

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.

I. 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 Florida corporation not-for-profit or other 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
 - 3) Start-Up Date
 - 4) Planning year
 - 5) Facility Licensing/Zoning Date
 - 6) Charter Modification
 - 7) Charter Renewal
- C) Nonprofit Organization
- D) Statutory Requirements pursuant to Section 1002.33 (9), Florida Statutes
 - 1) General Statutory Requirements
 - 2) Other Applicable Law including IDEA, Section 504, ADA (Note Mike M. offered to send language from authorizers)

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- 3) Class Size
- 4) Dispute Resolution
- 5) Educational Program and Curriculum

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⇒ Non-Renewal/Cancellation and Termination

- 1) Non-Renewal provisions
- 2) Duties of Sponsor and School under Pendency of Appeal
- 3) Ninety (90) Day Termination
- 4) Immediate Termination
- 5) Good cause provisions
- 6) Post Termination provisions
 - a) Notice from the Sponsor; Appeal
 - b) Notice from the School
 - c) Financial & Operational Records Upon Termination or Expiration
 - d) Student Records Upon Termination or Expiration
 - e) Property/Assets
 - f) Debts Upon Non-Renewal
 - g) Student Enrollment Upon Non-Renewal
 - h) Leases upon Non-Renewal
 - i) Assets upon Non-Renewal

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II. Academic Accountability

- A) Student Performance: Goals and Outcomes
- B) State Measures/ Accountability Plans that include performance targets
- C) Student Promotion
 - 1) School student promotion policy consistent with the approved application unless otherwise agreed upon by both parties.
 - 2) Graduation Requirements
- D) Assessment Program
 - 1) State Standard Assessments
 - 2) District-wide Assessments
 - i. no statutory requirement for charter to participate
 - ii. no statutory requirement requiring charter to pay for assessments if participating
 - 2)iii. costs for district wide assessments included in 5% authorizing/sponsorship oversight fee.
 - 3) Other Assessment tools as stated in approved Application
- E) Data Access and Use
 - 1) Access format, timeframes, content
 - 2) Use, analysis, etc.
 - 3) Fees (if applicable)
- E) Reporting of Student Performance data
 - 1) Reported in standard state determined format (see 'F' below – not clear what format sponsors are suggesting.)
- F) Annual Report as required by statute

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III. Students

- A) Eligible Students
- B) Grades Served
- C) Class Size
- D) -Projected enrollment by XX date annually
- E) Total Capacity
- F) Admissions and Enrollment Plan Appendix 3
- G) Extra Curricular Activities
- H) Student Records
- I) Exceptional Student Education
 - 1) Federal, state and local policies and procedures
 - 2) Sponsor's responsibilities
 - 3) School responsibilities
 - 4) Services not covered by the five percent (5%) administrative fee
 - 5) Non-discriminatory policy
 - 6) Provision of services
 - 7) Programs and Procedures for Exceptional Students Appendix 4
 - 8) Due Process Hearing
- J) 504 Students
- K) English Language Learners
- L) Discipline

Comment [SMB1]: Refer to statutory language requiring annual projection by governing board of school in conjunction with sponsor.

Comment [SMB2]: SMB Note:
I have language asking DOE to provide some language regarding sponsor and school responsibilities under ESE.

From the 4.30.10 sponsor meeting I have notes that indicate sponsor interest in providing language to FL DOE to clarify IDEA revenue issues, the need to define priorities, define what constitutes ESE administrative services, etc.

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IV. Financial Accountability

- A) Revenue pursuant to Section 1002.33 (17), Florida Statutes
- 1) State Funds FEFP Guidelines pursuant to 1011.62, Florida Statutes
 - a) Florida Education Finance Program (FEFP)
 - b) Student Reporting
 - c) Discretionary funds
 - d) Millage levy, if applicable, as in current effect (leave if applicable)
 - e) categorical funds
 - 2) Federal Funding
 - a) Title I
 - b) IDEA
 - c) Federal Grants
 - d) Other federal funds
 - 3) Other Funds
 - a) Other Grants
 - b) Other donations
 - c) Capital Outlay
 - d) Additional Revenues (such as community services, after school funds, internal funds)
- B) Administrative Fee
- 1) Up to 5% Administrative Fee retained by Sponsor (see statute § 20)
 - 1) List of services provided by Sponsor under the 5% administrative fee
 - 2) Contracted Services
- C) Funding Pursuant to Section 1002.33(17), Florida Statutes
- 1) Distributions
 - 2) ~~Funding Adjustment for Noncompliance~~
 - 3) Over Capacity
 - 4) Participation in Appeals of FTE Audits
 - 5) Funding Calculation Revisions
 - a) Funding Adjustments
 - b) Holdback/Proration
- D) Other Fee Limitations (1002.33 (9) cd) & (1)
- E) Budget
- 1) Start-up Funding/Budget
 - 2) Annual Budget
 - 2) Amended Budget

Comment [SMB3]: From 4.30.10 Sponsor meeting: A question on instructional materials. Are charters eligible? FL DOE indicates this information is covered in statute and does not need to be covered here but some question on charters being exempt as a matter of mission. Need clarity.

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- F) Financial Records, Reports and Monitoring
 - 1) Financial and Program Cost Accounting and Reporting for Florida Schools
 - 2) Financial Reports
 - a) Monthly Financial Reports
 - b) Property Inventory
 - c) Cost Report
 - d) ~~Unaudited Financial Statement~~
 - e) Annual Financial Audit
 - f) Form 990
 - 3) School's Fiscal Year
 - 4) Financial Recovery Plan and Corrective Action Plan
 - a) Notification
 - b) Financial Recovery Plan
 - c) Reporting
- G) Fiscal Monitoring
 - 1) Deteriorating Financial Conditions

Comment [SMB4]: cite relevant statute

Comment [SMB5]: Should this be moved to defined monitoring?

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V. Facilities

- A) 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
- B) Location
 - 1) School's Street Address with folio number, if identified
 - 2) Temporary Facility
 - 3) Relocation
 - 4) Additional Campuses
- C) Prohibition to affix Religious or partisan political symbols, statues, artifacts, on or about the facility
- D) Disaster Preparedness Plan
- 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) Municipal Sponsored Charters
 - a) Ownership
 - b) Identification of ancillary services and uses
 - c) Services negotiated separately with the Sponsor
 - d) Default of debt issued to finance site or facility
 - e) Financing of facility or future facilities and/or improvements
 - 3) Workplace Sponsored Charters
 - a) Ownership
 - b) Identification of ancillary services and uses
 - c) Services negotiated separately with the Sponsor
 - d) First right of refusal in case of termination
 - e) Default of debt issued to finance site or facility
 - f) Partnerships (identification of/and relationships)

Comment [SMB6]: Charter Leaders suggest placing this in Misc. section under "Items school to provide annually to sponsor."

Comment [SMB7]: KEEP

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VI. Transportation

- A) Statutory Compliance 1002.33 (20)(c), Florida Statutes
- 1) Inspection & Safety (to include Drivers' Certification)
 - ~~2) Insurance~~
 - ~~3) Safety~~
 - 4) Driver's Certification
 - 5) Barrier to equal access
 - 6) Reasonable distance for the purpose of this contract

Comment [SMB8]: Any agreement between school and district regarding transportation must be under separate contractual agreement.

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VII. Insurance & Indemnification

- A) Indemnification of Sponsor by school
- B) Indemnification of School by sponsor
- C) Sovereign Immunity
- D) Notice of Claims
 - 1) Time to Submit
 - 2) Notice of Cancellation
 - 3) Renewal/Replacement
- E) Acceptable Insurers
- F) Commercial and General Liability Insurance
 - 1) Liabilities Required
 - 2) Minimum Limits
 - 3) Deductible/Retention
 - 4) Occurrence/Claims
 - 5) Additional Insureds
- G) Automobile Liability Insurance
 - 1) Liabilities covered
 - 2) Occurrence/Claims
 - 3) Minimum limits
 - 4) Additional Insured
- H) Worker's Compensation/ Employer's Liability
 - 1) Coverages
 - 2) Minimum Limits
- I) School Leader's Errors and Omissions Insurance
 - 1) Form of Coverage
 - 2) Coverage Limits
 - 3) Occurrence/Claims
 - 4) Fidelity Bond/Crime coverage
- J) Property Insurance
- K) 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

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VIII. Governance

- A) Governing Board Requirements
 - 1) Governing Documents Responsibilities
 - 2) _____
 - 3) Employee Supervision at building level
 - 4) School's Parental Contract Appendix 9
 - 5) Public Board meetings
 - i. Publication of meeting calendar
 - 6) Public Records
 - 7) Reasonable Access
- B) Governance Training Board of Directors
 - 1) Identification of Directors and Officers/managers
 - 2) Notify Sponsor of changes in a timely manner

Comment [SMB9]: Charter Leaders suggest including code of conduct, conflict of interest and school governing body ethics policies in the Misc. documents provided annually to sponsor section

Comment [SMB10]: in statute

Comment [SMB11]: in statute

Comment [SMB12]: Charter Leaders suggest including in Misc. annual documents.

Comment [SMB13]: SMB Note:
This is only required if it is included in the applicant's charter design.

Comment [SMB14]: Include this in the Misc documents

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IX. ~~Management Companies~~ Education Service Provider

- C) Management Agreement
- 1) Is school managed? Yes/No
 - 2) Management Company identified
 - 3) Submission of Management Agreement Appendix 10.
 - 4) Amendments Appendix 11.

Comment [SMB15]: Charter leaders suggest this be included in the annual items submitted as identified under Misc.

Comment [SMB16]: Sponsors suggest including conflict of interest

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X. Human Resources

- A) Hiring Practices
 - 1) Public or Private Employer
 - 2) Hiring **Employees**
 - 3) Reporting Staffing Changes
 - 4) Employment practices
 - 5) Teacher certification and highly qualified
 - 6) Fingerprinting and background screening
- B) Employment Practices
 - ~~1)~~ 1) School's employee handbook Appendix 13.
 - ~~2)~~ 2) Statutory required disclosure in hiring practices of relatives of school founders, employees, etc.
- C) Leave as provided for in statute
- D) Sponsor training of school's employees
 - 1) Participation and Cost for Training activities
 - i. Allow only at cost for federally funded training
 - ii. If using general revenue – FEFP dollars at district
 - 2) Sponsor's teacher training

Comment [SMB17]: SMB Note: I have a note that indicates the state will provide some language on this issue.

Comment [SMB18]: Include in Misc section

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XI. Miscellaneous Provisions

- A) Impossibility
- B) Pre Opening Checklist
- C) Records
- D) Documents provided to sponsor annually
 - 1) school calendar
 - 2) code of conduct
 - 3) Capacity reported annually
 - 4) Projected enrollment reported annually
 - 5) Governance documents
 - i. school internal conflict resolution process/ alternative dispute resolution
 - ii. parent advisory council/ parent organizations (if a component of application)
 - iii. periodic progress communicated to parents
 - 6) Screening and Fingerprinting of Governing Body
 - 7) Amendments to management agreement (if applicable)
 - 8) Evidence of Insurance

E) Drug Free Workplace

F) Dismissal Procedures, Due Process, Documentation Requirements

- G) Entire Agreement
- H) No Assignment
- I) No Waiver
- J) Default Including Opportunity to Cure
- K) Survival Including Post Termination of Charter
- L) Severability
- M) Third Party Beneficiary
- N) Choice of Laws
- O) Notice
- P) Authority
- Q) Conflict
- R) Citations
- S) Headings

Comment [SMB19]: Need input from Charter leaders on clearing up what goes in section XI. Misc and XII. Appendices.

Comment [SMB20]: suggestion by charter leaders to review example of Broward Cty. Location language for facilities.

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XII. Appendices

- A) Appendices
- 1) Approved Application
 - i. Actual Curriculum (if plan not provided in application)
 - 2) Accountability Plan Guidelines & Approved Accountability Plan
 - 3) Enrollment Plan
 - 4) Sponsor Special Programs and Procedures for Exceptional Students
 - 5) School's Lease or Ownership Documentation/Certificate of Occupancy
 - 6) School's Governing Documents
 - 7) School's ESP Contract, if applicable
 - 8) Financial Policies and procedures
 - 9) Shared Facility (Identification of other users of the school)
 - 10) Transportation Vendor Contract
 - 11) Board meeting minutes, calendar of board meetings
 - 12) Code of Ethics of the Education Profession and Principles of Professional Conduct for the Education Profession in Florida
- ~~7~~13)

Comment [SMB21]: Need to include some indication that this section includes some materials that are supplied to the sponsor annually, and at other periodic intervals. "At least annually and when they are modified by the school." is suggested language.

Comment [SMB22]: Includes bylaws, articles of incorporation, etc.

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Comment [SMB23]: My notes here indicate the DOE has a document that explains charter school transportation options. Would it be worth noting it here?