

# Clay County Charter School Plan



Approved December 20, 2007  
Amended October 16, 2008

David Owens, Superintendent

School Board:

District I: Carol Vallencourt

District II: Carol Studdard

District III: Charles E. Van Zant, Jr.

District IV: Wayne Bolla

District V: Lisa Graham

**CHARTER SCHOOLS:**

**I. Purpose and Intent of Plan**

The School Board of Clay County, Florida, pursuant to Florida Statutes 1002.33, 1001.41, establishes charter schools for the following purposes: to improve student learning and academic achievement; to increase learning opportunities for all students with special emphasis on low-performing students and reading; to encourage the use of innovative learning methods; to increase choices of learning opportunities for students; to establish a new form of accountability for schools; to require the measurement of learning outcomes and create innovative measurement tools; and to create new professional opportunities for teachers. Charter Schools in Florida shall be guided by the following principals: Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system; promote enhanced academic success and financial efficiency by aligning responsibility with accountability; 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. Charter schools are fully recognized as public schools. Florida's Charter School Legislation, Florida Statutes 1002.33, is incorporated herein by reference and made part of this rule.

LAW IMPLEMENTED: 1002.33 F.S.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE:

PLACE: Clay County School Board Administration Building, 900 Walnut Street, Green Cove Springs, Florida 32043.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:  
Assistant Superintendent for Instruction, Clay County School Board.

**II. 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 Clay County school district may apply for enrollment in a charter school as provided by 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 School Board.
- C. If the number of eligible students applying to attend a charter school exceeds that school's capacity, students shall be selected at random using a lottery system defined by the charter operator. A charter school, which maintains its own enrollment process, must maintain a record of students who apply to the school, whether or not they are eventually enrolled. A twelve-month record (July 1<sup>st</sup> – June 30<sup>th</sup>) shall be submitted to the school district upon request.
- D. The selection and enrollment of students in charter schools shall be governed by the applicable desegregation court orders and all federal and state law prohibiting discrimination based on the student's race, color, national origin, sex, disability, marital status, or parental status.
- E. The charter school must maintain both active and archival records for current and former students. The school 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 another school, must be transferred to the school district in accordance with state law. Records of student progress must be transferred to the designated school if the student is returning to the Clay County District Schools.

#### F. Withdrawal and Transfer of Charter School Students

1. Parent/legal guardian may withdraw a student from a charter school at any time. Such students either will return to their regularly assigned school or to another public school with an appropriate program, or, if the regularly assigned school is the charter school, to another school in accordance with School Board policy.
2. If a charter school student is withdrawn or expelled from a charter school and has committed an expellable act as defined by School Board policy, then the student may be denied enrollment in a Clay County district school, or be assigned to the appropriate expulsion abeyance program as defined by School Board policy.
3. A charter school may not withdraw or transfer a student involuntarily. A charter school is obligated to notify and send official student records to the school district when students are withdrawn or transferred from the charter school.
4. The first open enrollment for charter school students is ten working days of the school year beginning with the first date of school. The second enrollment period is the first ten working days of the second semester. The only exception to these open enrollment periods is if the student has not attended school during the current school year in Clay County schools.

**III. Eligibility for Charter School Application:** The School Board may sponsor charter schools, which may serve any grade or combination of grades from Pre-Kindergarten through Grade 12. Eligible proposers 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; or
- F. A developmental research school

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

#### **IV. 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.

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.

#### **V. 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 School Board in writing of such interest in order to receive an application packet prior to the application deadline of August 1<sup>st</sup>. Applicants who are planning to submit a proposal by the August 1<sup>st</sup> deadline should send a letter of intent to the Office of the Assistant Superintendent for Instruction on or before the first working day in July.
- B. Application Deadline: All completed applications must be received in the appropriate designated district office no earlier than the first workday in June and no later than 4:00 p.m. on August 1<sup>st</sup> 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 may not be considered for a charter for the next school year. If the deadline mentioned herein falls on a Saturday, Sunday or legal holiday, such deadline shall be extended to 4:00 p.m. on the next day that is not a Saturday, Sunday or legal holiday.
- C. Applications: Applications must be in compliance with the Florida Charter Schools standard application format and the statute. In addition, the application must address plans for food service. A single application is required for each site with any grade configuration within Pre-K through grade eight. A separate application must be submitted for any grade configuration within grades nine through twelve 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.
- D. Applicants will be scheduled for an interview by the Assistant Superintendent for Instruction upon receipt of the completed charter

application by the Office of the Assistant Superintendent for Instruction. 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 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 Office of the Assistant Superintendent for Instruction. Information provided during these interviews will be shared with the Charter School Application Review Committee, the Superintendent and the School Board.

- E. Charter School Application Review Committee: The Charter School Application Review Committee reporting to the Superintendent of Schools shall review all charter school applications. The Superintendent shall make recommendations to the School Board. The School Board must by a majority vote approve or deny all applications no later than sixty (60) days after the completed application is received.
- F. Selection Criteria: The School Board shall consider the criteria set forth in the charter school law codified in Florida Statutes 1002.33, to evaluate applications for charter school approval:
- G. Review Committee:
  - 1. Members of the Charter School Application Review Committee: The Charter School Application Review Committee shall be comprised of the following persons:
    - a. Superintendent, or designee;
    - b. Deputy Superintendent, or designee;
    - c. School Board General Counsel, or designee;
    - d. Assistant Superintendent for Human Resource Services; or designee;
    - e. Assistant Superintendent of Support Services, or designee;
    - f. Assistant Superintendent for Instruction, or designee;
    - g. Assistant Superintendent for Business Affairs or designee;
    - h. Chief Information Officer or designee;
    - i. Director for School Improvement/Professional Development and Assessment
    - j. Director of Elementary Education or designee; or
    - k. Director of Secondary Education or designee;
    - l. Director of Code Enforcement or designee;
    - m. Director of Transportation or designee;
    - n. Director of Food Service or designee;
    - o. ~~A community member to be appointed by the School Board~~
  - 2. Review of Charter School Applications by the Charter School Application Review Committee:

- a. The committee will be chaired by the Assistant Superintendent of Instruction
- b. The committee will be responsible for the following:
  - i. Review the application based upon the matrix
  - ii. Collect data
  - iii. Submit findings to the Superintendent

~~The Charter School Application Review Committee shall review all applications and by majority vote make a recommendation for acceptance or denial of each application to the Superintendent who shall take such recommendation to the School Board, at a regular scheduled Clay County School Board meeting, for it to vote on the approval or denial of a charter school application.~~

The Superintendent will receive the completed rubric from the Charter Application Review Committee with supporting documentation from which to make a recommendation to the School Board, at a regular scheduled Clay County School Board meeting. The Clay County School Board will vote to approve or deny the 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 School Application Review Committee comments from the charter school applicant will be forwarded to the school board along with the Charter School Application Review Committee's notes. The Superintendent and the School Board will consider responses to specific questions raised by the Charter Review Committee; however, no deletions, additions or major changes to the application will be considered after submittal for the review process.

- a. All applications will be submitted to the School Board with an explanation of the review committee's ~~recommendation for acceptance or denial, including the committee vote.~~ findings and the Superintendent's recommendation for approval or denial.
  - b. The School Board will vote on all applications.
3. Mediation Procedures: The School 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 School Board to allow as much autonomy for these schools as possible. At the same time, the School Board recognizes its responsibility for the educational achievement, safety, and welfare of all public school students. For that reason, the following mediation procedures are established:

- a. Individuals or parties that wish to address disputes regarding a charter school should bring their concerns to the school administration and/or the board of directors of the charter school. If the dispute cannot be resolved at the school level or by the board of directors of the charter school, the individual or party may bring the matter before the School Board. All parties may avail themselves of the opportunities provided under Florida Statutes pertaining to mediation services as defined in charter school law.
- b. As with all district public schools, the Superintendent of Schools or his designee may investigate issues that are brought to his attention that may affect the immediate safety and welfare of students.

## **VI. Charter Renewal**

A. No later than the first working day in November of the last year of the charter, the governing body of the charter school shall submit a completed copy of the Clay Renewal Document to the Assistant Superintendent for Instruction of the school district. The renewal document template shall 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 document must be a sound, well-supported explanation of why the Clay School Board should renew a school's charter. Key questions answered in the renewal document include:

- Is the academic program a success?
- Is the school a viable organization?
- Is the school's program and operation faithful to the terms of its charter?

A renewal charter's focus should rest on demonstrated, documented performance. A successful renewal document must be able to stand on its own as a clear and credible explanation, addressing both the school's strengths and weaknesses, of why the school's charter should be renewed. The explanation must be complete, and must not require further explanation or clarification by the school.

B. The Charter Review Committee shall review each of the renewal documents within ninety (90) days of receipt of the renewal document and make recommendations for acceptance or denial of each request for renewal to the Superintendent of Schools. The Superintendent shall submit all requests for renewals to the School Board within thirty (30) days with a recommendation for approval or denial. The School Board shall vote on the Superintendent's recommendation within sixty (60) days of receiving the recommendation.

## **VII. Charter Nonrenewal or Termination**

A. At the end of the term of a charter, the Clay County School 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 F. S. 1008.31, 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.

B. During the term of a charter, the Clay County School Board may terminate the charter for any of the grounds listed in paragraph (a) of this section.

- C. At least 90 days prior to renewing or terminating a charter, the Clay County School Board shall notify the governing body of the school of the proposed action in writing by certified mail, return receipt requested. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the Clay County School Board. Such request shall be in writing and mailed to the Superintendent of Schools by certified mail, return receipt requested. The Clay County School Board shall conduct the informal hearing within 30 calendar days after receiving a written request.
- D. If a charter is not renewed or is terminated pursuant to paragraph C, the Clay County School Board shall, within 10 calendar days, articulate in writing, sent by certified mail, return receipt requested, 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 governing body of the charter school, the charter school principal, and the Department of Education. The governing body of the charter school may, within 30 calendar days after receiving the Clay County School Board's final written decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established by Florida Statutes.
- E. A charter may be terminated immediately if the Clay County School Board determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The Clay County School Board shall notify in writing the governing body of the charter school, the charter school principal, and the department if a charter is immediately terminated. The Clay County School 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. Written notification shall be sent by hand delivery or certified mail, return receipt requested as required by the existing circumstances. The Clay County School Board shall assume operation of the school under these circumstances. The governing board of the charter school may, within 30 days after receiving the Clay County School Board's decision to terminate the charter, appeal the decision pursuant to the procedure established by Florida Statutes.
- F. The Clay County School Board and each governing board of the charter school 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 Clay County School Board.

## **VIII. Transportation and Food Services**

- A. Responsibility of Charter Schools: Transportation and food services are the responsibility of charter schools, and must be provided according to district, state, and federal rules and regulations.
- B. Contract with School Board: If mutually agreed upon and resources are available, a charter school may contract with the School Board for transportation and/or food services, or may contract with a private provider.

## **IX. Governing Board Duties**

The governing board of the charter school shall:

- A. Annually adopt and maintain an operating budget.
- B. Exercise continuing oversight over charter school operations.
- C. Report its progress annually to the Clay County School Board, which shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports.

## **X. Facility**

- A. 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 by the beginning of the school year.
  - 1. Appropriate facility documentation (lease agreement), as determined by the Sponsor, shall be provided to the school district no later than the first working day in July unless mutually agreed upon by the charter school and the sponsor.
  - 2. Evidence that all applicable codes have been met shall be provided to the sponsor(three weeks prior to school opening).
- B. In order to be eligible for a capital outlay funding allocation, a charter school must:
  - 1. Have been in operation for 3 or more years;
    - a. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds; or
    - b. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools.
  - 2. Have financial stability for future operation as a charter school.
  - 3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.
  - 4. Have received final approval from its sponsor pursuant to s. 1002.33 or 1002.335 F.S. for operation during that fiscal year.
  - 5. Serve students in facilities that are not provided by the charter school's sponsor.

- C. In the event the charter school elects to enter into lease agreements for real property, it shall be the responsibility of the school to obtain any and all necessary inspections, permits and approvals prior to occupancy and use of such premises for school purposes. The School shall consider the term of its charter when negotiating the length of any leases into which it may enter. Prior to entering into any lease for a term that does not end coincident with the renewal date of its charter contract; the charter school shall provide the School Board a written plan to ensure a facility consistent with state and federal law and the terms of the charter contract.
- D. The charter school's opening date shall be consistent with the beginning day for students as designated on the approved school district calendar, unless the School Board allows a waiver of this provision for good cause. A charter school shall provide instruction for at least 180 days and may provide instruction for additional days. Reimbursement for additional days of instruction will be subject to the limits of the Florida Education Finance Program, General Appropriations Act and other rules or programs that restrict funding to the district.
- E. Conversion charter schools may use capital outlay funds received through the reduction in the administrative fee provided in s. 1002.33 (20) F.S. for renovation, repair, and maintenance of school facilities that are owned by the sponsor.

## **XI. Funding**

- A. Florida Education Finance Program: Funding for a charter school shall be the proportionate share (based on FTE) of appropriate funds, including FEFP and categorical funds of district operating and capital funds from the Florida Education Finance Program as prescribed by DOE.
- B. Federal Funds: Federal funds received by the school district for the provision of services shall be used to provide charter school students the level of services provided to other students enrolled in schools operated by the School Board as appropriate in consideration of the provisions of the funding sources.
- C. Total funding shall be recalculated during the school year to reflect actual weighted FTE students reported by the charter school during the FTE student survey periods.
- D. A charter school shall not levy taxes or issue bonds secured by tax revenue.

- E. Any administrative fee charged by the School Board for a charter school shall be limited to five percent (5%) of available funds for the first 500 students. For charter schools with a population of 501 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2) F.S. The School Board shall provide certain administrative and educational services to charter schools at no additional fee. These services shall include contract management services, FTE and data reporting, exceptional student education administration, services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school; test administration, teacher certificate data processing, and information services. Additional service may be provided at cost, based on mutual agreement.
- F. The charter schools shall prepare and submit monthly financial reports to the designated charter contact in the Clay County School Board financial office. Each charter school shall provide an audited annual financial report by September 30 of each year. Such audits shall be in conformance with applicable DOE and OAG requirements.
- G. When a charter is not renewed or is terminated, disposition of unencumbered funds from the charter school and all School 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. The School Board reserves the right to assume any contracts to lease or option to purchase entered into by the charter school.
- H. The School Board shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. The School Board may distribute funds to a charter school for up to three (3) months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. Payment shall be made to the charter school no later than ten (10) working days after the School Board receives a distribution of state or federal funds. If a warrant for payment is not issued within ten (10) working days after receipt of funding by the School Board, the School Board shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of one percent (1%) per month calculated on a daily

basis on the unpaid balance from the expiration of the ten (10) working days until such time as the warrant is issued. Payment shall be on a monthly basis in arrears based upon the estimated number of FTE students enrolled during the FTE survey periods. The final payment during any fiscal year shall be adjusted to reflect the number of actual FTE students in membership during the FTE survey periods.

- I. Information Services will provide the charter school a Survey 2 list of students enrolled in ESE by March 1 each year. Gifted students are not calculated in the Survey 2 count for purposes of IDEA funding. By April 1st, charter schools must submit a proposed budget to the District ESE Department for the upcoming school year to be eligible for the disbursement of IDEA funds. IDEA funds are calculated on the prior year's Survey 2 count as per DOE's Memorandum dated May 1, 2006 which reads, "Beginning with the 2006-07 school year, districts will no longer be required to submit survey 9 data for exceptional students. Instead, data collected during the October survey will be used to fulfill the data reporting requirements under the Individuals with Disabilities Education Act (IDEA)." The ESE funding will be prorated based on the number of non-gifted ESE students. Non-gifted ESE students who were enrolled on that date will constitute the student population for IDEA funding purposes. IDEA funding for new charter schools not in operation the previous year will be determined by a student count (gifted excluded) conducted on the date of the grant notification and also enrolled in ESE on the prior Survey 2 count. This will constitute the student population for IDEA funding purposes. These procedures will provide the same level of funding and services as students in the schools operated by the District School Board.
- J. If a charter school internal audit or annual financial audit reveals a state of financial emergency as defined in s. 218.503 F.S. or deficit financial position, the auditors are required to notify the governing board of the charter school, the sponsor, and the Department of Education pursuant to the requirements of Florida Statute 1002.33 (7) (a) 10.

## **XII. 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 school district prior to the approval of the charter.
- 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 laws, ordinances, rules, and regulations.

C. The requirements of this provision shall be included in the charter.

### **XIII. Curriculum**

- A. Charter schools are public schools and represent a part of the continuum of ESE services.
- B. Charter schools who in their charter have elected to not follow the District's Special Programs and Procedures (SP&P) document will provide the District with a written document comparable in content and scope as established in the current SP&P.
- C. Individual Education Plans (IEP) will not reflect specific methodologies but rather goals and objectives that will address education needs.
- D. For purposes of audit, compliance, and District reporting systems, charter schools will conform to District methodology.
- E. Charter schools must document compliance with the statutory requirement to utilize the Sunshine State Standards within the school's curriculum. This documentation shall be included in the annual report and renewal documentation; and shall be made available within three (3) working days at the request of the Office of Charter Schools.
- F. A person or entity wishing to open a charter school shall prepare an application that:
  - 1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
  - 2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
  - 3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated and specific results to be attained through instruction.
  - 4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

### **XIV. Local Education Agency (LEA)**

The District will provide a staffing specialist to serve as the Local Education

Agency (LEA) when the IEP meeting is considering an initial placement, change in placement, a dismissal from a program or a change in personnel assignments or reassignments. Staffing differences shall be resolved through established procedures listed in the Procedural Safeguards Pamphlet (IDEA, Part B Regulations: 34 C. F. R. 300.54).

#### **XV. Insurance and Indemnification**

- A. The governing body and employees of a charter school are governed by Section 768.28, Florida Statutes. In accordance with Section 768.28, the governing body and employees of charter schools shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before the judgment. The governing body and employees of charter schools shall not be liable to pay a claim or judgment by any one person which exceeds the sum of one hundred thousand dollars (\$100,000) or any claim or judgment or portions thereof, which, when totaled with all other claims or judgments paid by the charter school arising out of the same incident or occurrence, exceeds the sum of two hundred thousand dollars (\$200,000) except as provided by Florida law.
- B. The School Board of Clay County, Florida will not be held liable for any claim, action, loss, damage, injury, liability, cost or expense of whatsoever kind or nature including, but not by way of limitation, attorney's fees and court costs arising out of injury to persons or damage to property arising out of any injury to persons or property damage as a result of the negligence of the charter school or its agents, employees, invitees, or contractors.
- C. The charter school must maintain appropriate Commercial General Liability Insurance, Automobile Liability Insurance, Workers' Compensation Insurance and Professional Liability Insurance. The School Board of Clay County, Florida must be listed as an additional named insured on these policies.

#### **XVI. Employees of Charter Schools**

- A. A charter school shall select its own employees.
- B. Pursuant to Section 1002.33 (12) F. S. Charter school employees must meet certification requirements as stated in Chapter 1012, Florida Statutes, and must meet eligibility requirements for a Florida Educator's Certificate.
- C. General drug screening shall be conducted on all applicants for instructional and non-instructional positions with the charter school. A negative drug screen shall be a requirement for employment. The

processing of each employee's drug screening shall be coordinated through the school district. The cost of drug screening shall be borne by the charter school or the applicant.

- D. All applicants for instructional and non-instructional positions shall be fingerprinted and processed as required by Section 1012.32, and other applicable Florida Statutes, and in accordance with Clay County School Board administrative procedures. The Sponsor shall perform the processing of each applicant's fingerprints. 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 or requirements of Florida law.
- E. All members of the governing body shall also be fingerprinted by the school district as required by Section 1012.32, and other applicable Florida Statutes. The sponsor shall perform the processing of each member's fingerprints. 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 or requirements of Florida law.
- F. 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.
- G. Conversion charter school employees will become employees of the charter school upon commencement of the charter school contract. Clay County School Board employees who elect to teach at a charter school may request charter school leave. Upon agreement between the sponsor and the charter school, schools-within-a-school, which converts to charter status, may elect to have the school-within-a-school employees remain Clay County School Board employees.
- H. Employees of the school district may take leave for one year (if they have continuing contract or professional services contract) to accept employment in a charter school upon the approval of the School Board. While employed by the charter school and on board approved leave, they shall maintain seniority accrued in the School District but not within the charter school. The benefit program is the responsibility of the charter school and the employee during the period of time the

employee is employed by the charter school. The employee is no longer eligible for District benefits.

### **XVII. Charter Amendments**

- A. A charter school's charter may be modified during its initial term or any renewal term upon the recommendation of the Instructional Division staff or the charter school governing board and the approval of both parties to the agreement.
- B. The charter governing board shall request a charter amendment in writing, using standard strikethrough and underline draft format. The charter school amendment request shall include the rationale for the change, and the expected impact of the change on the charter school, students, staff and district. The letter requesting a charter amendment will be submitted to the Assistant Superintendent of Instruction of the Clay County School Board. Staff from the Instructional Division, in consultation with the legal department and other district staff, shall make a recommendation to the Superintendent within thirty (30) days of receiving the charter amendment request. The Superintendent shall make a recommendation to the Clay County School Board regarding the charter amendment. The Clay County School Board shall vote on the Superintendent's recommendation within thirty (30) days of receiving the recommendation. The governing board of a charter school shall have thirty (30) days to act on a charter amendment received from the Clay County School Board staff.
- C. If a charter school amendment is recommended, but cannot be agreed upon by both parties, the alternative dispute measures outlined in a charter school's contract may be invoked by either party.

**XVIII. Monitoring of Charter School's Performance:** In furtherance of the School Board's statutory authority and responsibility as sponsor of all charter schools, to monitor each charter school's performance and compliance with the applicable charter, the charter school statute, and this policy, a Charter School Monitoring Committee shall carry out those tasks described below:

- A. **Monitoring and Oversight:** The Charter School Monitoring Committee shall meet as needed to determine progress towards the goals established in the charter and shall serve to assist in matters of dispute between the sponsor and the charter school. The committee shall advise as to any other actions that should be taken by the Superintendent or as to any recommendation that the Superintendent might make to the School Board to resolve such disputes.
- B. **Charter School Monitoring Committee Membership:** The Charter School Monitoring Committee shall consist of the following members:
  - 1. Assistant Superintendent for Instruction who shall act as Chair;

2. Director for School Improvement/Professional Development and Assessment or designee;
  3. Assistant Superintendent for Business Affairs or designee;
  4. School Board General Counsel or his designee;
  5. At the discretion of the Assistant Superintendent for Instruction, in consideration of the nature of the charter school's educational program and the age or grade level of its students other directors or department heads may be added to the Charter School Monitoring Committee from time to time.
- C. Charter School Responsibilities: It shall be the governing board of the charter school's responsibility to provide written documentation, via its annual report, to show the level at which the charter school is achieving the goals as set forth in the charter. The report shall, at a minimum, include the following components:
1. Student achievement performance data, including the information required for the annual school report and the education accountability system governed by F.S. 1008.31 and 1008.345. Charter schools are subject to the same accountability requirements as other public schools, including reports of student achievement information that links baseline student data to the school's performance projections identified in the charter. The charter school shall identify reasons for any difference between projected and actual student performance.
  2. Financial status of the charter school which must include revenues and expenditures at a level of detail that allows for analysis of the school's ability to meet financial obligations and timely repayment of debt.
  3. Documentation of the facilities in current use and any planned facilities for use by the charter school for instruction of students, administrative functions, or investment purposes.
  4. Descriptive information about the charter school's personnel, including salary and benefit levels of charter school employees, the proportion of instructional personnel who hold professional or temporary certificates, and the proportion of instructional personnel teaching in-field or out-of-field.
- D. Evaluation of Annual Report Data: Each charter school's annual report will be reviewed and analyzed by the school district's Director of School Improvement/Professional Development and Assessment, in conjunction with the Assistant Superintendent for Instruction. An analysis comparing the charter school's standardized test scores to those of other district schools with similar student populations, will also be conducted; the results of the annual review conducted by the Assistant Superintendent shall be transmitted to the School Board and the Commissioner of Education; and at the time of charter renewal,

evaluative data pertaining to the charter school will be provided to the School Board at least thirty (30) days prior to the date on which renewal of the charter will be considered for approval or denial.

- E. Financial Audit Recommendations: The charter school director and each member of the governing board will receive a copy of financial audit findings and recommendations. The charter school shall respond to all financial audit findings and recommendations in writing to the governing board and sponsor within 10 working days, unless the time to respond is altered by mutual agreement. The response shall include proposed corrective action(s), as required.

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, 1001.43  
Laws Implemented: Florida Statutes 1002.31(8), 1002.33, 1002.335, 1008.31, 1012.32, 1013.62, and Florida Administrative Code 6A-6.0781