

POLICY 2.56

- 5-A** I recommend the Board approve the proposed new Policy 2.56, to be entitled "Number of Charter Schools," and that it be adopted on a fast-track basis with one reading followed by 28 days' legal notice as allowed by the Administrative Procedure Act.

[Contact: Cheryl Alligood, 434-8032; or Dr. Joseph Orr, 649-6888.]

Development with Adoption upon Subsequent 28-day Notice

CONSENT ITEM

- This Policy implements Waiver # 1 under Charter District status, approved by the State Board of Education.
- On January 13, 2003, after multiple opportunities for public input, the Board approved a document substantially the same as this proposed Policy, as part of the Charter School District application.
- On January 21, the State Board of Education approved a document substantially the same as this proposed Policy, as part of the SBE's granting of Charter District status.
- In spite of this District's tradition, the Administrative Procedure Act does not actually require two readings to adopt a rule/Policy. A Policy can be adopted by mere passage of time (28 days) after the first/only reading. (A second hearing would be required only if an affected person were to specifically request it.) See Fla. Stat. § 120.54(2)(c), (3)(a)(1), (3)(c)(1), and (3)(e)(2).
- Considering the previous level of public notice and opportunity for public input and the prior approval of substantially the same document by the School Board and State Board of Education, this Policy should be adopted on a fast-track basis on the 28th day after advertisement of notice following today's approval.

POLICY 2.56

NUMBER OF CHARTER SCHOOLS

1. Exemption.-- Pursuant to Fla. Stat. § 1003.62(2), this Policy implements Waiver # 1 under charter district status, approved by the State Board of Education ("SBE") on January 21, 2003, exempting the School Board from the statutory cap on the number of charter schools in the District as set forth in Fla. Stat. § 1002.33(13)(a), which would otherwise limit the number of charter schools in the District to 28. The scope of the exemption and the practices authorized to replace the waived statutory limitations are set forth below, substantially as presented to the SBE. This Policy should be revised as necessary to maintain consistency with the Charter School District Contract with the SBE and should be repealed if charter district status is not renewed, provided that such repeal should not affect charter schools already in existence under this Policy at the time of repeal.
2. Approved Alternative Practice.-- The District School Board will determine the additional number of charter schools above 28. The Board has the authority to determine if a charter school application meets the requirements of law to become a charter school and to determine if the addition of the charter school serves the needs of the student population in the District.
3. Criteria.-- The criteria used to determine the number of charter schools will be acceptable applications approved by the District School Board.
4. Impact on Students.-- It is anticipated that implementation of this Policy will create more opportunities for parent and student school choice.
5. Monitoring and Reporting.-- The School Board will receive semi-annual progress reports of all existing charter schools, to include any areas of deficiency.

STATUTORY AUTHORITY: §§ 1001.41(2); 1003.62(2), Fla. Stat.

LAWS IMPLEMENTED: §§ 1001.41(1), (3); 1002.33(13)(c); 1003.62(2) and exemption from § 1002.33(13)(a), Fla. Stat.

HISTORY: / / 2003

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.56 and finds it legally sufficient for development by the Board.

Attorney

Date