

**POLICY 2.56**

**5-C** I recommend the Board approve the proposed new Policy 2.56, to be entitled "Number of Charter Schools."

[Contacts: Cheryl Alligood, 434-8032; Dr. Mary Ann DuPont, 434-8963; or Dr. Joseph Orr, 649-6822.]

**Development**

**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 similar to this proposed Policy, as part of the Charter School District application.
- On January 21, the State Board of Education approved a document similar to this proposed Policy, as part of the SBE's granting of Charter District status.
- This version of the proposed Policy has been reviewed and endorsed by Dr. Mary Ann DuPont and May Gamble, director the Charter Schools Department.
- Consistent with the Board's discussion at the special meeting on Policies on February 17, 2003, this version reiterates the statutory criteria for charter schools in subsections (3)(a), (b) and also provides additional criteria to demonstrate that the proposed charter school would meet the needs of the student population of the District. See subsections (3)(c), (d) at lines 40-58.

POLICY 2.56

NUMBER OF CHARTER SCHOOLS

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3 **1. Exemption.--** Pursuant to Fla. Stat. § 1003.62(2), this Policy implements Waiver #  
4 1 under charter district status, approved by the State Board of Education ("SBE")  
5 on January 21, 2003, exempting the School Board from the statutory cap on the  
6 number of charter schools in the District as set forth in Fla. Stat. § 1002.33(13)(a),  
7 which would otherwise limit the number of charter schools in the District to 28. The  
8 scope of the exemption and the practices authorized to replace the waived  
9 statutory limitations are set forth below, substantially as presented to the SBE. This  
10 Policy should be revised as necessary to maintain consistency with the Charter  
11 School District Contract with the SBE and should be repealed if charter district  
12 status is not renewed, provided that such repeal should not affect charter schools  
13 already in existence under this Policy at the time of repeal.  
14
- 15 **2. Approved Alternative Practice.--** The District School Board will determine the  
16 additional number of charter schools above 28. The Board has the authority to  
17 determine if a charter school application meets the requirements of law to become  
18 a charter school and to determine, on a case-by-case basis, if the addition of the  
19 charter school serves the needs of the student population in the District.  
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- 21 **3. Criteria.--** The criteria used to determine the number of charter schools will be  
22 acceptable applications approved by the District School Board upon its  
23 determination, on a case-by-case basis, that the addition of the charter school  
24 serves the needs of the student population of the District.
  - 25 a. Pursuant to Fla. Stat. § 1002.33(1)(a), the applicant must demonstrate that the  
26 charter school would:
    - 27 i. improve student learning and academic achievement;
    - 28 ii. increase learning opportunities for all students, with special emphasis on  
29 low-performing students;
    - 30 iii. create new professional opportunities for teachers, including ownership of  
31 the learning program at the school site;
    - 32 iv. encourage the use of innovative learning methods; and
    - 33 v. require the measurement of learning outcomes.
  - 34 b. Consistent with Fla. Stat. § 1002.33(1)(b), the applicant should demonstrate  
35 that the charter school would:
    - 36 i. create innovative measurement tools;

37 ii. provide rigorous competition within the public school district to stimulate  
38 continual improvement in all public schools; and

39 iii. expand the capacity of the public school system.

40 c. Additionally, to demonstrate that the addition of the charter school would serve  
41 the needs of the student population of the District, the applicant should show  
42 that the proposed charter school would:

43 i. provide relief to overcrowding of one or more existing regular public  
44 schools in the District; and/or

45 ii. provide unique programs to meet the needs of an identified student  
46 population in the District.

47 d. As further evidence that the addition of the charter school would serve the  
48 needs of the student population of the District, an applicant  
49 person/organization which already has a charter from the Board would need to  
50 demonstrate that such person/organization has a track record of success in  
51 operating an exemplary charter school for the past two (2) fiscal years. An  
52 exemplary charter school would be characterized by:

53 i. remaining in full compliance with its charter;

54 ii. demonstrating fulfillment of the statutory purposes of charter schools, as  
55 quoted in subsections (3)(a), (b) above; and,

56 iii. for schools subject to state performance grades, maintaining a  
57 performance grade of at least B or demonstrating significant annual  
58 learning gains.

59 4. Impact on Students.-- It is anticipated that implementation of this Policy will  
60 create more opportunities for parent and student school choice.

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62 5. Monitoring and Reporting.-- The School Board will receive semi-annual progress  
63 reports of all existing charter schools, to include any areas of deficiency.

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

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

68 HISTORY: / / 2003

Legal Signoff:

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

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Attorney

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Date