

POLICY 2.57

4-A I recommend that the Board adopt the proposed revised Policy 2.57, entitled "Charter Schools."

[Contact: Contact: Peter Licata, PX 45820.]

<u>Adoption</u>

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on May 9, 2012. All changes appear in red. Since the posting of the revised policy for the first reading, the following significant changes were made:
 - The purpose of the policy was shortened in Paragraph 1.
 - References to particular DOE form numbers were eliminated as the numbers could change. Additionally, footnotes and statements within the policy relating to **future** State Board of Education (SBE) application and evaluation forms and model charter template for virtual charter schools and high performing charter schools were deleted as the SBE has now adopted those forms and modified its template.
 - Previous references in sub-paragraph 3 (c) relating to the performance of an applicant's other schools were deleted. The State application and evaluation instrument indicate the parameters for evaluation of an applicant and address consideration of other schools.
 - Emphasis is added in sub-paragraph 3 (f) that applicants cannot make substantive changes after the initial review and examples of substantive changes are provided.
 - The interview provided in sub-paragraph 3 (g) expand the interview to include any applicant whose application "Partially Meets the Standards" or "Does Not Meet the Standards".
 - In paragraph 5, the application process for a conversion charter school is explained in greater detail as provided within SBER 6A-6.0787.
 - In paragraph 10, the School Board's providing technical assistance to low performing charter schools includes assisting non-graded charter schools with low-performing students.
 - Lines 277-279, added "Failure to participate in the training shall be considered a violation of Florida law and may constitute grounds for

termination of the charter contract."

- Lines 290-292, added "Failure to present certain of these items, such as a certificate of occupancy, will prevent the school from opening."
- The Charter Schools policy is being revised to implement changes in Florida law regarding charter schools and to set forth District practices. This includes provisions relating to virtual and high-performing charter schools.
- This policy outlines procedures for the creation, monitoring and termination of charter schools in the School District of Palm Beach County.
- The policy addresses the charter school application process and review, charter school conversion ballot process, charter contract negotiations, ongoing monitoring and administrative compliance, charter amendments, training, procedures for non-renewal or termination of charter schools, the Districts' assistance to low performing charter schools and the District's support to charter schools.
- Sub-paragraph 3 (e) is based on the legislative changes as stated within Fla. Stat. §1002.33 (6) (b). This statutory provision states: "Before approving or denying any application, the sponsor [School Board] shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor [School Board] as cause to deny the application." This provision does not allow for substantive changes to the application.
- Sub-paragraph 3 (f) provides for an interview for applicants if the reviewers, after the review of the initial application, have determined that the application "Does Not Meet the Standards" or "Partially Meets the Standards." This provision is not required by statute but was recommended by District staff.
- As stated within sub-paragraph 3 (j) of the proposed policy, if an application, after the opportunity to cure any non-substantive or technical inadequacies, does not meet any standard or partially meets any standard, it will not be recommended by the Superintendent for approval by the School Board.
- Paragraph 8 sets forth the procedure when the term of a charter school's agreement will be expiring and the school will be undergoing a review by the District for renewal.
- The provisions within the policy requiring charter school representatives to appear before the School Board under certain circumstances [set forth in sub-

4-ABoard Report **July 25**, 2012
Page 3 of 21

paragraphs (7) (h) for monitoring, 8 (c) for renewals, and (10) (b) for assisting low performing charter schools] are not required by statute. However, Fla. Stat. §1002.33 (9) (n) & (p) require that these representatives appear **before the School Board or its staff** for schools receiving a grade of D or if the school has submitted a school improvement plan due to school grades of D for 2 consecutive years or a grade of F or because the school is on probation.

POLICY 2.57

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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 to improve student learning and academic achievement while providing parents with flexibility to choose among diverse education opportunities within the School District ("District"). The provisions within this policy shall be interpreted consistently with Florida and federal laws.

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

The School Board shall sponsor charter schools, which that serve any of these grade(s): 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). 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.

18 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 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 August 1 deadline 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 Deadline: All applications must be received in the Superintendent's designee's office no later than 5:00 p.m. on 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. All applications will be stamped with the date and time when they are received by the District. Late applications will not be accepted. If 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.

on the next day that is not a Saturday, Sunday, legal holiday, or other nonbusiness day of the District.

i. Applications must be submitted on the most current and applicable DOE form IEPC-M1, the Model Florida Charter Schools Application form, in compliance with Florida State Board Rule of Education (SBER) 6A-6.0786(1). The Model Florida Charter Schools Applications can be found on the Florida Department of Education's website.

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c. Application Review:

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- i. Applications will be separated into component sections and distributed to various departments within the District or other qualified individuals who will review sections on behalf of the District. Applications will be evaluated using DOE form IEPC-M2, the the most current and applicable Florida Charter School Application Evaluation Instrument, as required by SBER 6A-6.0786(2). The Florida Charter School Application Evaluation Instruments can be found on the Florida Department of Education's website. ² As per Fla. Stat. § 1002.33 (6) (a) 6, the District will require an applicant to provide additional information and/or documents as an addendum to the charter application, such as a completed budget worksheet format. 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 also 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. As part of this evaluation process using the State evaluation instrument, applications for charters by the same entity in subsequent years will be evaluated using criteria for approval that include an examination of that entity's current charter school(s).
- iii. This process will be used to determine whether the entity has a track record of success in operating charter school(s) for the past two (2) fiscal years. This review of the other charter school(s) include:

If the State Board of Education develops in the future a new application for virtual charter and/or high performing charter schools, the District will use those documents as required.

² If the State Board of Education develops in the future a new evaluation instrument for virtual charter schools and/or high performing charter schools, the District will use those documents as required.

71		A. remaining in full compliance with its charter;
72		B. <u>demonstrating fulfillment of the statutory purposes of charter schools</u> ;
73 74 75		C. <u>for schools subject to state performance grades, maintaining a performance grade of at least B or demonstrating significant annual learning gains amongst the students attending.</u>
76 77 78		iv. The applicant and Sponsor 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.
79 80		v. <u>The Superintendent will recommend approval only if If the application meets all the standards, the Superintendent will recommend approval.</u>
81 82 83 84 85	d.	Applicant Notification and Limited Opportunity to Cure: 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".
86 87 88 89 90 91 92 93 94	e.	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.
96 97 98 99 100 101 102	f.	Applicants shall not be provided with the opportunity to correct 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, and distinctive instructional techniques to be employed.
103 104 105	g.	 Applicant Interview and Notification of Interview (if applicable) i. After submission by the applicant of any technical and non-substantive changes in response to the District's written notice, the Superintendent's

designee shall contact the applicant for an interview if any nonsubstantive or technical clarifications or corrections in the application are

108 deemed needed by the Sponsor to respond to errors identified by the 109 District as cause to deny the application. Should the initial application be 110 deemed to "Not Meet the Standards" or "Partially Meet the Standards", a Superintendent's designee shall offer the applicant an interview to 111 112 discuss the concerns. This interview shall be offered to applicants. 113 whether or not they will be provided an opportunity to remedy a technical 114 or non-substantive error in the application. Where the errors are deemed 115 to be substantive in nature, the purpose of the interview shall be to assist the applicant in successfully applying for a charter school in the 116 117 subsequent school year.

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- Reviewers for the District, who have rated any section of a charter ii. application as "Partially Meets the Standard" or "Does Not Meet the Standard" where any non-substantive or technical clarifications or corrections in the application are deemed needed, shall be present during the interview. Should the District reviewer be unable to attend, a designee will attend. The interview will be conducted with the applicant's founding board member(s). Management company representatives, attorneys and/or consultants may attend the interview.
- At the interview, NO ADDITIONAL WRITTEN INFORMATION WILL BE iii. ACCEPTED FROM THE APPLICANT OR ON THE APPLICANT'S BEHALF.
- The Sponsor School Board will attempt to electronically record the interview but the Sponsor School Board is not required to have it transcribed.
- h. Reviewer(s) on behalf of the District will evaluate deficient sections considering the applicant's written non-substantive or technical corrections/clarifications and 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.
- 139 Non-substantive Application Evaluation Notification: After the technical and i. 140 non-substantive evaluations described above in sub-paragraphs (3) (e) & (f), the Superintendent's designee shall contact each applicant in writing to inform 142 it of the results of the interview and application evaluations. This written notification will include the Superintendent's recommendation that will be 143 144 made to the School Board, as well as notice of the time and date of the School 145 Board meeting for action on the application.
 - j. If a charter application has received from the reviewer a rating of "Partially

Meets" or "Does Not Meet the Standard" in any evaluation section, after the opportunity to cure as stated above, if applicable, then the overall assessment of the application will warrant denial and the application will NOT be recommended for approval by the Superintendent's designee or by the Superintendent to the School Board.

- k. Recommendations and School Board Meeting: The Superintendent's designee shall report all completed application evaluations to the Superintendent with a recommendation. The Superintendent shall then make a recommendation to the School Board to accept or deny the application based on the overall assessment as to whether any deficiency (ies) remains. The recommendation shall then be placed on the School Board's agenda for action.
- In determining whether to approve or deny an application for a charter school (except for a 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 IEPC-M2, and the applicable Florida Charter School Application Evaluation Instrument³ as required by SBER 6A-6.0786(2).
- 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. The Board shall vote on every application within sixty (60) calendar days of the District's receipt of the application unless an extension of time is mutually agreed upon in writing or as provided herein and by statute.
- 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 applicant must also then file a copy of its appeal notice and supporting documents with the School Board's clerk or as otherwise provided by statute or rule.

³ If the State Board of Education develops in the future a new evaluation instrument for **virtual charter schools**, the District will use that evaluation instrument as required.

4. SPECIAL APPLICATION PROCEDURES FOR HIGH-PERFORMING CHARTER SCHOOLS

- a. 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).
- b. If the applicant is requesting to replicate a high-performing charter school, the
 applicant shall use the most current and applicable State Board of Education
 approved form and the Sponsor School Board shall:

- i. request a copy of the required letter from the Commissioner of Education verifying high-performing status of the school to be replicated;
- ii. <u>evaluate whether adequate evidence exists of substantial replication of the educational program of the existing high-performing school;</u>
- iii. require that the applicant clearly articulate in the body of the application that the proposed school is being submitted as a replication under Fla. Stat. § 1002.331 (3) (a); and
- iv. require information that substantiates that the applicant has not submitted a high-performing application to any other school district in Florida during the current application cycle.
- c. 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).
- d. In determining whether to approve or deny an application from for a high-performing charter school, the School Board shall consider whether the application meets the criteria set forth in Fla. Stat. §1002.33 (6) (b) (3) b and any applicable State Board of Education approved evaluation instrument form as required by SBER 6A-6.0786(2).
 - i. <u>Per Florida Statutes, to deny the application, the School Board would</u> <u>need to must demonstrate by clear and convincing evidence that at least one of the criteria was not met.</u>
 - ii. In the event that a high-performing charter school's application does not comply with the requirements of the law, including but not limited to, the provisions related to substantial replication, the application will shall be deemed to be a traditional application and evaluated under the standard provisions of charter law.

221 5. CHARTER SCHOOL CONVERSION BALLOT PROCESS

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- Per the provisions of SBER 6A-6.0787(1), the "[S]chool Board, the principal, a. 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.
- An application 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).
- 237 "If a majority of teachers employed at the school and a majority of voting 238 parents support the charter proposal, the conversion charter application must 239 be submitted by the application deadline that follows the ballot. The ballot 240 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 242 application may not be submitted to the sponsor." See SBER 6A-6.0787(3).

6. **CONTRACT NEGOTIATIONS, LAPSE, AND AMENDMENTS**

Pursuant to Fla. Stat. §1002.33 (6) (h): Within 60 days after approval of an a. application by the School Board, the District will shall forward to the charter school applicant a contract proposal that is consistent with Florida and federal laws and in the most current format as prescribed by SBER 6A-6.0786(3) (DOE form IEPC-M3, Florida Model Charter Contract Format) as an initial proposed charter. 4 Within seventy-five (75) days after receipt of the District's initial proposed charter, the charter school and the District 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 parties. If the parties do not reach agreement, the Department of Education shall provide mediation services and, if needed, the other procedures within Fla. Stat. §1002.33 (6) (h) would apply.

If the State Board of Education develops a new model charter format for virtual charter schools and/or high performing charter schools, the District will use those model formats as required to develop its model charter contract to commence negotiations.

- b. An existing charter contract may be amended in writing upon mutual agreement between the charter school and the School Board. 5
 - i. The School Board reserves the right to deny any such proposed amendment if the proposed amendment does not contain appropriate documentation or does not conform with existing federal or State law or rules or the District's model charter agreement.
 - ii. Requests for amendments involving an increase in student enrollment will require, unless otherwise provided by Florida law, at minimum, updated budget information and documented facility capacity to accommodate the increase in student enrollment.
 - iii. Charter schools requesting the addition of grades, i.e. elementary schools requesting to add middle school grades, unless otherwise provided by Florida law, must submit detailed plans, including but not limited to, those involving budget, facility, curriculum, transportation and food service.
- 271 c. 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) & 1002.331.

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 and its referenced Form IEPC-TS. 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") PBSD 2414 prior to or at the beginning of each school year of the term of its contract. 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

⁵ The Charter Contract may also provide that the Charter is modified by changes in the law.

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 website at http://www.palmbeachschools.org/forms/index.asp.

- c. All charter schools are subject to monitoring by the District 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. 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 schools' 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 substantially deficient mid-year or annual review or repetitive and/or an unresolved compliance issue, a Corrective Action Plan (CAP) must be jointly developed by the District and the charter school and the charter school must 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. Also, all 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 also required to timely and fully comply with and respond to additional audit requests from the District; comply with all applicable District policies and procedures that are applicable per their charter or by laws; comply with the requirements for governing board meetings, and timely submission of governing board meeting minutes to the Superintendent's designee. Failure to comply with these requirements may constitute good

- 335 <u>cause for non-renewal or termination of a charter contract.</u>
- 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 that has significant financial, governance or academic issues 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

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- 351 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 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) as well as compliance with the existing charter provisions.
 - 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. <u>the kinds of interventions and strategies they have used to improve their students' achievement.</u>
 - d. 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.
- e. 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 model charter 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 model or State Board
 of Education approved model charter format.
- 376 f. If a renewal charter agreement has not been approved by both parties and the 377 term of the current charter agreement is about to expire, District staff will 378 attempt to obtain approval from the charter school and present to the School 379 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 380 381 approved by the school's governing board and School Board or after the 382 statutory procedures for mediation or a hearing have been completed and the 383 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 <u>Education Rules when considering the nonrenewal or termination of any charter contract.</u>
 - 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.

400 c. <u>Hearings.</u>

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If a request or petition is filed, then the following procedures apply:

- 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. <u>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 second counsel.</u>

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 parties) 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. <u>Immediate Terminations of Charter Contracts</u>

- 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 subparagraph 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.

10. **DISTRICT'S ASSISTANCE TO LOW PERFORMING CHARTER SCHOOLS**

- a. The District will provide reasonable technical assistance to assist students at low-performing graded charter schools for the resolution of as well as non-graded charter schools with low-performing students. The technical assistance shall be made available to cure deficiencies pursuant to Florida law. See Fla. Stat. §1002.33 (9) (n), (o) & (p) and remediate academic concerns of students. 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. <u>DISTRICT'S SUPPORT SERVICES TO CHARTER SCHOOLS</u>

The District will provide specified administrative and educational services to charter schools as provided by Florida law. See Fla. Stat. §1002.33.

12. **INTERPRETATION**

485 486	in the event that an existing charter school contract provision is found to be inconsistent with this policy, the contract provision prevails, unless the charter
487	indicates that its terms change based on changes in the law. Any charter approved
488	after the adoption of this policy is required to be fully consistent with this policy.
489	A. Pursuant to the provisions of Chapter 228, Fla. Stat., and subsequent amendments, The School
490	Board of Palm Beach County may sponsor charter schools to:
491	1. Improve student learning;
492 493	 Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students identified as academically low achieving;
494	3. Encourage the use of different and innovative learning methods;
495	4. Increase choice of learning opportunities for students;
496	5. Establish a new form of accountability for schools;
497	6. Require the measurement of learning outcomes and create innovative measurement
498	tools;
499	7. Make the school the unit for improvement;
500	8. Relieve schools of paperwork and procedures that are required by the state and the
501	District for purposes other than health, safety, equal opportunity, fiscal accountability and
502	documentation of student achievement;
503	9. Create new professional opportunities for teachers.
504	B. The School Board designates the Superintendent to receive and review all charter applications.
505	The Superintendent shall recommend the approval or denial of each charter application within the
506	time period provided by law. The Superintendent or designee shall work with each applicant to
507	develop a charter contract. The Superintendent shall make recommendations to the School
508	Board relating to charter school contracts.
509	C. The School Board hereby adopts Florida Statutes, and Florida State Board of Education Rules
510	relating to charter schools and in addition:
511	1. Requirements.
512	a. A charter school shall maintain all financial records of their accounting system
513	with the accounts and codes prescribed in the Financial and Cost Accounting
514	and Reporting for Florida Schools.
515	b. The annual financial audit must be in the state required format.
516	c. A charter school that is eligible to receive Title I funds shall submit an approved
517	Title I Schoolwide Plan within three (3) months of becoming a designated Title I
518	school. Failure to submit an approved plan will result in withholding of Title I
519	funds.
520	2 Charter School Magatistian Process

521 522 523	There shall be no modification of any contractual provision(s) of the model charter language, unless mutually agreed by both parties in writing. Any such modification made in the charter by the applicant is grounds for termination or non-renewal of the Charter.
524	3. Curriculum and Accountability
525 526 527 528	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 or designee, District Auditor, and all School Board members shall have free and open access to the charter school at all times.
529	4. Food Services
530 531 532	 a. It is the responsibility of the charter school to provide food services per District, State and Federal rules and regulations established by the U.S. Department of Agriculture ("USDA").
533 534 535 536 537	b. The charter school may contract with the District to provide food services. Where applicable, the charter school must provide pick-up service and personnel to distribute and account for meals according to USDA guidelines. Appropriate storage, holding, and serving equipment will be provided by charter schools, if needed. All District, State and Federal rules and regulations must be followed.
538	5. Emergency Termination
539 540 541	The Superintendent or designee shall have the right to immediately take action for good cause or in the event the health, safety or welfare of the students is threatened. The School Board may take further action at the next Board meeting.
542	6. Internal Financial Controls and Audit Process
543	a. Financial Information.
544 545 546 547 548 549 550 551	In order to provide comparable financial information, charter schools shall maintain all financial records in accordance with the accounts and codes prescribed in the most recent issuance of the publication titled Financial and Program Cost Accounting and Reporting for Florida Schools. Charter schools shall provide annual financial reports and program cost report information by July 31 in the state-required formats for inclusion in District reporting in compliance with § 236.82(1), Fla. Stat. The financial statements are to be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting, regardless of corporate structure.
553	b. Financial Policies
554 555 556 557	The charter school shall establish and implement accounting and reporting policies, procedures, and practices for maintaining complete records of all receipts and expenditures. The charter school shall provide a copy of these policies to the District by July 1, and annually thereafter.
558	c. Monthly Reconciliation of Bank Statements
559 560 561	Within forty-five (45) days of month end, the charter school shall provide to the District reconciliations of all bank accounts. A copy of the entire bank statement must be attached to the bank reconciliation.

d. Quarterly Reports

On or before October 31, January 31, and April 30 of each fiscal year, the charter school shall provide to the District all applicable financial statements including a Balance Sheet and a Statement of Revenues, Expenditures and Changes in Fund Balances. These reports must be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting as stated in Section (6)(a) above.

e. Annual Financial Statements

Unaudited June 30 year-end financial statements shall be submitted to the District by July 31. These financial statements must be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting as stated in Section (6)(a) above.

f. Annual Financial Audit

The charter school agrees to submit to and pay for an annual financial audit in compliance with Federal, State and School District regulations showing all revenue received, from all sources, and all expenditures for services rendered. The audit shall be conducted by an independent certified public accountant selected by the governing board of the charter school, and shall be delivered to the District within ninety (90) days following the end of the District's fiscal year. The annual contract (engagement letter) for the audit must be delivered to the District immediately upon signing. The charter school further agrees to provide the District with a copy of the management letter, as well as any responses to the auditor's findings with a corrective action plan, by October 31. The District reserves the right to perform additional audits as part of the District's financial monitoring responsibilities as it deems necessary.

g. Review and Audit

The District has the right to review and audit, upon request, all financial records of the charter school to ensure fiscal accountability and sound financial management pursuant to § 228.056(8)(g), F.S. The charter school further agrees to provide the District with a copy of the management letter from any audits as well as any responses to the auditor's findings with a corrective plan which shall be prepared and submitted within thirty (30) days from the date of the management letter.

h. Florida Department of Education Technical Assistance

If a dispute or conflict relating to any financial or compliance audit of the charter school should arise, both parties, jointly, may request in writing technical assistance from the Florida Department of Education.

i. Accounting Services

The charter school shall obtain the services of an accountant to assist in compiling and maintaining financial records, reconciling bank statements, preparing financial reports and obtaining an annual audit. On or before July 1 of each fiscal year, the charter school shall provide to the District a copy of the contract for such services. If the accountant is an employee of the charter school

605 606	a memorandum stating that fact along with a copy of the accountant's resume shall be forwarded to the District upon hiring.
607	j. Negative Fund Balance
608 609 610	If a charter school is deemed to be operating at a negative fund balance, the School District may take any and all necessary steps to determine if the charter school will be allowed to continue to operate in such a manner.
611	7. Protection of Health, Safety and/or Welfare of Students
612 613 614	The Superintendent or designee shall have the right to take any reasonable action consistent with the Florida Statutes and the State Board of Education rules to protect the health, safety or welfare of the students.
615 616 617	STATUTORY AUTHORITY: Fla. Stat. §§ <u>1001.32(2);</u> 1001.41 <u>(1) &</u> (2); 1001.42 <u>(25)</u> LAWS IMPLEMENTED: Fla. Stat. §§ 1002.33; <u>1002.331; 1002.332; 1002.345</u> HISTORY: 02/05/97; 10/01/97; 10/07/98; 10/20/99; 10/25/00;/2012

4-A Board Report **July 25**, 2012 Page 21 of 21

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.57 and finds it legally sufficient for adoption by the Board.

Attorney Attorney

Date



THE SCHOOL DISTRICT OF PALM BEACH COUNTY DEPARTMENT OF CHARTER SCHOOLS - DIVISION OF CHOICE OPTIONS

Charter School Opening of School Checklist

Using the following checklist, submit the required documentation to the Department of Charter Schools on or before the date listed, by no later than 4:30 p.m.

School Year: 20 20 School Name:				
Information/Documentation To Be Submitted	Due Date	Contact	Notes	Official Use Only
**Copy of deed or lease <u>or</u> Copy of new lease or renewal (for existing schools where lease expiration date as of June 30th). (as required per Charter Agreement)	June 30th			
**Copy of Charter School Transportation Plan: First Semester Form PBSD 2178	June 30th			
**Submit Proof of General Liability Insurance: \$1,000,000 per occurrence (for existing schools where insurance has expiration date as of June 30th). (as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)	June 30th			
**Proof of Automobile Insurance \$1,000,000 with a deductible of not more than \$1,000 (for existing schools where insurance has expiration date as of June 30th). (as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)	June 30th			
**Proof of Worker's Compensation Insurance (for existing schools where insurance has expiration date as of June 30th). (as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)	June 30th			
**Submit Proof of School Leaders Errors and Omissions Liability: \$1,000,000 (for existing schools where insurance has expiration date as of June 30th). (as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)	June 30th			
**Proof of Fidelity, Dishonestly Liability: \$500,000 (for existing schools where insurance has expiration date as of June 30th). (as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)	June 30th			

^{**}If these items are not in compliance, the Charter School will not be allowed to open.

Charter School Opening of School Checklist *continued*

School Year:	20	-	20	School Name:	

Information/Documentation To Be Submitted	Due Date	Contact	Notes	Official Use Only
**Submit proof of Property Insurance (for existing schools where insurance has expiration date as of June 30th). (as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)	June 30th			
Provide Contract for Accounting Services <u>or</u> Resume of Person Completing Accounting Functions (as required per Charter Agreement)	June 30th			
Provide hurricane preparedness contact information	June 30th			
Provide annual adopted budget (as required per FS 1002.33 (6) (a) (5) through 7 (a) 10)	June 30th			
Provide name of persons responsible for financial and administrative management at the school (as required per Charter Agreement) and/or Provide copy of the contract with a management company (as required by FS 1002.33 (7) (a) (9) if not on file or if expired by June 30).	June 30th			
Copy of Governing Board Fingerprint Documentation	Within 30-days of election			
Copy of Bylaws for governing board (only if changes have been made or if you have not submitted one) (as required per Charter Agreement)	June 30th			
Copy of IRS determination letter approving 501(c)(3) to operate a not-for-profit corporation (schools that have not submitted theirs) (as required per Charter Agreement)	June 30th			
**Copy of Charter School Food Service Operation Plan & Food Service Agreement (as required per Charter Agreement)	June 30th			
Charter School calendar (To be consistent with School District of P.B.C. calendar)	June 30th			

^{**}If these items are not in compliance, the Charter School will not be allowed to open.

Charter School Opening of School Checklist continued

School Year:	20	- 20	School Name:	

Information/Documentation To Be Submitted	Due Date	Contact	Notes	Official Use Only
**Florida fire code approval by local and district municipality with certificate (as required per FS 1002.33 (9) (e); (18) (a) (b) and per Charter Agreement)	June 30th			
Copy of Health Inspection Report (as required per F.S. 1002.33 (9) (e) and per Charter Agreement)	June 30th			
Copy of Occupational License or Business Tax Receipt or letter of exemption from city or county.	June 30th			
**Facility Certification: Certificate of Occupancy (for new schools and/or schools in new locations) or a letter from the local government stating, "The operation of the Charter School and its facility are in compliance with all applicable regulations including Building, Fire, and Zoning Codes" is on file.	June 30th			
Physical description of educational facility	June 30th			
**Staff roster for verification of fingerprinting: (as required per FS 1002.33 (12) (g) and per Charter Agreement)	July 31st			
Bus Drivers	July 31st			
All staff	July 31st			
All members of the governing board/board of directors	July 31st			
Parental Involvement Representative appointment and approval notice (as required per FS 1002.33 (7) (d) (1))	July 31st			
Provide in writing, by fax, or email the name, mailing address, and telephone number of Charter's contact person (Other than Site Administrator)	July 31st			

^{**}If these items are not in compliance, the Charter School will not be allowed to open.

Charter School Opening	of
School Checklist continue	ed

Signature of Principal

Information/Documentation To Be Submitted	Due Date	Contact	Notes	Official Use Only
Staff roster for verification of teacher certification (as required per FS 1002.33 (12) (f) (g) and per Charter Agreement) Reminder: Documentation of skilled professionals on file at school site, i.e. copy of license, letters of reference, certificates, other. Note: This information must be entered on PeopleSoft.	July 31st			
Provide proof of attendance to a state-approved governing board training for all governing board members (as required per FS 1002.33 (6) (F) 2.	July 31st			
Provide a copy of the Student Handbook to Parents to include the bullying policy	July 31st			
Provide tentative dates for your School Governing Board meetings for the current year.	July 31st			

School Year: 20 - 20 School Name:

Date

^{**}If these items are not in compliance, the Charter School will not be allowed to open.