

## CHARTER SCHOOLS

Pursuant to Florida Statute 1002.33, The School Board of Broward County, Florida (The Board), authorizes the establishment of charter schools and as such, charter schools shall adhere to the aforementioned statute.

### Responsibility of Superintendent of Schools

The Board authorizes the Superintendent to create all procedures necessary to carry out this policy.

- A. Receive, review and transmit to The Board, with a recommendation for approval or denial, all charter applications in a timely fashion, as stipulated by Florida Statutes.
- B. As required by Florida Statutes, monitor charter school contracts and make recommendations to The Board for contract renewal, modifications, or non-renewal/termination based on the charter school's documented progress toward meeting student performance goals, as well as acceptable standards of fiscal management and compliance with federal and state law and school district policy.
- C. Report to the Department of Education any charter school that does not meet the performance measures contained within its charter.

### Rules:

#### 1. Charter Schools

In addition to complying with all applicable federal and state laws, charter schools shall comply with the following requirements:

#### 2. Application for Charter Status

The Board may sponsor newly created charter schools or existing public schools, which may convert to charter school status. Newly created or conversion charter schools may serve any grade or combination of grades from kindergarten through grade twelve. An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state. The application process will follow Florida Statute 1002.33(3)(a)(b).

#### 3. Application/ Process and Review

- A. Applications must be in compliance with the Florida Charter Schools Model application format. Charter school applicants must use the model application form prepared by the Florida Department of Education. The

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application will be reviewed by the District using an evaluation form created by the DOE. Charter school applicants must attend a pre-application training provided by the DOE, prior to submitting an application. Proof of applicant's attendance to the DOE mandated training must be submitted with application. The Superintendent of Schools and appropriate staff will review all applications and, within 60 calendar days, unless the parties mutually agree, in writing, to an additional 60-day extension, submit to The Board all applications with a recommendation for approval or denial. Applications denied by The Board may be appealed to the State Board of Education within 30 days after receipt of The Board's decision.

- B. All completed applications must be received by no later than 4:00 p.m., in the appropriate district office on or before August 1 of each year in order to be considered for the subsequent school year. If August 1 falls on a Saturday, Sunday or legal holiday, the deadline shall be extended to 4:00 p.m. on the next day that is not a Saturday, Sunday or legal holiday. The applicant shall provide the district Charter Schools Support office with a duplicate electronic version of the application, including the cover sheet with contact information, the Statement of Assurance and the applicant's certificate of participation in the state-mandated training for charter applicants. In addition, the charter applicant shall submit one completed paper copy. No additional supporting documentation will be accepted after the deadline. All applications will be stamped with the date and time when they are received. Application sections that are not submitted by the deadline date will receive a "Does Not Meet Standards" upon review of the charter application.
- C. A committee appointed by the Superintendent of Schools shall review all applications and make recommendations to the Superintendent. After reviewing the application and staff recommendations, the Superintendent shall make a recommendation to The Board. The Board must, by a majority vote, approve or deny an application no later than 60 days after the application is received, unless the parties mutually agree, in writing, to an additional 60-day extension. The State Board of Education must, by majority vote, accept or reject the decision of the district school board no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board shall remand the application to the district school board with its written decision that the district board approve or deny the application. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedures Act, Chapter 120, Florida Statutes.
- D. The Board must act upon the decision of the State Board of Education

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within 30 days after it is received. The State Board of Education's decision is a final action subject to judicial review.

- E. Unless extended pursuant to this policy, the Board shall provide the applicant a proposed charter contract within 60 days of application approval. The Board and the applicant shall have 75 days to negotiate the charter agreement for final approval by the Board, unless both parties agree to an extension. At the written request of the approved applicant and for good cause shown, the Superintendent of Schools or his designee may suspend the charter agreement negotiations for a period not to exceed on one (1) year from the approval of the charter school application. The decision whether to approve the suspension of charter agreement negotiations shall be within the sole discretion of the Superintendent of Schools. In the event that charter agreement negotiations are suspended, the approved applicant shall update its charter school application prior to resuming negotiations with regard to the following matters: 1) Updated budget 2) Applicable application modifications resulting from this delay
  
- F. Unless extended pursuant to this policy, an approved applicant shall open its charter school at the beginning of the school district's next school year following the approval of the charter school application. At the written request of the approved applicant and for good cause shown, the school district may allow the approved applicant to defer the opening of its charter school for a period not to exceed the second school year following the approval of its charter school application. The decision whether to approve the delayed opening of the charter school shall be within the sole discretion of The Board. In the event that the opening of the approved applicant's charter school is deferred, the approved applicant shall update its charter school application and charter school agreement prior to the opening of the charter school with regard to the following matters: 1) Updated budget 2) Applicable application modifications resulting from this delay
  
- G. Even if contract negotiations are suspended or the charter school's opening date is initially postponed, the approved applicant must enter into a charter school agreement and open its charter school no later than the beginning of the school district's second school year following the approval of its charter school application. If an approved applicant fails to enter into a charter school agreement or open its charter school by the beginning of the second school year following the approval of its application, The Board shall take action to rescind approval of the approved applicant's charter school application or terminate its charter

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school agreement if one has been executed.

- H. It is the responsibility of a charter school applicant to have an appropriate educational facility consistent with all applicable Florida Statutes or to provide evidence that such a facility will be available for the beginning of the school year, consistent with the beginning day for public school students, as listed on The Board approved public school calendar. All appropriate inspections and issuance of a certificate of occupancy must be provided to the District no later than 10 days prior to the opening of the school site.
- I. The charter school shall conduct background checks and fingerprinting for all of its proposers, directors and employees at their cost. Members of the governing board of the charter school shall also undergo background screening and be fingerprinted prior to the contract approval. All members of the Governing Board shall be fingerprinted within ten (10) working days of their appointment. Charter schools shall maintain accurate employment records and provide updates, as requested by the District. Additionally, charter schools are responsible for fees related to the maintenance and retention of their employees' fingerprinting and background records.
  - 1. Before employing instructional personnel or school administrators in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the personnel's or administrators' previous employers, screen the instructional personnel or school administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.
  - 2. A charter school shall disqualify instructional personnel and school administrators, as defined in s. 1012.01 from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under s. 1012.315.
- J. Charter schools will complete and submit all required reports, including employee database surveys, in a timely manner.
- K. Pursuant to Section 1002.33(7), Florida Statutes, a charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by Section 1002.33(8)(a), Florida Statutes, has been documented.

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### 4. Eligible/Targeted Students

- A. Participation and attendance of any student in a charter school is voluntary.
- B. All students are eligible for participation. Charter boundaries must be open to any student residing in the school district. Students who are at-risk of academic failure, as defined in Florida Statutes, shall be a priority. Equal opportunity shall be provided for exceptional education students and limited English proficient students.
- C. Students with disabilities and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.
- D. All students attending a public school that converts to a charter school will be eligible to attend. If a public school converts to a charter school, parents may request non-participation and receive an assignment to another public school through the Innovative Programs Department.

#### E. Student Assessment

A charter school must implement a program to assess student achievement. At a minimum, a charter school must participate in state and local testing programs established to comply with the Florida Department of Education statewide assessment program and district-required evaluations. The district will coordinate the administration of these assessment instruments and will charge the charter school on an actual cost basis for local tests only.

#### F. Student Records

A charter school must maintain both active and archival records for current/former students. The district will assist the charter school in establishing appropriate record formats. All permanent records of students leaving the school, whether by graduation, transfer to the public school system or withdrawal to attend another school, must be transmitted to the school system in accordance with state law. Records of student progress must be transmitted to the school system if the student is returning to Broward County Public Schools.

#### G. Withdrawal and Transfer of Charter School Students

- 1) Parents may withdraw a student from a charter school at any time. Such student either will return to the regularly assigned school or to another public school with an appropriate program in accordance with The Board Policy. If a

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charter school student is withdrawn by a parent/guardian or has been recommended for expulsion due to committing an expellable act as defined by The Board policy, the student may be denied enrollment in a Broward County public school, or be assigned to the appropriate expulsion abeyance program by The Board policy.

- 2) A charter school may not withdraw or transfer a student involuntarily. All withdrawals or transfers must be accomplished through established district administrative procedures and The Board policy.

### H. Students Rights, Discipline, and a Safe Learning Environment

Applicants must describe, in writing, the proposed charter school's rules applicable to student rights, discipline, and a safe learning environment.

## 5. Charter Schools Funding

The charter school shall comply with all financial reporting requirements, as outlined in state statutes.

- A. An annual audit of the charter school shall be conducted by an independent public accountant licensed to practice public accounting in the State of Florida, and the charter school's independently audited financial statements shall be included in this report. The annual audit shall be provided to the appropriate School Board of Broward County Charter Schools Support Office no later than September 30<sup>th</sup> of each year. The Board shall be entitled to inspection of the charter school's financial records upon request.
- B. Funding for student enrollment in a charter school shall be the sum of district operating funds from the Florida Education Finance Program, including gross state and local funds, discretionary lottery funds, and discretionary operating millage funds; divided by total district funded weighted Full-Time-Equivalent students multiplied by the weighted Full-Time-Equivalent students of the particular charter school. Charter schools, if eligible, shall also receive a proportionate share of categorical program funds included in the Florida Education Finance Program.
- C. Federal funding shall be provided for eligible students enrolled in a charter school for the same level of service provided other eligible students in public schools operated by the school district.
- D. Total funding shall be recalculated during the school year to reflect actual weighted FTE students reported by the charter school during the FTE student survey periods.

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- E. A charter school shall not levy taxes or issue bonds secured by tax revenue.
  - F. The School District will annually charge each Charter School the fee(s) allowed by applicable law. The District shall provide certain administrative and educational services to charter schools at no additional fee. These services shall include contract management services, FTE and data reporting, exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school; test administration, processing of teacher certificate data, and information services.
  - G. When a charter is not renewed or terminated, all unencumbered funds from the charter school shall revert to The Board. In that event, all School District property and improvements, furnishings and equipment purchased with public funds shall revert automatically to full ownership by The Board.
  - H. If a charter is not renewed or is terminated the charter school is responsible for all debts of the charter school.
  - I. School district payments shall be made to a charter school no later than ten working days after receipt of state funding by the district school board. Payments shall be on a monthly basis in arrears based upon the estimated number of FTE students in membership during the FTE survey periods. The final payment during any fiscal year shall be adjusted to reflect the number of actual FTE students in membership during the FTE survey periods.
6. Capital Outlay
- Pursuant to Section 1013.62, Florida Statutes (2002), a charter school may be eligible for capital outlay funding in each year in which funds are appropriated for charter school capital outlay purposes.
- A. Prior to the release of capital outlay funds by The School District to a charter school, the charter school must submit a “capital outlay plan” to the District’s finance officer for approval. The plan must contain a written list specifically enumerating the proposed capital expenditures. Sales contracts, construction contracts, purchase orders, leases, lease-purchase

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agreements, rental agreements, or a bill of sale will be accepted to document the expenditure of capital outlay funds. A copy of the previous year's annual audited financials must be submitted with the Capital Outlay Plan as well as any other supporting documentation that verifies that the charter school qualifies for capital outlay funds.

- B. If a charter school is non-renewed or terminated, any unencumbered funds and all equipment and property purchased with public funds reverts to the ownership of The Board.
  - C. Conversion schools are not eligible for a capital outlay funding allocations.
7. Insurance and Indemnification
- A. The non-profit charter school corporation and employees of a charter school are governed by Section 768.28, Florida Statutes. In accordance with Section 768.28 Florida Statutes, the governing board and employees of charter schools shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances; but liability shall not include punitive damages or interest for the period before the judgment. The governing board and employees of charter schools shall not be liable to pay a claim or judgment by any one person which exceeds the sum of \$100,000 or any claim or judgment or portions thereof, which, when totaled with all other claims or judgment paid by the charter school arising out of the same incident or occurrence, exceeds the sum of \$200,000.
  - B. The Board will not be held liable for any claim, action, loss, damage, injury, liability, cost or expense of whatsoever kind or nature including, but not by way of limitation, attorney's fees and court costs arising out of injury to persons or damage to property arising out of any injury to persons or property damage as a result of the negligence of the charter school or its agents, employees, invitees, or contractors.
  - C. The charter school must maintain appropriate Commercial General Liability Insurance, Automobile Liability Insurance, Workers' Compensation Insurance and Professional Liability Insurance. The School Board of Broward County, Florida must be listed as additional named insured for the above-described insurance coverage.
  - D. The charter school is required to maintain insurance coverage as outlined above and will provide evidence of coverage to the appropriate district office, as required by the charter contract.

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### 8. Employees of Charter Schools

- A. Upon written request, The Board shall grant a year of personal leave to any district employee who leaves to accept employment in a charter school located in Broward County, Florida. This personal leave shall be renewed each year upon the written request of said employees, as long as the employee is employed by the charter school and follows the rules established in School Board Policy 4409. While employed by the charter school and on leave that is approved by the District School Board, the employee may retain seniority accrued in the School District and may continue to be covered by the benefit programs of the School District, if the charter school and the School District agree to this arrangement and its financing. The School District shall not require resignation of teachers desiring to teach in a charter school.
- B. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare and safety. The qualification of teachers shall be disclosed to parents.

### 9. Financial Emergency

- A. An annual audit of the charter school shall be conducted by an independent public accountant licensed to practice public accounting in the State of Florida, and the charter school's independently audited financial statements shall be included in this report, which is due to the Charter Schools Support Office by September 30<sup>th</sup> of every year. If an annual audit conducted by a certified public accountant in accordance with s. 218.39 reveals one or more of the conditions specified in s. 218.503(1), F.S. have occurred, or will occur if action is not taken, the auditor must notify the governing board of the charter school or charter technical career center, the Board, and the Commissioner of Education within 7 business days. If the Commissioner determines that the charter school requires a financial emergency plan, then the school is considered to be in a state of financial emergency, and must submit a detailed financial recovery plan with the District and the Commissioner of Education within 30 days. The Commissioner of Education shall annually report to the State Board of Education each charter school and charter technical career center that is subject to a financial recovery plan or corrective action plan. The Board may choose not to renew or to terminate a charter of the charter school or charter technical career center that fails to correct the deficiencies in the corrective action plan within 1 year or that exhibits one or more financial emergency conditions for two consecutive years. The Board shall be

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entitled to inspection of the charter school's financial and pupil records upon request. The Board has the right to review, upon request, all documentation pertaining to students in the Exceptional Student Education or English for Speakers of Other Languages programs at the charter school. In accordance with s. 218.39 (1)(8), the charter schools' governing board must submit a copy of the annual audit to the Auditor General within 45 days after receiving the audit from the independent audit firm, but no later than 12 months after the end of the entity's fiscal year.

- B. There will be an expedited review of a charter school when certain conditions occur, including failure to provide for an audit, failure to comply with reporting requirements, deteriorating financial condition, or notification of a financial emergency under s. 218.503, F.S. The governing board and the District, through the Financial Recovery Committee, are required to develop a corrective action plan and file it with the Commissioner of Education within 30 working days.
1. If the charter school and the District are able to collaborate and develop a corrective action plan, the charter school will be required to implement such plan within one year. Quarterly meetings will be scheduled between the Financial Recovery Committee and the charter school to monitor progress.
  2. If the charter school and the District are unable to agree on a corrective action plan, the District will notify the Department of Education and request that the Commissioner of Education determine the components of the financial recovery plan. The governing board will be required to implement the financial recovery plan within one year.
  3. If the governing board fails to implement the corrective action plan within 1 year, the State Board of Education is required to prescribe any steps necessary for the charter school or the charter technical career center to comply with state requirements.
10. Progress Monitoring and Differentiated Accountability

### Overview

Florida's Differentiated Accountability (DA) Program allows schools, districts, and the state to target interventions based on a combination of Florida's School Grades and No Child Left Behind's (NCLB) Adequate Yearly Progress (AYP), thus aligning the state and federal accountability systems. The interventions delineated in DA are not intended to be a one-size-fits-all approach. Rather, the intensity of interventions increases as the percent of AYP criteria is met and school grades decline. The interventions are designed to address root causes of student performance and are tiered to address schools that have relatively few subgroups that are not making AYP and those schools with widespread performance issues. The tenets of Differentiated Accountability include focusing

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school improvement efforts, increasing leadership and educator quality, targeting professional development to school needs, aligning and pacing curriculum, using data to drive instruction and continuous improvement, providing education choice, tutoring, and monitoring, which are integral for school improvement and raising student achievement levels. In 2009, the legislation (HB 991 and SB 1682) mandated that DA become the State's Official Accountability System. All schools not making AYP for two consecutive years or a subsequent third year will be designated as DA schools. Schools and the requisite intensity of interventions are categorized based on School Grade and AYP. Charter schools are required to participate in DA accountability processes.

- A. The director/principal of the charter school and a representative of the governing body of a charter school that has received a school grade of "D" under s. 1008.34(2) shall appear before the District's Accountability Department at least once a year to present information concerning state identified deficiencies in student achievement. The District shall communicate at the meeting, and in writing to the director/principal of the charter school, the monitoring and support that will be provided to the school to help the school address its deficiencies.
  
- B. Upon notification that a charter school receives a school grade of "D" for 2 consecutive years or a school grade of "F" under s. 1008.34(2), the District's staff shall require the director/principal of the charter school and a representative of the governing body to submit to the District a school improvement plan to implement that is aligned to Differentiated Accountability and approved by the governing board to raise student achievement. The District has the authority to monitor the implementation of a school improvement plan that the charter school will implement in the following school year. The District may also consider the State Board of Education's recommended action pursuant to s. 1008.33(1) as part of the school improvement plan.
  1. If the charter school fails to improve its student performance from the year immediately prior to the implementation of the school improvement plan, the District shall place the charter school on probation and shall require the charter school governing body to take one of the following corrective actions:
    - a. Contract for the educational services of the charter school;
    - b. Reorganize the school at the end of the school year under a new director or principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress; or,
    - c. Reconstitute the charter school.
  2. A charter school that is placed on probation shall continue the corrective actions required under subparagraph 1. until the charter

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school improves its student performance from the year prior to the implementation of the school improvement plan.

3. Notwithstanding any provision of this paragraph, the District may terminate the charter at any time pursuant to Section 1002.33(8), Florida Statutes.

- C. The director/principal of the charter school and a representative of the governing body of a graded charter school that has submitted a school improvement plan or has been placed on probation under Section 1002.33(4)(o), Florida Statutes, shall appear before pertinent District staff at least once a year to present information regarding the corrective strategies that are being implemented by the school pursuant to the school improvement plan. District staff shall communicate at the meeting, and in writing to the director/principal of the charter school, the monitoring and support that will be provided to the school to help the school address its deficiencies.
  - D. **Consequences for Non-Compliance**  
All School Districts will be required to submit an assurance of compliance with requirements outlined in the DA Plan. Intervene schools will be required to submit an Intervention Plan to reconstitute the school should it not improve. For all districts and schools, non-compliance with any of the required interventions and supports may lead to: State Board of Education intervention in operations; state funds withheld; report of noncompliance to the State Legislature with recommended legislative action; conditions placed on Title I or Title II grant awards; a redirection of Title II, Part A funds; and/or movement to a more severe category (i.e. from Correct I to Correct II).
11. **Causes for Non-Renewal/Cancellation and Termination**
- A. **Nonrenewal Provisions**  
  
Pursuant to Section 1002.33(8), Florida Statutes, the District may choose not to renew or may terminate the charter for any of the following grounds:
    - 1) Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.
    - 2) Failure to meet generally accepted standards of fiscal management.
    - 3) Violation of law.
    - 4) Other good cause shown.
  - B. The District may decide not to renew a charter if the school receives a state-designated grade of "F" or its equivalent in two (2) of any four-year period, or is designated as "in need of improvement" for more than two (2)

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years. A school “in need of improvement” is one that has failed to make Adequately Yearly Progress (AYP) for more than three years (3) years, in accordance with the provisions of the No Child Left Behind Act of 2001. The equivalent of an “F” grade is defined as the school receiving less than 395 points for elementary and middle schools and less than 790 for high schools on the Florida School Grades issued by the Florida Department of Education. Schools who receive a school improvement designation of “Declining” will be considered the equivalent to an “F” grade.

- C. The point designation or school improvement rating shall be amended from time to time as per modifications to state statutes or rules.
12. Transportation and Food Service
- A. Transportation and food services are the responsibility of charter schools, and must be provided according to district, state, and federal rules and regulations.
  - B. A charter school may contract with The Board for transportation and/or food service, or may contract with a private provider.
  - C. The charter school and the District shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.
13. Charter Schools Law
- A. This policy is intended to be consistent with all bills related to charter schools adopted by the Florida Legislature, as amended from time to time. All other conditions, issues, and procedures shall be in adherence with the charter school legislation, intent and statute.
  - B. This policy incorporates by reference the provisions of the Florida Charters School Law, amended as from time to time.
  - C. Charter schools shall be in compliance with Section 286.011, Florida Statutes, relating to public meetings and records, public inspections, and criminal and civil penalties.
  - D. Charter schools shall be in compliance with Chapter 119, relating to public records.

**AUTHORITY:** Florida Statutes and Section 1002.33, Florida Statutes (2010)

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