 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.~~

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

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

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700 year and provide the Sponsor with the school's calendar for the following
701 school year.

702
703 D.F. Each charter school shall maintain a website that enables the public to
704 obtain information regarding the school; the school's academic
705 performance; the names of the governing board members; the programs at
706 the school; any management companies, service providers, or education
707 management corporations associated with the school; the school's annual
708 budget and its annual independent fiscal audit; the school's grade pursuant
709 to s. 1008.34; and, on a quarterly basis, the minutes of governing board
710 meetings.

711
712 G. If an organization (management organization), including but not limited to:
713 1) a management company, 2) an educational service provider, or 3) a
714 parent organization, will be managing or providing significant services to the
715 school, the contract for services between the management organization and
716 the governing board shall be provided to the District and attached as an
717 appendix to the charter contract. Any contract between the management
718 organization and the school must ensure that:

719
720 1. The contract will clearly define each party's rights and responsibilities
721 including specific services provided by the management organization
722 and the fees for those services and specifies reasonable and feasible
723 terms under which either party may terminate the contract. The
724 contracts must provide that the management company/education
725 service provider must comply with the school's charter contract with
726 the District. Additionally, all management company/education
727 service provider contracts with charter schools shall contain clearly
728 defined performance indicators for evaluating the management
729 company/education service provider, initial contract execution date.

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

733 3. Any default or breach of the terms of the contract by the management
734 company shall constitute a default or breach under the terms of the
735 contract between the school and District.

736
737 H. Education Program and Curriculum. Any material change to a charter
738 school's current education program and/or curriculum and/or any material
739 change to what is described in the approved Application or Charter requires
740 Sponsor approval and shall be submitted to the Sponsor for consideration
741 by May 1st in any given year for the subsequent school year.

742
743 I. A charter school may give preference in admission to students or limit the
744 enrollment as provided for in section 1002.33(10), Florida Statutes, and as
745 specified in the Charter Application. Changes to the school's criteria for
746 admissions and/or eligibility for enrollment must be submitted to the
747 Sponsor for approval 60 days prior to the registration and enrollment period
748 for the subsequent school year.

749
750 J. A charter school will not conduct routine or random drug testing of students
751 for any purpose.

752
753 K. Professional Development and Leadership Development

754
755 1. A charter school is responsible for ensuring that all administrators,
756 student support personnel and all full-time instructional personnel
757 are trained prior to the start of school in the most relevant

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758 components of the school’s staff development plan, which must
759 address federal and state requirements, as applicable.

760 2. Professional development and training needs shall be based on
761 student achievement and other student outcome data as well as be
762 aligned to the needs of the individual employee based on the results
763 of the teacher/principal evaluation results.

764 3. Employees of a charter school may participate in professional
765 development activities offered by the District. Any costs associated
766 with professional development for which there is an additional fee,
767 and for which no federal funding has been provided for such
768 purposes to the Sponsor, will be the responsibility of the school or
769 individual school employee.

770 771 X.IX. Rule Exemptions

772
773 A charter school shall be exempt from all School Board policies except those
774 ~~stated herein, those specified in F.S. 1002.33, those pertaining to health, safety,~~
775 ~~civil rights, financial records, accountability related to student enrollment reports,~~
776 ~~financial audits, and collective bargaining agreements if the staff chooses to~~
777 ~~remain part of the District bargaining unit(s).~~

778 779 X. Governance and Management

780
781 A. The governing board of the charter school shall annually adopt and maintain
782 an operating budget which shall be provided to the sponsor no later than
783 thirty (30) days prior to the opening of school each year.

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- 785 B. The governing board of the charter school shall exercise continuing
786 oversight over charter school operation.
787
- 788 C. The governing body shall participate in governance training approved by
789 the Department of Education.
790
- 791 D. The governing board of the charter school shall report its progress annually
792 to the sponsor which shall forward the report to the Commissioner of
793 Education at the same time as other annual school accountability reports.
794 The annual report shall be submitted in a format provided by the
795 Department of Education consistent with F.S. 1002.33 ~~(9)(k)~~.
796

797 XI. [Human Resources and](#) Personnel Options 798

- 799 A. A charter school shall select its own employees. A charter school may
800 contract with its sponsor for the services of personnel employed by the
801 sponsor.
802
- 803 B. Charter school employees may bargain collectively as a separate unit or as
804 part of the existing applicable District collective bargaining unit(s).
805
- 806 C. If teachers at a charter school choose to be a part of a professional group
807 that subcontracts with the charter school to operate the instructional
808 program under the auspices of a partnership or cooperative that they
809 collectively own, they shall not be considered public employees.
810
- 811 D. Employees of the School District may take leave ~~for up to three years~~ to
812 accept employment in a charter school upon the approval of the School
813 Board and [may](#) shall maintain seniority accrued in the School District. They
814 may continue to be covered by the benefit program of the School District

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815 only if the charter school and the School Board agree to the arrangement
816 and its financing.

817

818 E. Teachers employed or under contract to a charter school shall be certified,
819 as required by Florida Statutes, 1012, or if not certified, contracted with
820 according to the provisions defined in Florida Statutes.

821

822 E.F. A charter school may not knowingly employ an individual to provide
823 instructional services if the individual's certification or licensure as an
824 educator is suspended or revoked in Florida or any other state. A charter
825 school may not knowingly employ an individual who has resigned from a
826 school district in lieu of disciplinary action or who has been dismissed for
827 just cause by any School District.

828

829 F.G. The charter school shall conduct screenings and employment history
830 checks, as required by law, on candidates for instructional and
831 administrative positions that require direct contact with students.

832

833 H. All governing board members and employees of a charter school shall be
834 fingerprinted and shall undergo through a criminal background screening
835 check as provided for in Florida Statutes.

836

837 G.I. The ~~employees~~ governing body of a ~~C~~ charter ~~S~~ school may elect to
838 participate in the Florida Retirement System after proper application and
839 approval under Florida Statutes.

840

841 J. The charter school shall disclose to the School District the employees of the
842 charter school who are related to the owner, board of directors, president,
843 superintendent, school administrator or other person with decision making
844 authority at the charter school.

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845
846 ~~H.K.~~ A charter school shall comply with the restriction on employment of relatives
847 provisions included in section 1002.33(24), Florida Statutes.

848
849 ~~I.L.~~ A charter school shall comply with section 1012.34, Florida Statutes, related
850 to performance evaluation requirements for charter school instructional
851 personnel and school administrators. A charter school shall notify the
852 District by May 1st of each school year as to the school's intent to follow the
853 District's Instructional Personnel and School Administrators Evaluation
854 System or if the school will adopt their own performance evaluation system
855 for implementation in the subsequent school year.

856
857 ~~XII. Charter Schools in the Workplace or Charter Schools in a Municipality~~
858 ~~Applications for charter schools in the workplace or charter schools in a~~
859 ~~municipality shall be considered consistent with F.S. 1002.33 (15) (a-d).~~

860
861 ~~XIII.~~ XII. Exemptions from Statutes

862
863 A. A charter school shall operate in accordance with its charter and shall be
864 exempt from all statutes in chapters 1000-1013 with the exception of:

- 865
866 1. Statutes specifically applying to charter schools;
- 867 2. Statutes relating to the student assessment program and the school
868 grading system;
- 869
870 3. Statutes pertaining to provision of services to student with
871 disabilities;

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- 872 4. Statutes pertaining to civil rights, including F.S. 1000.05 relating to
873 discrimination
- 874 5. Statutes relating to maximum class size;
- 875 6. Statutes relating to student health, safety and welfare.

876

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

878

- 879 1. Section 286.011 relating to public meetings and records, public
880 inspection and criminal and civil penalties;

881 2. Chapter 119 relating to public records;

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

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

887 5. Section 1012.33(5), relating to workforce reductions;

888 2.6. Section 1012.335, relating to contracts with instructional personnel
889 hired on or after July 1, 2011;

890 3.7. Section 1012.34, relating to the substantive requirements for
891 performance evaluations for instructional personnel and school
892 administrators.

893

894 ~~XIV.~~XIII. Funding

895

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

898
899 A. Each charter school shall report its student enrollment to the District School
900 Board as required by [Florida Statutes](#) F.S. 1011.62 ~~including compliance~~
901 ~~with the Department of Education guidelines for electronic data formats for~~
902 ~~data submission~~ and School Board policy and procedures. [The School](#)
903 [Board shall include each charter school's enrollment in the District's report](#)
904 [of students.](#)

905
906 ~~B. Charter school students shall be funded as provided in F.S. 1011.62 and~~
907 ~~the General Appropriations Act.~~

908
909 ~~C.~~ [B.](#) Charter schools whose students or programs meet the eligibility criteria as
910 ~~stated~~ in law shall be entitled to their proportionate share of all Florida
911 Education Finance Program and General Appropriations Act funds, gross
912 state and local funds, discretionary funds, categorical program funds and
913 federal funds. Total funding for each ~~C~~ charter ~~S~~ school will be recalculated
914 during the year to ~~reflect the revised calculation under the Florida Education~~
915 ~~Finance Program by the state and~~ [adjust for](#) the actual weighted-full time
916 equivalent [and eligible](#) students reported by the ~~charter school~~ [and the](#)
917 [revised calculations under the Florida Education Finance Program,](#)
918 [following the October and February Full Time Equivalent \(FTE\)](#)
919 [counts](#) ~~during the full time equivalent student survey periods designated by~~
920 ~~the Commissioner of Education.~~

921
922 [C.](#) [Any administrative fee charged by the School District to the charter school](#)
923 ~~The District shall provide certain administrative and educational services to~~
924 ~~charter schools consistent with F.S. 1002.33. The total administrative fee~~
925 ~~for the provision of such services shall be~~ [no more than](#) five percent (5%)

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926 of the available funds defined in XI.B. The District may only withhold an
927 administrative fee for enrollment ~~charter school funds~~ for up to and including
928 two hundred fifty (250) students. The District may only withhold an
929 administrative fee for enrollment up to and including five hundred (500)
930 students within a system of charter schools that meets designated criteria.
931 Administering the contract includes providing technical assistance,
932 monitoring policy compliance and processing financial, student and other
933 records or required reports. This does not include contract(s) for other
934 specific services to staff or student participation in the benefit packages or
935 other special programs. The fees for these services will be negotiated and
936 will be determined on an actual cost basis.

937
938 ~~D. Charter school students shall be provided federal funding for the same level~~
939 ~~of services provided to students in the schools operated by the district~~
940 ~~school board consistent with 20 U.S.C. 8061.~~

941
942 ~~E.D.~~ The School District shall make every effort to ensure that charter schools
943 receive timely and efficient reimbursement, including processing paperwork
944 required to access special state and federal funding for which the charter
945 school may be eligible. The District may distribute funds to a charter school
946 for up to three (3) months based on the charter school's projected
947 enrollment. Thereafter, the results of full-time equivalent student
948 membership surveys shall be used in adjusting the amount of funds
949 distributed monthly to charter schools for the remainder of the school fiscal
950 year. with Payment shall be issued no later than ten (10) working days
951 after the District receives a distribution of state or federal funds. If a
952 payment is not issued within ten (10) working days after receipt of funding,
953 or the District shall pay a penalty of one percent (1%) interest per month.
954 Under no circumstances will the School District advance funds before a
955 charter school is approved open, but the School Board may approve a

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956 charter before the applicant has secured space, equipment, or personnel if
957 the applicant indicates approval is necessary for it to raise working capital.

958
959 F.E. Millage Levy, if applicable. The District may, at its discretion, provide
960 additional funding to a charter school.

961 962 ~~XV.XIV.~~ Facilities Requirements

963
964 A ~~C~~ charter schools shall utilize facilities which comply with the Florida
965 Building Code, adopted pursuant to Florida Statutes, the Florida Fire
966 Prevention Code pursuant to Florida Statutes and the comprehensive land
967 use plan as adopted by the authority in who jurisdiction the facility is located.

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

975
976 ~~A. A charter school will utilize facilities that comply with the Florida Fire~~
977 ~~Prevention Code, pursuant to Chapter 633.025, as adopted by the authority~~
978 ~~in whose jurisdiction the facility is located.~~

979
980 ~~B. Surplus property or equipment shall be made available for charter school~~
981 ~~use on the same basis as it is made available for use by other public~~
982 ~~schools in the District. A charter school receiving such property or~~
983 ~~equipment from the School District may not sell or dispose of such~~
984 ~~property without written permission by the School District.~~

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986 XV. Services

987
988 C.A. Goods and services made available to charter schools through contract with
989 the School District shall be provided at a rate no greater than the District's
990 actual cost unless mutually agreed upon by the district and the charter
991 school.

992 993 XVI. Monitoring and Review

994
995 A. The Superintendent, or designee, shall have ongoing responsibility for
996 monitoring the health, safety and well-being of students and the fiscal
997 responsibility of all approved charter schools. The Superintendent, the
998 Superintendent's designee, other District personnel and all School Board
999 members shall have free and open access to the charter school at all times.

1000
1001 B. The charter school shall submit a monthly financial report to the School
1002 District no later than the last day of the month following the month being
1003 reported. Financial reports for schools designated by the state as high-
1004 performing charter schools shall be submitted quarterly as provided by
1005 Florida law.

1006
1007 C. Annually, as specified in the charter, ~~on the date designated by the~~
1008 ~~Department of Education,~~ the governing body of the charter school shall
1009 submit the following for District review: ~~its annual report for School Board~~
1010 ~~review and forwarding to the Commissioner of Education pursuant to F.S.~~
1011 ~~1002.33 (9)(k)1-4.~~

1012
1013 1. The charter school's progress towards achieving the goals outlined
1014 in its charter;

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- 1015 2. The charter school's annual report to parents pursuant to Florida
1016 Statutes;
- 1017 3. An annual financial audit report obtained by the school reflecting
1018 generally accepted financial accounting standards;
- 1019 4. Salary and benefit levels of school employees;
- 1020 5. Certification status of instructional personnel; and
- 1021 6. Any other documents specified in the charter or requested by the
1022 Superintendent.

1023
1024 D. Upon receipt of the required annual report, the School Board shall forward
1025 the report to the Commissioner of Education at the same time as other
1026 annual school accountability reports.

1027
1028 E. If a deteriorating financial condition is identified, the School District shall
1029 notify the governing board of the charter school and the Commissioner of
1030 Education within seven (7) business days. The governing board and District
1031 shall develop a corrective action plan and submit the plan to the
1032 Commissioner of Education within thirty (30) business days after notifying
1033 the charter school.

1034
1035 G-F. If a certified public accountant or an auditor finds that a charter school is in
1036 a state of financial emergency, the charter school shall file a detailed
1037 financial recovery plan with the District and Commissioner of Education no
1038 later than thirty (30) days after receipt of the audit. The Superintendent or
1039 designee shall monitor implementation of the recovery plan.

1040

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1041 ~~D.G.~~ Additionally the Superintendent or designee shall regularly monitor charter
1042 school compliance with charter requirements.

1043

1044 XVII. Immunity

1045

1046 For the purposes of tort liability, the governing body and employees of a charter
1047 school shall be governed by Florida Statutes. The School Board shall assume no
1048 liability for actions of the governing body of the charter schools or its employees.

1049

1050

1051

1052 **STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.

1053

1054 **LAWS IMPLEMENTED:** 120.68, 1001.02, 1001.43, 1002.33, 1002.331,
1055 1002.345, 1002.45, 1002.455, 1013.62, F.S.

1056

1057 **STATE BOARD OF EDUCATION RULE:** 6A-6.0781, 6A-6.0785, 6A-6.0787

1058

1059 **HISTORY:** ADOPTED: 12/07/04

1060 REVISION DATE(S): 12/07/04, 01/18/05, 10/17/06, 12/11/07, 09/01/09, 02/15/11

1061

FORMERLY: 8.601

1062

1063 **NOTES:**