

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

### CHARTER SCHOOLS

3.90

All charter schools in Florida are public schools and are part of the state’s program of public education. Charter schools are one of the school choice options available to parents. The School Board, pursuant to Florida Statutes, shall authorize charter schools through a rigorous standards-based approval process and, for approved charters, shall monitor the charter school in its progress towards its established student performance goals, monitor adherence to the charter and statutory requirements, and maintain accountability for allocated resources. The district will collaborate with and offer guidance to charter schools to support their efforts to provide students with access to a quality education in a safe learning environment.

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

- A. A proposal for a new charter school may be made by an individual, teachers, parents, group of individuals, a municipality, or any legal entity organized under the laws of the state of Florida. The school shall organize as a nonprofit organization prior to receiving approval as a charter school with the School Board.
- B. Applications may be submitted for a charter school including a collegiate charter school, a conversion charter school, a school-within-a-school charter, a virtual charter, a replication charter or a high-performing replication charter school, pursuant to s.1002.33 and following the state and district procedural requirements for submitting the application.
- C. Private schools, parochial schools and home education schools are not eligible for charter status. A charter school may not be affiliated with a

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

nonpublic sectarian school or religious institution and shall be nonsectarian in programs, admission policies, employment practices and operations.

### **II. Timeline for the Application and Approval Process**

- A.** The School Board shall annually accept charter school applications on or before February 1 for proposals to open a charter school 18 months later, at the beginning of the school district's school year, or to be opened at a time determined by the applicant and specified in the charter.
- B.** Applications shall be approved or denied by majority vote of the School Board no later than ninety (90) calendar days after the application has been received.
- C.** The School District and the applicant may mutually agree in writing to postpone the vote to a specific date beyond the ninety (90) calendar days.
- D.** Within thirty (30) days of approving a charter school application, the District shall provide an initial proposed charter contract to the charter school. The applicant and the District shall have forty (40) days thereafter to negotiate the charter and provide notice for final approval of the charter contract, unless both parties agree to an extension.
- E.** The charter contract shall be approved by majority vote of the School Board and the charter school's governing board. Should the two boards be unable to reach agreement on the charter, the parties shall adhere to the provisions of F.S. 1002.33 related to mediation and/or dispute resolution through the Division of Administrative Hearings.

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

- F. If an application is denied, the School Board shall notify the applicant within ten (10) calendar days after such denial and specify in writing the reasons for the denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.
- G. Pursuant to the timelines and procedures in F.S. 1002.33(6)(c) the applicant may appeal a School Board denial of their application to the State Board of Education no later than 30 calendar days after the receipt of the District 's notification of denial. The applicant shall notify the District of its appeal.

### III. Application Requirements and District Review Process

- A. Charter school applications are subject to the follow requirements:
  - 1. A person or entity seeking to open a charter school shall prepare and submit an application on the standard application form prepared by the Department of Education which:
    - a. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
    - b. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
    - c. Contains goals and objectives for improving student learning and measuring that improvement. These goals and

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

- d. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. The District shall deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- e. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
- f. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the District shall



## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

2. The District CRC shall use the Florida Charter School Application Evaluation Instrument to identify strengths and deficiencies in the written application, appendices, historical performance, and/or other areas that require clarification to fully evaluate the quality of the application or the capacity of the applicant to properly implement the proposed plan.
3. Before final approval or denial of an application, the District shall notify the applicant in writing if minor technical or non-substantive corrections need to be made or signatures need to be added if the errors may cause denial of the application. Upon written notification, the applicant will be allowed at least seven (7) calendar days to make and submit the corrections. This process may not be used by the applicant to make substantive changes or submit new information or make any revisions that would constitute a substantial or material amendment to the original submitted application.
4. The District CRC may conduct a capacity interview with the applicant and the proposed school's founding/governing board members (or Board of Directors) in order to corroborate information provided in the written application and to assess the capacity of the school's board members to operate a successful charter school.
  - a. There is no statutory requirement for the applicant to participate in the capacity interview session.

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

- b. Any information or evidence from the capacity interview that is used by the District CRC to support the evaluation of the application must be properly documented by means of a recording or transcript.
  - c. The District CRC may, at its sole discretion, evaluate the application without any additional input from the applicant if the majority of the founding governing board members of the prospective charter school are not present or do not participate in the interview.
5. The District CRC shall submit a final charter school application evaluation report to the Superintendent. The Superintendent shall present the report to the School Board for action to approve or deny the application.

### **IV. Charter Contract**

- A. The terms and conditions for the operation of a charter school shall be set forth by the School Board and the charter school's governing board in a written contractual agreement, called a charter.
- B. The charter application and any addenda related to the application approval process are part of the charter.
- C. The following elements shall be included in the school's charter contract with the School Board consistent with F.S. 1002.33.
  - 1. The school's mission and vision.

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

2. Focus of the curriculum with emphasis on reading.
3. Students to be served (ages, grades, projected FEFP categories, and, as appropriate, special populations as provided in law).
4. Baseline standards of student achievement, outcomes to be achieved and method(s) of measurement.
5. Methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met.
6. All charter school students shall participate in the statewide student assessment under F.S. 1008.43.
7. Method of determining that a student has met graduation or promotion requirements.
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.
9. Procedures for FTE enrollment and verification.
10. Instructional methods to be used, including service to ESE, 504, and ESOL students.



## CHAPTER 3.00 – SCHOOL ADMINISTRATION

11. A Code of Student Conduct consistent with district policies and discipline code.
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*.
13. Provision for parent involvement including methods for resolving conflicts for students, parents and staff.
14. A method for resolving conflicts between the governing body of the charter school and the School Board.
15. Procedures for accurate and timely submission of all reports and other information required by the sponsor and/or the Florida Department of Education
16. Financial and administrative management of school.
17. Internal financial controls and audit process.
18. Articles of Incorporation and governance structure, including names, addresses, financial disclosure to include the same requirements as in Florida Statutes.

### **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

19. Procedure for notification by auditor if school is in a state of financial emergency or deficit financial position.
20. Description of procedures to identify various risks and provide for a comprehensive approach to reduce the impact of losses including plans to ensure the safety and security of students and staff.
21. Description of required insurance coverage at specified limits no less than \$1,000,000 per occurrence and \$2,000,000 aggregate for errors and omissions and general liability coverage to include but not limited to prior acts, sexual harassment, civil rights and employment discrimination, breach of contract, insured consultants and independent contractors. Additionally, coverages for property and causality equal to replacement costs for school structures and contents, automobile and worker's compensation shall also be provided.
22. Specification of the term of the Charter consistent with F.S. 1002.33.
23. Description of the facilities to be used and evidence of all codes having been met.
24. An indemnification or hold-harmless agreement releasing the School Board of all liability for actions by the charter school governing body or its employees.

### **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

25. Provision for cancellation of the agreement for insufficient progress on student achievement objectives or other good cause pursuant to F.S. 1002.33.
26. Qualifications of teachers including the procedures for disclosure of the qualifications of teachers and other staff of the charter school to parents and the sponsor.
27. Professional development plan.
28. Description of the staff selection process, including strategies for recruiting, hiring, training and qualified staff. Staff selection process, including fingerprinting and criminal background check.
29. Statement of the status of employees of the charter school as private or public employees.
30. Provision of an Implementation timetable addressing the elements of the charter and the dates for their completion.
31. If applicable, alternative arrangements for students and teachers at a conversion public school who choose not to participate in the conversion charter.
32. A proposed budget including salary and benefits of staff, and documentation of a line of credit in an amount specified by the sponsor, which shall be no less than three months of operating expenses.

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

33. Procedures for renewal or modification of the agreement consistent with F.S. 1002.33.
34. Description of how transportation, food service or other needed services shall be provided to students of the charter school including contracts and agreements with the District or other contractors.
35. Method of identification and acquisition of appropriate technologies needed to improve educational and administrative performance.
36. Means for promoting safe, ethical, and appropriate uses of technology that comply with legal and professional standards.
37. Other information as required by statute or specified in the charter contract.

### **V. Charter Renewals**

- A. Prior to renewal of a charter, the sponsor shall perform a program review to evaluate the following:
  1. The level of success of the current academic program;
  2. Achievement of the goals and objectives required by State accountability standards and successful accomplishment of the criteria under F.S. 1002.33(7)(a);
  3. The viability of the organization;

### **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

4. Compliance with terms of the charter; and
  5. That none of the statutory grounds for non-renewal exist.
- B. Any charter school seeking renewal shall be required to complete a charter renewal application and undergo the Sponsor's renewal process. The charter renewal application shall include supporting documentation for items 1-5 above.
- C. Renewals shall be for a term of five (5) years unless a longer term is mutually agreed upon, required or allowed by law. Upon approval, the charter contract will be renewed following the charter negotiation process. Charter schools that are not granted a renewal may appeal by following the non-renewal appeal process.
- VI. Nonrenewal or Termination of Charter
- A. At the end of the term of a charter, the School Board may choose not to renew the charter if the School Board finds that one of the grounds set forth below exists by clear and convincing evidence:
1. Failure to participate in the state's accountability system or failure to meet the requirements for student performance stated in the charter;
  2. Failure to meet generally accepted standards of financial management;
  3. Material violation of law; or

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

4. Other good cause shown.
- 
- B. During the term of a charter, the School Board may terminate the charter if it finds that any of the grounds listed in paragraph VI.A exist by clear and convincing evidence. A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists.
  - C. At least ninety (90) days prior to renewing, nonrenewing or terminating a charter, unless a state of emergency exists, the School Board shall notify the governing body of the school of the proposed action in writing, detailing the grounds for the action and stipulating that a request for a hearing may be requested within fourteen (14) days of receipt of the notice. The hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings within 90 days after receipt of the request for a hearing and in accordance with Chapter 120.
  - D. In the event a charter is not renewed or is terminated, the School District may assume the operation of the school, or the school shall be dissolved and students assigned to other public schools. All unencumbered funds, as well as property and improvements, furnishings and equipment purchased with public funds shall automatically revert to full ownership of the School Board.
  - E. If a charter school is not renewed or is terminated, the governing body of the school is responsible for all debts of the charter school. The District shall not assume the debt from any contract for services made between the

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

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.

- F. 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.

### **VII. Academic Accountability and Student Achievement**

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

- A. In the first year of operation the charter school shall be responsible for the academic achievement and performance goals stated in the charter application or, to a set of goals mutually agreed to and specified in the charter.
- B. In the second year of operation the charter school shall provide its proposed four-year academic achievement goals for the remaining years of the contract up to a maximum of four years and thereafter, resubmit achievement goals every four years of the charter through the end of the charter term.
- C. The charter school may opt to submit its academic achievement goals in an annual School Improvement Plan each year of the Contract in accordance

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

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

1. The charter school may submit the School Improvement Plan in the same format as used by other District schools or in a different format mutually agreed to by the charter school and the District.
  2. The charter school shall notify the District in writing by May 1<sup>st</sup> of each year if the school elects not to implement a School Improvement Plan.
  3. Charter schools that have contracts in excess of four years and choose not to develop and implement a School Improvement Plan, unless required to do so pursuant to section 1002.33(9)(n), F.S., shall submit proposed academic achievement goals for five years and resubmit every four years using the same parameters for achievement goals set forth in the charter.
- D. A charter school who receives a school grade of “C” shall appear before the School Board to present the school’s plan for addressing the deficiencies in student performance, the actions and strategies to improve student achievement and, the specific achievement goals and performance outcomes to be attained in the subsequent school year.
- E. Pursuant to section 1002.33(9)(n), F.S, a charter school who receives a school grade of “D” or “F” but is not subject to corrective action must develop and submit a School Improvement Plan to the School Board for review and approval. The plan must include:



## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

1. An analysis of student performance and the identification of the deficiencies in student performance
  2. Identification of barriers to student success with a plan of action to address each barrier
  3. A detailed plan of the specific actions to be implemented to address the barriers and to remedy the deficiencies in student achievement.
  4. All other elements of the School Improvement Plan delineated in 6A-1.099827
- F. The Superintendent or designee shall review the proposed academic achievement goals within 30 days of receipt and shall either accept the proposed goals as presented or provide a written explanation for the 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.

### **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.

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

- D. Length of School Year. 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 1<sup>st</sup> of each year and provide the Sponsor with the school's calendar for the following school year.
  
- F. Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.
  
- G. If an organization (management organization), including but not limited to: 1) a management company, 2) an educational service provider, or 3) a parent organization, will be managing or providing significant services to the school, the contract for services between the management organization and the governing board shall be provided to the District and attached as an

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

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

1. The contract will clearly define each party's rights and responsibilities including specific services provided by the management organization and the fees for those services and specifies reasonable and feasible terms under which either party may terminate the contract. The contracts must provide that the management company/education service provider must comply with the school's charter contract with the District. Additionally, all management company/education service provider contracts with charter schools shall contain clearly defined performance indicators for evaluating the management company/education service provider, initial contract execution date.
  2. All public funds paid to the school will be paid to, and controlled by, the governing board, which in turn will pay the management organization for successful provision of services.
  3. Any default or breach of the terms of the contract by the management company shall constitute a default or breach under the terms of the contract between the school and District.
- H. Education Program and Curriculum. Any material change to a charter school's current education program and/or curriculum and/or any material change to what is described in the approved Application or Charter requires Sponsor approval and shall be submitted to the Sponsor for consideration by May 1st in any given year for the subsequent school year.

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

- I. A charter school may give preference in admission to students or limit the enrollment as provided for in section 1002.33(10), Florida Statutes, and as specified in the Charter Application. Changes to the school’s criteria for admissions and/or eligibility for enrollment must be submitted to the Sponsor for approval 60 days prior to the registration and enrollment period for the subsequent school year.
  
- J. A charter school will not conduct routine or random drug testing of students for any purpose.
  
- K. Professional Development and Leadership Development
  - 1. A charter school is responsible for ensuring that all administrators, student support personnel and all full-time instructional personnel are trained in the most relevant components of the school’s staff development plan, which must address federal and state requirements, as applicable.
  
  - 2. Professional development and training needs shall be based on student achievement and other student outcome data as well as be aligned to the needs of the individual employee based on the results of the teacher/principal evaluation results.
  
  - 3. Employees of a charter school may participate in professional development activities offered by the District. Any costs associated with professional development for which there is an additional fee, and for which no federal funding has been provided for such purposes to the Sponsor, will be the responsibility of the school or individual school employee.

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

### IX. Rule Exemptions

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

### X. Governance

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

### XI. Human Resources and Personnel Options

Revised: 12/07/04, 01/18/05,  
10/17/06, 12/11/07,  
09/01/09, 02/15/11, 06/05/18

### **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

- A. A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.
- B. Charter school employees may bargain collectively as a separate unit or as part of the existing applicable District collective bargaining unit(s).
- C. If teachers at a charter school choose to be a part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own, they shall not be considered public employees.
- D. Employees of the School District may take leave to accept employment in a charter school upon the approval of the School Board and may maintain seniority accrued in the School District. They may continue to be covered by the benefit program of the School District only if the charter school and the School Board agree to the arrangement and its financing.
- E. Teachers employed or under contract to a charter school shall be certified, as required by Florida Statutes or if not certified, contracted with according to the provisions defined in Florida Statutes.
- F. A charter school may not knowingly employ an individual to provide instructional services if the individual's certification or licensure as an educator is suspended or revoked in Florida or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action or who has been dismissed for just cause by any School District.

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

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

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

### XII. Exemptions from Statutes

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

1. Statutes specifically applying to charter schools;
2. Statutes relating to the student assessment program and the school grading system;
3. Statutes pertaining to provision of services to student with disabilities;
4. Statutes pertaining to civil rights, including F.S. 1000.05 relating to discrimination
5. Statutes relating to maximum class size;
6. Statutes relating to student health, safety and welfare.

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

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



## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

4. Section 1012.22(1)(c), relating to compensation and salary schedules;
5. Section 1012.33(5), relating to workforce reductions;
6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011;
7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

### **XIII. Funding**

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

- A. Each charter school shall report its student enrollment to the District School Board as required by Florida Statutes and School Board policy and procedures. The School Board shall include each charter school's enrollment in the District's report of students.
- B. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of all Florida Education Finance Program and General Appropriations Act funds, gross state and local funds, discretionary funds, categorical program funds and federal funds. Total funding for each charter school will be recalculated during the year to adjust for the actual weighted-full time equivalent and eligible students reported by the school and the revised calculations under the

### **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

Florida Education Finance Program, following the October and February Full Time Equivalent (FTE) counts.

- C. Any administrative fee charged by the School District to the charter school shall be no more than five percent (5%) of the available funds defined in XIII.B. The District may only withhold an administrative fee for enrollment up to and including two hundred fifty (250) students. The District may only withhold an administrative fee for enrollment up to and including five hundred (500) students within a system of charter schools that meets designated criteria. Administering the contract includes providing technical assistance, monitoring policy compliance and processing financial, student and other records or required reports. This does not include contract(s) for other specific services to staff or student participation in the benefit packages or other special programs. The fees for these services will be negotiated and will be determined on an actual cost basis.
  
- D. The District shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which the charter school may be eligible. The District may distribute funds to a charter school for up to three (3) months based on the charter school's projected enrollment. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to charter schools for the remainder of the school fiscal year with payment issued no later than ten (10) working days after receipt of funding or the District shall pay a penalty of one percent (1%) interest per month. Under no circumstances will the School District advance funds before a charter school is open, but the School Board may approve a

## **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

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

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

### **XIV. Facilities Requirement**

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

### **XV. Services**

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

### **XVI. Monitoring and Review**

- A. The Superintendent, or designee, shall have ongoing responsibility for monitoring the health, safety and well-being of students and the fiscal responsibility of all approved charter schools. The Superintendent, the

### **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

Superintendent's designee, other District personnel and all School Board members shall have free and open access to the charter school at all times.

- B. The charter school shall submit a monthly financial report to the School District no later than the last day of the month following the month being reported. Financial reports for schools designated by the state as high-performing charter schools shall be submitted quarterly as provided by Florida law.
  
- C. Annually, as specified in the charter, the governing body of the charter school shall submit the following for District review:
  - 1. The charter school's progress towards achieving the goals outlined in its charter;
  - 2. The charter school's annual report to parents pursuant to Florida Statutes;
  - 3. An annual financial audit report obtained by the school reflecting generally accepted financial accounting standards;
  - 4. Salary and benefit levels of school employees;
  - 5. Certification status of instructional personnel; and
  - 6. Any other documents specified in the charter or requested by the Superintendent.

### **CHAPTER 3.00 – SCHOOL ADMINISTRATION**

- D. Upon receipt of the required annual report, the School Board shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports.
- E. If a deteriorating financial condition is identified, the School District shall notify the governing board of the charter school and the Commissioner of Education within seven (7) business days. The governing board and District shall develop a corrective action plan and submit the plan to the Commissioner of Education within thirty (30) business days after notifying the charter school.
- F. If a certified public accountant or an auditor finds that a charter school is in a state of financial emergency, the charter school shall file a detailed financial recovery plan with the District and Commissioner of Education no later than thirty (30) days after receipt of the audit. The Superintendent or designee shall monitor implementation of the recovery plan.
- G. Additionally, the Superintendent or designee shall regularly monitor charter school compliance with charter requirements.

#### **XVII. Immunity**

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

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

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

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

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

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

**NOTES:**