

District School Board Exclusive Authority Requirements

Background

For fiscal year 2007-2008 and each fiscal year thereafter, a district school board may seek to retain exclusive authority to authorize charter schools within the geographic boundaries of the school district. The district school board may submit to the State Board of Education (SBE), on or before 60 days after the establishment of the Florida Schools of Excellence Commission (FSE) and thereafter on or before March 1 of the fiscal year prior to that for which the exclusive authority is to apply, a written resolution indicating the intent to be the exclusive sponsor of charter schools within their district. A written description addressing the factors relating to the district's oversight and administration of charter schools the previous four years is to accompany the resolution. A copy of the resolution, including the description, is to be provided each charter school authorized by the district on or before the date of submission to the SBE.

State Board of Education Review

The State Board of Education will grant a district school board exclusive authority to sponsor charter schools within its boundaries if it is determined after adequate notice, in a public hearing, and receiving input from any charter school sponsored by the district, that the district has provided fair and equitable treatment to its charter schools during the four years prior to the submission of the resolution. The state board's review of the resolution will include, at a minimum, consideration of the following factors:

- Compliance with the provisions of the charter school statute, s. 1002.33, F.S.
- Compliance with full and accurate accounting practices and charges for central administrative overhead costs.
- Compliance with requirements allowing a charter school, at its discretion, to purchase certain services or a combination of services at actual cost to the district.
- Absence of a district school board moratorium regarding charter schools or the absence of any district-wide charter school enrollment limits.
- Compliance with valid orders of the SBE.
- Provision of assistance to charter schools to meet their facilities needs by including those needs in local bond issues or otherwise providing available land and facilities that are comparable to those provided to other public school students in the same grade levels within the school district.
- Distribution to charter schools authorized by the district school board of a pro rata share of federal and state grants received by the district school board, except for any grant received for a particular purpose which, by its express terms, is intended to benefit a student population not able to be served by, or a program not able to be offered at, a charter school that did not receive a proportionate share of such grant proceeds.
- Provision of adequate staff and other resources to serve charter schools authorized by the district school board, which services are provided by the district school board at a cost to the charter schools that does not exceed their actual cost to the district school board.

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Independent Education
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- Lack of policy or practice of imposing individual charter school enrollment limits, except as otherwise provided by law.
- Provision of an adequate number of educational choice programs to serve students exercising their rights to transfer pursuant to the “No Child Left Behind Act of 2001,” Public Law No. 107-110, and a history of charter school approval that encourages chartering.

Questions and Answers

1. Can the right of exclusive authority be challenged?

A party may challenge the granting of exclusive authority made by the SBE by filing with the SBE a notice of challenge within 30 days after the state board grants exclusive authority. The notice shall be accompanied by a specific written description of the basis for the challenge. The challenging party, at the time of filing notice, shall provide a copy of the notice of challenge to the district school board. The district school board will have an opportunity to appear before the state board and respond in writing to the challenge. The SBE has 60 days after receiving the notice of challenge to make a determination.

2. Can district school boards that have not authorized charter schools in their districts apply for exclusive authority?

For district school boards that have no discernable history of authorizing charter schools, the State Board of Education may not grant exclusive authority unless the district school board demonstrates that no approvable application has come before the district school board.

3. How long does exclusive authority continue?

A grant of exclusive authority by the State Board of Education continues as long as the district school board complies with the terms of being granted exclusive authority and has submitted a written resolution to the state board.

4. Can a district school board with exclusive authority permit one or more Florida Schools of Excellence charter schools to be established within its boundary?

A district school board with exclusive authority may permit the establishment of one or more FSE charter schools within its geographic boundaries by adopting a favorable resolution and submitting the resolution to the SBE. The resolution will be effective until it is rescinded by resolution of the district school board.

Additional Resources and Information

The charter school statute, s. 1002.33, F.S., http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch1002/SEC33.HTM&Title=->2005->Ch1002->Section%2033#1002.33

The Florida Department of Education, Office of Independent Education and Parental Choice,
<http://www.floridaschoolchoice.org>

For questions and information on charter schools, contact Karen Hines-Henry at 850-245-0502 or karen.hines@fldoe.org