

This is a new rule.

6A-6.0783 District School Board Exclusive Authority to Sponsor Charter Schools. The procedures for applying for exclusive authority to the State Board of Education under provisions of Section 1002.335, Florida Statutes, shall be as follows:

(1) A written resolution adopted by the district school board and indicating intent to retain exclusive authority to authorize charter schools within the geographic boundaries of the district must be submitted by the district school board on or before March 1 of the fiscal year prior to the year exclusive authority is to be in effect. The written resolution shall be submitted to the Agency Clerk for the Department of Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Revisions to the initial application for exclusivity which was due March 1, 2007, must be received by the Agency Clerk within seven (7) days of the effective date of this rule.

(a) A written description addressing the factors that will be considered by the State Board of Education in making a decision to grant exclusive authority must accompany the district school board resolution.

(b) All submitted documents shall be on 8 ½ x 11 inch paper, single spaced, one-sided and unbound. Typewritten text must be no smaller than eleven (11) pitch spacing. Margins shall be no less than one inch at the top, bottom, left, and right. Page size, spacing, font size, and margin requirements do not apply to copies of pre-existing documents. The resolution, written description and supporting documents together shall be no more than one thousand (1,000) pages. All pages after the first one thousand (1,000) pages will not be reviewed. One (1) copy of the documents shall be submitted. The page number limit does not apply to copies of all district sponsored charter contracts. One current, unbound, and one-sided copy of each contract must be

submitted. The written description shall include a table of contents specifying where the documentation supporting each factor being reviewed is located in the supporting documents. All pages shall be numbered from one (1) to a maximum of one thousand (1000) with the page number appearing on the bottom of each page.

(c) A copy of the resolution, written description, and supporting documentation must be given to each currently operating charter school sponsored by the district on or before submission to the State Board of Education and proof of such action provided to the State Board when submitting the application.

(d) The Department will confirm in writing receipt of the application and will inform the school district if the application fails to meet the procedural requirements of this subsection. The Department will accept a district's revised application if it is received before the deadline as established in subsection (1) of this rule.

(2) Currently operating charter schools sponsored by the district may provide written documentation of concerns or support prior to the State Board of Education granting exclusive authority.

(a) The written documentation must be sent to the district school board on or before submission to the State Board of Education and proof of such action provided to the State Board upon submission of the written documentation.

(b) This written input must be received by the Agency Clerk for the Department of Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, within fourteen (14) days from the date the copy of application for exclusive authority was received by the charter school.

(c) The written documentation should address issues concerning sponsorship practices by the district school board over its charter schools during the four (4) years prior to the district school board's submission of the application for exclusive authority and be applicable to the review by the State Board of Education.

(d) All submitted documents shall be on 8 ½ x 11 inch paper, single spaced, one-sided and unbound. Typewritten text must be no smaller than eleven (11) pitch spacing. Margins shall be no less than one (1) inch at the top, bottom, left, and right. Page size, spacing, font size, and margin requirements do not apply to copies of pre-existing documents. The documentation shall be no more than three hundred (300) pages. All pages after the first three hundred (300) pages will not be reviewed. One (1) copy of the documentation shall be submitted. The submitted documents shall include a table of contents specifying which factors are being addressed and where within the supporting documentation they are addressed. All pages shall be numbered from one (1) to a maximum of three hundred (300) with the page number appearing on the bottom of each page.

(e) The Department will confirm in writing receipt of the written input and will inform the charter school if its submission fails to meet the procedural requirements of this subsection.

(3) Before granting exclusive authority to a district school board to sponsor charter schools within the geographic boundaries of the school district, the State Board of Education shall hold a public hearing which shall be noticed in the Florida Administrative Weekly. At the public hearing, the district and currently operating charter schools sponsored by the district may provide input as to whether the district school board has provided fair and equitable treatment to its charter schools during the four (4) years prior to the district school board's submission of the resolution. Requests to speak must be received by the Agency Clerk for the Department of

Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, seven (7) days prior to the scheduled hearing. Each district will be allowed ten (10) minutes for testimony and one (1) representative from each charter school requesting to speak will be given five (5) minutes each.

(4) Based upon the testimony and according to statutory requirements, should the State Board of Education determine a district has provided fair and equitable treatment to its charter schools during the four (4) years prior to the district school board's submission of the application for exclusive authority, the State Board of Education shall grant exclusive authority to authorize charter schools within the geographic boundaries of the school district to the district school board for one (1) year.

(5) The State Board of Education's review of an application for exclusive authority shall at a minimum include the following:

(a) Compliance with all provisions of Section 1002.33, Florida Statutes as demonstrated by policies, procedures, and other documentation to include the following:

1. Charter school application, review, and appeals,
2. Unlawful reprisal,
3. Sponsor duties,
4. Charter contract, negotiation, and conflict resolution,
5. Charter school performance and accountability,
6. Charter renewal, nonrenewal, and termination,
7. Timely payment and reimbursement of eligible funds to charter schools,
8. Administrative and educational services provided to charter schools,

9. Equal, onsite access to student information systems (including hardware, software, and connectivity) used by other public schools located in the district,

10. Charter school student participation in district interscholastic extracurricular activities as defined in Section 1006.15(3)(d), Florida Statutes, and

11. Background screening of charter school employees.

(b) Compliance with full and accurate accounting practices and charges for central administrative overhead costs as evidenced by:

1. Program cost reports and other clarifying documents,

2. Audits and annual accountability reports submitted for the years covered in the application for exclusive authority, and

3. Invoices and charges to sponsored charter schools for administrative services.

(c) Compliance with requirements allowing charter schools to purchase services at the actual cost to the district as evidenced by:

1. Services provided to charter schools in the district and the associated costs,

2. Explanation of the process of calculating the costs to charter schools, and

3. Explanation of the calculation of actual costs to the sponsor.

(d) Documentation of the absence of a district school board moratorium regarding charter schools and the absence of district wide charter school enrollment limits.

(e) Compliance with valid orders of the State Board of Education related to charter schools as evidenced by policies, correspondence, plans or other documentation showing district adherence.

(f) Provision of assistance to charter schools in meeting their facilities needs by including those needs in local bond issues or otherwise providing available land and facilities that are

comparable to those provided to other public school students in the same grade levels within the district as evidenced by:

1. Documentation of financial resources for facilities provided to charter schools and to other public schools in the district,
2. Assistance to charter schools which may include charter school capital outlay,
3. Details regarding the cost of land, facilities, renovation, maintenance, and other allowable uses of capital outlay funds for the district and the amount provided to charter schools, and
4. Annual financial reports and supporting documents regarding assistance to charter schools to meet their facilities needs.

(g) Distribution of a pro rata share of federal and state grants received by the district school board and sent to charter schools as documented by the following:

1. Amount appropriated to charter schools and other public schools in the district, and
2. Rationale used to determine the amounts for charter and other public schools for each state and federal grant.

(h) Provision of adequate staff and resources to serve charter schools authorized by the district school board at a cost that does not exceed the actual cost of the district school board as documented by:

1. An accounting of services provided, and
2. Calculations to show that fees were not more than the actual cost to the district.

(i) Documentation of policies and practices to demonstrate the district does not limit individual charter school enrollments, except as provided by law.

(j) Compliance with the provision of an adequate number of educational choice programs to serve students exercising their right to transfer pursuant to Public Law 107-110, the No Child Left Behind Act of 2001.

(k) Documentation of a history of charter school approval that encourages chartering.

1. Policies, communication, reports, or other documentation to show the district history of the charter school approval process.

2. Appeal history with the Charter School Appeal Commission and the State Board of Education.

(6) The process for evaluating the applications will consist of the following:

(a) The review team shall be appointed by the Commissioner of Education and composed of individuals with knowledge in education, finance, governance, and academic accountability.

(b) The review team shall evaluate each application using the District Exclusive Authority Application Review Rubric, which is hereby incorporated by reference to become a part of this rule. The effective date of the District Exclusive Authority Application Review Rubric shall be the same as the effective date of this rule.

(c) The review team shall review the application for exclusive authority and the charter school input within sixty (60) days of the application deadline as established in subsection (1) of this rule.

(d) The review team's findings will be consolidated and presented to the State Board of Education for consideration.

(7) A grant of exclusive authority will be effective for the fiscal year following the application deadline as established in subsection (1) of this rule. The period of exclusive authority will begin on July 1 (beginning of the fiscal year) of the same calendar year as

exclusive authority was granted and end on June 30 (end of the fiscal year) of the next calendar year.

(8) A party may challenge the granting of exclusive authority by filing a notice of challenge within thirty (30) days after the State Board of Education grants exclusive authority and may appear before the State Board to address the issues presented in the challenge.

(a) The notice shall be filed with the Agency Clerk for the Department of Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, and must be accompanied by a written description detailing the specific basis for the challenge.

(b) At the time of filing notice with the State Board of Education, the challenging party shall provide a copy of the notice of challenge and the specific written description to the district school board that has been granted exclusive authority.

(c) The district school board may appear before the State Board of Education and respond in writing to the challenge. Written responses must be received by the Agency Clerk for the Department of Education ten (10) days prior to the State Board of Education meeting at which the appeal will be considered by the State Board.

(d) The State Board of Education shall make a determination on the challenge within sixty (60) days after receiving the notice of challenge.

Specific Authority 1002.335(14), FS. Law Implemented 1002.335, Laws of Florida. History-  
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