

## K-20 EDUCATION CODE PUBLIC K-12 EDUCATION

**1003.62 Academic performance-based charter school districts.**--The State Board of Education may enter into a performance contract with district school boards as authorized in this section for the purpose of establishing them as academic performance-based charter school districts. The purpose of this section is to examine a new relationship between the State Board of Education and district school boards that will produce significant improvements in student achievement, while complying with constitutional and statutory requirements assigned to each entity.

(1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

(a) A school district shall be eligible for designation as an academic performance-based charter school district if it is a high-performing school district in which a minimum of 50 percent of the schools earn a performance grade category "A" or "B" and in which no school earns a performance grade category "D" or "F" for 2 consecutive years pursuant to s. [1008.34](#). Schools that receive a performance grade category "I" or "N" shall not be included in this calculation. The performance contract for a school district that earns a charter based on school performance grades shall be predicated on maintenance of at least 50 percent of the schools in the school district earning a performance grade category "A" or "B" with no school in the school district earning a performance grade category "D" or "F" for 2 consecutive years. A school district in which the number of schools that earn a performance grade of "A" or "B" is less than 50 percent may have its charter renewed for 1 year; however, if the percentage of "A" or "B" schools is less than 50 percent for 2 consecutive years, the charter shall not be renewed.

(b) A school district that satisfies the eligibility criteria for designation as an academic performance-based charter school district may be so designated upon a super majority vote by the district school board after having submitted and the State Board of Education having approved a charter proposal that exchanges statutory and rule exemption, as authorized by this section, for agreement to meet performance goals in the proposal. The academic performance-based charter school district shall be chartered for 1 year, at the end of which the performance shall be evaluated. If maintenance of high-performing school district status pursuant to paragraph (a) is not documented in accordance with State Board of Education rule, the charter shall not be renewed.

(2) EXEMPTION FROM STATUTES AND RULES.--

(a) An academic performance-based charter school district shall operate in accordance with its charter and shall be exempt from certain State Board of Education rules and statutes if the State Board of Education determines such an exemption will assist the district in maintaining or improving its high-performing status pursuant to paragraph (1)(a). However, the State Board of Education may not exempt an academic performance-based charter school district from any of the following statutes:

1. Those statutes pertaining to the provision of services to students with disabilities.
2. Those statutes pertaining to civil rights, including s. [1000.05](#), relating to discrimination.

3. Those statutes pertaining to student health, safety, and welfare.
4. Those statutes governing the election or compensation of district school board members.
5. Those statutes pertaining to the student assessment program and the school grading system, including chapter 1008.
6. Those statutes pertaining to financial matters, including chapter 1010.
7. Those statutes pertaining to planning and budgeting, including chapter 1011, except that ss. [1011.64](#) and [1011.69](#) shall be eligible for exemption.
8. Sections [1012.22](#)(1)(c) and [1012.27](#)(2), relating to performance-pay policies for school administrators and instructional personnel. Professional service contracts shall be subject to the provisions of ss. [1012.33](#) and [1012.34](#).
9. Those statutes pertaining to educational facilities, including chapter 1013, except as specified under contract with the State Board of Education. However, no contractual provision that could have the effect of requiring the appropriation of additional capital outlay funds to the academic performance-based charter school district shall be valid.

(b) Additionally, an academic performance-based charter school district shall be in compliance with the following statutes:

1. Section [286.011](#), relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Those statutes pertaining to public records, including chapter 119.
3. Those statutes pertaining to financial disclosure by elected officials.
4. Those statutes pertaining to conflicts of interest by elected officials.

(3) GOVERNING BOARD.--The governing board of the academic performance-based charter school district shall be the duly elected district school board. The district school board shall be responsible for supervising the schools in the academic performance-based charter school district and may convert each of its existing public schools to charter schools pursuant to s. [1002.33](#) or otherwise establish performance-based contractual relationships with its public schools for the purpose of giving them greater autonomy with accountability for performance.

(4) PRECHARTER AGREEMENT.--The State Board of Education may approve a precharter agreement that grants limited flexibility and direction for developing the full academic performance-based charter proposal.

(5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.--Each school district chartered pursuant to this section shall transmit an annual report to the State Board of Education that delineates the performance of the school district relative to the performance goals contained in the charter agreement. The annual report shall be transmitted to the

Commissioner of Education and shall be due each year on the anniversary date of the charter agreement.

(6) REPORTS.--The State Board of Education shall annually report on the performance of each academic performance-based charter school district. Biennially, the State Board of Education, through the Commissioner of Education, shall submit to the Legislature a full evaluation of the effectiveness of granting academic performance-based charter school district status.

(7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS; GRANDFATHER PROVISION.--The State Board of Education shall use the criteria approved in the initial charter applications issued to the school districts of Volusia, Hillsborough, Orange, and Palm Beach Counties to renew those pilot program charter school districts in accordance with this subsection. No additional pilot program charter school districts shall be approved, and the pilot program consists solely of school districts in Volusia, Hillsborough, Orange, and Palm Beach Counties. The termination of the charter school districts pilot program is effective July 1, 2007, or upon the end of a 5-year renewal contract issued by the State Board of Education to the Volusia County, Hillsborough County, Orange County, or Palm Beach County school district prior to July 1, 2003, whichever is later.

(8) RULEMAKING.--The State Board of Education may adopt rules to implement this section in accordance with ss. [120.536](#) and [120.54](#).

**History.**--s. 155, ch. 2002-387; s. 25, ch. 2003-391.