

Office of Superintendent of Schools
Board Meeting of August 20, 2003

August 14, 2003

Mercedes Toural, Chief Education Officer
and Deputy Superintendent of Schools

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: INITIAL READING
6Gx13- 6A-1.47, CHARTER SCHOOLS (K-12)**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL
SERVICES**

This item is submitted for consideration by the Board to amend School Board Rule 6Gx13-6A-1.47, Charter Schools (K-12), to comply with Florida's Legislation, Sections 1002.33, 1013.62, 1002.31(8), 1001.43(6), 1012.32, and 1008.31 Florida Statutes, as amended by the 2003 Legislative Session. As a result of the amended legislation, changes were necessary in the following areas: responsibilities of the sponsor; governing board duties; eligibility for charter application; facilities; funding; employees of charter schools; and technical assistance. Various sections were added (i.e., eligible charter school proposers, requirements of charter school employees, and timeline for receiving charter school applications). Other changes in the Board Rule pertain to changes in district procedures (e.g., charter renewals, terminations, amendments, and grants).

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking-through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 6A-1.47, Charter Schools (K-12).

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Rule 6Gx13- 6A-1.47, Charter Schools (K-12).

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 20, 2003, its intention to amend Board Rule 6Gx13- 6A-1.47, Charter Schools (K-12), at its meeting of October 22, 2003.

PURPOSE AND EFFECT: The purpose of the amendment is to align School Board Rule 6Gx13- 6A-1.47, Charter Schools (K-12), with Florida's Legislation, Sections 1002.33, 1013.62, 1002.31(8), 1001.43(6), 1012.32, and 1008.31, Florida Statutes, as amended by the 2003 Legislative Session.

SUMMARY: The intent of the rule reflects the additions and deletions indicated in Florida's Charter School Legislation, as amended by the 2003 Legislative Session. As a result of the amended legislation, changes were necessary in the following areas: responsibilities of the sponsor; governing board duties; eligibility for charter application; facility; funding; employees of charter schools; and technical assistance. Various sections were added (i.e., eligible charter school proposers, requirements of charter school employees, and timeline for receiving charter school applications). Other changes in the Board Rule pertain to changes in district procedures (e.g., charter renewals, terminations, amendments, and grants).

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:
Section 1001.41(1)(2); 1001.42(22); 1001.43 (10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1002.33; 1013.62; 1002.31(8); 1001.43(6); 1012.32; 1008.31; F.S.; 6A-6.0781 FAC

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF October 22, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower regulatory cost alternative as provided by Section 120.541(1), F.S., must do so in writing by September 16, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Michael Bell
Supervisor: Mr. Ronald K. Felton
Date: August 8, 2003

Instruction - Elementary and Secondary**CHARTER SCHOOLS (K - 12)**

The School Board of Miami-Dade County, Florida, herein referred to as the Sponsor, pursuant to Florida Statutes, establishes charter schools for the following purposes: to improve student learning; to increase learning opportunities for all students with special emphasis on reading and expanded learning experiences for academically low achieving students; to encourage the use of innovative learning methods; to increase choices of learning opportunities for students; to establish a new form of accountability for schools; to require the measurement of learning outcomes and create innovative measurement tools; to make the school the unit for improvement; and to create new professional opportunities for teachers. Charter schools are fully recognized as public schools.

Charter schools in Florida shall be guided by the following principles: meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system; promote enhanced academic success and financial efficiency by aligning responsibility with accountability; and provide parents with sufficient information on whether or not their child is reading at grade level and whether or not their child gains at least a year's worth of learning for every year spent in the charter school. Florida's Charter School Legislation, Section 228.056 1002.33, Florida Statutes, is incorporated herein by reference and made part of this rule.

I. Responsibility Responsibilities of Miami-Dade County Public School's Administration

The Sponsor shall:

- A. ~~Receives, reviews, and recommends to the School Board all charter school applications, as stipulated by the legislation, within the timeline in this rule by majority vote, approve or deny an application no later than sixty calendar days after the application is received, unless the applicant and the Sponsor mutually agree to an extension;~~
- B. ~~D~~develops a charter in cooperation with the applicant;
- C. ~~M~~onitors charter schools' progress toward the goals established in the charter;
- D. ensure that the asset and liability projections required in the application are incorporated into the charter and are compared with information provided in the annual report of the charter school;

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E. ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the Sponsor shall report such shortcomings to the Florida Department of Education.

~~D. Makes recommendations to the School Board.~~

II. Governing Board Duties

The governing board of the charter school shall annually adopt and maintain an operating budget and shall exercise continuing oversight of charter school operations. The governing body of the charter school shall report its progress annually to the Sponsor, which shall forward the report to the Florida Commissioner of Education at the same time as other annual school accountability reports.

III. Eligibility for Charter Application

The School Board may sponsor charter schools, which may serve any grade or combination of grades from Kindergarten through Grade 12 or a Pre-Kindergarten school that serves Exceptional Student Education (ESE) students. Eligible proposers are:

- A. any nonprofit organization;
- B. a public school which requests to convert to a charter school (An application submitted by such a school shall demonstrate the support of at least fifty (50) percent of the teachers employed at the school and fifty (50) percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process.) ~~with at least fifty percent (50%) of parents of children enrolled in the school voting for the conversion, and at least fifty percent (50%) of teachers employed at the school voting for the conversion;~~
- C. a municipality or other public entity as provided for by law;
- D. a business which requests a charter school-in-the-workplace; or
- E. a community college; or
- ~~E~~F. a developmental research school.

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Private schools, parochial schools, and home education programs are not eligible to become charter schools.

III IV. Legal Entity and Requirements

The charter school shall:

- A. organize as, or be operated by, a nonprofit organization;
- B. be non-sectarian;
- C. charge no tuition or fees except those fees charged by other public schools, unless the charter is issued for a developmental research school;
- D. meet all applicable state and local health, safety, and civil rights requirements;
- E. publish an annual report;
- F. provide an annual financial audit similar to that of the school district to the ~~School Board~~ Sponsor; and
- G. analyze and compare student performance.

All charter schools must comply with Florida Statutes applicable to public schools as they relate to civil rights, student health, safety, welfare, public records, public meetings, public inspection, and penalties.

V. Appeal Process

- A. If a charter school application is denied, the Sponsor shall, within ten (10) calendar days, articulate in writing the specific reason(s), based on good cause, supporting its denial of the charter application.
- B. An applicant may appeal any denial or failure to act on an application no later than thirty (30) calendar days after receipt of the Sponsor's decision or failure to act and shall notify the Sponsor of its appeal.
- C. Any response of the Sponsor shall be submitted to the State Board of Education within thirty (30) calendar days after notification of the appeal.
- D. The Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the State Board no later than seven (7) calendar days after an appeal is filed in accordance with State Board of Education Rule. Errors in submission of the appeal shall be governed by practices outlined in Section 1002.33(6)(b)3(c), Florida Statutes.

- E. The State Board of Education shall remand the application to the Sponsor with its written decision that the Sponsor either approve or deny the application. The Sponsor shall implement the decision of the State Board of Education.
1. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.
 2. The Sponsor shall act upon the decision of the State Board of Education within thirty (30) calendar days after it is received.
 3. The State Board of Education's decision is a final action, subject to judicial review.

IV-VI. Student Eligibility

- A. Participation and attendance of any student in a charter school is voluntary. If a public school converts to a charter school, parents may request non-participation and receive an assignment to another public school.
- B. All students attending a public school that converts to a charter school will be eligible to attend.
- C. All students are eligible for participation. Equal opportunity shall be provided for Exceptional Education Students (ESE) and limited English proficient (LEP) students.

V. VII. Student Selection for Charter Schools

- A. A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district.
- B. A charter school shall achieve a ~~racial/ethnic balance~~ diverse enrollment that is reflective of the community it serves or within the ~~racial/ethnic diversity~~ range of other public schools in the same school district.
- C. When a public school converts to a charter status, enrollment preference shall be given to students who would have otherwise attended that public school.
- D. A charter school may give enrollment preference to a sibling of a student enrolled in the charter school, to the child of a member of the governing board, or to the child of an employee of the charter school.

E. Charter schools-in-the-workplace may give preference to children of employees of the sponsoring entity.

F. Charter schools-in-a-municipality may give preference to the children of the residents of the sponsoring municipality.

F. G. If the number of eligible students exceeds the capacity of the program, grade level, or building, a random selection process shall be followed administered for student admission.

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VI. VIII. Student Assessment

The charter school must implement a program to assess student achievement. At a minimum, the school must participate in state and local testing programs established to comply with the statewide assessment program and district-required evaluations. The ~~school-district~~ Sponsor will coordinate the administration of state and local testing programs.

VII IX. Student Records

A. The charter school must maintain both active and archival records for current and former students. The ~~school-district~~ Sponsor will assist the school in establishing appropriate record formats. All permanent (Category A) records of students leaving the charter school, whether by graduation, transfer to the public school system, or withdrawal to attend another school, must be transferred to the ~~school-district~~ Sponsor in accordance with state law. Records of student progress (Category B) must be transferred to the ~~school-district~~ Sponsor if the student is returning to Miami-Dade County Public Schools.

B. The charter school must maintain a record of students who apply to the school, whether or not they are eventually enrolled. A twelve-month record (July 1st - June 30th) shall be submitted to the ~~school-district~~ Sponsor no later than July 20th of each year.

VIII X. Full-Time-Equivalent (FTE) Reporting

Funding for a charter school is based on the number of full-time-equivalent (FTE) students, not to exceed the maximum capacity established in the Charter School facility's valid Certificate of Occupancy; therefore, it is essential that records of student attendance be maintained in a format consistent with state reporting requirements. The ~~school-district~~ Sponsor will assist the charter school in establishing mechanisms for reporting FTE. The charter school will, however, be fully responsible for collecting and maintaining accurate and appropriate records and for reporting attendance in a timely manner to the ~~school-district~~ Sponsor.

Failure to maintain accurate records and report enrollment and attendance in a timely manner may impact funding for the charter school.

IX XI. Withdrawal and Transfer of Students

- A. Parents may withdraw a student from a charter school at any time. ~~The student will return to the residence school, or to a school with an appropriate program.~~ Students who attend a conversion charter school will be transferred to a school agreed upon by the parent and the school district Sponsor.
- B. Charter schools may not withdraw or transfer a student involuntarily, unless the withdrawal or transfer is accomplished through established administrative procedures under current School Board policy or through procedures mutually agreed upon in the school's charter.

X. XII. Transportation and Food Services

- A. Transportation and food services are the responsibility of charter schools. These services must be provided according to district, state, and federal rules and regulations.
- B. A charter school may contract with the ~~school-district~~ Sponsor or with a private provider for transportation and/or food services.

XI. XIII. Facility

- A. It is the responsibility of the charter school applicant to have an appropriate facility consistent with all applicable Florida Statutes, or provide evidence that one will be available for the beginning of the school year. Appropriate facility documentation, as determined by the Sponsor, shall be provided to the ~~school-district~~ Sponsor at least ten (10) working days before school opens. The charter school's opening date must be consistent with the beginning day for students as designated on the approved school district calendar, unless the School Board allows a waiver of this provision for good cause.
- B. In accordance with Section 1013.62(1), Florida Statutes, in order to be eligible for a capital outlay funding allocation, a charter school must:
 1. have been in operation for three (3) or more years;
 2. be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

3. have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools;
 4. have financial stability for future operation as a charter school;
 5. have satisfactory student achievement based on state accountability standards applicable to the charter school;
 6. have received final approval from its Sponsor pursuant to Section 1002.33, Florida Statutes, for operation during that fiscal year; and
 7. serve students in facilities that are not provided by the Sponsor.
- C. In the event the charter school elects to enter into lease agreements for real property, it shall be the responsibility of the school to obtain any and all necessary inspections, permits, and approvals prior to occupancy and use of such premises for school purposes. The charter school shall consider the term of its charter when negotiating the length of any leases into which it may enter. Prior to entering into any lease for a term that does not end coincident with the renewal date of its charter contract, the charter school shall provide the Sponsor a written plan to ensure a facility consistent with state and federal law and the terms of the charter contract.
- D. The charter school's opening date must be consistent with the beginning day for students as designated on the approved Sponsor's calendar, unless the Sponsor allows a waiver of this provision for good cause. A charter school shall provide instruction for at least 180 days and may provide instruction for additional days. Reimbursement for additional days of instruction will be subject to the limits of the Florida Education Finance Program, General Appropriations Act, and other rules or programs that restrict funding to the Sponsor.

XII XIV. Funding

- A. Funding for student enrollment in a charter school shall be the sum of school district operating funds from the Florida Education Finance Program (FEFP), including gross state and local funds, discretionary lottery funds, and discretionary operating millage funds divided by total school district funded weighted ~~full-time-equivalent~~ (FTE) students times the weighted ~~full-time-equivalent~~ (FTE) students of the particular charter school. Charter schools, if eligible, shall also receive their proportionate share of categorical program funds included in the FEFP.
- B. ~~Any eligible student enrolled in a~~ A charter school shall be provided federal funds for any eligible student enrolled in the school at the same level of service provided other eligible students in the schools operated by

the School Board Sponsor, not to exceed the maximum capacity established in the charter school facility's valid Certificate of Occupancy.

- C. Total funding shall be recalculated during the school year to reflect actual weighted FTE students reported by the charter school during the FTE student survey periods.
- D. A charter school shall not levy taxes or issue bonds secured by tax revenue.
- E. Any administrative fee charged withheld by the ~~school-district~~ Sponsor ~~to~~ from a charter school shall be limited to five (5) percent of available funds for the first 500 students. For charter schools with a population of 501 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in Section 1013.62(2), Florida Statutes.
- F. When a charter is not renewed or is terminated, any unencumbered funds from the charter school shall revert to the ~~school-district~~ Sponsor. In that event, all property and improvements, furnishings, and equipment purchased with public funds shall revert automatically to full ownership by the ~~School Board~~ Sponsor.
- G. If a charter school internal audit reveals a deficit financial position, the auditors are required to notify the charter school governing board, the Sponsor, and the Florida Department of Education according to the timeline in Section 1002.33 (7)(a)10, Florida Statutes.
- ~~G~~ H. If a charter is not renewed or is terminated, ~~the governing body of the~~ charter school is responsible for all debts of the charter school.
- ~~H.~~ During ~~the first three (3) years of operation of a charter school, the school district shall calculate and submit ten (10) monthly payments to the school by the 15th of each month beginning with September 15th following the opening of school. In order to provide educational materials for students when classes begin, the first payment shall include seventy five percent (75%) of the full annual allocation of instructional materials based on membership after the first week of school. The tenth and final payment for each school year shall be submitted to the charter school no later than July 15th to allow the school district to determine any final amounts due to the school district for services provided the charter school as well as for administrative oversight.~~
- I. ~~After three (3) years of successful operation by a charter school, the~~ The ~~school district~~ Sponsor shall calculate and submit twelve (12) monthly

~~payments to the school, by the 15th of each month, beginning with July 15th. The first payment will be made by July 31. Subsequent payments will be made by day 15 of each month beginning with August 15. July and August payments for schools in operation shall be based on prior year's enrollment. The Sponsor may initially calculate monthly distributions to the school for up to three (3) months based on the school's projected FTE student membership until the results of the October FTE become available. Prior to the opening of the school, initial payments shall be based on the school's actual enrollment as of June 30 and will begin on July 31. The projected FTE student membership will be determined by the actual student enrollment at the school at the conclusion of the second week of student attendance. September and October payments shall be based on projected enrollment for the new school year except that if enrollment at the end of the first week of school is less than ninety percent (90%) of the projected enrollment, then these payments If enrollment at the end of the second week of student attendance is less than ninety (90) percent of projected enrollment, the September and October monthly distributions shall be proportionally reduced. Thereafter, monthly payments to the charter school shall be adjusted to reflect the results of official full-time equivalent FTE student membership surveys will be used in adjusting the amount of funds distributed monthly to the school.~~

~~In order to provide educational materials to students when classes begin commence, the first payment shall include seventy-five percent (75%) percent of the full annual allocation of instructional materials based on prior year membership, and schools in their initial year of operation, will be based on the number of students registered as of June 30. The charter school shall have until June 30 of each fiscal year to provide to the Sponsor the final documentation to substantiate enrollment. The final payment for each school year shall be submitted to the charter school no later than July 15th to allow the school district to determine any final amounts due to the school district for services provided the charter school as well as for administrative oversight. The first payment of every subsequent year shall be adjusted by any final amounts due the Sponsor for services provided the school during the previous year as well as for administrative oversight.~~

~~J. Capital Outlay funds will be distributed to charter schools pursuant to the procedures established in Florida Statutes.~~

XV. Grant Opportunities for Charter Schools

A. Charter schools are eligible to apply for all federal, state, and local grant programs available to public schools, providing they meet the eligibility criteria defined in the grant's request for proposal. It is the charter school's responsibility to submit grant proposals requiring signatures of

the Sponsor and/or staff in a timeframe and manner defined by the Sponsor's administrative policies and procedures as well as by the requirements of the grant proposal.

- B. Charter Schools are eligible to attend the Sponsor's grant writing workshops and technical assistance meetings for grant development.
- C. If a districtwide grant is developed, charter schools may be included in the district proposal if mutually agreed upon by the charter school and the Sponsor.
- D. A grant proposal that is developed by the Sponsor using student or school counts that include the students of a charter school or the charter school, and providing that grant is awarded to the Sponsor, the pro rata share of the dollars or services received from that grant shall be distributed to the participating charter school(s) as defined in the budget developed for the grant.

XIII XVI. Management Companies

- A. If a management company will be managing the charter school, the contract between the management company and the governing body of the charter school shall be submitted to the ~~school-district~~ Sponsor prior to the approval of the charter.
- B. The contract between the governing body of the charter school and the management company shall require that the management company operate the charter school in accordance with the terms stipulated in the charter and all applicable laws, ordinances, rules, and regulations.
- C. The requirements of this provision shall be included in the charter.

XIV XVII. Insurance and Indemnification

- A. The governing body and employees of a charter school are governed by Section 768.28, Florida Statutes. In accordance with Section 768.28, the governing body and employees of charter schools shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstance, but liability shall not include punitive damages or interest for the period before the judgment. The governing body and employees of charter schools shall not be liable to pay a claim or judgment by any one person which exceeds the sum of \$100,000 or any claim or judgment or portions thereof, which, when totaled with all other claims or judgments paid by the charter school arising out of the same incident or occurrence, exceeds the sum of \$200,000.

- B. The ~~School Board~~ Sponsor will not be held liable for any claim action, loss, damage, injury, liability, cost, or expense of whatsoever kind or nature including, but not by way of limitation, attorney's fees and court costs arising out of injury to persons or property damage as a result of negligence of the charter school or its agents, employees, invitees, or contractors.
- C. The charter school must maintain appropriate Commercial General Liability Insurance, Automobile Liability Insurance, Workers' Compensation Insurance, and Professional Liability Insurance. The ~~School Board~~ Sponsor must be listed as additional named insured on these policies.

XV. XVIII. Students Rights and Responsibilities, Discipline, and Safe Learning Environment

Charter school Applicants must describe, in writing, the charter school rules applicable to student rights and responsibilities, discipline, and a safe learning environment.

XVI XIX. Employees of Charter Schools

A charter school shall select its own employees and implement employees' labor and other relations pursuant to the requirements of ~~Section 228.056(12)~~ 1002.33(12), Florida Statutes.

- A. Charter school employees must meet certification requirements as stated in ~~Chapter 234 Section 1012~~, Florida Statutes, and must meet eligibility requirements for a Florida Educator's Certificate.
- B. General drug screening shall be conducted on all applicants for instructional and non-instructional positions with the charter school in the manner set forth in School Board Rule 6Gx13- 4-1.05, Drug-Free Workplace General Policy Statement, and the Miami-Dade County Public Schools Drug-Free Workplace Technical Guide. A negative drug screen shall be a requirement for employment. The processing of each employee's drug screening shall be coordinated through the ~~school district~~ Sponsor. The cost of drug screening shall be borne by the charter school or the applicant.
- C. All applicants for instructional and non-instructional positions within the charter schools shall be fingerprinted and processed as required by ~~Section 234.02 1012.32~~, Florida Statutes, and School Board Rule 6Gx13- 4C-1.021, Fingerprinting of All Employees Upon Application and Employment. The Sponsor shall perform the processing of each applicant's fingerprints. The cost of fingerprinting will be borne by the

~~charter school or the applicant. The school shall not complete the hiring process for those applicants whose fingerprint check results reveal non-compliance with standards of good moral character. Employees shall be on probationary status pending fingerprint processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigation, and final determination will be based on the results of the fingerprint check of compliance with standards of good moral character. The processing of each employee's fingerprints shall be performed by the school district. The cost of fingerprinting shall be borne by the charter school or the applicant.~~

- D. All members of the governing body shall also be fingerprinted by the school district Sponsor as required by Section 231.02 1012.32, Florida Statutes. The Sponsor shall perform the processing of each member's fingerprints. The cost of fingerprinting will be borne by the charter school or the member. Members of the governing body shall be on probationary status pending fingerprint processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The governing board shall replace members whose fingerprint check results reveal non-compliance with standards of good moral character, and final determination will be based on the results of the fingerprint check of compliance with standards of good moral character. ~~The processing of each member's fingerprints shall be performed by the school district. The cost of fingerprinting shall be borne by the charter school or the governing board member.~~
- E. All applicants ~~for instructional and non-instructional positions and all~~ members of the governing body shall be fingerprinted within ten (10) working days of their appointment.

XVII XX. Technical Assistance

It is the responsibility of the applicant to request technical assistance, in writing, from the Florida Department of Education. The ~~school district~~ Sponsor will provide application assistance to the extent feasible, and within current resources, consistent with assistance provided to other contractors. The Sponsor shall cooperate with and assist a community college on the charter application so long as the community college develops a charter that offers secondary education in its designated service area. These charter schools must include an option for students to receive an associate degree upon high school graduation. Community colleges shall not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

XVIII XXI. Application and Chartering Process

- A. All completed applications must be received in the appropriate district Sponsor's office on or before ~~October~~ September 1st, no later than 4:30 p.m. Community college applications for charter schools are not subject to these timelines and may be submitted at any time. All applications will be stamped with the date and time when they are received. Applications received after the prescribed due date may not be considered for a charter for the next school year. Applications must be in compliance with the Miami-Dade County Public Schools Charter School Application Format and must, at a minimum, provide information responsive to the requirements of Section 1002.33 (6)(a) and (b)2, Florida Statutes.
- B. A Technical Assistance Team shall review all applications and make recommendations to the District Review Committee. The Technical Assistance Team shall be comprised of at least one (1) representative from each of the following offices:

Office of Exceptional Student Education and Psychological Services
Student/Career Services;

Division of Bilingual/Foreign Language Skills Education and World Languages;

Division of Instructional Technology and Media Support Services;

Office of Risk and Benefits Management;

Division of ~~USI~~ Mathematics and Science Education;

Office of Management and Compliance Audits;

Department of Transportation;

~~Office of Educational Planning~~ Office of Performance Improvement;

Office of the Controller;

Office of Evaluation and Research;

Division of Language Arts/Reading;

Office of Budget Management;

Department of Food and Nutrition;

Facilities Planning and Construction, Operations, Maintenance, and Planning;

Instructional Staffing/Certification;

Division of Life Skills and Special Projects;

Division of Social Sciences/Special Programs;

Bureau of Adult/Vocational, Alternative and Dropout Prevention

Programs Community Education;

Federal Programs and Grants Administration Office of Intergovernmental Affairs and Grants Administration;

Title I Administration;

Office Division of Workforce Development Education;

Legislative and Office of Labor Relations; and

Network and Internet Information Technology Services;

Division of Advanced Academics; and
Office of Civil Rights and Diversity Compliance.

- C. A District Review Committee shall review all applications, and by majority vote, make a recommendation for acceptance or denial of each application to the Superintendent of Schools. At least one (1) representative of the charter school must be available to answer questions from the ~~committee~~ District Review Committee when the application is reviewed. All applications will be submitted to the ~~School Board~~ Sponsor by the Superintendent with a recommendation for acceptance or denial.

The District Review Committee shall be comprised of the following persons:

~~Deputy Superintendent, Education~~ Chief Education Officer and Deputy Superintendent of Schools, or designee, who will act as chair;
~~Chief Facilities Officer, Facilities Planning and Construction or designee;~~
~~Deputy Superintendent, Management and Accountability;~~ Chief of Staff, Office of the Chief of Staff, or designee;
~~Deputy Superintendent, Personnel Management and Services~~ Chief Personnel Officer, Office of Human Resources, or designee;
 Chief Financial Officer, Financial Affairs, or designee;
~~Deputy Superintendent, School Operations~~ Associate Superintendent, Access Centers, or designee;
Associate Superintendent, Management Operations, or designee;
Assistant Superintendent, Facilities, Operations, Maintenance, and Planning, or designee;
Assistant Superintendent, Office of Intergovernmental Affairs and Grants Administration, or designee;
Assistant Superintendent, Title I Administration, or designee;
 Three staff members, selected by the ~~Deputy Superintendent, Education Chief Education Officer and Deputy Superintendent of Schools~~;
 Three principals, one from an elementary, a middle, and a senior high school, selected by the ~~Deputy Superintendent, School Operations~~ Chief Education Officer and Deputy Superintendent of Schools;
One representative from the Bi-Racial Tri-Ethnic Advisory Committee;
 Two members of the United Teachers of Dade, selected by the Executive Vice President of the United Teachers of Dade;
 President, or designee of the County Council of PTA/PTSA; and
 One member of the Schools of Choice Advisory Committee.

- D. The ~~School Board~~ Sponsor will vote on all applications. The ~~School Board~~ Sponsor must, by a majority vote, approve or deny each application no later than sixty (60) calendar days after the application is received.

- E. If an application is denied, the ~~School Board~~ Sponsor shall, within ten (10) calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter school application.
- F. Denied charter school applicants may appeal to the State Board of Education within thirty (30) calendar days.
- G. The ~~School Board~~ Sponsor shall act within thirty (30) calendar days upon receipt of the recommendation from the State Board of Education.
- H. If an application is approved, the charter school applicant and the ~~school district~~ Sponsor shall have six (6) months in which to mutually agree to the provisions of the charter establish a charter.
- I. A Contract Review Committee shall review all charters, and make recommendations for acceptance or denial of each charter to the Superintendent of Schools. At least one (1) representative of the charter school must be available to answer questions from the ~~committee~~ Contract Review Committee when the charter is reviewed. All charters will be submitted to the ~~School Board~~ Sponsor by the Superintendent with a recommendation for acceptance or denial.

The Contract Review Committee shall be comprised of the following persons:

~~Deputy Superintendent, Education, Chief Education Officer and Deputy Superintendent of Schools~~ or designee, who will act as chair;
~~Chief Auditor, Office of Management and Compliance Audits, or designee;~~
~~Chief Budget Officer, Office of Budget Management, or designee;~~
~~Chief Facilities Officer, Facilities Planning and Construction, or designee;~~
~~Chief Financial Officer, Financial Affairs and Legislative Programs, or designee;~~
~~Chief Personnel Officer, Office of Human Resources, or designee;~~
~~Chief of Staff, Office of the Chief of Staff, or designee;~~
~~Chief Officer, Legislative and Labor Relations and Government, or designee~~
~~Controller, Office of the Controller, or designee;~~
~~Deputy Superintendent of Schools~~ Associate Superintendent, Management Operations, or designee;
~~Deputy Superintendent, Federal Programs and Grants Administration, or designee;~~
~~Deputy Superintendent, Management and Accountability, or designee;~~
~~Deputy Superintendent, Personnel Management and Services, or designee;~~
~~Deputy~~ Associate Superintendent, School Operations Access Centers, or designee; and

Assistant Superintendent, Facilities, Operations, Maintenance, and Planning, or designee;
Assistant Superintendent, Office of Intergovernmental Affairs and Grants Administration, or designee;
Assistant Superintendent, Title I Administration, or designee; and
Director Risk and Benefits Management Officer, Office of Risk and Benefits Management, or designee.

Revised

- J. When the charter is approved, the charter school applicant shall begin preparations for the opening of the school in accordance with its charter.
- ~~K. A charter school may postpone its opening for a period of one year by requesting to the district an amendment to its charter. No charter school shall be provided any additional postponements beyond the one year extension.~~
- K. In its sole discretion, the Sponsor may grant a one-time deferral allowing a charter school to postpone its opening by granting a request to amend the school's charter. As the deferral of charter school openings impacts all operational aspects of Miami-Dade County Public Schools, no charter school shall be provided any additional postponements beyond the first extension.
- L. If the approved application has been previously postponed, and the school is unable to open consistent with the beginning date of the amended charter, the approved application shall be revoked and the charter shall be terminated.

XXII. Charter Amendments

- A. A charter school's charter may be modified annually during its initial term or any renewal term upon the recommendation of the Sponsor or the charter school governing board and the approval of both the parties to the agreement. Contract amendment requests shall be submitted for consideration once per school year no later than December 1, unless the health, safety, or welfare of the students is threatened.
- B. The charter school governing board shall request a charter amendment in writing, using standard strikethrough and underline draft format. The rationale for the change shall be included in the charter amendment request as well as the impact of the change on the charter school, students, staff, or Sponsor. The letter requesting a charter amendment will be submitted to the School Choice and Parental Options office. The Contract Review Committee, in consultation with other district staff, will make a recommendation to the Superintendent for acceptance or denial of the amendment. The Superintendent shall make a recommendation to the

Sponsor regarding the charter amendment. The Sponsor shall vote on the Superintendent's recommendation within sixty (60) days of receiving the recommendation. The governing board of a charter school shall have thirty (30) days to act on a charter amendment received from the Sponsor.

- C. If a charter school amendment is recommended, but cannot be agreed upon by both parties, the alternative dispute measures outlined in a charter school's contract may be invoked by either party.

XXIII. Charter Nonrenewal or Termination

- A. At the end of the term of a charter, the Sponsor may choose not to renew the charter for any of the following grounds:
1. Failure to participate in the state's education accountability system created in Section 1008.31, Florida Statute, as required by law, or failure to meet the requirements for student performance stated in the charter.
 2. Failure to meet generally accepted standards of fiscal management.
 3. Violation of law.
 4. Other good cause shown.
- B. During the term of a charter, the Sponsor may terminate the charter for any of the grounds listed in paragraph (A).
- C. At least ninety (90) days prior to renewing or terminating a charter, the Sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within fourteen (14) calendar days after receiving the notice, request an informal hearing before the Sponsor. The Sponsor shall conduct the informal hearing within thirty (30) calendar days after receiving a written request. The charter school's governing body may, within fourteen (14) calendar days after receiving the Sponsor's decision to terminate or to refuse renewal of the charter, appeal the decision pursuant to the procedure established in Section 1002.33, (6)(c), Florida Statutes.
- D. A charter may be terminated immediately if the Sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The Sponsor shall assume operation of the school under these circumstances. The charter school's governing board may, within fourteen (14) days after receiving the Sponsor's decision either to

terminate the charter, or to appeal the decision pursuant to the procedure established in Section 1002.33, (6)(c), Florida Statutes.

- E. The Sponsor and each charter school's governing board shall enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Sponsor.

XIX. XXIV. Charter Renewal

- A. ~~No later than October~~ September 1st of the last year of the charter, the governing body of the charter school shall submit a ~~request for~~ completed copy of the Miami-Dade County Public Schools Charter Renewal Application to the ~~school district~~ Sponsor. The Miami-Dade County Public Schools Charter Renewal Application template will be made available to the charter school on or before the first working day in July of the final year of the charter. The Miami-Dade County Public Schools Charter Renewal Application shall provide a justification for the Sponsor's renewing a school's charter.
- B. ~~A request for renewal~~ At a minimum, the Miami-Dade County Public Schools Charter Renewal Application shall contain at least and clearly identify the following:
1. a report on the progress of the charter school's achievement of goals, objectives, pupil performance standards, content standards, and other terms as outlined in the existing charter;
 2. a financial statement that discloses income and disbursements; and
 3. five to seven long-range goals for the duration of the charter renewal period.
- C. ~~A charter may be terminated or not renewed if the School Board determines that the charter school;~~
1. ~~fails to meet the requirements for student performance as stated in the charter;~~
 2. ~~fails to meet generally accepted standards of fiscal management;~~
 3. ~~commits a violation of law; or~~
 4. ~~other good cause shown.~~

- D. C. The Contract Review Committee shall review all requests for renewals each of the Miami-Dade County Public Schools Charter School Renewal Applications within sixty (60) days of receipt of the document and make recommendations for acceptance or denial of each request for renewal to the Superintendent of Schools. The Superintendent will submit all requests for renewals to the School Board Sponsor within thirty (30) days with a recommendation for approval or denial. The Sponsor will vote on the Superintendent's recommendation within sixty (60) days of receiving the recommendation.

XX XXV. Evaluation

The Superintendent shall establish procedures by which charter schools will be reviewed annually, with the results transmitted to the School Board Sponsor and the Florida Department Commissioner of Education. These procedures shall include, but not be limited to, the following provisions:

- A. Written documentary evidence shall be provided by each charter school, via its annual report, to show the level at which the charter school is achieving its goals, as set forth in the charter. The report shall include at least the following components:
1. Student achievement performance data, including the information required for the annual school report and the education accountability system governed by Section 1008.31 and 1008.34.5, Florida Statutes. Charter schools are subject to the same accountability requirements as other public schools, including reports of student achievement information that link baseline student data to the school's performance projections identified in the charter. The charter school shall identify reasons for any difference between projected and actual student performance.
 2. Financial status of the charter school which must include revenues and expenditures at a level of detail that allows for analysis of the ability to meet financial obligations and timely repayment of debt.
 3. Documentation of the facilities in current use and any planned facilities for use by the charter school for instruction of students, administrative functions, or investment purposes.
 4. Descriptive information about the charter school's personnel, including salary and benefit levels of charter school employees, the proportion of instructional personnel who hold professional or temporary certificates, and the proportion of instructional personnel teaching in-field or out-of-field.

- B. Each charter school's annual report will be reviewed and analyzed by the school-district's Sponsor's Office of Evaluation and Research. An analysis of comparing the charter school's standardized test scores, as compared to the scores of to those of other district public schools in the district with similar student populations, will also be conducted;
- C. The results of the annual review conducted by the Office of Evaluation and Research shall be transmitted to the School-Board Sponsor and the Florida Commissioner Department of Education; and,
- D. At the time of charter renewal, evaluative data pertaining to the charter school will be provided to the School-Board Sponsor at least four (4) weeks thirty (30) calendar days prior to the date on which renewal of the charter will be considered for approval or denial.
- E. The charter school director/principal and each member of the governing board will receive a copy of financial audit findings and recommendations. The charter school shall respond to all financial audit findings and recommendations in writing to the governing board and sponsor within ten (10) working days, unless the time to respond is altered by mutual agreement. The response shall include proposed corrective action(s), as required.
- F. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Sunshine State Standards and grounded in scientifically-based reading research.

Specific Authority: ~~230.22(2); 230.23(20);~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: ~~228.056 1002.33; 228.0561 1013.62; 228.057(9)~~ 1002.31(8); 230.23005(6) 1001.43(6); 1012.32; 1008.31; F.S.; 6A-6.0781 FAC

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