

Charter School Authorizing Entity

Background

The 2006 Legislature enacted HB 135 creating an independent, state-level commission whose focus is the development and support of charter schools and to ensure that charter schools of the highest academic quality are approved and supported throughout the state. The Florida Schools of Excellence Commission (FSE) is established as a charter school sponsoring entity working in collaboration with the Department of Education and under the supervision of the State Board of Education.

Powers and Duties of the Florida Schools of Excellence Commission

- Authorize and act as a sponsor of charter schools, including the approval or denial of applications and the nonrenewal or termination of charter schools
- Authorize municipalities, state universities, community colleges, and regional educational consortia to act as cosponsors, including the approval or denial of cosponsor applications and the revocation of approval of cosponsors
- Approve or deny FSE charter school applications and renew or terminate charters of FSE schools
- Conduct facility and curriculum reviews of charter schools approved by the commission or one of its cosponsors
- Develop and promote best practices and charter school accountability
- Actively seek supplemental funding
- Focus on service to low-income, low-performing, gifted, and disabled populations
- Train charter school governing bodies regarding best practices, public record requirements, and requirements of statute and State Board of Education rules
- Provide optimal access to parents, including maintaining a user-friendly website
- Other powers and duties as described in HB 135

Questions and Answers

1. How are members appointed to the Florida Schools of Excellence Commission?

The members are appointed by the State Board of Education (SBE) from recommendations by the governor (three appointees), the President of the Senate (two appointees), and the Speaker of the House of Representatives (two appointees). The members are to be appointed as soon as possible but no later than September 1, 2006. The members of the commission annually elect a chair and vice chair.

2. When does the Commission meet?

The commission is encouraged to convene its first meeting no later than October 1, 2006, and, thereafter, to meet each month at the call of the chair or the request of four members of the commission.

Contact Information:
Karen Hines-Henry
850-245-0502
karen.hines@fldoe.org



Independent Education
and Parental Choice

July 2006

3. Who can apply to the FSE?

Charter school applicants are authorized to apply to the FSE only if the local school district has not retained exclusive authority. Otherwise, the FSE and the school district share concurrent authority, with each entity responsible individually for the charter schools it approves.

4. What is exclusive authority?

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 school district may submit to the SBE, 60 days after the establishment of the FSE and on or before March 1 of each year, a written resolution to be the exclusive sponsor of charter schools within their county. The SBE 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. If the exclusivity resolution is granted by the SBE, neither the FSE nor any potential cosponsors may sponsor a charter school within that county unless the district specifically agrees to allow it. A separate technical assistance paper will be issued providing details of exclusive authority.

5. Can the right of exclusive authority be challenged?

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

6. What is the approval process for cosponsors?

The FSE will begin accepting applications by municipalities, state universities, community colleges, and regional educational consortia no later than January 31, 2007. The FSE reviews and evaluates all applications and has 90 days after receipt of an application to approve or deny it. Upon approval of a cosponsor, the FSE and the cosponsor enter into an agreement defining the cosponsor's rights and obligations. The FSE's decision to deny an application or to revoke approval of a cosponsor may be appealed to the SBE.

7. What are the causes for revocation of approval of a cosponsor?

If the FSE finds that a cosponsor is not in compliance or no longer willing to comply with its contract with a charter school or its cosponsor agreement with the commission, a hearing is conducted. If, after the hearing, the FSE confirms its initial findings, the cosponsor's approval will be revoked. The FSE will assume temporary sponsorship over any charter school sponsored by the cosponsor. Thereafter, the FSE may assume permanent sponsorship or allow the school's governing body to apply to another sponsor or cosponsor.

8. Can existing charter schools submit an application to the FSE?

An application may be submitted by an existing charter school approved by a district school board provided that the obligations of its charter contract with the district school board will expire prior to entering into a new charter contract with the FSE or one of its cosponsors. A district school board may agree to rescind or waive the obligations of a current charter contract to allow an application to be submitted to the FSE. A charter school that changes sponsors is allowed to continue the use of all facilities, equipment, and other assets it owned or leased prior to the expiration or rescission of its contract with the district school board.

9. Can conversion charter schools submit an application to the FSE?

A conversion charter school may only submit an application to the FSE or one of its cosponsors upon consent of the district school board. The district school board may retain the facilities, equipment, and other assets of the conversion charter school for its own use or agree to reasonable terms for their continued use by the conversion charter school.

10. Is there an appeal process for denied applications?

For charter school applications in school districts that have not been granted exclusive authority to sponsor charter schools, the right to appeal an application denial is contingent upon the applicant having submitted the same or a substantially similar application to the FSE or one of its sponsors. Any such applicant whose application is denied by the FSE or one of its cosponsors subsequent to its denial by the district school board may exercise its right to appeal the district school board's denial within 30 days after receipt of the FSE or cosponsors denial or failure to act on the application. However, the applicant forfeits its right to appeal if it fails to submit its application to the FSE or one of its cosponsors by August 1 of the school year immediately following the district school board's denial of the application. For charter schools in districts that have been granted exclusive authority, the appeal process will remain as it is currently.

Additional Resources and Information

HB 135, Charter Schools:

http://www.flsenate.gov/session/index.cfm?Mode=Bills&SubMenu=1&BI_Mode=ViewBillInfo&BillNum=0135

The charter schools 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