

6A-6.0783 District School Board Exclusive Authority to Sponsor Charter Schools.

(1) Purpose. Section 1002.335(5)(e), F.S., provides for the State Board of Education to grant exclusive authority to a district school board to authorize charter schools within the geographic boundaries of the school district if the district school board provided fair and equitable treatment to its charter schools during the four years prior to the district school board's application. This rule establishes the basis for the State Board of Education's determination and procedures through which the State Board of Education will reach its determination.

(2) Resolution. On or before the March 1 prior to the fiscal year exclusive authority is to be in effect, the district school board shall submit to the Agency Clerk a written resolution adopted by the district school board indicating its intent to retain exclusive authority to authorize charter schools.

(3) Application Form. Form IEPC-EA1, Florida School District Exclusive Authority Application, will be used for the district's application, any charter school responses, and any district rebuttal, and is hereby incorporated by reference and made a part of this rule to become effective with the effective date of the rule. The form will be published electronically at www.floridaschoolchoice.org. A hard copy of the form may be obtained from the Office of Independent Education and Parental Choice, Suite 522, 325 W. Gaines Street, Tallahassee, Florida, 32399. A completed Form IEPC-EA1 for each district, including scores, will be published at www.floridaschoolchoice.org. Districts, as well as charter schools, will be able to print their completed form after submitting to the system.

(4) Application. The application shall be filed by the district school board by completing the online application. The online application will be open for fifteen (15) calendar days. The starting date for districts to begin submission shall be published at least fifteen (15) calendar days before the application period opens at www.floridaschoolchoice.org. Beginning with fiscal year 2009-2010 and thereafter, the application will be due on or before March 1 of the year prior to the fiscal year for which exclusive authority is to be in effect. All district application information will be posted live on the website at www.floridaschoolchoice.org within twenty-four (24) hours of the final submission date for viewing by the public. Charter schools who may choose to respond, must view the comments submitted by the school district on-line and then provide a written response on-line as outlined in subsection (5) of this rule.

(5) Responses to the Application. Any currently operating charter school and any charter school that operated or was authorized by the school district during the four (4) year period under consideration may file an online response to the district's application. The online response shall be filed during a fifteen (15) day period that starts the day the district applications are available for public view on the website. All charter school response information will be posted live on the website at www.floridaschoolchoice.org within twenty-four (24) hours of the final submission date for viewing by the public. Districts who wish to rebut information provided by the charter school, must view the comments submitted by the charter school on-line and then provide a written response on-line as outlined in subsection (6) of this rule.

(6) District Rebuttal. A district may file an online rebuttal to the charter school's response. The online rebuttal shall be filed during the ten (10) calendar day period that starts the day the charter school's responses are available for public view on the website. All district rebuttal information will be posted live on the website at www.floridaschoolchoice.org within twenty-four (24) hours of the final submission date for viewing by the public. This is the final input for the application process. Reviewers will have access to all three input areas described above and will input scores and comments during a twenty (20) calendar day period that starts the day the

district's rebuttals are available for public view on the website. Reviewer's scores will be posted on-line for public viewing within twenty-four (24) hours after the reviewer time period ends.

(7) In reaching its determination of whether the school district has provided fair and equitable treatment to its charter schools during the previous four (4) years, the State Board of Education shall consider the criteria outlined in Section 1002.335(5)(e), F.S. The explanation and responses relating to the above criteria will be reviewed based on the evidence provided by the parties as identified in Form IEPC-EA1.

(8) Intent to Grant or Deny. After review of the applications and responses is complete, the Commissioner will issue the notice of intent of the State Board of Education to grant or deny exclusive authority for each applicant based on the scoring requirements identified in Form IEPC-EA1. Each notice will be published at www.floridaschoolchoice.org and a copy mailed to each party.

(9) If the Notice of Intent to Grant/Deny is Not Challenged. Each notice of intent that is not challenged by any party shall be set for public hearing before the State Board of Education. At the public hearing, each party will be provided two (2) minutes to summarize their arguments and may be provided additional time only to respond to questions posed by members of the State Board of Education.

(10) If the Notice of Intent to Grant/Deny is Challenged. Any party that filed an application or response may challenge the intended action by filing a request for hearing with the Agency Clerk within twelve (12) calendar days after publication of the notice of intent on the website. The request shall contain the name, address and telephone number of the party requesting the hearing, identify the party's standing (as a district that applied for exclusive authority or a party identified in subsection (5) of this rule that filed a response to a district's application), and attach a copy of the Intent to Grant/Deny Exclusive Authority.

(a) The Commissioner will designate a hearing officer to conduct an informal hearing.

(b) Within fifteen (15) calendar days of the date the request for hearing is filed with the Agency Clerk, the challenging party shall file with the Agency Clerk a written statement that identifies each score that is challenged and state with specificity the reasons why the score should be different.

(c) Within fifteen (15) calendar days of the filing of the challenging party's written statement, any other party may file with the Agency Clerk a written statement limited to argument in response and rebuttal of the challenging party's statement.

(d) The written statements of the challenging party and any responding parties shall comply with the filing requirements of Rule 28-106.104, F.A.C. Argument for each score challenged shall not exceed three (3) pages, and the total number of pages for each party's written statement shall not exceed thirty (30) pages. These page limits are exclusive of supporting documentation.

(e) All written statements shall have relevant supporting documentation attached. The supporting documentation is not limited to documents previously submitted in subsection (4), (5), or (6) of this rule.

(f) A hearing shall be held if requested by any party; however, the hearing shall be limited to matters identified in the written statements filed by the parties.

(g) The hearing officer shall conduct a de novo review of the parties' written statements, oral hearing (if held), and the information previously submitted pursuant to subsections (4), (5), and (6) of this rule.

(h) Non-attorneys who file written statements or participate in any hearing are governed by the standards of conduct identified in subsection 28-106.107(3), F.A.C. The hearing officer shall

submit a Recommended Final Order consisting of findings of fact and conclusions of law to the Commissioner, with a copy served by mail upon the parties who appeared before the hearing officer, with the original to be filed with the Agency Clerk. The hearing officer's findings of fact shall be based upon a preponderance of the evidence.

(11) Each Recommended Final Order to Grant or Deny Exclusive Authority shall be set for public hearing before the State Board of Education. At the public hearing, each party will be provided two (2) minutes to summarize their arguments and may be provided additional time only to respond to questions posed by members of the State Board of Education. In its Final Order, the State Board of Education may adopt, reject or modify the hearing officer's findings of fact or conclusions of law in the Recommended Final Order.

Specific Authority 1002.335(14) FS. Law Implemented 1002.335 F.S. History--New 7-25-07, Amended 5-22-08.