



Exhibit B

Book	School Board Policies
Section	Ch. 2. General Administration
Title	Charter Schools
Code	2.57
Status	Active
Adopted	February 5, 1997
Last Revised	May 27, 2015
Last Reviewed	May 27, 2015
Prior Revised Dates	02/05/97; 10/01/97; 10/07/98; 10/20/99; 10/25/00; 7/25/2012; 05/27/2015

1. PURPOSE AND INTENT

The School Board of Palm Beach County ("School Board" or "Sponsor") shall sponsor charter schools to provide educational options in accordance with Florida law. The provisions within this policy shall be interpreted consistently with Florida and federal laws.

2. ELIGIBILITY FOR CHARTER SCHOOL APPLICATION ("APPLICATION")

The School Board shall sponsor charter schools within Palm Beach County that serve any of these grades: Pre-kindergarten (Exceptional Student Education Only) and from kindergarten through grade 12 or as otherwise allowed by Florida law. To establish a charter school, an applicant must meet the criteria within Fla. Stat. §§ 1002.33(2) (a) & (b), (3), and (6) (a), the State approved evaluation instrument and any additional information required by the School Board as stated below. In addition, applicants can apply to open virtual charter schools, high-performing charter schools and blended-learning charter schools in accordance with Florida law as designated by the Commissioner of Education.

3. APPLICATION PROCESS AND REVIEW

a. Applicants: Applicants are encouraged to participate in the Florida Department of Education (FLDOE) orientation webinar, if available, to review the charter school application process. In order for applicants to become familiar with District procedures, the School District ("District") strongly encourages applicants to also attend the applicant training provided by the District. Technical assistance from the District is available to interested applicants prior to the application deadlines and may be obtained by contacting the Superintendent's designee. If the applicant is a management company or other nonprofit organization, it is strongly encouraged that the charter school principal and the chief financial officer or his or her equivalents also participate in the training.

b. Application Deadlines: Consistent with Fla. Stat. §§ 1002.33(6) (b), all applications must be received in the Superintendent's designee's office (currently the District's Department of Charter Schools) no later than 5:00 p.m. EDST on May 1 (the draft application deadline) or August 1 for prospective charter schools intending to start operations by the beginning of the subsequent school year. All applications must be complete, containing all sections of the Model Florida Charter Schools Application and any necessary exhibits and addenda. Applications, including the exhibits and additional information required by the School Board as an addendum, shall be submitted electronically to the Sponsor using the Sponsor's current application software and by submission of a flash/travel drive data storage device. If the applicant has difficulty downloading the

documents to the Sponsor's system, it shall notify the District's Charter School Department for assistance and/or timely submission by an alternative method. The software will indicate the date and time when the application is submitted and received by the District. To verify its time of receipt, the applicant will sign-in with the District upon submitting the flash/travel drive data storage device and the time and date will be reflected. If the District allows the submission by an alternative method, the application will be date and time stamped. All of these submissions must be received timely and no late applications or portions thereof will be accepted. If May 1 or August 1 occurs on a Saturday, Sunday, legal holiday, or other non-business day of the District, the deadline for application submission shall be extended to 5:00 p.m. EDST on the next day that is not a Saturday, Sunday, legal holiday, or other non-business day of the District. No additional, supporting substantive documentation will be accepted after the deadline.

i. Applications must be submitted on the most current and applicable DOE Model Florida Charter Schools Application form through the process described in Section 3, (b) above, in compliance with Florida State Board Rule of Education (SBER) 6A-6.0786(1) and include any School Board required additional information as an addenda. The Model Florida Charter Schools Applications can be found on the Florida Department of Education's website.

ii. Charter schools shall not use or bear the name of an existing traditional public, charter, or private/parochial school in Palm Beach County, Florida.

c. May 1 Application Reviews:

Pursuant to Fla. Stat. §§ 1002.33(6) (b), "an applicant may submit a draft charter school application on or before May 1 with an application fee of \$500. If a draft application is timely submitted, the sponsor shall review and provide feedback as to material deficiencies in the application by July 1. The applicant shall then have until August 1 to resubmit a revised and final application. The sponsor may approve the draft application."

The application must be submitted using the software made available by the School District as referenced above in Section 3, (b).

Additional information, as set forth in Section 3, d, ii below, must also be submitted by the applicant and considered by the reviewers in their feedback.

d. August 1 Application Reviews:

i. The application must be submitted using the software made available by the District as well as the flash/travel drive data storage device as stated above in Section 3, (b). The entire application will be accessible to various departments within the District or other qualified individuals who will review designated component sections on behalf of the District. Applications will be evaluated using the most current and applicable Florida Charter School Application Evaluation Instrument and consider the additional information required by the School Board. The Florida Charter School Application Evaluation Instruments can be found on the Florida Department of Education's website. Each section of a properly submitted application will be rated as "Meets the Standard," "Partially Meets the Standard," or "Does Not Meet the Standard". Persons who review the sections on behalf of the District shall provide written commentary to explain the rating given to each particular section if that section is rated as partially or does not meet the standard. After evaluation, each reviewer shall provide to the Superintendent's designee all sections of the application he/she reviewed as well as completed evaluation instruments for those sections.

ii. Pursuant to Fla. Stat. §§ 1002.33 (6) (a) 6, the School Board may solicit additional information from the charter school applicant. The School Board will solicit and require an applicant to provide information and/or documents for all of the additional items as an addendum to the charter application as follows:

A. A completed budget worksheet in the format prescribed by the District.

B. The name, academic (including ESE compliance) and prior charter school-related and business-related financial history and background of a) individual applicants, b) applicant entity, c) founding and governing boards and their individual members, and d) ESP/management company. This information shall include, but not be limited to, a demonstration of the professional experience or

competence of those individuals or organizations applying to operate the charter school and those hired or retained to perform professional services.

C. Information concerning whether the applicant, any of its founding/governing board members and/or ESP/management company, have had any management/ESP contract, position, or employment with any previously denied, failed, terminated, or voluntary terminated charter schools, or any other related charter schools. If they had this relationship, a description of the nature of that relationship, what were the circumstances of the closure and when it occurred, whether a final audit was performed, and whether all unencumbered public funds and property were returned reverted to the School District or the Department of Education.

D. A detailed and specific description of how it encourages and implements innovative learning methods and measurement tools that are innovative.

The School Board defines innovative as introducing or using new ideas or methods or having new ideas about how learning methods can be performed in this School District. Being innovative is about looking beyond what is currently done well, identifying the great ideas of yesterday and/or tomorrow and putting them into practice. True innovative learning methods are those products, processes, strategies and approaches that improve significantly upon the status quo within this geographical area of the School District, and result in heightened qualities and outcomes of teaching and learning. The criteria for making this determination are set forth on the document that is attached hereto.

E. The strength and clarity of policies, responsibilities and practices of effective management of the school. A description of internal audit procedures and establishment of controls to ensure that the financial resources are properly managed must be included.

The additional information shall be used by the School Board to evaluate the applicant's proposed governing board's and proposed management company's ability to operate a charter school and shall be considered when the Superintendent decides whether to recommend approval or denial of an application and the School Board acts on the recommendation.

The track record for success in prior operations of a charter school include but not limited to compliance with the terms of the charter and provisions of applicable federal and State laws and regulations, demonstrating significant annual student learning gains, satisfactory school grades, and no significant financial issues.

iii. The applicant and School Board may mutually agree, in writing, to extend the statutory timeline for the District to consider the charter application. Such agreement shall detail the extension date or timeframe.

iv. The Superintendent will recommend approval only if the application meets all the standards. Only applicants who have presented a quality plan with no material weaknesses and have demonstrated the capacity to operate a quality charter school will be recommended for charter approval.

e. Applicant Notification: The Superintendent's designee shall in writing notify by email, with read receipt requested (if email address is known), and mail the applicant the results of the charter application evaluation, noting which sections have been rated "Partially Meets the Standard," or "Does Not Meet the Standard". If it appears that technical or non-substantive corrections and clarifications may cure the deficiencies in the application, the letter may notify the applicant, that upon receipt of the letter, the applicant has (seven) 7 calendar days to make technical or non-substantive corrections and clarifications as per the Statute but that substantive changes will not be accepted.

f. Limited Opportunity to Cure: Within seven (7) calendar days after receipt of the District's written notice, an applicant may submit in writing, per Fla. Stat. § 1002.33 (6) (b), technical and non-substantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, that relate to any deficiency noted by a reviewer on the application evaluation instrument, if such errors are identified by the

District as cause to deny the application. Technical corrections and clarifications cannot materially alter the application. Applicants may NOT submit this additional information after the seven (7) calendar day period expires and the District will NOT consider substantive changes.

g. Applicants shall not be provided with the opportunity to make substantive changes, but shall retain the right to reapply for a charter school in the subsequent school year without prejudice. Examples of substantive changes include, but are not limited to, the school's mission, the students to be served, the ages and grade to be included, the focus of the curriculum, the instructional methods to be used, budgetary assumptions, and distinctive instructional techniques to be employed.

h. Optional Applicant Interview:

i. If sections of the application were rated as "Does Not Meet the Standards" or "Partially Meet the Standards" due to technical or non-substantive deficiencies in the evaluations, and an interview could be helpful in providing these clarifications to the application, the parties may mutually agree to schedule an interview.

ii. Reviewers for the District, who have rated any section of a charter application as "Partially Meets the Standard" or "Does Not Meet the Standard" shall be present during the interview. Should the District reviewer be unable to attend, a designee will attend. The applicant should have present at the interview person(s) knowledgeable about the contents of the application and who have authority to act and speak on behalf of the applicant.

iii. At the interview, NO ADDITIONAL WRITTEN INFORMATION WILL BE ACCEPTED FROM THE APPLICANT OR ON THE APPLICANT'S BEHALF and no substantive changes will be considered.

iv. The Superintendent's designee will attempt to electronically record the interview but the District is not required to have it transcribed.

i. Reviewer(s) on behalf of the District will evaluate deficient sections considering the applicant's written non-substantive or technical corrections/clarifications if the applicant submits any and any interview responses. The reviewers will then submit their results to the Superintendent's designee. The District will request that an applicant undergoing this review agree to an extension of the statutory time for application approval or denial by the School Board for at least thirty (30) days.

j. Non-substantive Application Review Notification: After the technical and non-substantive reviews described above in Section (3) (f), (g) & (i), the Superintendent's designee shall contact each applicant in writing to inform the applicant of the results of the interview and application evaluations. This written notification will include the Superintendent's recommendation that will be made to the School Board, as well as notice of the time and date of the School Board meeting for action on the application. Applicants may also be asked if they want to withdraw their application.

k. For applicants that did not submit any changes to their application, if they did not meet standards, the Superintendent's designee may also ask them if they want to withdraw their application. If the application is not withdrawn, a written notification from the District to the applicant will include the evaluation results and the Superintendent's recommendation that will be made to the School Board, as well as notice of the time and date of the School Board meeting for action on the application.

l. In determining whether to approve or deny an application for a charter school (except for an application filed by a high-performing charter school or system), the School Board shall consider whether the application meets the criteria set forth in Fla. Stat. § 1002.33, the applicable State Board of Education approved DOE Application form, the applicable Florida Charter School Application Evaluation Instrument as required by SBER 6A-6.0786(2) and the additional information required by the School Board in Section (3), (d) (ii).

m. The School Board shall by majority vote, approve or deny the application. During the public meeting where the vote is taken, the applicant shall have the opportunity to be heard by the Board if the applicant makes the appropriate and timely request as required by the Board's public comment procedures or if Board Members have questions to ask the applicant.

n. Notice and Appeal: Within ten (10) calendar days after the School Board's decision to deny an application, the School Board shall provide written notice to the applicant, per the provisions of SBER 6A-6.0781, of the specific reasons, based upon good cause, for the denial of any application along with supporting documentation. The letter shall also state the procedure to appeal and shall be sent to the Florida Department of Education. Pursuant to Fla. Stat. § 1002.33(6) (c), an applicant may appeal to the Florida State Board of Education a denial of the application or the School Board's failure to timely act on an application pursuant to the procedure as set forth in SBER 6A-6.0781. The applicant must also file a copy of its appeal notice and supporting documents with the School Board's clerk or as otherwise provided by statute or rule.

4. SPECIAL APPLICATION PROCEDURES FOR HIGH-PERFORMING CHARTER SCHOOLS

Applications submitted by a high-performing charter school are governed by Fla. Stat. §§ 1002.33(6) and 1002.331. The application process for a charter school that is defined as a high-performing charter school is determined by the Commissioner of Education per the provisions of Fla. Stat. § 1002.331(3) (a)

5. CHARTER SCHOOL CONVERSION PROCESS

a. Per the provisions of SBER 6A-6.0787(1), the [S]chool Board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least two (2) years may submit a request in writing to the school administrator to conduct a vote for conversion. The request shall be submitted no later than ninety (90) days prior to the August 1 deadline for charter applications. The administrator shall initiate the ballot process within sixty (60) days of receipt of the written request and the ballot process shall be completed no less than thirty (30) days prior to the charter application deadline.

b. The secret ballots proposing to convert an existing public school to a charter school must demonstrate the support of teachers and a majority of the teachers employed at the school and a majority of the voting parents in accordance with Fla. Stat. § 1002.33(3) (b) and SBER 6A-6.0787(2). A majority of parents eligible to vote must participate in the ballot process. See SBER 6A-6.0787(5)(d).

c. "If a majority of teachers employed at the school and a majority of voting parents support the charter proposal, the conversion charter application must be submitted by the application deadline that follows the ballot. The ballot results may not carry over to another school year or application period. If a majority of parents and/or teachers do not support the charter proposal, the application may not be submitted to the sponsor." See SBER 6A-6.0787(3).

6. CONTRACT NEGOTIATIONS, LAPSE, AND AMENDMENTS

a. Pursuant to Fla. Stat. § 1002.33 (6) (h): Within thirty (30) days after approval of an application by the School Board, District staff shall forward to the charter school applicant a contract proposal that is consistent with Florida and federal laws and, the standard State-approved charter with strike-throughs and underlines of changes to the standard charter as proposed by the Sponsor, as an initial proposed charter. Within forty (40) days after receipt of the District's initial proposed charter, the charter school and District staff shall negotiate the terms of the charter contract (based upon the District's proposed Charter) and the agreed upon contract shall be noticed to the School Board for final approval.

An extension of this time period is possible upon the agreement of the charter school and District staff. The decision not to extend the negotiation period shall be at the sole discretion of the Sponsor. The application, absent mediation within Fla. Stat. § 1002.33 (6) (h), shall be automatically rescinded, without further action by the Sponsor, if the applicant does not enter into or conclude contract negotiations within the timeframe specified by law or the date of extension for negotiations which has been mutually agreed upon in writing by both parties.

b. The initial contract shall be for a term of four (4) or five (5) years, although it may be longer if allowed by law, subject to negotiations.

c. An existing charter contract may be amended in writing upon mutual agreement between the charter school and the School Board.¹ Pursuant to Fla. Stat. §§ 1002.33(7) (c), "[m]odification may include...consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle."

- i. All contract amendment requests from charter schools shall be submitted in writing to the District's Charter School Department by an authorized agent of the charter school. The charter school shall provide evidence of governing board approval for all proposed amendments (e.g., governing board resolution, governing board meeting minutes).
 - ii. The School Board reserves the right to deny any such proposed amendment if the proposed amendment does not contain appropriate documentation or the amendment or the remaining charter do not conform with existing federal or State law or rules or the standard charter agreement.
 - iii. Requests for amendments involving an increase in student enrollment will also require, unless otherwise provided by Florida law, at minimum, updated budget information and documented facility capacity to accommodate the increase in student enrollment.
 - iv. Charter schools requesting the addition of grades, i.e. elementary schools requesting to add middle school grades, unless otherwise provided by Florida law, must also submit detailed plans, including but not limited to, those involving budget, facility, curriculum, transportation and food service.
- d. New and renewal charter agreements must contain provisions, pursuant to the February 26, 2013 Resolution Agreement between the U.S. Department of Justice and the School Board, that the charter school will implement the District's enrollment and discipline policies consistent with the Agreement.
- e. New, amended and renewal charter agreements, subject to negotiations, will contain provision that at least fifty-one percent of the Governing Board members must reside in Palm Beach County, Florida.
- f. Additionally, these agreements, subject to negotiations, shall contain a provision that the charter school facility cannot be located in the vicinity of a District-operated school that has the same grade levels and programs.
- g. The agreements shall also provide that the charter school will provide services to ELL students and students with disabilities as required by Federal and State laws.
- h. Charter contract negotiations between the District and a high-performing charter school and amendments to its charter are governed by Fla. Stat. §§ 1002.33(6) & 1002.
- i. Delegation of Authority: As set forth below, the School Board has delegated authority to the Superintendent/Superintendent's designee performing the following functions:
- i. negotiating the terms of the charter contract for presentation to the School Board.
 - ii. granting extensions of time to negotiate charter contracts up to an additional six months.
 - iii. granting a one year deferral for the start-up of a charter school for good cause shown.

7. ONGOING MONITORING AND ADMINISTRATIVE COMPLIANCE

- a. All applicants must participate in the applicant training provided by the Florida Department of Education ("DOE") pursuant to SBER 6A-6.0785. Failure to participate in the training shall be considered a violation of Florida law and may constitute grounds for termination of the charter contract. This training occurs after the approval of the application but at least 30 days before the first day of classes at the charter school. Dates for such DOE-sponsored training will be posted when available on the Florida Department of Education's Charter School website. The District shall provide notification of the applicant training requirement by sending written or electronic notification to all approved charter school applicants for the most recent application cycle. The notification shall include the Florida Department of Education's Charter School website.
- b. All charter schools shall submit to the District certificates of occupancy, inspection reports, insurance premiums and other documentation listed on the Opening of Schools Checklist

("Checklist") PBSB 2414 prior to or at the beginning of each school year of the term of its contract. Pursuant to Fla. Stat. §§ 1002.33 (7) (a) (13), "The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school." Failure to present certain of these items, such as a certificate of occupancy, will prevent the school from opening. The Checklist will be provided to all charter schools by the Superintendent's designee and must be timely completed and returned to the District. Each document must be submitted by the corresponding due date on the Checklist. This Checklist is incorporated herein as part of this policy and can be found on the District's forms website.

c. All charter schools are subject to monitoring through software and/or Sponsor personnel who are subject matter experts pursuant to applicable law. Visits, as deemed necessary by the District, may be made by the District personnel to observe operations and to provide technical assistance when applicable. The District shall at all times have access to the School's student records for legitimate educational purposes, including for FTE audits. A mid-year and/or end-of-year review as determined by the Superintendent's designee shall be completed. The mid-year and/or end-of-year reviewers will review the academic, operations, governance and compliance of each charter school as well as its revenues, expenditures and financial status. Monitoring will occur to determine whether the school is meeting the goals and standards stated within its charter contract. These reviews will monitor compliance requirements including those legally mandated and those that are essential to fulfilling the District's oversight responsibility. The charter school's failure to timely submit complete requisite documentation to the District may constitute good cause for non-renewal or termination of the charter school's charter.

d. If a charter school has a deficient mid-year or end-of-year review or repetitive and/or an unresolved compliance issue, absent a decision to non-renew or terminate the charter, a Corrective Action Plan (CAP) must be jointly developed by the District and the charter school based on the following factors:

- i. evidence exists of the school's willingness and ability to correct the deficiencies within a reasonable period of time;
- ii. the seriousness of the deficiencies which constitute good cause as set forth in the charter; and
- iii. whether the school within the last few years was under a corrective action plan for similar issues and whether it was in compliance thereof.

The charter school must then satisfy all of the CAP compliance issues as reasonably determined by the District. The District will approve, monitor, and redress said corrective action plans, as well as provide technical assistance to the charter school. Charter schools are also subject to expedited reviews and corrective action plans under Fla. Stat. § 1002.345 and SBER 6A-1.0081.

e. All charter schools must submit all reports as required by Florida Statutes or State Board of Education Rules, as amended from time to time, including SBER 6A-1.0081, in a timely fashion. All charter schools must submit timely reports and/or documentation as required by the District and/or the charter agreement in order for the District to perform its oversight functions. Examples of these required reports and/or documents that are required to be timely submitted include, but are not limited to the following: school improvement plan, facility certification, annual accountability report, and financial statements.

f. Charter schools are required to timely and fully comply with and respond to additional audit, review and investigation requests from the District, including its Inspector General that are being conducted for a legitimate purpose; comply with all applicable District policies and procedures that are applicable per their charter or by law; comply with the provisions of Fla. Stat. § 1002.33 (11) (f) to have certified teachers under contract prior to the start of the school year; comply with the requirements for governing board meetings, and timely submission of governing board meeting minutes to the Superintendent's designee. A Foundation for the benefit of the charter school and the management company/ESP for the charter school in relation to the school's activities also have the responsibility to timely and fully comply with and respond to additional audit, review and investigation requests from the District, including its Inspector General. The District may also refer investigations of complaints it receives relating to the charter school to its governing board, unless it involves governing board or governing board members activity or requires immediate action relating to the health, safety or welfare of the students, and the

governing board will report its findings to the District. Investigations involving governing board members may be referred to appropriate legal authorities. Failure to comply with these requirements may constitute good cause for non-renewal or termination of a charter contract.

g. In the event there are outstanding or existing issues impacting the operation of the charter school, or when a charter is deficient in academic performance, governance, or finances, or is in a financial emergency, the School Board will be notified in writing by the Superintendent or designee at the time the District is aware of the issue.

h. If the District or the State concludes that a charter school has significant financial, governance or academic issues, the director and a representative of the governing body of a charter school shall appear before the School Board at a public meeting at least once a year to present information regarding the corrective strategies that are being implemented to address the issues. The School Board shall communicate at the meeting, and in writing to the director, the services and/or recommendations provided to the school to help the school address its deficiencies.

8. RENEWAL OF CHARTER CONTRACTS

a. When a charter school seeks renewal of its charter, the following process shall apply.

b. During the final year of a charter school's contract term, designated District staff will conduct a comprehensive program review in order to determine whether a charter school meets the criteria for renewal as set forth in Fla. Stat. § 1002.33(7)(a) & (b), that none of the grounds for non-renewal under Fla. Stat. § 1002.33 (8) (a) exist, as well as compliance with the existing charter provisions. The District's staff will review the identified innovative learning methods of the school and if they are the same as stated within the School's prior charter application and charter, they will be deemed compliant as meeting the statutory innovative requirement.

c. The charter school principal and/or governing board chair will be scheduled and appear before the School Board at a public meeting to answer questions from the Board and address issues including:

i. the needs of their students and types of programs offered; and

ii. the kinds of interventions and strategies they have used or intend to use to improve their students' achievement.

d. If a charter school does not meet the criteria for a renewal charter contract and the existing charter provisions, the Board shall vote whether to approve non-renewal of the charter.

e. If a charter school meets the criteria for a renewal charter contract and the existing charter provisions, the Board shall vote whether to approve the renewal.

f. If the Board votes to approve the renewal, the District will provide the charter school a proposed charter and negotiations for a renewal charter shall then commence within the timelines provided by State law. Until the State Board of Education develops a format for a renewal charter contract, the District's standard charter proposal, as modified for a renewal, will be used. If the State Board of Education develops a format for a renewal charter contract, the parties shall use that format. The negotiations must address the term of the renewal contract, any updates/changes to the goals and objectives of the school, budget updates, and any other changes based upon the current District proposal or State Board of Education approved model charter format.

g. If a renewal charter agreement has not been approved by both parties and the term of the current charter agreement is about to expire, District staff will attempt to obtain approval from the charter school and present to the School Board an amendment to the existing charter agreement for a short extension of time. The extension would be until an agreement has been reached and approved by the school's governing board and School Board or after the statutory procedures for mediation or a hearing have been completed and the renewal charter terms are determined.

9. NON-RENEWAL OR TERMINATION OF CHARTERS

a. The District shall adhere to Fla. Stat. § 1002.33(8) and State Board of Education Rules when

considering the nonrenewal or termination of any charter contract. Pursuant to Fla. Stat. §§ 1002.33 (8) (a), the School Board:

i. shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The School Board may also choose not to renew or may terminate the charter for any reason set forth in the law and/or in the charter contract including any of the following grounds:

- A. 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.
- B. Failure to meet generally accepted standards of fiscal management.
- C. Violation of law.
- D. Other good cause shown.

b. At least 90 days prior to the District's intent to non-renew or terminate a charter (except for immediate terminations), the Superintendent/designee, following a School Board vote, shall notify in writing the governing board of the charter school. This notice shall state in reasonable detail the grounds for the proposed action and inform the charter school that its governing board, within 14 calendar days after receiving the notice, may request a hearing by filing a legally sufficient written request with the School Board's Clerk. This would require a written petition or a hearing request that is legally sufficient under Fla. Stat. §§ 120.569 (2) (c) and 120.54 (5) (b) and Fla. Admin. Code R. 28-106.201 and 28-106.104, filed by the charter school's governing board with the Clerk of the School Board within fourteen (14) calendar days after the school's receipt of the notice.

c. Hearings.

i. The School Board hereby delegates to its General Counsel the function of ruling, prior to the submission of the case to DOAH, on any pre-hearing motions such as a request for extension of time, and determining if the petition or request for hearing is legally sufficient or timely.

ii. If the General Counsel, on behalf of the School Board, determines that the petition/request for hearing is not legally sufficient or timely, the School Board (through its General Counsel) may deny/dismiss the petition or request for a hearing pursuant to Fla. Stat. § 120.569(c) and the Uniform Rules of Procedure. A petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed. Dismissal of a petition timely filed shall, at least once, be without prejudice to petitioner's filing a timely amended petition/request for hearing curing the defect, unless it conclusively appears from the face of the petition/request for hearing that the defect cannot be cured. The School Board (through its General Counsel) shall promptly give written notice to all parties of the action taken on the petition/request for hearing, shall state with particularity its reasons if it is not granted, and shall state the deadline for filing an amended petition/request for hearing if applicable. Any further amendments of the petition/request for hearing shall follow Fla. Admin. Code R. 28-106.202.

iii. If the General Counsel, on behalf of the School Board, determines that the petition/request for hearing is legally sufficient, he/she shall submit the charter school's petition or request for a hearing to the Division of Administrative Hearings (DOAH) for a hearing to be conducted by an administrative law judge under DOAH.

iv. The hearing shall be conducted within 60 days (unless extensions are mutually agreed to by the charter school and counsel for the District) after receipt of the request for a hearing and in accordance with chapter 120. The procedures within Fla. Stat. §§ 120.569 and 120.57 and relevant Uniform Rules of Procedure shall apply to the pre-hearing and hearing procedures. See Chapter 28-106 Decisions Determining Substantial Interests.

v. The administrative law judge's Recommended Order shall be submitted to the School Board. Once the Recommended Order is received by the School Board, per Fla. Stat. § 120.66, **no ex parte communication** relative to the merits, threat, or offer of

reward shall be made to any School Board Member by any persons specified within Fla. Stat. § 120.66 (1). If a Board Member receives an ex parte communication in violation of this provision, the process set forth within Fla. Stat. § 120.66 (2) will apply.

vi. Following the entry of a Recommended Order by the administrative law judge, the procedures within Fla. Stat. chapter 120 will apply as to the filing of Exceptions and entry of a Final Order.

vii. A majority vote by the School Board shall be required to adopt or modify the administrative law judge's Recommended Order. The School Board shall issue a Final Order.

viii. The Final Order shall state the specific reasons for the School Board's decision. The School Board shall provide its Final Order to the charter school's governing board and the Department of Education no later than 10 calendar days after its issuance. The charter school's governing board may, within 30 calendar days after receiving the School Board's Final Order, appeal the decision pursuant to Fla. Stat. § 120.68.

d. Immediate Terminations of Charter Contracts

i. If the School Board determines to terminate a charter contract immediately, upon receiving written notice thereof, the charter school's governing body has ten (10) calendar days to file a petition or request for hearing by filing the request with the Clerk of the School Board. The petition must be legally sufficient and timely as stated within sub-paragraph 9(c) above.

ii. The pre-hearing and hearing procedures set forth above in sub-paragraph 9(c) apply to hearings following immediate terminations of charters under Fla. Stat. § 1002.33 (8) (d). This hearing will be conducted after the immediate termination occurs.

e. Process when Charter School is closing:

i. The District shall develop a comprehensive closing school checklist and school closure plan. The plan shall include timelines and procedures to follow to protect the District's and student's interests.

ii. The District's representative will schedule an *initial* transition meeting with the School's Governing Board, Administrator(s) and/or Operator(s) of the Charter School upon issuance of the Sponsor's notice of termination/non-renewal or if the School notifies the Sponsor of an intent to close. The School shall cooperate with the District employees in the transition. This transition meeting should clearly outline the objectives of the Closure Plan and the timeline associated with the closure of the School. Upon notice of the closing of a charter school, District employees will meet with the school officials and go over the items in a closing school checklist.

iii. The School shall provide the Sponsor sufficient notice of the final governing board meeting so that the Sponsor's representative may attend to ensure appropriate dissolution of the legal entity, proper closure of business records, and proper authorization and timeline on all post-closure matters.

iv. Furthermore, the District's representative will schedule a *final closure meeting* with the School to ensure that all of the components of the Closure Plan have been timely addressed and completed. The School shall cooperate.

v. A *Final Closure Report* shall be completed and provided to the School Board that informs and memorializes the outcome of the implementation of the Closure Plan with the Charter School. Said Report should be signed by appropriate District Staff as well as the Governing Board Chair of the Charter School and identify the final status of the various areas addressed in the Closure Plan.

10. DISTRICT'S ASSISTANCE TO LOW PERFORMING CHARTER SCHOOLS

a. The District will offer reasonable technical assistance to assist students at low-performing graded charter schools as well as non-graded charter schools with low-performing students. The technical assistance shall be made available to cure deficiencies and remediate academic

concerns of students. To the extent any of the services provided by the District to the charter school are beyond those required by Fla. Stat. § 1002.33 (20) or as stated in the school's charter, the District may charge the school reasonable fees to cover the costs of the services as allowed by law. Failure by a charter school to cooperate in the resolution of such performance issues may constitute good cause for non-renewal or termination of a charter contract.

b. Per Fla. Stat. § 1002.33 (9) (p), the director 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 Fla. Stat. § 1002.33(9) (o) shall appear before School Board at a public meeting 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. The School Board shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

11. DISTRICT' S SUPPORT SERVICES TO CHARTER SCHOOLS

The District will provide specified administrative and educational services to charter schools as provided by Fla. Stat. § 1002.33 (20). To the extent the District provides any services to the charter school that are beyond those required by Fla. Stat. §1002.33 (20) or as stated in the school's charter, the District may charge the school reasonable fees to cover the costs of the services as allowed by law.

12. INTERPRETATION

In the event that an existing charter school contract provision is found to be inconsistent with this policy, the contract provision prevails, unless the contract provision is no longer consistent with the law and the contract indicates that its terms change based on changes in the law.

13. PROCEDURES

The Superintendent's designee may establish internal operating procedures as deemed necessary for the efficient and effective administration of the District's activities relating to charter schools.

STATUTORY AUTHORITY: Fla. Stat. §§ ; 1001.41 (1) & (2); 1001.42 (25)

LAWS IMPLEMENTED: Fla. Stat. §§ 1002.33; 1002.331; 1001.332; 1002.345

HISTORY: 02/05/97; 10/01/97; 10/07/98; 10/20/99; 10/25/00; 7/25/2012; 05/27/2015

¹The Charter Contract may also provide that the Charter is modified by changes in the law.

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