

THE SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA

**NOTICE OF INTENT TO ADOPT AMENDMENTS TO
RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD:
CHAPTERS 1.17, 2.05, and 3.18**

Pursuant to **Sections 120.54 and 120.81(1), Florida Statutes**, any person affected by this rule may appear before the School Board of Escambia County, Florida, on the proposed adoption of the instant School District Rule(s) at the date and time listed herein:

CHAPTER 1.17, Nondiscrimination

CHAPTER 2.05, Ethics

CHAPTER 3.18, Charter School Reporting

PURPOSE & EFFECT: To update specific sections of Chapters 1, 2, and 3 of the Rules and Procedures of the District School Board.

CODING DEFINITION: Words ~~stricken~~ are deletions: words underlined are additions.

TEXT: The full text of this proposed amendment is available for inspection and copying by the public in the Office of the Superintendent, located in the Vernon McDaniel Building, 75 North Pace Blvd., Pensacola, FL 32505; or online at http://ecsd-fl.schoolloop.com/sb_meeting.

Notice of Rule Advertisement appeared in the Pensacola News Journal on October 22, 2015 – Legal No. 1649128.

SUMMARY: The goal of these proposed revisions is to update specific sections of Chapters 1, 2, and 3 of the Rules and Procedures of the District School Board. The Superintendent in his capacity as Executive Secretary of the School Board is authorized to correct article and section designations, punctuation, and cross references and to make other technical and conforming changes as may be necessary to reflect the intent of this Board in connection with the policy adopted.

RULEMAKING AUTHORITY: 1001.41, 1001.42, 1001.43, F.S.

LAWS IMPLEMENTED / INTERPRETED: 760.08, 760.10, 1002.20, 1002.33, F.S.

SMALL BUSINESS IMPACT: None

ECONOMIC IMPACT: None

PERSON ORIGINATING RULE: Norm Ross, Deputy Superintendent

SUPERVISOR APPROVING RULE: Malcolm Thomas, Superintendent

DATE APPROVED FOR SUBMISSION: November 30, 2015

ANY PERSON AFFECTED BY THIS RULE MAY APPEAR AT A PUBLIC HEARING TO BE HELD:

TIME AND DAY: 5:30 p.m., Tuesday

DATE: December 15, 2015

PLACE: J. E. HALL EDUCATIONAL SERVICES CENTER
ROOM 160
30 EAST TEXAR DRIVE
PENSACOLA, FLORIDA 32503

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Request for such assistance must be made in writing, directed to the Superintendent of Schools, 75 North Pace Blvd., Pensacola, FL 32505. Such request must be received by the Superintendent of Schools at least forty-eight (48) hours prior to the meeting. If you are hearing or voice impaired, call TDD 1-800-955-8771.

Any person who decides to appeal a decision of the School Board at such meeting is hereby advised that, for such purpose, such person may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based.

THE SCHOOL DISTRICT OF ESCAMBIA COUNTY, FLORIDA
Adopted on this 15th day of December, 2015, at Pensacola, Escambia County, Florida.

Malcolm Thomas, Superintendent

APPROVED FOR LEGAL CONTENT
FOR DEC 2015 AGENDA

DEC 1 2015
GENERAL COUNSEL
ESCAMBIA COUNTY SCHOOL BOARD

CHAPTER 1 - ADMINISTRATION

1.17 NONDISCRIMINATION

- (1) The Board does not ~~unlawfully~~ discriminate against any person on the basis of gender, age, race, religious creed, color, sexual orientation, marital status, national origin, ~~or~~ disability, or pregnancy in violation of applicable state or federal law or these rules in the educational programs or activities which it operates or in the employment of personnel and does not tolerate any such discrimination. The Board provides equal access to the Boys and Girl Scouts, and other designated youth groups. Complaints alleging violation of this policy shall be made to the Equal Employment Officer (EEO) at 75 North Pace Boulevard, Pensacola, Florida 32505.
- (2) Any person, student or employee who believes that he or she has suffered unlawful discrimination or harassment shall immediately report the incident(s) to his or her teacher, guidance counselor, coach, dean, assistant principal, principal, Equal Employment Officer, or Assistant Superintendent of Human Resource Services.
- (3) The formal complaint procedure shall be started by filing a written or oral complaint as set forth below within sixty (60) days of the alleged discriminatory act. The EEO shall be responsible for making a thorough investigation of the matter and making recommendations for remedial or affirmative action.
 - A. All information gathered will remain confidential until conclusion of the investigation. An alleged victim of employment discrimination who does not file a complaint may request that all records relating to the allegation of employment discrimination be designated confidential and exempt from public disclosure.
 - B. Step 1
 1. The complainant shall present the matter in writing or orally to the EEO stating:
 - a. The nature of the problem;
 - b. The date, time and location of the alleged discrimination;
 - c. The persons involved; and
 - d. Efforts, if any and results to solve the problem prior to filing the written complaint
 2. The EEO shall provide the respondent with a copy of the complaint. Within ten days of the receipt of the complaint, the EEO shall notify the complainant, respondent, and the immediate supervisor, in writing of the recommendation for resolving the matter. If the complaint is resolved and no further action is requested in writing or orally within five days of receipt of the Step 1 recommendation, the matter shall be considered closed.

CHAPTER 1 - ADMINISTRATION

C. Step 2

1. The complainant may in writing or orally to the EEO request a conference within five (5) days of receipt of the Step 1 recommendation. This conference shall be held within ten days after the receipt of the written/oral request. The following shall attend:
 - a. The Superintendent or designee;
 - b. The complainant;
 - c. EEO;
 - d. The immediate supervisor or designee; and
 - e. A person mutually agreed upon by the respondent and the EEO.
2. Within five (5) days following the conference, the Superintendent or designee shall notify the complainant and respondent in writing by hand delivery or certified mail the recommendation for resolving the matter.
3. If the complainant is dissatisfied with the Step 2 response, he or she may resort to whatever legal or equitable remedies may be available.

(4) For purposes of this policy, the following terms are defined:

- A. Complaint - A problem, dispute, or disagreement regarding discrimination which cannot be resolved informally. The complaint procedure may be used by any complainant who feels aggrieved or who feels that there has been a violation, misinterpretation, or inequitable application of any policy, procedure, or practice.
 - B. Complainant - Any person filing a complaint.
 - C. Respondent - The employee allegedly committing the discriminatory act or omission.
 - D. Immediate Supervisor - The immediate up-line administrator above the respondent.
 - E. EEO - The employee designated to coordinate the Board's effort to comply with and carry out its responsibility for nondiscrimination.
 - F. Day - Any calendar day excluding Saturday, Sunday, and holidays.
- (5) Extension of any time limits prior to a request for hearing being filed may be granted by the EEO only for circumstances beyond the control of the complainant or the respondent.

CHAPTER 1 - ADMINISTRATION

- (6) No person shall retaliate or in any way discriminate against any person for filing a complaint or participating in an investigation of a complaint. The complainant maintains the right to utilize other appropriate legal or administrative remedies available.
- (7) The Board shall not knowingly do business with anyone who has been found to ~~unlawfully discriminate against any person based on gender, age, race, religious creed, color, marital status, sexual orientation, national origin, or disability~~ in violation of applicable state or federal law or these rules. Complaints alleging such discrimination by a District contractor, vendor, operator or sponsor must be addressed to the appropriate state or federal agency or court, on which the District relies for making such findings. The District does not make such determinations even though it may require affidavits of compliance.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 760.08; 760.10; 1000.05; 1012.22, F.S.; 34 C.F.R 108.6; 20 U.S.C. 38; 29 U.S.C. 701; 42 U.S.C. 2000 et seq.

History: New 10/23/90. Amended 2/22/94; 10/25/94; 6/13/00; 11/20/01; 06/16/03; 04/20/04; 05/17/05; 03/18/08; 11/16/10; 03/25/14.

CHAPTER 2 – HUMAN RESOURCE SERVICES

2.05 ETHICS

- (1) The *Code of Ethics* adopted by the Board shall be the code and principles for all employees. In addition to the *Code of Ethics*, employees covered by other regulatory agencies or boards are subject to their established codes and principles. It shall be the responsibility of each employee to become thoroughly familiar with the provisions of the codes and principles.

- (2) Non-School Employment

Personnel shall not accept employment which conflicts or interferes with the performance of their assigned duties and responsibilities to the Board, unless approved in advance by the Superintendent or designee. The District does not authorize nor will it be held liable for the use of the District background screening requirement for employment purposes outside of the District.

- (3) Tutoring

A School Board employee who offers private instruction for personal gain shall not use School Board property for this purpose unless approved by the Superintendent.

- A. Administrative or instructional staff members, including instructional assistants, may tutor a student for compensation by the student's parent(s) or legal guardian or non-school agency only if the staff member is not associated directly and professionally with such student.
- B. Any private instruction, tutoring or psychological testing shall be performed after school hours.
- C. School Board employees shall not promote any activity or project within any school/district property from which he/she is likely to receive compensation or remuneration other than his/her salary as a School Board employee.
- D. Under no conditions may work directed by a tutor be accepted for credit, grade or promotional purposes. This rule shall apply to work completed under any tutor, including any administrative or instructional staff member who is employed as a private tutor.

- (4) District sponsored Instructional Services

Instructional personnel providing district sponsored instructional services funded and/or authorized by the Escambia County School District (ECSD) (including summer sports, camps, academic and fine arts programs) shall not be precluded from providing such services to students (including students scheduled into the instructional personnel's class) on Board property. Instructional personnel who are hired to provide ECSD authorized services shall not render such services to students during any portion of the instructional day in which they are working under their regular instructional contract with the Board.

CHAPTER 2 – HUMAN RESOURCE SERVICES

- (5) Psychological or educational testing and/or evaluations of students for a fee by District personnel is prohibited.
- (6) Unlawful Discrimination and Harassment
 - A. Personnel shall not unlawfully discriminate against anyone ~~on the basis of race, color, religious creed, gender, sexual orientation, national origin, age, disability, or marital status~~ in violation of applicable state or federal law, or these rules in the admission or access to employment, employment opportunities, or instructional programs or activities.
 - B. Personnel shall not tolerate harassment of employees or students ~~on the basis of race, color, religious creed, gender, sexual orientation, national origin, age, disability, or marital status~~ in violation of applicable state or federal law, or these rules. Harassment is defined as:
 - 1. Unwelcome sexual advances;
 - 2. Requests for sexual favors;
 - 3. Slurs;
 - 4. Innuendos; or
 - 5. Verbal or physical conduct reflecting on an individual's ~~race, color, religion, sexual orientation, national origin, age, disability or marital status~~ protected status as provided by state or federal law or these rules which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment. Verbal or physical conduct of a sexual nature constitutes harassment when:
 - a. Submission to the conduct is made either an explicit or implicit condition of employment or educational opportunities;
 - b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed person; or
 - c. The conduct has the purpose or effect of unreasonably interfering with the persons work performance or creates an intimidating, hostile or offensive work environment.
 - C. Any person, student, or employee who believes that he or she has suffered unlawful discrimination or harassment shall immediately report the incident(s) to his or her teacher, supervisor, guidance counselor, coach, dean, assistant principal, principal,

CHAPTER 2 – HUMAN RESOURCE SERVICES

the EEO Officer, the Assistant Superintendent of Human Resource Services, the Deputy Superintendent, or the Superintendent.

- D. The District shall immediately investigate reports of alleged unlawful discrimination and harassment and shall attempt to resolve same. In determining whether the alleged conduct constitutes unlawful discrimination or harassment, the totality of the circumstances, the nature of the discrimination or harassment, and the context in which the alleged incident occurred will be considered. A report recommending an appropriate resolution and discipline, if any, shall be made to the Superintendent with copies being sent to the complainant and the accused. The Superintendent shall take action and/or recommend to the Board immediate and appropriate action when the discipline, if warranted, exceeds the Superintendent's authority.
 - E. Unlawful discrimination and harassment are major offenses which will result in disciplinary action. Personnel found to have unlawfully discriminated against or harassed any student or employee shall be subject to disciplinary action up to and including termination of employment, regardless of the offender's station in the District.
- (7) Ethical conduct requires all instructional and administrative personnel as defined in Section 1012.01, F.S., to complete training on the reporting of child abuse and educator misconduct. It is the duty of all employees to report alleged misconduct by other instructional personnel and school administrators which affects the health, safety or welfare of students. Individuals who report are granted immunity from liability under Sections 39.203, and 768.095, F.S. The District, the Board or any of their employees may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel, school administrators, other personnel or administrators who resign in lieu of termination based in whole or in part on misconduct that affects the health, safety or welfare of a student. The District, the Board or any of their employees may not provide employment references or discuss the personnel's or administrator's performance with prospective employers in another educational setting without disclosing the employee's or administrator's misconduct. Instructional personnel and administrators who fail to report misconduct which affects the health, safety or welfare of a student, are subject to termination and forfeiture of certification.
- (8) Employee Use of Social Media
- A. Purpose
- As a leader in using technology as an accelerator of learning, the District recognizes the value of teacher inquiry, investigation, and innovation using new technology tools to enhance the learning experience. The District also recognizes its obligation to teach and ensure responsible and safe use of these technologies.

CHAPTER 2 – HUMAN RESOURCE SERVICES

This policy addresses employees' use of publicly available social media networks including: personal Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media. While the District takes no position on the employees' decision as to the legal and ethical participation in the use of social media networks for personal use on personal time, please be mindful of District and State Code of Ethics while online.

B. General Statement of Policy

The District recognizes the importance of online social media networks as a communication and e-learning tool. Toward that end, the District provides password-protected social media tools for all District-approved technologies for e-learning and encourages use of District tools for collaboration by employees. However, public social media networks, outside of those sponsored by the District, may not be used for classroom instruction or school-sponsored activities without the prior authorization of the Superintendent or designee. It is in the employee's best interest to avoid posting any information or engaging in communications that violate state or federal laws or District policies.

The line between professional and personal relationships is blurred within a social media context. When employees choose to join or engage with District students, families, or fellow employees in a social media context they are advised to maintain their professionalism as District employees and to observe their responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting.

C. Requirements

As set forth in the District's Vision, all employees are expected to serve as positive ambassadors for our schools and to remember they are role models to students in this community. Because readers of social media networks may view the employee as a representative of the schools and the District, it is in the employee's best interest to observe the following rules when referring to the District, its schools, students, programs, activities, employees, volunteers and communities on any social media networks:

1. It is in the employee's best interest when using any social media network or electronic communication (including texting) and postings, displays, or communications on any social media network, to comply with all state and federal laws and any applicable District policies. Following Florida Administrative Code 6A-10.080 and 6A-10.081, it is in the employee's best interest to be respectful and professional in all communications (by word, image, or other means).
2. Employees should not use their District e-mail address for communications on public social media networks that have not been approved by the District.

CHAPTER 2 – HUMAN RESOURCE SERVICES

Employees must make clear that any views expressed are the employee's alone and do not necessarily reflect the views of the District. Employees may not act as a spokesperson for the District or post comments as a representative of the District, except as authorized by the Superintendent or designee.

3. Employees may not disclose information on any social media network that is protected by law, confidential or proprietary to the District, its students, or employees or that is protected by data privacy laws.
4. Employees may not use or post the District logo on any social media network without permission from the Superintendent or designee.

This policy will continually evolve as new technologies and social networking tools emerge. It is each employee's responsibility to be familiar with this policy. This policy is guided by the principle of personal responsibility and accountability; what you write is ultimately your responsibility. This policy is not intended to restrict your participation but rather to provide both a caution and guidance if you choose to engage in online activities.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapter 120, 440, and 1012 and Sections 39.203; 435.04; 768.095; 1000.05; 1001.10; 1001.32 to 1001.54; 1002.20; 1002.311; 1003.02; 1003.32; 1006.061; 1006.147, F.S.

History: New: 11/27/90. Revised/Amended: 02/22/94; 11/20/01; 09/23/03; 10/26/04; 05/17/05; 01/17/06; 10/21/08; 11/17/09; 02/15/11; 06/21/11; 11/19/13; 05/20/14; 05/19/15.

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3.18 CHARTER SCHOOL REPORTING

(1) Purpose and Intent of Policy

A. The Board, pursuant to Section 1002.33 and 1001.41, F.S., establishes charter schools (including virtual charter schools) for the following purposes:

1. To improve student learning and academic achievement;
2. To increase learning opportunities for all students with special emphasis on low-performing students and reading;
3. To encourage the use of innovative learning methods;
4. To increase choices of learning opportunities for students;
5. To provide rigorous competition within the public school district to stimulate continual improvement in all public schools;
6. To require the measurement of learning outcomes and create innovative measurement tools;
7. To create new professional opportunities for teachers and;
8. To expand the capacity of the public school system.

B. Charter schools shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system;
2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability;
3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

C. Charter schools are fully recognized as public schools. Florida's Charter School Legislation, Section 1002.33, F.S., is incorporated herein by reference and made part of this rule.

D. The Superintendent shall seek the cooperation of each charter school with all current statutory requirements for charter school application, review, approval, renewal, and contract negotiation.

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- E. The Superintendent and the Board shall comply with all current statutory requirements for charter school application, review, approval, renewal, contract negotiation, timelines, termination, nonrenewal, and appeals.
- F. The Superintendent and the Board shall not practice reprisal at any time, including but not limited to, a charter school's application, review, approval, renewal, contract negotiation, timelines, termination, nonrenewal, and appeals.
- G. The Superintendent and the Board shall comply with all valid orders of the State Board of Education as they apply to Board sponsored charter schools.
- H. The Board recognizes that charter schools represent an additional form of school choice. Charter schools provide parents with an educational opportunity beyond the traditional public school setting. In compliance with the intent of the creation of charter schools, it is the desire of the Board to allow as much autonomy for the schools as possible. At the same time, the Board recognizes its responsibility for the educational achievement, safety, and welfare of all public school students. As with all public schools, the Superintendent or his/her designee may investigate issues that are brought to his/her attention that may affect the immediate safety and welfare of students.

(2) Student Enrollment

Subject to grade level and age limitations, student eligibility for enrollment in a charter school shall be governed by the following rules:

- A. Any student in the District may apply for enrollment in a charter school as provided in the statute.
- B. Students attending or residing within the attendance zone of a public school that converts to a charter school are eligible to attend such charter school and shall be given a preference over students residing outside such attendance zone. If such student's parent does not want the student to attend the converted charter school, then such student shall be reassigned to another public school in the new attendance zone established by the Board.
- C. The selection and enrollment of students in charter schools shall be governed by Section 1002.33, F.S. and all federal and state law, and these rules prohibiting discrimination based on the student's race, color, national origin, sex, disability, marital status, or parental status.
- D. The charter school must maintain both active and archival records for current and former students. The District will assist the school in establishing appropriate record formats. All permanent records of students leaving the charter school, whether by graduation, transfer to the public school system or withdrawal to attend

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another school, must be transferred to the District in accordance with state law. Records of student progress must be transferred to the designated school if the student is returning to the District.

(3) Eligibility for Charter School Application

The Board may sponsor charter schools, which may serve any grade or combination of grades from Pre-Kindergarten (PreK) through grade twelve (12). Eligible applicants are:

- A. Any nonprofit organization;
- B. A public school which requests to convert to a charter school. An application submitted by such a school shall demonstrate the support of at least fifty (50) percent of the teachers employed at the school and fifty (50) percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process;
- C. A municipality; or other public entity as provided for by law;
- D. A business, which requests a charter school in-the-workplace;
- E. A community college;
- F. A developmental research school; or
- G. A virtual charter school.

Private schools, parochial schools, and home education programs are not eligible to become charter schools.

(4) Legal Entity and Requirements

The charter school shall:

- A. Organize as, or be operated by, a nonprofit organization;
- B. Be non-sectarian;
- C. Meet all applicable state and local health, safety, and civil rights requirements;
- D. Publish an annual report;
- E. Analyze and compare student performance.

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All charter schools must comply with Florida Statutes applicable to public schools as they relate to civil rights, student health, safety, welfare, public records, public meetings, public inspection, and penalties.

(5) Selection of Charter Schools

A. Request for Application Information and Form

All persons or entities interested in submitting a charter school application should notify the Board's designee in writing of such interest in order to receive an application packet prior to the application deadline. Applicants planning to submit a charter school application shall send a letter of intent to the Department of Alternative Education on or before the first working day in June.

B. Application Deadline

All completed applications must be received in the Department of Alternative Education no earlier than the first working day in July and no later than 5:00 p.m. on the first working day in August for prospective charter schools intending to start operations by the beginning of the subsequent school year. All applications will be stamped with the date and time when they are received. Applications received after the prescribed deadline shall not be considered for a charter for the next school year.

C. Applications

Applications must be in compliance with the Florida Charter Schools model application format prepared by the Department of Education and Florida Statute. A single application is required for each site with any grade configuration within Pre-Kindergarten (PreK) through grade eight (8). A separate application must be submitted for any grade configuration within grades nine (9) through twelve (12) and/or post secondary grade configurations. Applications will be reviewed for the schools who are planning to open by the beginning of the subsequent school year, or those schools which will open after an additional planning year. A total of one (1) hard copy and one (1) electronic copy in PDF format must be turned in to the Department of Alternative Education by 5:00 p.m. on or before the first working day in August.

- D. The Board (sponsor) may require an applicant to provide additional information as an addendum to the charter school application as described in Section 1002.33 (6)(a)6, F.S. At a minimum, these addenda should include but not be limited to, a table of contents, numbered pages (x of y), plans for food service, transportation, and facility that follow the Florida Charter Schools model application format. Each applicant must provide documentation that certifies the applicant has participated in the training required in Section 1002.33(6)(f)(2), F.S. to be provided by the Department of Education. This certification must be received at the same time as

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the application is submitted by the August First (1st) deadline. Any application that does not include such certification will be considered incomplete and will not be accepted for submission.

- E. Applicants will be scheduled for an interview by the Department of Alternative Education upon receipt of the completed charter application. This interview will ascertain the level of knowledge and overall preparedness to open a charter school exhibited by the founding board and the school's director (if named). A total of three (3) persons may attend this interview on behalf of the charter school. Management company representatives and/or consultants may not attend the interview. Interviews will be conducted by staff from the District. Information provided during these interviews will be shared with the Superintendent and the Board.

- F. Charter School Application Review

A committee reporting to the Superintendent shall review all charter school applications using an evaluation instrument developed by the Department of Education. The Superintendent shall make recommendations to the Board. The Board must by a majority vote approve or deny all applications no later than sixty (60) days after the completed application is received, unless a waiver to extend the sixty (60) day window is mutually agreed upon in writing, per Section 1002.33(6)(b) 3, F.S.

- G. Selection Criteria

The Board shall consider the criteria set forth in the charter school law codified in Section 1002.33, F.S., to evaluate applications for charter school approval.

- I. Members of the Review Committee

The Review Committee shall be comprised of the following district administrative staff, subject area specialists, and department representatives:

- a. School Board General Counsel, or designee;
- b. Assistant Superintendent – Human Resource Services, or designee;
- c. Assistant Superintendent – Operations, or designee;
- d. Assistant Superintendent – Business and Finance Services or designee;
- e. Assistant Superintendent – Curriculum and Instruction, or designee;
- f. Director – Department of Alternative Education;
- g. Director – Elementary Education;
- h. Director – Middle School Education;

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- i. Director – High School Education;
- j. Subject Area Specialists; and
- k. Community member to be appointed by the Superintendent or designee

2. Review of Charter School Applications by Review Committee

The Review Committee shall review all applications and by majority vote make a recommendation for approval or denial of each application to the Superintendent who shall take such recommendation to the Board for its approval or denial of a charter school application. A copy of the review committee notes will be provided to the charter school applicant and any timely responses to the charter review committee comments from the charter school applicant will be forwarded to the Board along with the charter review committee's notes. The Superintendent and the Board will consider responses to specific questions raised by the Charter Review Committee; however, no deletions, additions or substantive changes to the application will be considered after submittal for the review process.

- a. All applications will be submitted to the Board with an explanation of the review committee's recommendation for approval or denial, including the committee vote.
- b. The Board will vote on all applications unless an applicant withdraws the application on or before the interview with the charter review committee.

(6) Charter Renewal, Nonrenewal or Termination

- A. No later than the first working day in November of the final year of the charter, the governing board of the charter school shall submit a copy of the Department of Education's Charter Renewal format to the Department of Alternative Education. The renewal format will be made available to the charter school on or before the last working day in July of the final year of the charter. The renewal format should be a well-supported explanation of why the charter should be renewed and must answer the following questions:

- 1. Is the academic program successful?
- 2. Is the school a viable operation?
- 3. Is the program and operation faithful to the terms of its charter?

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- B. At the end of the term of a charter, the Board may choose not to renew the charter for any of the following grounds:
1. Failure to participate in the state's education accountability system created in Section 1008.31, F.S., as required by law, or failure to meet the requirements for student performance stated in the charter.
 2. Failure to meet generally accepted standards of fiscal management.
 3. Violation of law.
 4. Other good cause shown.
- C. During the term of a charter, the Board may terminate the charter for any of the grounds listed above.
- D. At least ninety (90) days prior to renewing or terminating a charter, the Board shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within fourteen (14) calendar days after receiving the notice, request an informal hearing before the Board. The Board shall conduct the informal hearing within thirty (30) calendar days after receiving a written request.
- E. If a charter is not renewed or is terminated pursuant to paragraph C, the Board shall, within ten (10) calendar days, articulate in writing the specific reasons for its nonrenewal or termination of the charter and must provide the letter of nonrenewal or termination and documentation supporting the reasons to the charter school governing body, the charter school principal, and the Department of Education. The charter school's governing body may, within thirty (30) calendar days after receiving the Board's final written decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established by Florida Statutes.
- F. A charter may be terminated immediately if the Board determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The Board shall notify in writing the charter school's governing body, the charter school principal, and the Department of Education if a charter is immediately terminated. The Board shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. The Board shall assume operation of the school under these circumstances. The charter school's governing board may, within thirty (30) days after receiving the Board's decision to terminate the charter, appeal the decision pursuant to the procedure established by Florida Statutes.

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- G. The Board and each charter school's governing board shall enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Board.
- H. When a charter is not renewed or is terminated, disposition of unencumbered funds from the charter school and all Board property and improvements, furnishings, and equipment purchased with public funds, and responsibility for all debts of the charter school shall be governed by the statute and the charter.

(7) Facility

It is the responsibility of the applicant to have an appropriate facility consistent with all applicable Florida Statutes, or provide evidence that one will be available for the beginning of the school year. Appropriate facility documentation, as determined by the Board, shall be provided to the district no later than the first working day in July unless mutually agreed upon by the charter school and the Board.

(8) Management Companies

- A. If a management company will be managing the charter school, the contract between the management company and the governing body of the charter school shall be submitted to the District as a part of the charter application or the application will not be reviewed.
- B. The contract between the governing body of the charter school and the management company shall require that the management company operate the charter school in accordance with the terms stipulated in the charter and all applicable state and federal laws, ordinances, rules, and regulations.
- C. The requirements of this provision shall be included in the charter.
- D. In the event a charter school wishes to contract with a management company after the charter school contract has been approved by the Board, the charter school shall request an amendment to the charter contract before entering into an agreement with a management company.

(9) Employees

- A. A charter school shall select its own employees.
- B. Charter school employees must meet certification requirements as stated in Chapter 1012, F.S., and must meet eligibility requirements for a Florida Educator's Certificate. All instructional staff hired at a charter school shall receive verification of certification eligibility through the district's Human Resources Department.

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- C. All applicants for instructional and non-instructional positions shall be fingerprinted and processed as required by Section 1012.32, F.S. The cost of fingerprinting will be borne by the school or the applicant. Employees shall be on probationary status pending fingerprint processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The school shall dismiss employees whose fingerprint check results reveal non-compliance with standards of good moral character.
 - D. All members of the governing body shall be fingerprinted as required by Section 1012.32, F.S. The cost of fingerprinting will be borne by the school or the member. Members of the governing body shall be on probationary status pending fingerprint processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The governing board shall replace members whose fingerprint check results reveal non-compliance with standards of good moral character.
 - E. All applicants for instructional and non-instructional positions and all members of the governing body shall be fingerprinted within ten (10) working days of their appointment as an employee or governing body member.
 - F. Conversion charter school employees will become employees of the charter school upon commencement of the charter school contract. Board employees who elect to teach at a charter school may request leave as provided in Section 1002.33(12)(e), F.S.
 - G. Charter schools must provide full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decision-making authority pursuant to Section 1002.33(24), F.S.
- (10) The Superintendent shall report in writing to the Board at the regular workshop in the months of September, December, March and June, regarding each charter school in the district. The report shall contain
- A. Data on the charter school's employees as required by Florida Law, including status of certificated personnel, evidence of fingerprinting, discipline, salaries and benefits of employees, termination's, hires and in-service status.
 - B. Updated financial status of the charter school monthly statements which include Statement of Revenues, Expenditures, and Changes in Fund Balances, separate Balance Sheet, Yearly Audit Report and student enrollment figures.
 - C. Updates to capital outlay plan, including property and facilities status, and capital outlay expenditures.

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- D. Student performance and demographic data, including status and progress of ESE students, and minority recruitment efforts.
 - E. Status of progress toward goals stated in the School Improvement Plan for charter schools.
 - F. Schedule of courses offered and academic program focus.
 - G. Verification that the school is participating in the District's K-12 Comprehensive Reading Plan or has its own reading initiative which is aligned with the Just Read, Florida! K-12 Comprehensive Plan for Reading.
 - H. Result of school bus inspections and status of bus fleet.
 - I. Safety updates, including report on adequacy of facilities, procedures for the administration of medication and CPR certification.
 - J. List of the names of the Board of Directors, evidence of fingerprinting of the same, evidence of a quorum at each meeting of the Board of Directors, and minutes of each Charter Board Meeting.
 - K. Evidence of regular compliance with Government in the Sunshine Act, Section 286.011, F.S., and the Florida Public Records Act, Chapter 119, F.S.
 - L. Any other information relevant to compliance with the charter agreement and the Board's oversight responsibilities as provided by law.
- (11) The Superintendent shall seek the cooperation of each charter school in preparing the reports identified in (I) above, and shall take steps to insure that any contractual amendments are recommended to the Board to ensure compliance with this rule.
- (12) The Superintendent shall offer charter schools any training that is required to facilitate the compilation and transmittal of the information required by this rule.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 1002.33, F.S.

History: New: 09/23/03. Revised/Amended: 05/17/05; 06/20/06; 12/18/07; 10/20/09; 10/27/09; 01/19/10; 04/19/11; 12/13/11; 01/22/13; 05/20/14.