

FREQUENTLY ASKED QUESTIONS: PROCESS FOR DETERMINING A SCHOOL DISTRICT'S EXCLUSIVE AUTHORITY TO SPONSOR CHARTER SCHOOLS

General Information

1. What is “exclusive authority?”

According to s. 1002.335(5), F.S., exclusive authority is when a district seeks to be the sole authorizer of charter schools within the geographic boundaries of the school district. Section 1002.335(5)(a), F.S., states that a charter school applicant may submit an application to the Florida Schools of Excellence Commission (“FSE”) only if the school district in which the FSE charter school is to be located has not retained exclusive authority to authorize charter schools.

2. What is “concurrent authority?”

Section 1002.335(5)(a), F.S., states that if a district school board has not retained exclusive authority to authorize charter schools, the district school board and FSE have concurrent authority to authorize charter schools and FSE charter schools, respectively, to be located within the geographic boundaries of the school district.

3. Can the FSE/cosponsors approve a charter school for operation in a school district that has retained exclusive authority?

Yes, under certain circumstances. Section 1002.335(5)(i), F.S., states that a district school board that has retained exclusive authority may permit the establishment of a FSE/cosponsor charter school by adopting a favorable resolution and submitting the resolution to the State Board of Education. The resolution is effective until rescinded by another resolution of the district school board.

4. May an existing charter school (i.e., under a valid contract at the time of application) submit an application for sponsorship to the FSE or a cosponsor?

Yes, only under certain circumstances, and depending on whether concurrent or exclusive authority exists. Section 1002.335(10)(a), F.S., identifies the process that may be used for existing charter schools in districts where the FSE/cosponsor has concurrent authority. Section 1002.335(5)(i), F.S., identifies the process that may be used for existing charter schools in districts where the district has exclusive authority.

5. When the FSE authorizes a charter school, but the district subsequently obtains exclusive authority, does the FSE charter school continue to operate under the FSE?

Yes. According to s. 1002.335(5)(a), F.S., the existing charter contract between the charter school and FSE remains in full effect, even if a district subsequently obtains exclusive authority to authorize charter schools.

Exclusive Authority Process

6. Do previously submitted district applications need to meet the procedural requirements of State Board of Education Rule 6A-6.0783, F.A.C.?

Yes. Refer to State Board of Education Rules 6A-6.0783(1) and 6A-6.0783(2), F.A.C. Additionally, note that State Board of Education Rule 6A-6.0783(1), F.A.C., requires revisions to the initial application for exclusivity to be received by the Agency Clerk August 1, 2007. Revisions received after 5:00 PM, EST, on August 1, 2007 will be not be considered.

7. What will happen if a district does not amend its previously submitted documents to comply with State Board of Education Rule 6A-6.0783, F.A.C.?

State Board of Education Rule 6A-6.0783(1)(d), F.A.C., specifies that a school district's application for exclusive authority will not be accepted if the school district fails to meet the procedural requirements of State Board of Education Rule 6A-6.0783, F.A.C.

8. What materials constitute supporting documents per State Board of Education Rule 6A-6.0783(1), F.A.C., pertaining to State Board of Education's grant of school district exclusive authority?

Section 1002.335(5)(e), F.S., states that the State Board of Education shall grant to a district school board exclusive authority to authorize charter schools within the geographic boundaries of the school district if the state board determines, after adequate notice, in a public hearing, and after receiving input from any charter school authorized by the district school board, that the district school board has provided fair and equitable treatment to its charter schools during the previous 4 years. The state board's review will consider the elements identified in s. 1002.335(5)(e), F.S., as provided in State Board of Education Rule 6A-6.0783(5), F.A.C., and the District Exclusive Authority Application Review Rubric. Districts may provide different materials to identify how they meet these elements.

School districts should provide evidence within supporting documents to substantiate conclusory statements made within its request for exclusive authority. For example:

- if the district resolution or written description references a document, the referenced document should be included in the supporting documents;
- during the State Board of Education's exclusive authority public hearing, notice may be taken of previous State Board actions and actions of other governmental entities (or the lack of such actions); however, documents showing such actions should be included in the supporting documents;
- anticipated documents for rebutting charter school comments should be included in the supporting documents.

According to s.1002.335(5)(e), F.S. and State Board of Education Rule 6A-6.0783, F.A.C., in addition to documents and testimony submitted by the district, the State Board of Education will ultimately make the exclusive authority determination during a public hearing, after also considering:

(1) the written and verbal input from currently operating charter schools sponsored by the district;

(2) the consolidated findings from the review team appointed by the Commissioner of Education; and

(3) any other information that arises during the public hearing or that the State Board of Education may otherwise decide to consider.

9. Must a school district provide a copy of their revised application to charter schools pursuant to State Board of Education Rule 6A-6.0783(1)(c), F.A.C.?

Yes. According to State Board of Education Rule 6A-6.0783(2)(b), F.A.C., the charter school's written input must be received by the Department's Agency Clerk within fourteen days of the date the copy of the application for exclusive authority was received by the charter school. Receipt of a district's revised application resets the fourteen day clock.

10. Is a school district that is seeking exclusive authority required to provide a copy of every contract it has with a charter school to each currently operating charter school in its district?

No. State Board of Education Rule 6A-6.0783(1)(c), F.A.C., requires that a school district provide only a copy of the resolution, written description, and supporting documentation to each currently-operating charter school sponsored by the school district on or before submission to the State Board of Education.

11. When will the review team findings be available for review?

The review team's consolidated findings will be posted for review seven days before the State Board of Education's public meeting regarding exclusive authority determinations. Check the State Board of Education's website at <http://www.fldoe.org/meetings/> for updates.

12. How will the review team's findings in the District Exclusive Authority Application Review Rubric be used?

According to State Board of Education Rule 6A-6.0783(6)(d), F.A.C., the review team's findings will be consolidated and presented to the State Board of Education for consideration.

13. What are the requirements for a school district or charter school to speak before the State Board of Education?

Rule 6A-6.0783(3), F.A.C., states that the district and currently operation 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 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 days prior to the scheduled hearing. Each district will be allowed ten minutes for testimony and one representative from each charter school requesting to speak will be given five minutes each. Charter schools may designate a representative from their management company to speak on their behalf.

14. Are districts or currently operating charter schools allowed to rebut testimony at the State Board of Education public hearing?

State Board of Education Rule 6A-6.0783(3), F.A.C., does not prohibit districts or currently operating charter schools from reserving a portion of their time for rebuttal argument. Nor

does the rule prevent the State Board of Education from exercising its discretion to consider additional testimony as they deem necessary.

15. May a State Board of Education's decision to grant exclusive authority to a school district be challenged?

Yes. Section 1002.335(5)(d), F.S., and State Board of Education Rule 6A-6.0783(8), F.A.C., provide that a party (i.e., the school district or a currently operating charter school sponsored by the district, as described in State Board of Education Rule 6A-6.0783(3), F.A.C.) may challenge the grant of exclusive authority made by the State Board of Education by filing with the state board a notice of challenge within 30 days after the state board grants exclusive authority.