

CHAPTER 3.00 - SCHOOL ADMINISTRATION

3.16 - Charter Schools

POLICY:

Levy District Schools, pursuant to Florida Statutes, establishes charter schools for the purpose of increasing learning opportunities for students, with special emphasis on low achieving students, increasing the use of innovative learning methods, increasing choices for students, and creating new professional opportunities for teachers.

(1) Responsibility of Levy District Schools Administration

- (a) Receive, review, and recommend to the School Board all charter applications in a timely fashion as stipulated by Florida Statutes.
- (b) Develop a charter in cooperation with the applicant.
- (c) Monitor charter school contracts and make recommendations to the School Board.

(2) Eligibility for Charter Application

The Board may sponsor one or more charters for schools which may serve any grade or combination of grades from kindergarten through grade twelve. A charter school may operate a virtual charter school to provide full time online instruction to eligible students.

Eligible proposers are:

- (a) Any not-for-profit organization, or
- (b) A public school which requests to convert to a charter school with fifty percent (50%) or more support of parents, and fifty percent or more support of teachers.

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

(3) Legal Entity and Requirements

The charter school shall:

- (a) Organize as a nonprofit organization,
- (b) Be non-sectarian,
- (c) Charge no tuition or fees except those fees charged by other public schools,

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- (d) Meet health and safety standards of regular schools,
- (e) Publish an annual progress report,
- (f) Provide an annual financial audit similar to that of the School District to the School Board, and
- (g) Analyze and compare student performance.
- (h) Shall provide legal documentation showing proof of background checks to include fingerprinting for the governing body of the Charter School, and candidates for employment as required by law.
- (i) Disclose to the District the name of employees who are related to the owner, board of directors, president, school administrator or other person with decision making authority at the charter school.
- (j) Disclose the name and sponsor of any charter school operated by an applicant, governing board member, or service provider that has closed, the reason for the closure, and the academic and financial history of those charter schools.
- (k) Submit a monthly financial report to the School District.
- (l) Participate in the state's education accountability system.

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, penalties, compensation and salary schedules, workforce reduction, contracts with instructional personnel hired on or after July 1, 2011, and performance evaluations for instructional personnel and school administrators.

(4) 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 a public school.
- (b) All students attending a public school which converts to a charter school will be eligible to attend.
- (c) All students are eligible for participation. Students, who are at-risk of academic failure, as defined in the statute, shall be a priority. Equal opportunity shall be provided for exceptional education students and limited English proficient students.

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(5) Charter School Boundaries

A charter school shall be open to any student residing in the school district.

(6) Student Selection for Charter Schools

- (a) When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school.
- (b) The charter school shall enroll a student who submits a timely application.
- (c) If the number of eligible students exceeds the capacity of the program, class, grade level or building, a random selection of students will be made.

(7) 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 District will coordinate the administration of these instruments and will charge the school on an actual cost basis for this service.

(8) Student Records

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

(9) FTE Reporting

Funding for a charter school is based on the number of full-time-equivalent (FTE) students; therefore, it is essential that records of student attendance be maintained in a format consistent with State reporting requirements. The District 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 District.

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(10) Withdrawal and Transfer of Students

- (a) Parents may withdraw a student from a charter school at any time. The student will return either to the base school or to a school with an appropriate program, or, if the base school is the charter school, to a school agreed upon by the parent and the District.
- (b) Charter schools may not withdraw or transfer a student involuntarily, unless the withdrawal or transfer is accomplished through established administrative procedures under present Board policy used by public schools.

(11) Transportation and Food Services

- (a) Transportation and food services are the responsibility of charter schools, and must be provided according to District, State, and federal rules and regulations.
- (b) A charter school may contract with the school District for transportation and/or food service, or may contract with a private provider.

(12) Application for Charters

- (a) Applications must be in compliance with the Application for Charter School's format.
- (b) Applications for charter schools will be accepted officially following the approval of the School Board at initial reading of this rule. Staff will review all applications, and within sixty (60) calendar days submit, to the Board, all applications with a recommendation for approval or denial. Denied applicants may appeal to the State Board of Education within thirty (30) days.
- (c) Applications for charter schools will be received between July 15 and August 1. Charter schools must begin operation at the beginning of the District's school year.
- (d) The sponsor and applicant shall have six (6) months in which to mutually agree to the provisions of the contract. If, after six (6) months, the contract is still pending, the application is deemed denied.

(13) Facility

It is the responsibility of the 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, consistent with the beginning day for students as listed on the approved public school calendar.

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(14) Funding

- (a) Funding for student enrollment in a charter school shall be the sum of District operating funds from the Florida Education Finance Program, including gross State and local funds, discretionary lottery funds, and discretionary operating millage funds divided by total District funded weighted full-time-equivalent students times the weighted full-time-equivalent students of the particular charter school. Charter schools, if eligible, shall also receive their proportionate share of categorical program funds included in the Florida Education Finance Program.
- (b) Any eligible student enrolled in a charter school shall be provided federal funds for the same level of service provided other eligible students in the schools operated by the School Board.
- (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 by the School District for a charter school shall be limited to no more than the actual cost of administering the contract or five percent (5%) of available charter school funds, whichever is less.
- (f) When a charter is not renewed or terminated, any unencumbered funds from the charter school shall revert to the School Board. In that event, all School Board property and improvements, furnishings, and equipment purchased with public funds shall revert automatically to full ownership by the School Board.
- (g) 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) Payment shall be made to the charter school no later than thirty (30) working days after receipt of an invoice. Payment shall be on a monthly basis in arrears based upon the estimated number of FTE students in membership during the FTE survey periods. The final payment during any fiscal year shall be adjusted to reflect the number of actual FTE students in membership during the FTE survey periods.
- (i) If a deteriorating financial condition is identified, the School District shall notify the governing board of the charter school and the Commissioner of Education within seven (7) business days. The governing board and District shall develop a corrective action plan and submit the plan to the Commissioner of Education within thirty

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(30) business days after notifying the charter school.

(15) 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 circumstances, 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 that exceeds the sum of one hundred thousand dollars (\$100,000.00) 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 of Levy County, Florida, 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 damage to property arising out of any injury to persons or property damage as a result of the 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 of Levy County, Florida, must be listed as additional named insured on these policies.

(16) Students Rights, Discipline, and Safe Learning Environment

Applicants must describe, in writing, the charter schools rules applicable to student rights, discipline, and safe learning environment.

(17) Employees of Charter Schools

A charter school shall select its own employees and implement employee labor and other relations pursuant to the requirements of 1002.33, Florida Statutes. A charter school may contract with the sponsor for the services of employees by the sponsor.

(18) Technical Assistance

- (a) It is the responsibility of the applicant to request technical assistance, in writing, from the Florida Department of Education. The School Board will provide application assistance to the extent

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feasible and, within present resources, consistent with assistance provided to other contractors.

- (b) The charter schools law is incorporated herein by reference and made a part of this Board rule.
- (c) The Application for Charter Schools format is incorporated by reference in this rule.

(19) Selection of Charter Schools

A public announcement will be made at least sixty (60) working days prior to the due date for applications for charter schools which intend to operate during the next school year. Applications, including instructions for obtaining technical assistance, will be provided to all requesters.

All completed applications must be received in the District office on or before July 15 and August 1. All applications will be stamped with the date and time when they are received. Applications received after the prescribed application window shall not be considered for a charter for the next school year.

A committee shall review all applications and make recommendations to the School Board. The School Board must, by a majority vote, approve or deny all applications no later than sixty (60) days after the application is received.

The review committee shall be comprised of at least the following persons: Superintendent, or designee; Assistant Superintendent for Administration / Support Services; Assistant Superintendent for Instruction; Director of Personnel; Director of Finance; Director of Maintenance; Coordinator of Transportation; Director of Secondary Education; Director of Elementary/Middle School Education; Director of ESE; Coordinator of Food Service; a Union Representative; a Principal; and a Parent.

The committee shall review all applications and, by majority vote, make a recommendation for acceptance or denial of each application.

All applications will be submitted to the School Board with an explanation of acceptance or denial, including the committee vote.

The School Board will vote on all applications.

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STATUTORY AUTHORITY: 1001.41 (2), 1001.42 (17), F.S.

LAWS IMPLEMENTED: 1001.02 (1), 1002.33, 6A-6.0781

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