

Florida Model Charter Contract Format

Florida Statute 1002.33 states: (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include a standard application format, charter format, evaluation instrument, and charter renewal format, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both school districts and charter schools before implementation. The charter and charter renewal formats shall be used by charter school sponsors.

Section 1: General Provisions

THE SCHOOL BOARD OF (insert district) COUNTY, FLORIDA

THIS CHARTER entered into as of the ___ day of _____ 2010 by and between

THE SCHOOL BOARD OF (insert district) COUNTY, FLORIDA, a body corporate operating and existing under the Laws of the State of Florida [hereinafter referred to as "Sponsor"],

and

(Name of School)

(Address)

(former name/location, if applicable)

a non-profit organization [hereinafter referred to as the "School"]

- A) Approved Application (renewals and amendments), **Appendix 1**
- B) Term of Contract
 - 1) Effective Date
 - 2) Term [4 or 5 years for initial]
 - 3) Start-Up Date [Same as District for initial start-up, flexible thereafter]
 - 4) Deadline to submit all items from Pre-Opening Checklist [Section 11A of contract]
 - 5) Charter Modification
 - 6) Charter Renewal
- C) Educational Program and Curriculum [as described in Sections 3b-e or 3f-g of Application]
- D) Non-Renewal/Cancellation and Termination
 - 1) Non-Renewal provisions
 - i. Duties of Sponsor and School under Pendency of Appeal
 - 2) Ninety (90) Day Termination
 - i. Duties of Sponsor and School under Pendency of Appeal
 - 3) Immediate Termination

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- i. Notice of Planned Immediate Termination
 - ii. Hearing Process
 - iii. District Operation of School Pending Appeal
 - 4) Post Termination provisions
 - a) Financial & Operational Records Upon Termination or Expiration
 - b) Student Records Upon Termination or Expiration
 - c) Property/Assets
 - d) Debts Upon Non-Renewal [Pursuant to Statute]
 - e) Leases upon Non-Renewal
 - f) Assets upon Non-Renewal

Section 2: Academic Accountability

- A) Student Performance: Assessment and Evaluation
 - 1) Initial Year
 - i. Expected Outcomes [as described in Section 5a]
 - ii. Methods of Measurement [How will outcomes be measured]
 - iii. Assessments [as described in Section 5e]
 1. State required assessments [pursuant to statute and State Board of Education rule]
 2. Additional Assessments
 - 2) Annual
 - i. School Improvement Plan
 1. Minimum Components of SIP
 2. Deadline for Governing Board approval
 3. Monitoring
 - ii. Assessments [as described in Section 5e]
 1. State required assessments [pursuant to statute and State Board of Education rule]
 2. Additional Assessments
- B) Student Promotion
 - 1) School student promotion policy consistent with the approved application unless otherwise agreed upon by both parties.
 - 2) Graduation Requirements
 - 3) Other Assessment tools as stated in approved Application
- C) Data Access and Use Pursuant to Statute

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Section 3: Students

- A) Eligible Students [as described in Section 2a of Application]
- B) Grades Served
- C) Class Size
- D) Annual Projected Enrollment [deadline for submission to Sponsor]
- E) Annual Capacity Determination [deadline for submission to Sponsor]
- F) Admissions and Enrollment Plan [as described in Section 13c of Application]
- G) Maintenance of Student Records as Required by Statute
- H) Exceptional Student Education
 - 1) Non-discriminatory Policy
 - 2) Sponsor's responsibilities
 - 3) School responsibilities
 - 4) Services covered by the five percent (5%) administrative fee
 - 5) Due Process Hearing
- I) Dismissal Policies and Procedures [as described in Section 7b of Application]

Section 4: Financial Accountability

- A) Revenue
 - 1) Basis for funding as provided in statute [Section 1002.33(17)(b)]
 - a) Student Reporting
 - b) Distribution of Funds Schedule
 - c) Adjustments
 - d) Millage levy, if applicable
 - e) Holdback/Proration
 - 2) Federal Funding
 - a) Title I
 - b) IDEA
 - c) Federal Grants
 - d) Other federal funds
 - 3) Charter School Capital Outlay Funds
 - a) Application
 - b) Distribution
 - 4) Other Revenue
- B) Sponsor Administrative Fee of up to 5% for 250 Students
- C) Restriction on Charging Tuition

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- D) Allowable Student Fees [as provided in statute]
- E) Budget
 - 1) Annual Budget
 - i. Governing Board Approval Required
 - ii. Date to submit to Sponsor
 - 2) Amended Budget
- F) Financial Records, Reports and Monitoring
 - 1) Maintenance of Financial Records
 - 2) Financial and Program Cost Accounting and Reporting for Florida Schools
 - 3) Financial Reports
 - a) Monthly Financial Reports
 - b) Annual Property Inventory
 - c) Program Cost Report
 - d) Annual Financial Audit
 - e) Form 990, if applicable
 - 4) School's Fiscal Year [July 1 – June 30]
 - 5) Financial Recovery Plan and Corrective Action Plan as required by statute and State Board of Education rule
- G) Financial Management of School [as described in Sections 18a-d of application]
- H) Description of Internal Audit Procedures [as described in Sections 18a-d of application]

Section 5: Facilities

- A) Prior Notification [If facility is not secured at time of contract]
 - 1) Deadline to secure facility
 - 2) Deadline to submit zoning approvals and Certificate of Occupancy
 - 3) District Inspection of Facility
- B) Compliance with Building and Zoning Requirements
 - 1) Florida Building Code
 - 2) Florida Fire Prevention Code
 - 3) applicable laws, ordinances, and codes of federal, state, and local governance
 - 4) Capacity of facility
- C) Location
 - 1) School's Street Address with folio number, if identified
 - 2) Temporary Facility [if applicable]
 - 3) Relocation [prior notification of sponsor]
 - 4) Additional Campuses

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- D) Prohibition to affix Religious or partisan political symbols, statues, artifacts, on or about the facility
- E) (Select if Applicable) Specific Facility Requirements
 - 1) District Non-Conversion Owned Facility
 - a) Definition
 - b) Cost to School
 - c) Maintenance Responsibilities
 - d) Delineation of common areas, if applicable
 - e) Liability (Insurance)
 - 2) Conversion Charters
 - a) Ownership
 - b) Repairs and Maintenance
 - c) School's Responsibilities (e.g. cleaning and grounds)
 - d) Construction by Sponsor
 - e) Capital Outlay Projects
 - f) Portables
 - g) Liability (Insurance)

Section 6: Transportation

- A) Cooperation between Sponsor and School [pursuant to statute, parties shall cooperate to ensure transportation is not a barrier]
- B) Reasonable Distance [for purposes of this contract]
- C) School shall demonstrate compliance with all applicable transportation safety requirements

Section 7: Insurance & Indemnification

- A) Indemnification of Sponsor by school
- B) Indemnification of School by sponsor
- C) Sovereign Immunity [governed by Section 768.28, F.S.]
- D) Acceptable Insurers
- E) Commercial and General Liability Insurance
 - 1) Liabilities Required
 - 2) Minimum Limits
 - 3) Deductible/Retention
 - 4) Occurrence/Claims
 - 5) Additional Insureds

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- F) Automobile Liability Insurance
 - 1) Liabilities covered
 - 2) Occurrence/Claims
 - 3) Minimum limits
 - 4) Additional Insured
- G) Workers Compensation/ Employer's Liability
 - 1) Coverages
 - 2) Minimum Limits
- H) School Leader's Errors and Omissions Insurance
 - 1) Form of Coverage
 - 2) Coverage Limits
 - 3) Occurrence/Claims
 - 4) Fidelity Bond/Crime coverage
- I) Property Insurance
- J) Applicable to All Coverages
 - 1) Other Coverages
 - 2) Deductibles/Retention
 - 3) Liability and Remedies
 - 4) Subcontractors
 - 5) Provision(s) for cure (90 days)
 - 6) Default upon Non-Compliance

Section 8: Governance

- A) Public or Private Employer
- B) Governing Board Responsibilities [pursuant to statute]
- C) Public Records
- D) Reasonable Access to Records by Sponsor
- E) Sunshine Law
- F) Reasonable Notice [School shall provide reasonable notice to sponsor of all governing board meetings]
- G) Identification of Governing Board Members
- H) Changes in Governing Board [Timely Notice to Sponsor]

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Section 9: Education Service Provider

- I) Education Service Provider Agreement
 - 1) School will use services of ESP as described in Section 11 of Application
 - 2) Submission of Education Service Provider Agreement
 - 3) Amendments [Timely Notice to sponsor]
 - 4) ESP Contract amendments that result in material change to charter require contract modification
 - 5) Change of ESP requires contract modification

Section 10: Human Resources

- A) Hiring Practices
 - 1) Reporting Staffing Changes
 - 2) Non-Discriminatory Employment practices
 - 3) Teacher certification and highly qualified
 - i. Remedy for not meeting highly qualified
 - 4) Fingerprinting and background screening
- B) Employment Practices
 - 1) Statutory prohibitions and required disclosure in hiring practices of relatives of school founders, employees, etc.
- C) Sponsor training of school's employees
 - 1) Participation and Cost for Training activities
 - i. Participation in federally funded training at no-cost
 - ii. Participation in non-federally funded training at pro-rata cost, on space available basis

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Section 11: Required Reports/Documents

- A) Pre-Opening
 - a. Policies and Procedures Manual
 - b. List of Governing Board Members
 - c. Facility [zoning, certificate of occupancy, fire inspection, etc.]
 - d. Other
- B) Monthly
 - a. Financial Statements, per State Board of Education Rule
 - i. Date Due
 - b. Other
- C) Quarterly
 - a. Academic Performance Reports
 - b. Other
- D) Annual
 - a. Annual Student Achievement Report [pursuant to statute]
 - b. Annual Audit
 - c. Program Cost Report
 - d. Annual Inventory Report [capital purchases with public funds]
 - e. Policies and Procedures [if materially revised]
 - f. Student Code of Conduct [if materially revised]
 - g. Dismissal Policies and Procedures [if materially changed]
 - h. Disaster Preparedness Plan
 - i. Employee Handbook [if materially revised]
 - j. Current List of Governing Board Members
 - k. School's Parental Contract [if materially revised]
 - l. Projected Enrollment [for subsequent school year]
 - m. Capacity [for subsequent school year]
 - n. School Calendar [for subsequent school year]
 - o. Evidence of Insurance
 - p. ESP Management Agreement [if materially changed]
- E) Other

I. Miscellaneous Provisions

- A) Impossibility

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- B) Notice of Claims
 - 1) Time to Submit
 - 2) Notice of Cancellation
 - 3) Renewal/Replacement
- C) Drug Free Workplace
- D) Entire Agreement
- E) No Assignment without consent
- F) No Waiver
- G) Default Including Opportunity to Cure
- H) Survival Including Post Termination of Charter
- I) Severability
- J) Third Party Beneficiary
- K) Choice of Laws
- L) Notice
- M) Authority
- N) Conflict/Dispute Resolution
- O) Citations
- P) Headings

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II. Appendices A