

Related Entries: (Not identified at this time)

Charter Schools

The following rules, regulations and guidelines shall be followed to ensure that Charter Schools operating in the School District attain the following:

(1) Guiding Principles: Purpose:

(a) Charter schools in the Lee County School District shall be guided by the following principles:

- 1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.
- 2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.
- 3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year’s worth of learning for every year spent in the charter school.

(b) Charter Schools shall:

- 1. Improve student learning.
- 2. Increase learning opportunities for all students with a special emphasis on low performing students.
- 3. Encourage the use of innovative learning methods.
- 4. Require the measurement of learning outcomes.

(c) Charter Schools may:

- 1. Create innovative measurement tools.
- 2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
- 3. Expand the capacity of the public school system.

- 45 4. Mitigate the educational impact created by the development of new
46 residential dwelling units.
47
- 48 5. Create new professional opportunities for teachers, including ownership
49 of the learning programs at the school site.
50
- 51 (d) The School Board’s mission for authorizing charter schools is to promote the
52 implementation of these guiding principles through fair, rigorous, and effective
53 processes that achieve a portfolio of high-quality public charter schools.
54
- 55 (2) Process
56
- 57 (a) At least 60 days before submitting a charter school application, potential
58 applicants should submit a letter of intent to apply which includes:
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- 60 1. Name of organization applying to operate the Charter School.
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- 62 2. Proposed name of school that complies with the requirements of School
63 Board Policy 9.10. The Superintendent or the Superintendent’s
64 designee may require applicants to modify proposed school names for
65 any good cause.
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- 67 3. Proposed location of school.
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- 69 4. Brief description of student population, including the number of students
70 to be served at each grade level during each year of operation.
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- 72 5. Unique educational opportunities to be provided by the Charter School.
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- 74 6. Application contact person(s).
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- 76 7. Telephone and Fax numbers.
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- 78 8. E-mail address(es) of contact person(s).
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- 80 (b) All applications shall be date stamped when received.
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- 82 (c) Complete applications must be received in the Superintendent’s Office no later
83 than February 1 at 4:00 p.m. EST of each year for any charter school which
84 intends to operate beginning 18 months later at the beginning of the school
85 year or to be opened at a time agreed to by the applicant and the School Board.
86 In years when February 1 does not occur on a business day, the due date shall
87 be the next day of business following February 1.
88
- 89 (d) Applications shall be submitted on the model application form adopted by the
90 State Board of Education, or, at the Superintendent’s discretion, on a District-
91 approved form or system that meets state requirements

- 92
93 (e) Applications shall include the signature(s) of the individual(s) or officers of the
94 entity making the proposal.
95
- 96 (f) District staff may provide technical assistance to organizations and individuals
97 submitting proposals whenever feasible and subject to available resources.
98
- 99 (g) District staff may interview and/or communicate with charter school applicants
100 and/or their representatives to:
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- 102 1. Assess the overall capacity of the applicant to establish and implement
103 the charter school plan;
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 - 105 2. Clarify any components of the written application for which reviewers
106 had questions or required additional information to fully evaluate;
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 - 108 3. Corroborate information provided in the written application;
109
 - 110 4. Recommend amendment to the initial application, if it is of sufficient
111 quality to merit consideration.
112
- 113 District staff will evaluate the application and determine, based on their
114 professional Assessment of the written application and interviews or other
115 communications, whether the application should be recommended for
116 approval. Only applicants who have presented a quality plan with no material
117 weaknesses and have demonstrated the capacity to operate a quality charter
118 school will be recommended for charter approval.
119
- 120 (h) All applications submitted to the Board shall include a recommendation
121 articulated in writing for acceptance or denial.
122
- 123 (i) Applications shall by a majority vote of the Board be approved or denied no
124 later than 90 calendar days after receiving the application unless the Board
125 and the applicant mutually agree in writing to extend the 90-day period to a
126 later specific date, by which date the Board shall by a majority vote approve or
127 deny the application.
128
- 129 (j) If an application is denied, the Board will, within 10 calendar days after the
130 meeting, at which it is denied, articulate in writing the reasons for denial and
131 provide such to the applicant and Florida Department of Education.
132
- 133 (k) The sponsor shall have up to 30 days after the approval of an application to
134 provide an initial proposed charter contract to the charter school. The applicant
135 and the sponsor shall have up to 40 days thereafter to negotiate and notice
136 the charter contract for final approval by the sponsor unless both parties agree
137 to an extension, pursuant to s. 1002.33, F.S.
138

- 139 (l) Denied applicants may appeal to the Florida State Board of Education within
140 30 days of receipt of the notification of denial, pursuant to s.1002.33, F.S.
141
- 142 (3) Eligible Applicants
143
- 144 (a) An application for a new charter school may be made by an individual,
145 teachers, parents, a group of individuals, a municipality, or a legal entity
146 organized under the laws of Florida.
147
- 148 (b) The School Board, principal, teacher, parent/guardian and/or the school
149 advisory council at an existing public school that has been in operation for at
150 least two years prior to the application to convert, are the only applicants who
151 may submit an application to convert an existing public school to a charter
152 school (a "conversion charter school"). An application for the creation of a
153 conversion charter school shall include documented written proof of the
154 support of at least 50% of the teachers employed at the school at the time of
155 the application and 50% of the parents/guardians voting whose children are
156 enrolled in the school at the time of the application, provided that a majority of
157 the parents/guardians eligible to vote participate in the ballot process.
158
- 159 (c) Private schools, parochial schools and home education schools are not eligible
160 for charter status. A charter school may not be affiliated with a sectarian school
161 or religious institution and shall be completely nonsectarian in all aspects of its
162 operations, including but not limited to all programs, admission policies and
163 employment practices.
164
- 165 (d) All applications must include background information on each applicant,
166 governing board members and all proposed education service providers and
167 any individual(s) who shall be involved in the organization and operation of the
168 proposed charter school. Such background information shall include the name
169 and sponsor of any charter school operated by each applicant, each governing
170 board member and each proposed education service provider that has closed
171 and the reason for the closure and the academic and financial history of all
172 such charter schools. All applicants and members of the governing body of
173 the proposed charter school shall submit with the application a complete set
174 of fingerprints taken by an authorized law enforcement officer or by an
175 employee of the District who is trained to take fingerprints. These fingerprints
176 shall be accompanied with written permission for the District to conduct
177 background checks as appropriate. These fingerprints shall be submitted by
178 the District to the appropriate state and federal law enforcement agencies for
179 processing with the cost borne by the applicant and charter school governing
180 body members. The applicant also must disclose background information with
181 regard to related entities and predecessor entities, including background
182 information of the shareholders, directors, officers, etc., of these entities and
183 the litigation history of these entities. The information submitted must be
184 sufficient to establish the competence needed to provide the professional
185 services required to operate a charter school.

- 186
187 (4) Evaluation Criteria. Applications will be evaluated using a form or system consistent
188 with the current model application form adopted by the State Board of Education
189 which:
190
191 (a) Demonstrates how the school will use the guiding principles and meet the
192 statutorily defined purpose of a charter school;
193
194 (b) Provides a detailed curriculum plan that illustrates how students will be
195 provided services to attain state curriculum standards;
196
197 (c) Contains goals and objectives for improving student learning and measuring
198 that improvement. These goals and objectives must indicate how much
199 academic improvement students are expected to show each year, how
200 success will be evaluated, and the specific results to be attained through
201 instruction;
202
203 (d) Describes the reading curriculum and differentiated strategies that will be used
204 for students reading at grade level or higher and a separate curriculum and
205 strategies for students who are reading below grade level; and provides
206 evidence that the reading program is consistent with effective teaching
207 strategies and grounded in scientifically based reading research;
208
209 (e) Contains an annual financial plan for each year requested by the charter for
210 operation of the school for 5 years. This plan must contain anticipated fund
211 balances based on revenue projections, a spending plan based on projected
212 revenues and expenses, and a description of controls that will safeguard
213 finances and projected enrollment trends.
214
215 (f) Provides evidence that the applicant has participated in the training required
216 in s. 1002.33, Florida Statutes, or affirms that the applicant will do so before
217 the deadline established in statute.
218
219 (g) Other information as may be indicated on the most recent model application
220 form adopted by the State Board of Education; and
221
222 (h) Other information as may be indicated in this Policy;
223
224 (i) Other information as may be indicated by the Superintendent.
225
226 (5) Charter Negotiation. Unless extended by mutual agreement of the Superintendent
227 and the applicant, the Board shall provide the applicant a proposed charter contract
228 within 30 days of application approval. The Board and the applicant shall have 40
229 days to negotiate the charter agreement for final approval by the Board, unless both
230 parties agree to an extension. At the written request of the approved applicant and
231 for good cause shown, the Superintendent of Schools or designee may suspend the
232 charter agreement negotiations for a period not to exceed one year from the approval

233 of the charter school application. A decision to approve the suspension of charter
234 agreement negotiations shall be within the sole discretion of the Superintendent or
235 designee. In the event that charter agreement negotiations are suspended, the
236 approved applicant shall update the charter school application prior to resuming
237 negotiations with regard to the following matters:

- 238
- 239 1. An updated budget
- 240
- 241 2. Applicable application modifications resulting from this delay.
- 242

243 If the approved applicant does not respond with acceptance or proposed revisions to
244 the initial proposed charter contract provided by the School District within six months
245 of receipt, the application approval shall be null and void and the applicant shall be
246 required to resubmit an application if it wishes to establish a charter school in the
247 District.

248

249 (6) Application and Charter Requirements. The following matters are required to be
250 acknowledged and addressed in any application and shall be reflected in any charter,
251 with both documents including sufficient detail and particularity to the satisfaction of
252 the Board:

- 253
- 254 (a) Standard form: The application shall be complete and shall use the appropriate
255 current form approved by the Florida State Board of Education;
- 256
- 257 (b) Term: The application shall clearly state the desired term of the charter. The
258 initial charter shall be in effect for a term no greater than five years. A 15 year
259 initial charter may be granted to a municipal or other public entity applicant and
260 to a nonprofit organization applicant. The initial charter may be renewed in
261 increments of five years or less after a program review has been performed to
262 establish the requirements of this policy have been successfully accomplished
263 and that none of the grounds for non-renewal in paragraph (7) have been
264 documented. The renewal shall be for a term of 15 years if the charter school
265 has received a school grade of A or B in three of the past four years and is not
266 in a state of financial emergency or a deficit financial position.
- 267
- 268 (c) Evidence base: The application shall describe the scientific research base for
269 the educational program, including scholarly citations sufficient to demonstrate
270 a suitable consideration of the current research;
- 271
- 272
- 273 (d) Parent/Guardian Involvement: The nature of the desired involvement of
274 parents/guardians shall be described. If parents will be asked to sign an
275 agreement in which they are obligated to provide volunteer hours or other
276 services to the school, then the text of this agreement shall be provided in the
277 application.
- 278

- 279 (e) Students Served: The students to be served shall be defined, including their
280 ages, grades, current school(s), and projected FEFP categories. The
281 application must acknowledge that the charter school may not enroll students
282 over the age of 18 if that student has been identified as a dropout or if there
283 has otherwise been a break in that student's school enrollment. There also
284 shall be an assurance that the school shall be open to any student in the
285 District on a voluntary basis. In addition, preference for enrollment in
286 conversion schools shall be given to students who otherwise would have
287 attended that school. If the number of eligible students exceeds the capacity
288 of the program, class, grade level, or building, a random selection of students
289 shall be made and shall be described in the application and charter. A charter
290 may limit the enrollment process only to target the following student population:
291
- 292 1. Students within specific age groups or grade levels.
 - 293
 - 294 2. Students considered at risk of dropping out of school or academic
295 failure. Such students shall include exceptional education students.
 - 296
 - 297 3. Students enrolling in a charter school-in-the-workplace or charter
298 school-in-a-municipality.
 - 299
 - 300 4. Students residing within a reasonable distance of the charter school, as
301 described in the charter agreement.
 - 302
 - 303 5. Students who meet reasonable academic, artistic, or other eligibility
304 standards established by the charter school and included in the charter
305 school application and charter or, in the case of existing charter schools,
306 standards that are consistent with the school's mission and purpose.
307 Such standards must be in accordance with current state law and
308 practice in public schools and may not discriminate against otherwise
309 qualified individuals.
 - 310
 - 311 6. Students articulating from one charter school to another pursuant to an
312 articulation agreement between the charter schools which has been
313 approved by the sponsor.
 - 314
 - 315 7. Students living in a development in which a business entity provides the
316 school facility and related property having an appraised value of at least
317 \$10 million to be used as a charter school for the development.
318 Students living in the development shall be entitled to 50% of the
319 student stations in the charter school.
 - 320
- 321 (f) Specific Rights of Students and Employees: The following assurances shall be
322 given:
323
- 324 1. The charter school shall adhere to a policy of nondiscrimination in all
325 educational programs, activities and employment practices. It shall

- 326 strive affirmatively to provide equal opportunity for all as required by
327 federal and state law, including, but not limited to:
328
- 329 a. Title VII of the Civil Rights Act of 1964 (prohibiting discrimination
330 on the basis of race, color, religion or national origin).
 - 331
 - 332 b. Title IX of the Education Amendments of 1972 (prohibiting
333 discrimination on the basis of gender).
 - 334
 - 335 c. Age Discrimination Employment Act of 1967 (prohibiting
336 discrimination on the basis of age with respect to individuals who
337 are at least 40 years of age).
 - 338
 - 339 d. Section 504 of the Rehabilitation Act of 1973 (prohibiting
340 discrimination against the disabled).
 - 341
 - 342 e. Americans with Disabilities Act of 1990 (prohibiting
343 discrimination against individuals with disabilities in employment,
344 public service, public accommodations and telecommuni-
345 cations).
 - 346
 - 347 f. The Family and Medical Leave Act of 1993 (requiring covered
348 employers to provide up to 12 weeks of job protective leave to
349 eligible employees for certain family and medical reasons).
 - 350
 - 351 g. Florida Educational Equity Act (prohibiting discrimination on the
352 basis of race, gender, national origin, marital status, or disability
353 against a student or employee).
 - 354
 - 355 h. The Florida Civil Rights Act of 1992 (securing for all individuals
356 in the State of Florida freedom from discrimination because of
357 race, color, religion, gender, national origin, age, disability or
358 marital status).
 - 359
 - 360 i. Veterans are provided reemployment rights in accordance with
361 federal and state law (section 295.07, Florida Statutes).
 - 362
- 363 2. The charter school shall ensure that exceptional students shall be
364 provided with programs implemented in accordance with federal, State
365 and local policies and procedures, specifically the Individuals with
366 Disabilities Education Act (IDEA), section 504 of the Rehabilitation Act
367 of 1973, section 1000.05 and 1001.42(4)(l) of the Florida Statutes, and
368 Chapter 6A-6 of the Florida Administrative Code. The programs shall
369 include, but are not limited to, the following:
370
- 371 a. A nondiscriminatory policy regarding admission, placement,
372 assessment, and identification.

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- b. Free appropriate public education.
 - c. Individualized education programs (“IEP”) which include an IEP meeting with the student’s family.
3. The charter school shall ensure that students with disabilities shall be educated in the least restrictive environment and shall be segregated only if the nature and severity of the disabilities is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. It shall be the school’s goal to place students in an environment where they can flourish. If the charter school believes it may not be able to meet the needs of an enrolled disabled student, it will contact and consult with the Lee County School District staff concerning the student’s educational placement. The charter school will not deny admission to, nor withdraw, a disabled student based upon a finding the student needs a service delivery model not presently in existence at the school. The school’s staff shall work closely and as early as possible in the planning and development stages with District staff to discuss the needed services of the school’s students with disabilities. Such students will be referred for enrollment at a Lee County School District school only when school and District staff agrees the student’s educational needs cannot be met at the charter school. Parents/guardians of students with disabilities shall be afforded procedural safeguards in the native language, which includes the areas of notice and consent, independent educational evaluations, confidentiality of student records, due process hearings, and surrogate parents. Alternative assessments shall be provided for students with disabilities if the IEP team determines the need.
4. The charter school shall ensure that students who are of limited proficiency in English shall be served by ESOL certified personnel who shall follow the District plan for limited English proficient students.
- (g) Criteria for Admissions, Selection, and Dismissal: If a public school converts to a charter school, parents/guardians may request nonparticipation and receive an assignment to a different public school. All students attending a public school, which converts to a charter school, shall be eligible to attend. Admission or dismissal must not be based on a student’s academic performance.
 - (h) Student Rights, Discipline, and Safe Learning Environment: The charter school’s rules applicable to student rights, discipline, and the creation and maintenance of a safe learning environment shall be described. Conflict resolution strategies for students, parents and staff shall be described. There must be a description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the

- 420 safety and security of students and staff; plans to identify, minimize and protect
421 others from violent or disruptive student behavior.
422
- 423 (i) Diversity: Methods for achieving diversity in the student population in support
424 of District goals and Policy related to diversity and the method of student
425 assignment then applicable shall be described.
426
- 427 (j) Selection of Personnel:
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- 429 1. There shall be evidence of potential strategies for recruiting, hiring and
430 retaining quality staff to achieve best value, including an
431 acknowledgement that the school must fully comply with certification,
432 credentialing, and licensing requirements established under state and
433 federal law.
434
- 435 2. There shall be an acknowledgment that the charter school shall select
436 its own employees and that those employees shall have the option to
437 bargain collectively in accordance with s.1002.33(12), F.S. Teachers
438 shall be certified as required by s.1002.33(12), F.S. The charter school
439 may employ or contract with selected non-certified personnel to provide
440 instructional services as education professionals in the manner defined
441 in Chapter 1012, F.S. A charter school may not employ an individual to
442 provide instructional services or to serve as a teacher's assistant if the
443 individual's certification has been suspended or revoked by any state.
444 A charter school may not employ an individual who has resigned from
445 a school district in lieu of disciplinary action with respect to student
446 welfare or safety, or who has been dismissed for just cause by any
447 school district with respect to student welfare or safety. All employees
448 of a charter school shall successfully complete a background screening
449 as provided for in s.1012.32, F.S.
450
- 451 3. If teachers at a charter school choose to be part of a professional group
452 that subcontracts with the charter school to operate the instructional
453 program under the auspices of a partnership or cooperative that they
454 collectively own, they shall not be considered public employees.
455
- 456 4. Employees of the District may take leave for up to three years to accept
457 employment in a charter school upon the approval of the Board and shall
458 maintain seniority accrued in the District. They may continue to be
459 covered by the benefit program of the District only if the charter school
460 and the Board agree in writing to the arrangement and its financing.
461
- 462 5. A charter school shall check the background of all employees in
463 accordance with Board Policy and Florida law. All employees of the
464 school must meet the requirements for moral character established by
465 Board Policy and Florida Law. Failure to meet this requirement shall
466 constitute good cause to terminate the charter.

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6. The charter school shall adopt policies establishing standards of ethical conduct for instructional personnel and school administrators in the form required by Section 1002.33, F.S.
 7. The charter shall not employ instructional personnel or school administrators in any position that requires direct contact with students if the applicant is ineligible for employment due to conviction of an offense within Section 1012.315, F.S.
 8. The charter shall, before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct an employment history check, including contacting the applicant's previous employer and use screening tools provided by the Florida Department of Education. The charter shall not provide instructional personnel or school administrators with employment references or discuss the employee's performance with employers in another educational setting without disclosing the employee's misconduct.
 9. The charter school shall describe its plan for the hiring, discipline and termination of employees.
 10. The charter school shall describe its plan for professional development.
 11. The governing body of a charter school may elect to participate in the Florida Retirement System after proper application under section s.121.021(34), F.S.
 12. The charter school shall fully disclose the identity of all relatives, as defined in s.1002.33 F.S., employed by the charter school, related to the charter school owner, president, superintendent, principal, assistant principal, a governing board member or any other person employed by the charter school who has decision-making authority.
 13. The application shall explain clearly if its hiring procedures will require that the school principal or equivalent school leader shall hold current Florida Professional Education certification in Educational Leadership and/or School Principal. If the school's hiring procedures will not require this level of certification, then the application must clearly explain what alternative qualifications will be required, and the educational rationale for permitting alternative qualifications.
- (k) Student Withdrawal: The application shall acknowledge that parents/guardians may withdraw a student from a charter school at any time. To withdraw students during quarters 1, 2, or 3, the parents/guardians may withdraw by completing the appropriate forms at the charter school. To

514 withdraw a student from a charter during the fourth quarter of the academic
515 year, the parents/guardians must first notify the District's Department of
516 Student Assignment and obtain a waiver, and may then complete the
517 appropriate forms at the charter school. During the fourth quarter of the
518 academic year, charter schools may not initiate or complete a withdrawal
519 without a waiver. Parents/guardians of students who have withdrawn from a
520 charter school may request a school assignment from the District student
521 assignment office. In addition, a charter school may not expel, withdraw or
522 transfer a student involuntarily, unless the withdrawal or transfer is
523 accomplished through Board Policy or administrative procedure. Charter
524 schools must ensure that no pressure, coercion, negotiation, or other
525 inappropriate inducement may be used to attempt to have parents/guardians
526 withdraw students from the charter school. Charter schools must provide
527 sufficient training and oversight to staff members to prevent improper
528 withdrawals. Charter schools shall promptly readmit and reenroll any student
529 who has been inadvertently or improperly withdrawn. The Charter School shall
530 not transfer an enrolled student to another charter school without first obtaining
531 the written approval of the student's parent.

532
533 (l) School Year: A charter school's instructional calendar shall be the same as
534 the District's instructional calendar, even in years when the District
535 instructional calendar may be modified during the school year. Charter schools
536 shall provide instruction on every student day in the District instructional
537 calendar may provide instruction for additional days. Reimbursement for
538 additional days of instruction shall be subject to the limits of the Florida
539 Education Finance Program, General Appropriations Act and other rule or
540 programs that restrict funding to the School District.

541
542 (m) Transportation: The charter school shall provide for the appropriate
543 transportation of students. Transportation of students shall be consistent with
544 the requirements of part l.e. of F.S. Chapter 1006 and relevant State Board of
545 Education Rules. All transportation plans shall be subject to review and
546 approval by the District prior to implementation. If the charter school contracts
547 with a private provider for student transportation services, it shall ensure the
548 services are provided in accordance with all provisions of Florida Statute and
549 administrative rule including, but not limited to, the proper certification of bus
550 operators and required inspection of buses. The charter school shall ensure
551 that the private provider maintains all documentation required to establish
552 compliance and ensure such documents are available to the Board and the
553 public as required by law. The charter school shall submit its contract with the
554 transportation provider to School District staff in advance of provision of
555 services to ensure compliance.

556
557 (n) Food Service: The charter school shall be solely responsible for providing
558 appropriate food services for students. The charter school's food service plan
559 shall be subject to review and approval by the District prior to and during
560 implementation. Each charter school cafeteria must post in a visible location

- 561 and on the charter school Web site the charter school’s semiannual sanitation
562 certificate and a copy of its most recent sanitation inspection report as required
563 by s.1013.12(2)b, F.S.
564
- (o) 565 Facilities: A charter school shall utilize facilities which comply with the Florida
566 Building Code pursuant to Chapter 553, F.S. Charter Schools are not required
567 to comply, but may choose to comply, with the state Requirements for
568 Educational Facilities of the Florida Building Code adopted pursuant to
569 s.1013.37, F.S. A charter school shall utilize facilities that comply with the
570 Florida Fire Prevention Code, pursuant to s.633.025, F.S, as adopted by the
571 authority in whose jurisdiction the facility is located. A lease agreement or
572 documentation evidencing property interest and a certificate of occupancy with
573 evidence that all applicable codes have been met shall be provided no less
574 than four weeks prior to the opening of the school year or the school shall not
575 be permitted to be open to students. In addition:
576
- 577 1. The facilities to be used and the location must be specified.
578
 - 579 2. The charter school shall provide the Board with documentation
580 regarding the schools property interest, as owner or lessee, in the
581 property and facility where the school shall operate. If the charter school
582 does not own the property and facility, the school must show proof of a
583 signed lease. Proof of property interest must be provided to the Sponsor
584 not less than four weeks before the opening day of classes each school
585 year.
586
 - 587 3. The charter school may not utilize facilities, which are owned by the
588 Board, unless it pays fair market value rent for such use. If the facility is
589 surplus, it shall be made available to a charter school on the same basis
590 as other public schools in the District.
591
 - 592 4. The charter school shall show proof of the appropriate facility
593 certification, including all certificates that are required by the applicable
594 building codes not less than 15 days before the opening day of classes
595 each school year. Failure to secure the appropriate certification by the
596 opening day of classes shall constitute good cause for termination of
597 the charter.
598
 - 599 5. There shall be an acknowledgment that the Board shall be allowed to
600 conduct inspections of the facilities at reasonable times and that lack of
601 compliance with applicable facilities requirements shall be grounds for
602 termination of the charter.
603
 - 604 6. In the event educational impact fees required to be paid in connection
605 with new residential dwelling units are designated instead for the
606 construction of charter school facilities, such facilities shall be built to
607 the State Requirements for Educational Facilities. The School District

608 will have the right to monitor and inspect such facilities to ensure
609 compliance with the State Requirements for Educational Facilities. If a
610 facility ceases to be used for public educational purposes, either the
611 facility shall revert to the School District subject to any debt owed on
612 the facility, or the owner of the facility shall have the option to refund all
613 educational impact fees utilized for the facility to the School District. The
614 District and the owner of the facility may contractually agree to another
615 arrangement for the facilities if the facilities cease to be used for
616 educational purposes.

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618 (p) Tuition and Fees: A charter school shall not charge tuition or fees, except those
619 fees normally charged by other schools in the District. The charter school shall
620 notify parents/guardians that it will waive such fees when notified by parents
621 that the fee poses an obstacle to accessing the educational program. An
622 itemized and specific schedule of all fees for any and all items required of
623 students, including but not limited to school uniforms, supplies, locks, locker
624 rental, binders, agenda books, parking fees, and equipment, will be submitted
625 to the Sponsor not later than the first student day of school each year. If
626 students are required to use a sole-source vendor for any item or service, the
627 school must submit to Sponsor an educational rationale for requiring each
628 sole-source vendor.

629
630 (q) Student Records: The charter school shall maintain both active and archival
631 records for current/former students. The charter school shall maintain student
632 records in the complete and exact form specified by current District protocols.
633 All permanent records of students leaving the school, whether by graduation,
634 transfer to the public school system, or withdrawal to attend another school,
635 must be transferred to the school system in accordance with state law and in
636 full compliance with District protocols and procedures. Records of student
637 progress must be transferred to the District if the student is returning to the
638 District. Charter schools must use the Florida Department of Education
639 electronic data formats when submitting student information.

640
641 (r) Funding and Auditing:
642
643 1. As provided in s.1002.33, F.S. students enrolled in a charter school
644 generally shall be funded the same as students enrolled in a basic or
645 special program in any other public school in the District.
646
647 2. The governing board of the charter school shall annually adopt and
648 maintain an operating budget.
649
650 3. The application shall contain an assurance that the charter school shall
651 report its student enrollment to the Board as required by s.1011.62, F.S.
652 and the definitions set forth in s.1011.61, F.S. in a manner consistent
653 with the District and State reporting requirements. The Board shall

- 654 include each charter school's enrollment in the District's report of
655 student enrollment to the State.
656
- 657 5. Charter schools whose students or programs meet the eligibility criteria
658 in law shall be entitled to their proportionate share of all Florida
659 Education Finance Program ("FEFP") and General Appropriation Act
660 funds, state and local gross and discretionary funds, categorical
661 program funds and federal funds as provided by law. Total funding for
662 each charter school shall be recalculated during the year to adjust for
663 the actual weighted full-time equivalent and eligible students reported
664 by the school and the revised calculations under the FEFP, following
665 the October and February Full-Time Equivalent (FTE) counts. The
666 charter school shall provide the Board with documentation that
667 categorical funds received by the school were expended for purposes
668 for which the categorical funds were established by the Legislature.
669
- 670 5. A total administrative fee for the provision of such services shall be
671 calculated, charged, and reported as provided by statute. The Board
672 will collect the full administrative fee to which it is entitled. The Board
673 may charge this fee by withholding from each payment made to the
674 charter school for administrative costs. Administering the contract
675 includes providing technical assistance, monitoring policy compliance
676 and processing financial, student and other records or required reports,
677 contract management services, FTE and data reporting, Exceptional
678 Student Education administration, services related to eligibility and
679 reporting duties required to ensure provision of school lunch services
680 under the federal lunch program if requested, test administration
681 services, including payment of the costs of state-required or district-
682 required student assessments, processing of teacher certificate data
683 and information services, including equal access to student information
684 systems that are used by public schools in the district in which the
685 charter school is located. Student performance data for each student
686 including, but not limited to, state assessment scores, standardized test
687 scores, and student performance measures shall be provided to a
688 charter school in the same manner as provided to other public schools
689 in the District. This does not include contract(s) for other specific
690 services to staff or student participation in benefit packages or other
691 special programs. If a student enrolled in the Charter School attends
692 any of the School District's summer school programs, the costs of such
693 programs shall be deducted from the School's subsequent FTE
694 payment.
695
- 696 6. The District shall make every effort to ensure that charter schools
697 receive timely and efficient reimbursement with payment issued no later
698 than 10 working days after receipt of a complete invoice, or it shall pay
699 a penalty of one percent interest per month. Payment shall be made on
700 a monthly basis in arrears based upon the estimated number of FTE

- 701 students in membership during the FTE survey period. For the first two
702 years of operation, if a minimum of 75% of the projected enrollment is
703 entered into the District's student information system by the first day of
704 the current month, the District shall distribute funds for the months of
705 July through October based on the projected enrollment. If less than
706 75% of the projected enrollment is entered into the student information
707 system, payment shall be based on actual enrollment entered into the
708 student information system. When appropriate, during any fiscal year,
709 payment may be adjusted monthly to reflect the number of actual FTE
710 students in membership during the FTE survey period. If the charter
711 school's portion of the FTE is adjusted downward, the charter school
712 shall reimburse the Board for the amount of the downward adjustment
713 within 30 days. If prompt reimbursement is not received, the School
714 District will deduct the amount of the adjustment from the School's
715 subsequent FTE distributions.
- 716
- 717 7. The Board may approve a charter before the applicant has secured
718 space, equipment, or personnel if the applicant indicates approval is
719 necessary for it to raise working capital and such is to the satisfaction
720 of the Board.
- 721
- 722 8. A new school shall utilize the standard state codification of accounts as
723 contained in the Financial and Program Cost Accounting and Reporting
724 for Florida Schools. Federal, state and local funds shall be maintained
725 according to existing mandates and practices, including separate funds
726 and bank accounts for federal funds and state and local funds.
- 727
- 728 9. The school shall provide financial statements to the Board, which at a
729 minimum, shall include a balance sheet and a statement of revenues
730 and expenditures and changes in fund balances prepared in
731 accordance with general accepted accounting principles and in a format
732 which includes a detail of all revenue and expenditure activities relating
733 to its operations. These statements shall be in the format prescribed by
734 the Florida Department of Education. These statements will be provided
735 monthly, commencing upon approval of the charter contract, unless
736 otherwise specified in state statute or rule.
- 737
- 738 10. At the discretion of the charter school governing board, a charter school
739 may elect to follow generally accepted accounting standards for not-for-
740 profit organizations, but must reformat this information for reporting
741 according to this paragraph. The governing board of the school shall
742 exercise continuing oversight over charter school operations and shall
743 provide the Board with annual audited financial reports for year ending
744 June 30 by September 1 of that year. These reports must include a
745 complete set of financial statements and notes thereto prepared in
746 accordance with Governmental Accounting Standards Board
747 Statements for inclusion into the school's financial statements,

- 748 formatted by revenue source and expenditures and detailed by function
749 and object by the following timeline:
750
751 a. Unaudited statements: no later than August 1 of each year
752
753 b. Audited statements: no later than September 1 of each year
754
- 755 11. The financial audit shall be performed by a qualified certified public
756 accountant that is approved by the Governing Board of the School. The
757 audit shall be performed in accordance with generally accepted auditing
758 standards; Government Auditing Standards, issued by the Comptroller
759 General of the United States; and the Rules of the Auditor General,
760 State of Florida. The funding for any subsequent year or contract
761 extension shall be contingent upon the receipt of the audit by the School
762 District. The school shall bear all cost associated with the financial audit.
763
- 764 12. There should be a description of clearly delineated responsibilities and
765 the policies and practices needed to manage effectively the charter
766 school. A description of internal audit procedures and establishment of
767 controls to ensure that financial resources are properly managed must
768 be included.
769
- 770 13. The asset and liability projections required in the application which are
771 incorporated into the charter shall be compared with information
772 provided in the annual report of the charter school. The charter shall
773 ensure that, if a charter school internal audit reveals a state of financial
774 emergency, a deteriorating financial condition, or a deficit financial
775 position, the auditors are required to notify the charter school governing
776 board, the School District and the Department of Education. The
777 internal auditor shall report such findings in the form of an exit interview
778 to the principal or the principal administrator of the charter school, the
779 School District, the Commissioner of Education and the governing
780 board within 7 working days after the finding. A final report shall be
781 provided to the entire governing board, the School District and the
782 Department of Education within 14 working days after the exit interview.
783 A charter school found to be in a state of financial emergency shall file
784 a detailed financial recovery plan with the School Board and the
785 Commissioner of Education within 30 days of such finding. A Charter
786 School found to have a deteriorating financial condition shall submit a
787 corrective action plan to the School District within 15 business days of
788 such finding for approval by the School Board.
789
- 790 (aa) Insurance: The specific insurance to be provided shall be clearly described
791 and shall incorporate the following language:
792
- 793 1. In General: The charter school shall provide evidence of insurance as
794 follows:

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- a. As evidence of compliance with the insurance required by this Contract, the charter school shall furnish the Board with fully completed certificate(s) of insurance signed by an authorized representative of the insurer(s) providing the coverages not later than four weeks before the opening day of classes. The effective date of such coverage must begin on or before the opening day of classes. The certificates shall be issued to the Board and name the Board as an additional insured, if required by specific paragraphs of this Policy addressing that form of insurance.
 - b. Each certificate of insurance shall provide that the Board be given no less than 30 days written notice prior to cancellation. The charter school shall also provide the School Board written notice of cancellation of insurance within 15 days after it receives notice from the insurance carrier.
 - c. Until such time as the insurance is no longer required to be maintained by the charter school, the school shall provide the Board with evidence of the renewal or replacement of the insurance no less than 30 days before the expiration or termination of the required insurance for which evidence was provided.
 - d. Insurers providing the insurance must meet the following minimum requirements:
 - (1) Be authorized by certificates of authority issued by the Department of Insurance of the State of Florida, or be an eligible surplus line insurer under Florida Statutes. In addition, the insurer must have a Best's Rating of "A -" or better and a Financial Size Category of "VI" or better, according to the latest edition of Best's Key Rating Guide, published by A.M. Best Company.
 - (2) If, during this period when an insurer is providing the required insurance, an insurer shall fail to comply with the foregoing minimum requirements, as soon as the charter school has knowledge of any such failure, the school shall immediately notify the Board and immediately replace the insurance provided by the insurer with an insurer meeting the requirements.
 - e. Without limiting any of the other obligations or liabilities of the charter school, the school shall at the school's sole expense, procure, maintain and keep in force the amounts and types of insurance conforming to the minimum requirements of this Board

842 Policy. The insurance shall commence prior to the
843 commencement of the opening of the school and shall be
844 maintained in force, without interruption, until the charter is
845 terminated.

846
847 2. Required Insurance Coverage:

848
849 a. Commercial General Liability Insurance: At a minimum, the
850 commercial general liability insurance provided by the charter
851 school shall conform to the following requirements:

852
853 (1) The charter school's insurance shall cover the school for
854 those sources of liability (including, but not by way of
855 limitation, coverage for operations, products/-completed
856 operations, independent contractors, and liability
857 contractually assumed).

858
859 (2) The minimum limits to be maintained by the charter
860 school (inclusive of any amounts provided by an umbrella
861 or excess policy) shall be \$1 million per occurrence/\$3
862 million annual aggregate.

863
864 (3) Except with respect to coverage for property damage
865 liability, the commercial general liability coverage shall
866 apply on first dollar basis without application of any
867 deductible or self-insured retention. The coverage for
868 property damage liability may be subject to a maximum
869 deductible of \$1,000 per occurrence.

870
871 (4) The charter school shall include the Board and its
872 members, officers and employees as an "additional
873 insured" on the required commercial general liability
874 insurance. The certificate of insurance shall be clearly
875 marked to reflect "The School Board, its members,
876 officers, employees and agents as additional insured."

877
878 b. Automobile Liability Insurance: Automobile liability insurance
879 provided by the charter school shall conform to the following
880 requirements:

881
882 (1) The charter school's insurance shall cover the school for
883 all sources of liability, including coverage for liability
884 contractually assumed.

885 (2) Coverage shall be included on all owned, non-owned and
886 hired autos used in connection with the operation of the
887 charter school. If the charter school does not own or lease
888 any vehicles in the operation of the school, it shall submit

- 889 a statement to such effect with the annual insurance
890 certificate submission.
- 891
- 892 (3) The minimum limits to be maintained by the charter
893 school (inclusive of any amounts provided by an umbrella
894 or excess policy) shall be \$1 million per occurrence.
- 895
- 896 (4) The charter school shall include the Board and its
897 members, officers, and employees as an “additional
898 insured” on the required automobile liability insurance if
899 the school leases vehicles from the Board. The certificate
900 of insurance shall be clearly marked to reflect, “The
901 School Board, its members, officers, employees, and
902 agents as additional insured.”
- 903
- 904 (5) If the school contracts with a private vendor for student
905 transportation services, the school shall ensure that the
906 vendor obtains the automobile liability insurance required
907 by this subsection and the school shall submit to the
908 Board a certificate of insurance demonstrating such
909 coverage.
- 910
- 911 c. Workers’ Compensation/Employers’ Liability: The workers’
912 compensation/employers’ liability insurance provided by the
913 charter school shall conform to the following requirements:
- 914
- 915 (1) The charter school’s insurance shall cover the school
916 (and to the extent its subcontractors and its sub-
917 subcontractors are not otherwise insured, its
918 subcontractors and sub-subcontractors) for those
919 sources of liability which would be covered by the latest
920 edition of the standard workers’ compensation policy, as
921 filed for use in Florida by the National Council on
922 Compensation Insurance, without restrictive
923 endorsements. In addition to coverage for the Florida
924 Workers’ Compensation Act, where appropriate,
925 coverage is to be included under the Federal Employers’
926 Liability and any other applicable federal or state law.
- 927
- 928 (2) Subject to the restrictions found in the standard workers’
929 compensation policy, there shall be no maximum limit on
930 the amount of coverage for liability imposed by the Florida
931 Workers’ Compensation Act or any other coverage
932 customarily insured under Part One of the standard
933 workers’ compensation policy. The minimum limits for
934 employers’ liability (inclusive of any amount provided by
935 an umbrella or excess policy) shall be \$1 million by

- 936 accident/each accident, \$1 million by disease/each
937 employee, and \$1 million annual aggregate. Should the
938 charter school lease employees, it shall provide certified
939 proof that the corporation from which it leases services
940 maintains Workers Compensation coverage in
941 compliance with this Policy.
942
- 943 d. Professional Liability/Educator's Legal Insurance: The charter
944 school shall provide coverage, subject to reasonable commercial
945 availability, in the form of school leader's errors and omissions
946 liability insurance conforming to the following requirements:
947
- 948 (1) The professional liability/educator's legal liability
949 insurance shall be on a form acceptable to the Board and
950 shall cover the charter school for those sources of liability
951 typically insured by professional liability/educator's legal
952 insurance arising out of the rendering or failure to render
953 professional services in the performance of the charter,
954 including all provisions of indemnification which shall be
955 part of the charter.
956
- 957 (2) The insurance shall be subject to a maximum deductible
958 not to exceed \$100,000 per claim.
959
- 960 (3) The minimum limits to be maintained by the charter
961 school (inclusive of any amounts provided by an umbrella
962 or excess policy) shall be \$3 million per claim/annual
963 aggregate.
964
- 965
- 966 e. Fidelity Bond: The charter school shall provide a blanket fidelity
967 bond or crime policy covering all employees on an occurrence
968 basis in the amount of not less than \$100,000.
969
- 970 f. Property Insurance: The charter school shall maintain hazard
971 insurance on buildings and property it owns during the term of its
972 charter. The charter school shall maintain flood insurance if
973 located in a Special Flood Hazard Zone. The School shall
974 provide proof of this insurance to the School District.
975
- 976 3. Applicable to All Coverage
977
- 978 a. The insurance provided by the charter school shall apply on a
979 primary basis and any other insurance or self-insurance
980 maintained by the Board or its members, officers, employees or
981 agents, shall be in excess of the insurance provided by or on
982 behalf of the school.

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- b. With the exception of the property insurance, and except as otherwise specified, the insurance maintained by the charter school shall apply on a first dollar basis without application of a deductible or self-insurance retention.
 - c. Compliance with the insurance requirements shall not limit the liability of the charter school, its subcontractors, its sub-subcontractors, its employees or its agents to the Board or others. Any remedy provided to the Board or its members, officers, employees or agents by the insurance shall be in addition to and not in lieu of any other remedy available under this charter or otherwise.
 - d. The charter school shall require its subcontractors and its sub-subcontractors to maintain any and all insurance required by law. Except to the extent required by law, the charter does not establish minimum insurance requirements for the subcontractors or sub-subcontractors.
 - e. Neither approval by the Board nor failure to disapprove the insurance furnished by the charter school shall relieve the school of the school's full responsibility to provide the insurance required by this Policy.
 - f. The charter school shall be in default of the charter for failure to maintain such insurance. The Charter School shall cure any noncompliance with the insurance requirements of the policy within 30 days of receipt of notice of non-compliance from the School District, or the charter school's knowledge of such non-compliance, whichever comes first.
 - g. The charter school must notify the Board of any contemplated changes in insurance coverage, with such changes subject to Board approval.
4. Indemnification/Hold Harmless:
- a. The charter school, to the extent immunity may be waived pursuant to s.768.28 F.S., shall agree to indemnify, defend with competent counsel selected by the school with the Board's reasonable approval and agrees to hold the Board, its members, officers, employees, and agents, harmless from any and all claims, actions, costs, expenses, damages and liabilities, including reasonable attorney's fees at the trial, appellate, and administrative level arising out of, connected with or resulting from:

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- (1) The negligence, intentional wrongful act, misconduct or culpability of the school's employees or other agents in connection with or arising out of their services within the scope of the charter agreement.
 - (2) The school's material breach of the charter or law.
 - (3) Any failure by the school to pay its employees, contractors, suppliers subcontractors, or any other creditors.
 - (4) Any claims and actions brought against the Board by reason of any actual or alleged infringement of patent or other proprietary rights in any material, process, machine or appliance used by the school.
 - (5) Any failure to correct deficiencies found in casualty, safety, sanitation, and fire safety inspections.
 - (6) Any failure of the School to comply with provisions of the Individuals with Disabilities Education Act (IDEA) including failure to provide a free, appropriate public education (FAPE) to an enrolled student or failure to furnish services provided in a student's individual education plan (IEP).
 - (7) Any violation by the School of the Florida public records or open meetings laws.
 - (8) Any failure by the School's officers, directors, or employees to comply with any laws, statutes, ordinances, or regulations of any governmental authority or subdivision that apply to the operation of the School or the providing of educational services set forth in the Charter.
 - (9) Any professional errors or omissions or claims of errors or omissions by the School's employees, agents, or directors. The duty to indemnify for professional liability as insured by the school leader's errors and omissions policy described above shall continue in full force and effect notwithstanding the expiration or early termination of the charter with respect to any claims based on facts or conditions which occurred prior to termination. In no way shall the school leader's errors and omissions limitation on post-termination claims of professional liability impair the Board's claims to indemnification with respect to a

- 1077 claim for which the school is insured or for which the
 1078 school is uninsured under commercial general liability
 1079 insurance, automobile liability insurance or employers'
 1080 liability insurance.
 1081
- 1082 b. The charter school and the Board shall agree to notify each other
 1083 of the existence of any third-party claim, demand or other action
 1084 giving rise to a claim for indemnification and shall give it a
 1085 reasonable opportunity to defend the same at its own expense
 1086 and with its own counsel, provided that the school or the Board
 1087 shall at all times have the right to participate in such defense at
 1088 its own expense. If, within a reasonable amount of time after
 1089 receipt of notice of a third-party claim, the school or the Board
 1090 shall fail to undertake to so defend, the other party shall have the
 1091 right, but not the obligation, to defend and to compromise or
 1092 settle (exercising reasonable business judgment) the third-party
 1093 claim for the account and at the risk and expense of the school
 1094 or the Board which they agree to assume.
 1095
- 1096 (bb) Nature of Entity: The status of the charter school as a private or public
 1097 employer shall be stated. In addition, there shall be an acknowledgment that
 1098 the school shall be operated as a nonprofit organization. Included with the
 1099 application and incorporated into the charter shall be the entity's articles of
 1100 incorporation and governance structure, including names, addresses, financial
 1101 disclosure information (to include the requirements of F.S. Chapter 112, for
 1102 Board Members) and background checks for the entity's governing body.
 1103
- 1104 (cc) Implementation: The timetable for implementation and commencement of the
 1105 charter school's operations shall be described. A charter school may begin
 1106 operation only at the beginning of the District's school year.
 1107
- 1108 (dd) Statement of the school's timeline for accreditation, including the name of
 1109 accreditation agency the school intends to use. If the school has no plans to
 1110 seek accreditation, this will be included in the statement. Approved charter
 1111 school operators must provide notice to the Sponsor when there is any change
 1112 in the school's accreditation status.
 1113
- 1114 (ee) If the application is to establish a virtual Charter School, documentation that
 1115 the applicant has contracted with a provider of virtual instruction services
 1116 pursuant to requirements of Florida Statute.
 1117
- 1118 (7) Causes for Nonrenewal or Termination of Charter
 1119
- 1120 (a) The Board may choose to non-renew or terminate the charter for any of the
 1121 following grounds which shall constitute good cause:
 1122

- 1123 1. Failure to participate in the State's education accountability system
 1124 created in s.1008.31, F.S., or failure to meet the requirements and
 1125 expectations for student performance stated in the Charter.
 1126
- 1127 2. Failure to meet generally accepted standards of fiscal management.
 1128
- 1129 3. Violation of any aspect of law or regulation
 1130
- 1131 4. Violation of any aspect of Policy 2.28, Charter Schools
 1132
- 1133 5. Determination by the Board that the health, safety, or welfare of any
 1134 charter school student has or potentially may be threatened.
 1135
- 1136 6. Violation of the charter
 1137
- 1138 7. Failure to meet the mandatory purpose in the statute
 1139
- 1140 8. Failure to correct deficiencies noted in a corrective action plan within
 1141 one year of notice of the deficiency.
 1142
- 1143 9. Exhibiting one or more financial emergency conditions as specified in
 1144 s.218.503 F.S. for two consecutive years.
 1145
- 1146 10. Failure to comply with the maximum class size requirements of Article
 1147 IX, Sections (1)-(3), Florida Constitution, to the extent said
 1148 requirements are applicable to charter schools.
 1149
- 1150 11. Failure to maintain insurance coverage as required in this policy.
 1151
- 1152 12. Earning two consecutive grades of "F", unless an exception of
 1153 S.1002.33(9)(n)4., F.S., applies.
 1154
- 1155 13. Other good cause shown
 1156
- 1157 (b) At least 90 days prior to non-renewing or terminating a charter, unless
 1158 exercising its authority to terminate immediately, the Board shall notify the
 1159 governing body of the charter school of the proposed action in writing, detailing
 1160 the ground(s) for the action and stipulating that a request for hearing may be
 1161 submitted within 14 days of receipt of the notice. Any such hearing shall be
 1162 conducted by an administrative law judge assigned by the Division of
 1163 Administrative Hearings. The administrative law judge shall conduct the
 1164 hearing within 60 days of receipt of the request and in accordance with Chapter
 1165 120, Florida Statutes. The administrative law judge shall issue a
 1166 recommended order to the Board. A majority vote by the Board shall be
 1167 required to adopt or modify the recommended order. If a charter is not renewed
 1168 or is terminated, the Board shall, within 10 calendar days, notify the charter
 1169 school governing board, charter school principal and Florida Department of

- 1170 Education of the action. The charter school's governing body may, within 30
1171 days after receiving the Board's decision to terminate or refuse to renew the
1172 charter, appeal the decision pursuant to Section 120.68, F.S.
1173
- 1174 (c) If a charter is not renewed or is terminated, the Board may assume the
1175 operation of the school, or the school shall be dissolved and students assigned
1176 to other public schools in accordance with the District's student assignment
1177 plan. All unencumbered funds, except for capital outlay funds and federal
1178 charter school program grant funds, as well as property and improvements,
1179 furnishings and equipment purchased with public funds shall automatically
1180 revert to full ownership of the Board. Capital outlay funds provided pursuant to
1181 s.1013.62, F.S. and federal charter school program grant funds that are
1182 unencumbered shall revert to the Florida Department of Education to be
1183 redistributed among eligible charter schools. If the charter school's accounting
1184 records fail to establish clearly whether a particular asset was purchased with
1185 public funds or nonpublic funds, ownership of the assets shall revert to the
1186 Board. The charter school shall reimburse the Board for all costs incurred by
1187 the Board as a result of the termination within 30 days of termination.
1188
- 1189 (d) If a charter is not renewed or is terminated, the charter school shall submit to
1190 the Board all records, including student records, related to the school without
1191 delay.
1192
- 1193 (e) If a charter is not renewed or is terminated, the charter school is responsible
1194 for all debts of the charter school. The Board shall not assume the debt from
1195 any contract for services made between the governing body of the school and
1196 a third-party, except for a debt that is previously detailed and agreed upon in
1197 writing by both the governing body of the charter school and the Board.
1198
- 1199 (8) Charter Renewal. At expiration of the term of the charter agreement, the charter may
1200 be renewed by mutual written agreement of the parties. If the school does not desire
1201 to renew the charter, it shall provide written notice of such to sponsor at least 120
1202 days before expiration. If the school desires to renew the charter it shall submit an
1203 application at least 120 days before expiration of the term of the charter. The
1204 application must include:
1205
- 1206 (a) A written request for renewal to the sponsor seeking renewal for a specified
1207 period of time, and the title, full name, mailing address, telephone number, and
1208 e-mail address of the designated contact person authorized to submit the
1209 request for renewal;
1210
- 1211 (b) A written statement of eligibility for renewal documenting how each of the
1212 criteria established in §1002.33(7)(a)(1-16), F.S. have been met, and verifying
1213 that none of the causes for termination established in §1002.33(8)(a), F.S.
1214 exist;
1215

- 1216 (c) Detailed plans for renewal that describe any planned variation from the current
1217 approved application or current approved renewal plan;
1218
- 1219 (d) A statement of justification for the renewal based on the service of the school
1220 and the performance of its students during the previous charter period, which
1221 case must be based on actual, specific, quantifiable performance data and
1222 make a compelling argument for the continuation of the school.
1223
- 1224 (9) Monitoring and Review. For any charter school, the Superintendent and staff shall
1225 have ongoing responsibility for monitoring the health, safety and well-being of
1226 students, the fiscal responsibility, and progress toward the goals established in the
1227 charter. The Superintendent, staff and Board members shall have free and open
1228 access to the charter school at all times.
1229
- 1230 (a) The governing body of the charter school shall submit the following for Board
1231 review using the Florida Department of Education’s uniform online annual
1232 accountability report, and by the deadlines established by the Florida
1233 Department of Education for this purpose.
1234
- 1235 1. The charter school’s progress towards achieving the goals outlined in
1236 its charter, which shall be forwarded to the Commissioner of Education
1237 at the same time as other annual school accountability reports. The
1238 report shall include at least the following components:
1239
- 1240 a. Student achievement performance data, including the
1241 information required for the annual school report and the
1242 education accountability system governed by ss.1008.31 and
1243 1008.345, F.S. Charter schools are subject to the same
1244 accountability requirements as other public schools, including
1245 reports of student achievement information that links baseline
1246 student data to the school’s performance projections identified in
1247 the charter. The charter school shall identify reasons for any
1248 difference between projected and actual student performance.
1249
- 1250 b. Financial status of the charter school which must include
1251 revenues and expenditures at a level of detail that allows for
1252 analysis of the ability to meet financial obligations and timely
1253 repayment of debt.
1254
- 1255 c. Documentation of the facilities in current use and any planned
1256 facilities for use by the charter school for instruction of students,
1257 administrative functions, or investment purposes.
1258
- 1259 d. Descriptive information about the charter school’s personnel,
1260 including salary and benefit levels of charter school employees,
1261 the proportion of instructional personnel who hold professional

- 1262 or temporary certificates, and the proportion of instructional
 1263 personnel teaching in-field or out-of-field.
 1264
- 1265 e. A statement describing the status of implementation of any
 1266 corrective action plan or financial recovery plan adopted due to
 1267 determination of a deteriorating financial condition or financial
 1268 emergency.
 1269
- 1270 f. School's plan for providing accelerated instruction to students
 1271 who score at levels one and two on the state assessment.
 1272
- 1273 g. A description of innovative learning methods used by the School
 1274 to achieve academic goals.
 1275
- 1276 2. The charter school's annual report to parents regarding out-of-field
 1277 teachers pursuant to s.1012.42, F.S.
 1278
- 1279 (b) The District shall ensure that the charter school participates in the state's
 1280 education accountability system. If a charter school falls short of performance
 1281 measures included in the approved charter, the sponsor shall report such
 1282 shortcomings to the Florida Department of Education.
 1283
- 1284 (c) If a charter school receives a school grade of "D" or a school grade of "F," the
 1285 charter school shall submit a school improvement plan which specifically
 1286 addresses efforts to raise student achievement to the School Board for
 1287 approval. If the charter school earns three consecutive school grades below a
 1288 "C," it shall select and implement one of the following corrective actions.
 1289
- 1290 1. Contract for educational services to be provided directly to students,
 1291 instructional personnel, and school administrators, as prescribed in
 1292 state board rule;
 1293
- 1294 2. Contract with an outside entity that has a demonstrated record of
 1295 effectiveness to operate the school;
 1296
- 1297 3. Reorganize the school at the end of the school year under a new
 1298 director or principal who is authorized to hire new staff; or
 1299
- 1300 4. Voluntarily close the charter school.
 1301
- 1302 The corrective action approved by the Board shall be implemented by the
 1303 School for a minimum of two school years, beginning in the school year after
 1304 the year in which the Charter School receives a grade that results in the
 1305 requirement for corrective action. The School is no longer required to
 1306 implement a corrective action plan if it improves to a grade of "C" or higher.
 1307 However, it will continue to implement strategies identified in the School
 1308 Improvement Plan. If after two full school years of implementing the corrective

- 1309 action the School does not improve to a grade of “C” or higher, it must then
 1310 submit a plan to the Board to implement a different corrective action in the
 1311 following school year. The Director or Principal of the School and a
 1312 representative of the Governing Board of the School which is implementing a
 1313 corrective action plan or a School Improvement Plan with specific measures
 1314 to raise student achievement due to receipt of a school grade of “D” or “F”, will
 1315 appear before the Board at least once a year to present information regarding
 1316 the progress of intervention and support strategies.
 1317
- 1318 (d) Expedited review. A charter school shall be subject to expedited review when it:
 1319
- 1320 1. Fails to provide for an annual audit;
 - 1321
 - 1322 2. Fails to provide the monthly or annual financial report;
 - 1323
 - 1324 3. Is shown by the monthly financial statement or annual audit to have a
 1325 deteriorating financial condition as defined by s.1002.33, F.S.; or
 - 1326
 - 1327 4. Is in a state of financial emergency as defined in s.218.503 F.S.
 - 1328
- 1329 (e) Expedited review requirements. If notified it is in a state of expedited review,
 1330 the charter school shall;
- 1331
 - 1332 1. Submit a corrective action plan to the sponsor within 15 business days
 1333 of notification.
 - 1334
 - 1335 2. Submit a financial recovery plan to the sponsor within 30 business days
 1336 of notification, in the event the expedited review is imposed due to a
 1337 financial emergency condition.
 - 1338
 - 1339 3. Submit any and all documents, reports, and information reasonably
 1340 requested by the sponsor to determine the cause of and assist in
 1341 remedying the condition resulting in the need for expedited review.
 - 1342
 - 1343 4. Submit to an audit by sponsor staff of any and all records reasonably
 1344 requested by sponsor for the purposes described in the previous
 1345 paragraph.
 - 1346
 - 1347

1348 **STATUTORY AUTHORITY:** 1001.42, 1001.43, 1002.33, 1002.331, 1002.332, 1002.345,
 1349 F.S.

1350 Adopted: 1/6/09
 1351 Revised: 8/25/09
 1352 Revised: 8/7/12
 1353 Revised: 8/11/15
 1354 Revised: 7/26/16
 1355 Revised: 1/23/18