

## Charter Contract Format

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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 [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) Facility Licensing/Zoning Date
  - 5) Charter Modification
  - 6) Charter Renewal
- C) Nonprofit Organization
- D) Non-Renewal/Cancellation and Termination
  - 1) Non-Renewal provisions
  - 2) Ninety (90) Day Termination
  - 3) Immediate Termination
  - 4) Good cause provisions
  - 5) Post Termination provisions

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- 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

E) Statutory Requirements pursuant to Section 1002.33 (9), Florida Statutes

- 1) General Statutory Requirements
- 2) Other Applicable Law
- 3) Class Size
- 4) Dispute Resolution
- 5) Educational Program and Curriculum

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### II. Academic Accountability

- A) Student Performance: Goals and Outcomes
- B) Student Promotion
  - 1) School student promotion policy consistent with the approved application unless otherwise agreed upon by both parties.
  - 2) Graduation Requirements
- C) Assessment Program
  - 1) State Standard Assessments
  - 2) District-wide Assessments
  - 3) Other Assessment tools as stated in approved Application
- D) Data Access and Use
- E) Reporting of Student Performance data
  - 1) ~~Option 1~~ Multi-year Accountability Plan Appendix 2
  - 2) ~~Option 2~~ Annual School Improvement Plan approved by the sponsor Appendix 2
  - 3) ~~Federal and State student performance requirements~~
- F) Annual Report

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### III. Students

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

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## IV. Financial Accountability

- A) Revenue pursuant to Section 1002.33 (17), Florida Statutes
  - 1) Federal, state, and local funds
  - 2) FEFP Guidelines pursuant to 1011.62, Florida Statutes
    - a) Florida Education Finance Program (FEFP)
    - b) Merit Award Program
    - c) Student Reporting
    - d) Discretionary funds
    - e) Millage levy, if applicable, as in current effect (leave if applicable)
  - 3) Federal Funding
    - a) Title I
    - b) Capital Outlay
    - c) IDEA
    - d) Federal Grants
    - e) Other federal funds
  - 4) Categorical Program Funds
  - 5) Other Funds
    - a) Other Grants
    - b) Other donations
- B) Administrative Fee
  - 1) Up to 5% Administrative Fee retained by Sponsor (see statute § 20)
  - 2) Contracted Services
- C) Funding Pursuant to Section 1002.33(17), Florida Statutes
  - 1) Distributions
  - 2) ~~Funding Adjustment for Noncompliance~~
  - 3) ~~2) Over Capacity~~
  - 4) ~~3) Funding Calculation Revisions~~
    - a) Funding Adjustments
    - b) ~~Holdback/Proration~~
    - c) ~~Exceeding State Cap~~
- D) Other Fees Limitations (1002.33 (9) cd) & (1)
- E) Budget
  - 1) Start-up Funding/Budget
  - 2) Annual Budget
- F) Financial Records, Reports and Monitoring
  - 1) Financial and Program Cost Accounting and Reporting for Florida Schools
  - 2) Financial Reports
    - a) Monthly Financial Reports

**Comment [U1]:** Susie Miller Barker Note:

This was one area that we discussed where the operators advocate for a description of services from the sponsor that are covered in the up to 5% Administrative Fee.

If the Sponsors could provide some language that might help illuminate what would be included, and how that might be worded in the charter contract format, that will help us move the ball forward efficiently prior to the April meeting.

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- b) Property Inventory
- c) Cost Report
- ~~d) Unaudited Financial Statement~~
- e) Annual Financial Audit
- f) Form 990

### 3) Financial Policies & Procedures

- ~~4) School's Fiscal Year~~
- ~~4) Financial Emergency~~
  - a) Notification
  - b) Financial Recovery Plan
  - c) Reporting

### ~~G) Post Termination~~

- ~~1) Student Records~~
- ~~2) Property/Assets~~
- H) Fiscal 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
- B) Property Interest
  - 1) Proof of lease or ownership of property Appendix 6
  - 2) Certificate of occupancy and use Appendix 6
- C) Location
  - 1) School's Street Address with folio number
  - 2) Shared Facility-Identification of other users of school facility
  - 3) Temporary Facility
  - 4) Relocation
  - 5) Additional Campuses
- D) Prohibition to affix Religious or partisan political symbols, statues, artifacts, on or about the property and facility etc
- E) Disaster Preparedness Plan
- F) (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) First right of refusal in case of termination
    - e) Default of debt issued to finance site or facility
    - f) 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

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- f) Partnerships (identification of/and relationships)
- 4) Conversion Charters
  - a) Ownership
  - b) Repairs and Maintenance
  - c) School's Responsibilities (e.g. cleaning and grounds)
  - d) Construction by Sponsor
  - e) Capital Outlay Projects
  - f) Portables
  - g) Liability (Insurance)

g) 5) Non-District Owned Facility

**Comment [U3]:** Note from Susie Miller Barker:  
If the sponsors could help by providing some language to describe what information regarding non-District owned facilities they would like to see in the contract that would be helpful.

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## VI. Transportation

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

**Comment [U4]:** Susie Miller Barker Comment:

The sponsors provided language that said "no barrier". Need to decide statute vs. language. In reflecting on the conversation it may be that leaving the format as is works, but I would greatly appreciate notes, suggestions, input as to whether or not to restate statutory language in the format. Thanks very much.

**Comment [U5]:** Move under VII

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**Comment [U6]:** Susie Miller Barker Note:

The conversation and notes reflect that the charter contract model format will note that a separate contract for transportation services is required.

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### VII. Insurance & Indemnification

- A) Indemnification of Sponsor
- B) Indemnification of School
- C) Sovereign Immunity
- D) Notice of Claims
- E) Evidence of Insurance **Appendix 7**
  - 1) Time to Submit
  - 2) Notice of Cancellation
  - 3) Renewal/Replacement
- F) Acceptable Insurers
- G) Commercial and General Liability Insurance
  - 1) Liabilities Covered
  - 2) Minimum Limits
  - 3) Deductible/Retention
  - 4) Occurrence/Claims
  - 5) Additional Insureds
- H) Automobile Liability Insurance
  - 1) Liabilities covered
  - 2) Occurrence/Claims
  - 3) Minimum limits
  - 4) Additional Insured
- I) Worker's Compensation/ Employer's Liability
  - 1) Coverages
  - 2) Minimum Limits
- J) School Leader's Errors and Omissions Insurance
  - 1) Form of Coverage
  - 2) Coverage Limits
  - 3) Occurrence/Claims
  - 4) Fidelity Bond
- K) Property Insurance
- L) Applicable to All Coverages
  - 1) Other Coverages
  - 2) Deductibles/Retention
  - 3) Liability and Remedies
  - 4) Subcontractors
  - 5) Approval by Sponsor
  - 6) Default upon Non-Compliance

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## VIII. Governance

### A) Governing Board Requirements

- 1) By-Laws and the Articles of Incorporation including code of conduct, conflict of interest, and school board governing body ethics policies Appendix 8
- 2) Responsibilities
- 3) Representation
- 4) Accountability
- 5) Background Screening and Fingerprinting
- 6) Employee Supervision at building level
- 7) Continuity between the organizing group and the governing board
- 8) Administrative school functions
- 9) Compensation
- 10) School's Parental Contract Appendix 9
- 11) Public Board meetings
- 12) Public Records
- 13) Meeting Calendar
- 14) Reasonable Access
- 15) Governance Training

### B) Board of Directors

- 1) Identification of Directors and Officers/managers
- 2) Notify Sponsor of changes in a timely manner
- 3) Role and responsibilities
- 4) Requirements of financial emergency

### C) School Governance

- 1) School internal conflict resolution process/Alternative dispute resolution
- 2) Parent Advisory Council/Parent Organizations
- 3) Periodic progress communicated to parents

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### IX. Management Companies

#### D) Management Agreement Approval

- 1) Submission of Management Agreement **Appendix 10.**
- 2) Amendments **Appendix 11.**
- 3) Termination of Management Agreement
- 4) Performance-based “arms-length” relationship
- 5) Due diligence in the selection
- 6) Management Fee

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### X. Human Resources

#### A) Hiring Practices

- 1) Public Employer
- 2) Hiring Employees
- 3) Reporting Staffing Changes
- 4) Employment practices
- 5) Staff Diversity
- 6) Teacher certification and highly qualified
- 7) Fingerprinting and background screening

#### B) Employment Practices

- 1) Drug-Free Work Place Policy Appendix 12.
- 2) Code of Ethics of the Education Profession and Principles of Professional Conduct for the Education Profession in Florida
- 3) School's employee handbook Appendix 13.
- 4) Collective Bargain
- 5) Payroll services

#### 6) Employee Evaluations

- 6)7) Statutory required disclosure in hiring practices of relatives of school founders, employees, etc.

#### C) Leave as provided for in statute

- ~~1) Sponsor approved leave~~
  - ~~a) teacher salary schedule~~
  - ~~b) seniority~~
  - ~~c) accumulated sick leave~~
- ~~2) Sponsor's sick leave bank~~
- ~~3) Sponsor's accumulated vacation days on termination~~
- ~~4) Sponsors accumulated sick leave days on termination~~
- ~~5) Long term illness~~

#### D) District Employee Agreements

- 1) Participation and Cost for Training activities
- 2) Sponsor's teacher training

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### XI. Miscellaneous Provisions

- A) Impossibility
- B) Records
- C) Entire Agreement
- D) No Assignment
- E) No Waiver
- F) Default
- G) Survival Including Post Termination of Charter
- H) Severability
- I) Third Party Beneficiary
- J) Choice of Laws
- K) Notice
- L) Authority
- M) Conflict
- N) Citations
- O) Headings

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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 Code of Student Conduct
- 6) School's Lease or Ownership Documentation/Certificate of Occupancy
- 7) Evidence of Insurance
- 8) School's By-Laws and Articles of Incorporation
- 9) Parent Contract, if applicable
- 10) School's ESP Contract, if applicable
- 11) School's Amended ESP Contract, if applicable
- 12) School's Drug-Free Workplace Policy
- 13) School's Employee Handbook