

FLORIDA DEPARTMENT OF EDUCATION



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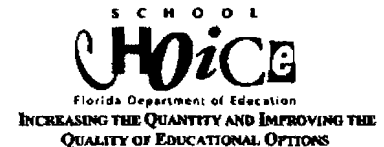
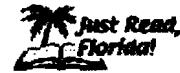
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Commissioner of Education



February 6, 2007

Dear Superintendent:

The purpose of this letter is to clarify Section 1002.335, Florida Statutes, as it relates to a district school board's exclusive authority to authorize charter schools within the boundaries of its school district. To ensure implementation of the statute, the Department will enter into the rulemaking process this month.

The Department is committed to a rulemaking process that is rigorous, transparent, and comprehensive. School districts and the general public will have ample and fair opportunity to participate in the process and present recommendations for rule drafting. In the meantime, the following information provides answers to frequently asked questions the Department has received on this subject.

- Applications from school districts seeking to retain exclusive authority to authorize charter schools in their districts that were submitted to the State Board of Education by October 16, 2006, have been logged and entered into a database. No action will be taken on these applications until rules are adopted by the State Board of Education (SBE).
- Exclusive authority is granted on a year-to-year basis. School districts that submitted resolutions by October 16, 2006, are not required to submit a complete application on or before March 1, 2007. However, they will need to submit a resolution indicating their intent to retain exclusive authority and for the SBE to treat their prior application as an application for the 2007-08 year.
- School districts that did not apply for exclusive authority by October 16, 2006, may submit a written resolution to the SBE on or before March 1, 2007, indicating their intent to be the exclusive sponsor of charter schools in their district. Applications will be entered into the Department's database, but no decisions will be made until rules are adopted. Guidelines for requesting exclusive authority are outlined in Technical Assistance Paper 2006-15, which may be accessed at http://info.fldoe.org/docushare/dsweb/Get/Document-3833/dea_tap_06-15.pdf.

CARLO RODRIGUEZ, Ed.D.
Executive Director
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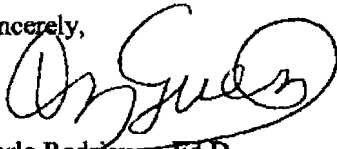
ATTACHMENT B

- SBE rules will detail the criteria, processes and timelines to be followed to determine whether or not a district has the exclusive authority to charter schools. Schools districts that submitted applications by October 16, 2006, and on or before March 1, 2007, will have an opportunity to submit additional documentation if their original application does not meet all criteria established in rule.
- Rulemaking is a multi-step process that could extend into the 2007-08 school year. However, Section 1002.335, Florida Statutes continues to apply. Therefore, all districts remain responsible for accepting new charter applications on or before August 1, 2007, as required by Section 1002.33(6)(b), Florida Statutes.
- Likewise, charter school applicants may not submit applications to the Florida Schools of Excellence (FSE) Commission while their district has a request to retain exclusive authority pending before the SBE.

The Department is committed to keeping districts fully updated and involved in the rulemaking process. Rulemaking workshops are being planned and will be announced in the *Florida Administrative Weekly*. Districts are encouraged to access the public notices at <http://faw.dos.state.fl.us/fawframes.html>.

In addition to regular communications and updates on the school choice web site, we will be creating a web page that will allow you to send comments electronically. If you have questions or need additional information related to school district exclusive authority, please contact the Office of Independent Education and Parental Choice at (850) 245-0502 or Suncom 205-0502.

Sincerely,



Carlo Rodriguez, Ed.D.
Executive Director

cr/pdm

cc: District Charter School Contacts
Executive Director, Florida Schools of Excellence
Executive Director, Florida Consortium of Charter Schools
Chairman, Charter School Review Panel

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