

STATE BOARD OF EDUCATION

Action Item

July 18, 2018

SUBJECT: Amendment to Rule 6A-2.0020, Eligibility for Charter School Capital Outlay

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02 and 1013.62, Florida Statutes

EXECUTIVE SUMMARY

The proposed rule conforms to changes included in House Bill 7069 (2017) and House Bill 7055 (2018), and revises the following charter school eligibility criteria for capital outlay funds:

- To be considered part of an expanded feeder chain under Section 1013.62, F.S., a charter school must either send or receive a majority (instead of 60%) of its students directly to or from a charter school that is currently receiving capital outlay funding in the same fiscal year for which the charter school seeks funding.
- The accreditation association accepted for eligibility changes from the Commission on Schools of the Southern Association of Colleges and Schools to a regional accrediting association as defined by the State Board of Education;
- The date by which the department must receive proof of a charter school's official accreditation changes from April 1 to December 1.

This proposed rule also adds a requirement for sponsors to distribute discretionary millage authorized in Section 1011.71(2), F.S., according to the provisions in Section 1013.62, F.S. and clarifies the requirement for charter schools to include all revenues in monthly or quarterly financial statements.

A rule workshop was held on April 26, 2018. No additional changes were proposed.

Supporting Documentation Included: Proposed Rule 6A-2.0020, F.A.C., and Form IEPC-C01, Charter School Capital Outlay Application

Facilitator/Presenter: Adam Miller, Executive Director, Office of Independent Education and Parental Choice

6A-2.0020 Eligibility for Charter School Capital Outlay.

The following provisions are established for the determination of eligibility of charter schools pursuant to Section 1013.62, F.S. Except as expressly provided herein, proof of eligibility requirements must be provided to the Department by July 1 of the fiscal year for which the charter school seeks funding. The continuation of funding is dependent upon maintaining eligibility requirements during the fiscal year.

(1) A charter school may be considered a part of an expanded feeder chain under Section 1013.62, F.S., if it either sends or receives a majority ~~at least sixty (60) percent~~ of its students directly to or from a charter school that is currently receiving capital outlay funding in the same fiscal year for which the charter school seeks funding. A charter school must submit an application by the deadline in paragraph (7)(a), of this rule. The Department shall determine eligibility by applying the feeder chain criteria in Section 1013.62(1)(a)1.c., F.S., to the fiscal year's data from the October full-time equivalent (FTE) student enrollment survey conducted pursuant to Section 1011.62(1)(a), F.S., in the same fiscal year for which the charter school seeks funding. The Department shall calculate the funding amount associated with a school for which enrollment projections are estimated to meet the feeder chain eligibility criteria and shall distribute funds generated by the formula in Section 1013.62, F.S., upon proof of an expanded feeder chain from the October FTE student enrollment survey data.

(2) Pursuant to Section 1013.62(1)(a)1.d., F.S., charter schools that have been accredited by a regional accrediting association as defined by Rule 6A-4.003, F.A.C. ~~the Commission on Schools of the Southern Association of Colleges and Schools~~ may be eligible for charter school capital outlay. Proof of accreditation by a regional accrediting association ~~the Southern Association of Colleges and Schools Commission on Schools~~ must be delivered to the Department by the deadline established in paragraph (7)(a), for the fiscal year for which the charter school seeks funding to meet the eligibility requirement in Section 1013.62(1)(a)1.d., F.S. The continuation of funding is dependent upon maintaining accreditation during the current fiscal year. A charter school anticipating accreditation during a fiscal year shall include documentation of application for accreditation. The Department shall estimate the funding amount associated with a charter school anticipating accreditation during the fiscal year and distribute funds generated by the formula in Section 1013.62, F.S., upon proof of final accreditation, if proof of accreditation for the school year is received by the Department by December ~~prior to April~~ 1 of the fiscal year for which the charter school seeks funding. If the Department does not receive proof of a charter school's official accreditation by December ~~April~~ 1, the charter school shall be determined ineligible for that fiscal year.

(3) No change.

(4) Satisfactory student achievement under Section 1013.62(1)(a)3., F.S., shall be determined by the school's most recent grade designation or school improvement rating from the state accountability system as defined in Sections 1008.34 and 1008.341, F.S. Satisfactory student achievement for a school that does not receive a school grade or a school improvement rating, including a school that has not been in operation for at least one school year, shall be based on the student performance metrics in the charter school's charter agreement. Allocations shall not be distributed until such time as school grade designations are known.

~~(a) For the 2016-17 school year, a charter school that receives a grade designation of "F" shall not be eligible for capital outlay funding.~~

~~(a) (b) Beginning in the 2017-18 school year, A~~ a charter school that receives a grade designation of "F" or two (2) consecutive grades lower than a "C" shall not be eligible for capital outlay funding.

~~(b) (c) Beginning in the 2017-18 school year, A~~ a charter school that receives a school improvement rating of "Unsatisfactory" shall not be eligible for capital outlay funding.

(5) through (6) No change.

(7) Pursuant to Section 1013.62(5), F.S., the procedures for submitting and approving an application for funding and the procedures for documenting expenditures, are as follows:

(a) Charter schools must submit an application using form IEPC-CO1, Charter School Capital Outlay Application, effective August 2018 ~~April 2017~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08085>), which is hereby incorporated by reference in the rule, which may be accessed through https://www.floridaschoolchoice.org/login/login_charter_school.asp. The application may be obtained by contacting the Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400. The Department will accept hard copy versions of the application. Hard copies should be sent to 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399. Applications are due by July 1 of the fiscal year for which funding is sought. The Department may extend the deadline for all applications by posting the extended deadline on its website. The charter school shall include the purpose for which the funds will be expended. The Department shall review the application, determine eligibility, and direct the allocation and distribution of such funds in accordance with that determination.

(b) The Sponsor shall forward state appropriated capital outlay funds ~~such funding~~ pursuant to the provisions of Section 1002.33(17)(e), F.S., to any charter school that is determined to be eligible by the Department under this rule. The Sponsor shall distribute discretionary millage authorized in Section 1011.71(2), F.S., according to the provisions in Section 1013.62, F.S. The charter school shall include all revenues ~~disbursements~~ and expenditures pursuant to Section 1013.62, F.S., in its monthly or quarterly financial statements pursuant to Section 1002.33(9)(g), F.S., and shall maintain all documentation of such expenditures and provide such documentation to the Sponsor upon request as necessary to monitor compliance with applicable law governing the proper use of such funds.

(c) No change.

Rulemaking Authority 1001.02, 1013.62 FS. Law Implemented 1013.62 FS. History—New 12-15-09, Amended 8-13-17.

Charter School Capital Outlay Application`

School Name: _____

District Location: _____

2018-2019 Capital Outlay Plan

This form must be completed and provided to the Florida Department of Education by July 1 for consideration to receive Charter School Capital Outlay funds, pursuant to Section 1013.62, Florida Statutes. Upon completion and submission of this form (you are responsible for completing each section) it will be sent electronically to your sponsor for review. Your sponsor will review and certify the information in Section 1. The Department will then review and consider the sponsor's recommendation and make the eligibility determination.

School Opened in :

SECTION 1:

Yes No Did the school receive capital outlay funding for the 2017-18 school year?

The charter school's sponsor can verify that (both criteria apply):

Yes No (a) There exists an agreement with the charter school 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 district school board in the event that the school terminates operations.

Yes No (b) The charter school **was not** created by the conversion of a public school; additionally, the charter school does not operate in facilities provided by its sponsor for a nominal fee or at no charge, and is not directly or indirectly operated by the local school district.

SECTION 2:

A charter school must meet one of the following five criteria:

Please check the criteria that the school will meet for the upcoming (2018-2019) school year.

Yes No (1) For the 2018-2019 school year, the school will be in its third or more full year of operation.

Form IEPC-CO1
 Rule 6A-2.0020
 Effective August 2018

<input type="radio"/> Yes <input checked="" type="radio"/> No	(2) (a)	By the beginning of the 2018-2019 school year, the school will be accredited by a regional accrediting association. <i>(Note: Pursuant to State Board of Education Rule 6A-2.0020, proof of regional accreditation must be sent to the Department of Education by December 1 of the fiscal year for which the charter school seeks funding.)</i> Date of Accreditation (or anticipated date): <input type="text"/>
<input type="radio"/> Yes <input checked="" type="radio"/> No	(b)	The school anticipates receiving accreditation by a regional accrediting association during the 2018-2019 school year. (Note: Pursuant to State Board of Education Rule 6A-2.0020, proof of accreditation must be sent to the Department of Education by December 1 of the fiscal year for which the charter school seeks funding.) Anticipated date of Accreditation: <input type="text"/>
<input type="radio"/> Yes <input checked="" type="radio"/> No	(3)	For the 2018-2019 school year, the school will establish an expanded feeder pattern with a charter school currently receiving capital outlay funds within the same school district:
<input type="checkbox"/> a SENDER school which sends a majority of its population to: District: <input type="text" value="Please Select"/>		
<input type="checkbox"/> a RECEIVING school which receives a majority of its population from: District: <input type="text" value="Please Select"/>		
<input type="radio"/> Yes <input checked="" type="radio"/> No	(4)	Serves students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s.1002.33(15)(b),F.S.
<input type="radio"/> Yes <input checked="" type="radio"/> No	(5)	Is governed by a governing board, which has been established in Florida for two or more years and operates both charter and charter conversion schools in Florida. Please provide the name and MSID of the conversion charter school AND traditional charter school: Conversion Charter School: District: <input type="text" value="Please Select"/> Traditional Charter School: District: <input type="text" value="Please Select"/>

SECTION 3:

A charter school must meet all of the following criteria to qualify for capital outlay funds:		
<input checked="" type="radio"/>	<input type="radio"/>	(1) The school's most recent audit does not reveal any of the financial emergency conditions provided in Section 218.503(1), F.S.
Yes	No	
<input checked="" type="radio"/>	<input type="radio"/>	(2) Has satisfactory student achievement based on state accountability standards applicable to charter schools?
Yes	No	
<input checked="" type="radio"/>	<input type="radio"/>	(3) Has received final approval from its sponsor pursuant to s. 1002.33, F.S., for operation in the coming fiscal year.
Yes	No	
<input checked="" type="radio"/>	<input type="radio"/>	(4) Serves students in facilities not provided by the charter school's sponsor:
Yes	No	
(a) This <u>IS NOT</u> a conversion charter school utilizing district-owned facilities;		
(b) Nor operating in a district-owned facility which is rented, leased, or otherwise made available to the charter school by the school district.		
SECTION 4:		
A charter school may use charter school capital outlay funds for any of the following nine expenditures.		
Please check the box(es) that apply.		
<input type="checkbox"/>	(1)	The purchase of real property.
<input type="checkbox"/>	(2)	The construction of school facilities.
<input type="checkbox"/>	(3)	The purchase, lease-purchase, or lease of permanent or relocatable school facilities.
<input type="checkbox"/>	(4)	The purchase of vehicles to transport students to and from the charter school.
<input type="checkbox"/>	(5)	The renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer.
<input type="checkbox"/>	(6)	The purchase, lease-purchase or lease of computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board. The software application must have a useful life of at least five years and be used to support school-

- wide administration or state-mandated reporting requirements. Enterprise resource software may be acquired by annual license fees, maintenance fees or lease agreement.
- (7) The payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.
- (8) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- (9) The payment of the cost of opening day collection for the library media center of a new school.

CERTIFICATION:

CHARTER SCHOOL REPRESENTATIVE

First Name: Last Name:

Comments:

As representative of the charter school, I certify that all information indicated above is accurate and current.

DISTRICT SPONSOR INFORMATION

First Name: Last Name:

- The school has sponsor approval to operate for the upcoming school year and is operating in a facility not provided by the sponsor.
- The school does not have sponsor approval to operate for the upcoming school year or is operating in a facility provided by the sponsor.

