


# WELCOME

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JANUARY 24, 2020

# Agenda

Items	Presenter
<b>Introductions/Financial Update</b>	Jenna Hodgens/Vanessa Glenn
<b>Application Process/Timeline</b>	Amy Fordyce
<b>Application Reviews: Looking at the Budget</b>	Alain Nunez
<b>Legislative Updates</b>	Nicki Brisson
<b>Public Records</b>	Suzanne D' Agresta
<b>Hair on Fire Issues/Exit Slip</b>	Kia Sweeney-Scott



# Application Process / Timeline

Presentation to FA CSA Membership: January 24, 2020

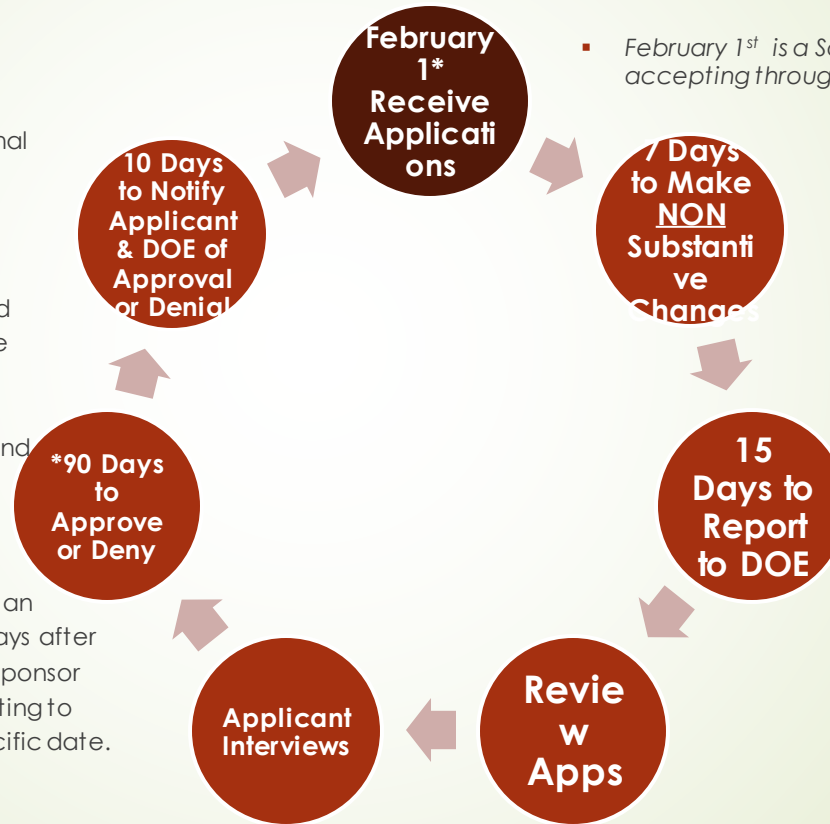
Presenter: Amy Fordyce

# Application Cycle

Within 10 calendar days of:

- Approval- report to the DOE the final projected FTE for the approved charter school.
- Denial- articulate in writing the specific reasons, based upon good cause, supporting the denial of the application and shall provide the letter of denial and supporting documentation to the applicant and DOE.

- A sponsor shall vote to approve or deny an application no later than 90 calendar days after the application is received, \*unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date.



- A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.
- February 1<sup>st</sup> is a Saturday; many districts are accepting through Monday, \*February 3<sup>rd</sup> in 2020

- Sponsor shall allow 7 calendar days to make technical or nonsubstantive corrections and clarifications.

- Within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

# Application Receival Tips- Checklist

Utilize a formalized process to receive applications to ensure the applicant has followed requirements:

- The Application Submittal Checklist includes model application requirements
- Includes Sponsor specific requirements
- Provides notice of nonsubstantive concerns to be corrected
- Provides documentation on file and to the applicant regarding the receipt of the application
- Follow up in an email with applicant, if necessary

CHARTER APPLICATION SUBMITTAL CHECK LIST

Charter Applicant Name \_\_\_\_\_

Charter school applications must meet the following criteria to be accepted for review.

- Application was submitted on or before the due date and time.  
Date \_\_\_\_\_ Time \_\_\_\_\_ Submitted by: (name/ relation to application) \_\_\_\_\_
- Application was submitted on the new model application format effective December 2019.
- Application Cover Sheet (*verify information*)
- Executive Summary (not to exceed 2 pages)
- Narrative Page Limits:
  - One hundred and ten (110) pages (including question prompts). *Cover sheet, executive summary and table of contents are excluded from the 110 page limit. No addendum completed.*
  - One hundred and forty (140) pages (including question prompts). *Cover sheet, executive summary and table of contents are excluded from the 140 page limit. Permitted with addendum below.*
- Applicant completed the Addendum form (check all that apply)
  - Existing school replication
  - High performing replication
  - Educational Service Provider
- One sided pages
- One inch (1") margins
- Twelve (12) point font
- Single-spaced

Applicant History Worksheets if applicable (*Attachment DD*)       Not Applicable

No more than Ten (10) additional pages of attachments in addition to those requested.

Statement of Assurances: Signed by a duly authorized representative of the applicant group.

Board Member Information Forms for each member of the governing board or proposed governing board. (*Attachment L*)

Sponsor Specific Requirements:

- Five (5) hard copy applications in binders with tabs identifying each section
- One (1) USB flash drive labeled with the name of the school containing compiled PDF with bookmarks
- Hard copy and electronic copy of application are the same
- Consecutive page numbers throughout, including attachments & addenda, aligned with a table of contents

Application is accepted for review.

**Criteria has not been met. Applicant has 7 (seven) calendar days to make nonsubstantive corrections and return application for final review no later than**

Charter Office Representative signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant/Designee signature \_\_\_\_\_ Date \_\_\_\_\_

# Application Receival Tips- Waiver

## Waiver of 90-day Timeline option

- Ensure Superintendent agrees with this practice prior to executing
- Provide rationale to applicant
- Provide specific board vote date
- Ensure authorized signator signs (not deliveryman)
- Provide copy to applicant contact

**School Board**  
Melissa Sovoley, Chair  
Steve F. Coia III, Vice Chair  
Lynn L. Gray  
Stacy A. Hahn, PhD  
Karen Papp  
Tanara P. Shamburger  
Cindy Stuart

**Hillsborough County  
PUBLIC SCHOOLS**  
Preparing Students for Life

**Superintendent of Schools**  
Jeff Edrins  
**Deputy Superintendent, Instructional**  
Van Ayres  
**General Director, Charter Schools**  
Janina Hodgins

**Memorandum of Agreement between Charter Applicant and Hillsborough County Public Schools for Application Review Timeline 2020**

Florida Statute 1002.33(6)(b)3 a. states, "A sponsor shall by majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application."

Due to the District School Board meeting calendar, we are requesting an extension of the 90-day timeline so that all applications may go to the Board for a vote on **May 5, 2020**. This would allow enough time for a thorough review while still giving the applicant ample time to prepare for opening in the case of an approval.

By signing this memorandum, you are agreeing to the extension requested by the Hillsborough County School Board.

I agree to the Hillsborough County School Board extension.

Proposed School Name: \_\_\_\_\_

Relation to the Application: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Connect with Us • HillsboroughSchools.org • P.O. Box 3408 • Tampa, FL 33601-3408 • (813) 272-4000  
Raymond O. Shelton School Administrative Center • 901 East Kennedy Blvd • Tampa, FL 33602-3507



# Nonsubstantive vs. Substantive

## Nonsubstantive issues

- ▶ Incorrect information on the coversheet
- ▶ Missing signatures
- ▶ Typographical errors
- ▶ Grammatical errors
- ▶ Formatting concerns
- ▶ Didn't follow Sponsor specific directions

## Substantive issues

- ▶ Pieces of the application and/or documents are missing
- ▶ Utilized the wrong district number for budget creation
- ▶ References another district throughout as if it's your district
- ▶ Inconsistencies between printed and electronic versions
- ▶ **Plagiarism**

**Other examples?**



# Nonsubstantive Corrections

- ▶ It is at the discretion of the sponsor whether or not to require nonsubstantive issues be corrected.
- ▶ **What would you do? Practice**
- ▶ Ensure your office has a stance on what technical or nonsubstantive issues require correction and maintain consistency with all applicants.
- ▶ Follow a similar and consistent practice if applicants notify you of nonsubstantive errors they would like to correct.
- ▶ When you do require/allow corrections:
  - ▶ Notify the applicant in a timely manner, as soon as issues are noted if possible.
  - ▶ Provide notice to the applicant in writing, indicate the date notified and the 7 day deadline to correct along with the specific corrections to be made.
  - ▶ Acknowledge receipt of the correction submitted, review submission, and provide notice of acceptance or notification of further correction if necessary.



# Application Summary Tool

- Utilize an application summary sheet to collect information that is reported to DOE
- Your Superintendent and other stakeholders will also appreciate the summary of information
- May assist in catching nonsubstantive corrections or even substantive concerns

Charter School Applicant Summary Applications Submitted February 1, 2019			
School	American Classical Charter Academy	Literacy Leadership Technology Academy South Bay	Navigator Academy of Leadership South Tampa
Recommendation to Superintendent	Withdrawn May 5, 2019	Withdrawn March 29, 2019	Withdrawn March 29, 2019
Decision by School Board	NA	Approve August 20, 2019	NA
Founding Board	Steven Allen, President Michael Loeb, Treasurer Karen Jacob, Secretary	John Jack Metz, Chairman Olga Nasthas, Secretary Shirly Thompson, Member & Parent Liaison David Mazann, Member Amber Council, Member Freddie Blue, Member	Shane Clark, President (Chair) Kurt Schaefer, Treasurer & Vice President Michael Pearson, Secretary
High Performing Replication	No	Yes	No
Contracted with ESP	No	No	Compass Charter Schools
School Address	TBD	Proposed: Southern part of Hillsborough County	Proposed: Wimauma or Plant City areas within Hillsborough County
Contact	Mark Gutz P.O. Box 881237 Fort St. Lucie, FL 34988 Primary: 904-494-7433 Alternate: 772-878-7556 mg@caol.com	Lesley Logan, CEO 8771 Madison Ave. Tampa, FL 33619 Primary: 813-732-2816 Alternate: 813-234-0940 llogan@lacademy.com	Mississ Prindo Aguilar & Jeremy Calton 235 W. Brandon Blvd., Suite #034 Brandon, FL 33511 Primary: 305-965-8608 Alternate: 813-394-3700 Maaguilar.edu@gmail.com Joalimn@gadastrocontracting.com
Grades	K-8	K-8	K-8
Enrollment	Year 1: (K-8) 552 Year 2: (K-7) 840 Year 3: (K-8) 728 Year 4: (K-8) 728 Year 5: (K-8) 728	Year 1: (K-8) 552 Year 2: (K-7) 854 Year 3: (K-8) 794 Year 4: (K-8) 794 Year 5: (K-8) 882	Year 1: (K-8) 660 Year 2: (K-7) 795 Year 3: (K-8) 872 Year 4: (K-8) 918 Year 5: (K-8) 1000
Target Population	Open to all K-8 students in the county who desire a content-rich, rigorous and time-tested learning curriculum in an atmosphere that promotes and builds strength in character.	Open to all eligible K-8 students in Hillsborough County with an emphasis on Southern Hillsborough County.	Open to all K-8 students in Hillsborough County with emphasis on the surrounding Wimauma and Plant City areas.
Curriculum Focus	A rigorous, classical, liberal arts education aligned with the Florida Standards using the Core Knowledge Sequence, the Riggs Institute method, Singapore Math and the Full Option Science System (FOSS).	A research-based, Florida Standards model that uses The Leader in Me and Marzano methodologies, along with Google Classroom, for a fully integrated learning experience for the student.	Science, Mathematics, Art, Reading and Technology (SMART) curriculum that includes embedded STEM lessons and labs, as well as a character education program to develop leadership skills utilizing The Leader in Me program.
90-Day Waiver Signed: Board Date	June 11, 2019	June 11, 2019	June 11, 2019

# Reporting to DOE

charterschools@fldoe.org'."/>

Go to the Charter School Portal on the FDOE website:

<http://app4.fldoe.org/csa/>

As your district's contact, you should already have login information. If you do not, email:

[charterschools@fldoe.org](mailto:charterschools@fldoe.org)

or contact

[LaCrest.Reed@fldoe.org](mailto:LaCrest.Reed@fldoe.org) directly

Once logged in: 1. Select the GENERAL dropdown

2. New Charter School Annual Survey

3. Select School year 2020

4. Get Results

*It may say: No data found in your search criteria- click Ok*

5. Add New Charter School

6. Enter application information and Save

7. Continue adding each application received by your district

# Application Review Timeline

- Ensure sufficient time is planned for and allotted to thoroughly review each application received.
- Provide guidance and training to members of your review team to ensure everyone is tuned into the review process and expectations.
- Plan realistic time caps on capacity interviews. Be selective with questions prepared.
- Ensure your board votes within the 90 day review window, unless a waiver was obtained.

Charter Application Timeline 2019																				
DATE & TIME	ACTIVITY	LOCATION																		
February 1	Charter Office receives applications from applicants by 4:30 p.m. / obtain waivers	Received in Charter Office																		
February 5	DOE is notified with name of applicant, proposed location and projected FTE -Superintendent Summary is provided to Superintendent and Deputy Superintendent																			
February 6	Meeting with Review Team <i>(applications are given to Review Team)</i>	Board Auditorium 10:00 AM																		
February 12 10:30am-1:00pm	Charter Application Review Team attends presentations by applicants <i>Reviewers only attend presentations for assigned applications.</i>	ISC Room 130																		
		<table border="1"> <thead> <tr> <th>Date</th> <th>Time</th> <th>Application</th> </tr> </thead> <tbody> <tr> <td>February 12</td> <td>10:30-11:00</td> <td>Navigator Academy of Leadership South Tampa</td> </tr> <tr> <td>February 12</td> <td>11:00-11:30</td> <td>American Classical Charter Academy</td> </tr> <tr> <td>February 12</td> <td>11:30-12:00</td> <td>LLT Academy South Bay</td> </tr> <tr> <td>February 12</td> <td>12:00-12:30</td> <td>Success Preparatory School</td> </tr> <tr> <td>February 12</td> <td>12:30-1:00</td> <td>NorthStar Academy of Hillsborough East &amp; West</td> </tr> </tbody> </table>	Date	Time	Application	February 12	10:30-11:00	Navigator Academy of Leadership South Tampa	February 12	11:00-11:30	American Classical Charter Academy	February 12	11:30-12:00	LLT Academy South Bay	February 12	12:00-12:30	Success Preparatory School	February 12	12:30-1:00	NorthStar Academy of Hillsborough East & West
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February 6- March 27	Review Team individually review assigned applications & record findings on shared document	Individually Determined																		
March 5 8:30 AM – 12:00	Charter Application Review Team meets to discuss applications and shared document	Staff Conference Room ROSSAC																		
March 6 8:30 AM – 12:00	<i>Reviewers only attend review meetings for assigned applications.</i>	<table border="1"> <thead> <tr> <th>Date</th> <th>Time</th> <th>Application</th> </tr> </thead> <tbody> <tr> <td>March 5</td> <td>8:30-12:00</td> <td>Navigator Academy of Leadership South Tampa</td> </tr> <tr> <td>March 6</td> <td>8:30-12:00</td> <td>LLT Academy South Bay</td> </tr> <tr> <td>March 13</td> <td>12:00-3:30</td> <td>American Classical Charter Academy</td> </tr> <tr> <td>March 14</td> <td>8:30-12:00</td> <td>Success Preparatory School</td> </tr> <tr> <td>March 28</td> <td>8:30-12:00</td> <td>NorthStar Academy of Hillsborough East &amp; West</td> </tr> </tbody> </table>	Date	Time	Application	March 5	8:30-12:00	Navigator Academy of Leadership South Tampa	March 6	8:30-12:00	LLT Academy South Bay	March 13	12:00-3:30	American Classical Charter Academy	March 14	8:30-12:00	Success Preparatory School	March 28	8:30-12:00	NorthStar Academy of Hillsborough East & West
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March 14 8:30 AM – 12:00																				
March 28 8:30 AM – 12:00																				
April 9 8:30 – 10:00 AM 10:15 – 11:45 AM 12:30 – 2:00 PM 2:15 – 3:45 PM	Charter Application Interview Team conducts interviews with applicants <i>Interviewers only attend interviews for assigned applications.</i>	ISC Room 163																		
April 11 8:30-10:00	Interviewers will arrive 15 minutes prior and plan to remain 15 minutes after for final discussions.	<table border="1"> <thead> <tr> <th>Date</th> <th>Time</th> <th>Application</th> </tr> </thead> <tbody> <tr> <td>April 9</td> <td>8:30-10:00</td> <td>LLT Academy South Bay</td> </tr> <tr> <td>April 9</td> <td>10:15-11:45</td> <td>American Classical Charter Academy</td> </tr> <tr> <td>April 9</td> <td>12:30-2:00</td> <td>Success Preparatory School</td> </tr> <tr> <td>April 9</td> <td>2:15-3:45</td> <td>Navigator Academy of Leadership South Tampa</td> </tr> <tr> <td>April 11</td> <td>8:30-10:00</td> <td>NorthStar Academy of Hillsborough East &amp; West</td> </tr> </tbody> </table>	Date	Time	Application	April 9	8:30-10:00	LLT Academy South Bay	April 9	10:15-11:45	American Classical Charter Academy	April 9	12:30-2:00	Success Preparatory School	April 9	2:15-3:45	Navigator Academy of Leadership South Tampa	April 11	8:30-10:00	NorthStar Academy of Hillsborough East & West
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April 11	8:30-10:00	NorthStar Academy of Hillsborough East & West																		
April 12	Recommendations for approval/denial of applications are sent to Superintendent																			
April 19 and/or May 26	Board agenda items due to Superintendent's Office																			
May 1-6 and/or June 5-10	Individual phone calls with school board members regarding applications																			
May 7 and/or June 11	Board members vote to approve/deny applications for 2019	Board Meeting ROSSAC Auditorium																		
May 17 and/or June 21	Charter Office will notify applicants in writing of approval or denial																			
May 17 and/or June 21	Charter Office will notify the DOE of application status online																			

# Tools for Review

## Model Evaluation Instrument

### Florida Charter School Application Evaluation Instrument

Each section presents criteria for a response that meets the standard, and these criteria should guide the overall rating for the section. The Strengths and Weaknesses boxes provide space to identify data and other evidence that supports the rating. The rationale for each rating is important, especially if some of the data or evidence does not fit neatly into the criteria provided.

#### Capacity Statement:

Applicants may have the opportunity to present their plan and demonstrate the team's capacity to open and maintain a high-quality charter school as well as to answer questions about their proposal. Any information or evidence from the capacity statement that is used by the reviewer as a basis for detail of the application must be properly documented by means of a recording or transcript.

The following definitions should guide the ratings:

**Meets the Standard:** The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

**Partially Meets the Standard:** The response addresses most of the criteria, but the responses lack meaningful detail and require important additional information.

**Does Not Meet the Standard:** The response lacks meaningful detail, demonstrates lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue in concept or ability to meet the requirement in practice.

Applicants are encouraged to align their application review process with the Florida Principles and Standards for Quality Assessment.

### OVERALL ASSESSMENT – COMPLETE THIS SECTION LAST

Would you recommend approval of this application for a public charter school? Explain your recommendation in the Comments section below:

DENY	APPROVE
------	---------

Name of Person Completing Assessment: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Rule 6A-6.076  
Form IEPIC-12  
Effective December 2019

### School Culture and Discipline

The School Climate and Discipline sections should describe the learning environment of the school and provide evidence that the school will ensure a safe environment conducive to learning.

#### Statutory Reference(s):

§ 1002.33(7)(a)(7), s. 1002.33(7)(a)11.

#### Evaluation Criteria:

A response that meets the standard will present:

- A planned school culture that is consistent with the school's mission and congruent with the student discipline policy.
- An approach to classroom management and student discipline that is consistent with the overall school culture and philosophy.
- Recognition of legal obligations and children's rights related to enforcing student discipline, suspension, and recommended expulsion, including the school's code of conduct, if available.
- Consideration of how the code of conduct will apply to students with special needs.
- Appropriate and clear roles of school administrators, teachers, staff, and the governing board regarding discipline policy implementation.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
--------------------	------------------------------	----------------------------

### Strengths

Provide your feedback within a given space below. *Be sure to include corresponding page numbers.* If similar feedback is already present, there is no need to duplicate information. If no spaces remain, right click your mouse and select Insert > Insert Rows Below.


### Concerns (Weaknesses) and Additional Questions

Provide your feedback within a given space below. *Be sure to include corresponding page numbers.* If similar feedback is already present, there is no need to duplicate information. If no spaces remain, right click your mouse and select Insert > Insert Rows Below.


## Guided Review Checklist

Educational Plan- Section 2: Target Population and Student Body		Meets	Partially Meets	Does Not Meet
A.	The anticipated population to be served and how that aligns with the school's mission is described. Applicant states if they will give enrollment preference or limit the enrollment process, as allowed by law, to certain populations defined in section F.S. 1002.33(10)(d)&(e), F.S. <i>if the applicant intends to have enrollment preferences they should be described in section 14.</i>			
	Alignment of the targeted student body with the overall mission of the school.			
	A clear description of the students the charter school intends to serve including any target populations in accordance with Florida law.			
Strengths, Weaknesses, Comments, Questions:				

### Application Criteria Review Checklist

The **Application Criteria Review Checklist** is meant to be used as a tool by reviewers to more adequately and clearly determine that application criteria has been provided by the applicant while also responding to the required evaluation criteria used to determine the merit of each section of the application. This tool does not take the place of the Florida Charter School Application Evaluation Instrument, but it does include all criteria from within it, as well as criteria applicants are to address from the 2016 Model Florida Charter School Application.

#### Directions:

The reviewer will use the checklist to determine if the applicant has provided sufficient response to the requested criteria from the Model Florida Charter School Application using the following ratings:

Rating	Application Criteria Response Rating Definition
Meets	Response to criteria is adequately addressed and clearly described. Additional material provided for review adequately supports criteria.
Partially Meets	Response to criteria is partially addressed and/or not clearly described. Additional materials provided for review partially support criteria.
Does Not Meet	No response is provided, criteria are not addressed, or the response violates laws applicable to charter schools. Additional materials do not support criteria.

After determining whether or not the applicant's response to application criteria is sufficient, reviewers will rate the Evaluation Criteria which is listed in **blue** below the respective application criteria, and determine if the applicant meets, partially meets, or does not meet evaluation criteria aligned to Florida Statutes and used to determine approval or denial of the application.

Rating	Evaluation Criteria Rating Definition (from Application Evaluation Instrument)
Meets	The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.
Partially Meets	The response addresses most of the criteria, but the responses lack meaningful detail and require important additional information.
Does Not Meet	The response lacks meaningful detail, demonstrates lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue in concept or ability to meet the requirement in practice.

While working through the checklist the reviewer should also record noted **strengths, weaknesses, comments, and/or questions** related to each section. Additionally, there is space at the end of each plan to record these items as they relate to the overall plan.



# Capacity Interview Tips

- ▶ Establish an appropriate length of time for the interview (1.5-2 hours)
- ▶ Develop questions aligned with application and require the applicant to utilize the application in their responses.
- ▶ Limit and even halt responses that go beyond the scope of the application and question asked.
- ▶ Respectfully interrupt the applicant and rephrase or reorient them to the question asked if they begin to go off topic .
- ▶ Consider developing general best practice capacity questions for board members and potential school leaders (if identified)
- ▶ **Don't forget about the questions we brainstormed in December**  
<https://padlet.com/mrsmlair/FACSA>

Examples?



# Application Approval

- ▶ Meets all statutory requirements set forth in the application process
- ▶ Strengths should be evident in approval documentation
- ▶ Weaknesses may be evident but should be reasonably curable through contract terms and/or Sponsor determined remedy
- ▶ Report to DOE on Survey

**Examples?**



# Application Denial

- ▶ A denial should be clearly tied to requirements found in statute
- ▶ Ensure legal supports the preparation of a denial to produce statutory language that clearly outlines the denial reasons
- ▶ Evidence of rationale for denial should be clear and compelling
- ▶ Prepare denial with a potential appeal defense in mind
- ▶ Provide documentation and the specific reasons for denial, based upon good cause, to the Applicant & DOE within 10 days
- ▶ Report to DOE Survey

Examples?



# Application Withdrawal

- ▶ Begins with relationship and an attitude of acceptance
- ▶ Application review should be solid with clear evidence that the application will likely be recommended for denial
- ▶ Capacity interview should steer applicant into an understanding of the clear evidence for denial
- ▶ **Provides opportunity for applicant to avoid denial before the school board and public**
- ▶ **Eliminates preparing denial documentation and potential appeal**
- ▶ Closes with continual support and relationship building and opportunities for the future
- ▶ Report to DOE Survey

**Examples?**



# APPLICATION REVIEWS- LOOKING AT THE BUDGET

**Alain Nuñez**

**Budget Coordinator**

**Polk County Public Schools**

- REVENUES (+)
  - Sources
    - Reliability of the source
    - Effects of the source not occurring
- EXPENSES (-)
  - Are all facets covered?
    - Required by Law
    - Extracurricular Activities
- RESERVE
  - Fund Balance required by law
- Layout
  - Does it comply with Red Book recording / reporting requirements

## LOOKING AT THE BUDGET

- **What we like to see (reliable sources):**
  - **Florida Education Finance Program (FEFP)**
    - **Reasonable FTE Projections**
  - **Loan or Start Up Funding Documentation**
  - **Money in the bank**
    - **Charter Management Groups**
    - **Received Donations or Crowdsourcing\***

REVENUES

## What we don't like to see:

- ▶ Grants
  - ▶ Florida Public Charter Schools Grant Program (CSP)
  - ▶ Title I Grant
    - ▶ Restrictions on expenditures
- ▶ Inflated FTE Projections
- ▶ Capital Outlay Funding (within first 2 years)
- ▶ Promissory notes / pledges from individuals or Board Members
- ▶ Documents from lenders with null language
- ▶ Vague Sources – Crowdsourcing / Donations
- ▶ Unverifiable Fees
  - ▶ After School or Before School Care
  - ▶ Pre-K
  - ▶ Breakfast & Lunch fees\*
    - ▶ \*(will require additional verification, usually by comparing fees collected from similar school)

## REVENUES

- <http://www.fldoe.org/finance/fl-edu-finance-program-fefp/charter-school-revenue-estimate-worksh.stml>
- FTE Projections should be reasonable
  - FTE does not equal Enrollment
  - Avoid High Level ESE (level 3 and above)
    - Ideally should mirror surrounding schools
  - High Level ESE Schools are difficult to project

## FEFP CALCULATOR

Program	(1)	Number of FTE (2)	Program Cost Factor (3)	Weighted FTE (2) x (3) (4)	2019-20 Base Funding (WFTE x BSA x DCD) (5)
101 Basic K-3			1.120	0.0000	\$ -
111 Basic K-3 with ESE Services			1.120	0.0000	\$ -
102 Basic 4-8			1.000	0.0000	\$ -
112 Basic 4-8 with ESE Services			1.000	0.0000	\$ -
103 Basic 9-12			1.005	0.0000	\$ -
113 Basic 9-12 with ESE Services			1.005	0.0000	\$ -
254 ESE Level 4 (Grade Level PK-3)			3.637	0.0000	\$ -
254 ESE Level 4 (Grade Level 4-8)			3.637	0.0000	\$ -
254 ESE Level 4 (Grade Level 9-12)			3.637	0.0000	\$ -
255 ESE Level 5 (Grade Level PK-3)			5.587	0.0000	\$ -
255 ESE Level 5 (Grade Level 4-8)			5.587	0.0000	\$ -
255 ESE Level 5 (Grade Level 9-12)			5.587	0.0000	\$ -

1. 2019-20 FEFP State and Local Funding  
 Base Student Allocation: \$4,279.49      District Cost Differential: 0.9700

School District: Polk

53 (Insert district number in cell A1, enter, then strike F9. Your district data then pulls from Calculation Detail Sheets)

Revenue Estimate Worksheet for Charter School  
 Based on the 2019-20 FEFP Second Calculation

All charter school calculator      Detail 2019-20 2nd FEFP      111-112-113 ADDITIONAL FUND      Transportation Per Stude ...

- 1 FTE in K-3 (Base Funding + ESE Supplement):
  - Basic = \$ 4,649
  - Level 1 = \$ 8,257
  - Level 2 = \$ 7,438
  - Level 3 = \$ 10,725
- (1 Level 4 = \$ 15,098, 1 Level 5 = \$ 23,192)
- 20 FTE:
  - Basic = \$ 85,590
  - Level 1 = \$ 105,149
  - Level 2 = \$ 148,769
  - Level 3 = \$ 214,509

WHAT A DIFFERENCE AN FTE MAKES!

- **Transportation FTE should be reasonable**
- **Categoricals that are underfunded or restricted**
  - **Safe Schools**
  - **Best and Brightest**
- **Categoricals that require a plan**
  - **Mental Health Allocation**
- **Total Funds Compression Allocation**
- **Is the FTE projected the best possible scenario?**
- **If Capital Outlay is introduced, is it in line with current funding levels?**

**FEFP & REVENUE ADDITIONAL CONSIDERATIONS**

- **Committee Team Members are crucial**
- **Locate and compare each section in the budget**
  - **Personnel**
  - **Facilities**
  - **Capital / Equipment**
  - **Transportation**
  - **Food Service**
  - **Curriculum Requirements**
  - **Extracurricular Activities**

**EXPENSES**





- Personnel accounts for the overwhelming majority of the budget
  - Application should include a personnel listing (staffing plan)
  - Are salaries in line with the District and surrounding areas?
    - Admins, Teachers, Support Staff
  - Are benefits budgeted for, and in line with costs?
  - Does the budgeted expense match the staffing plan / narrative?
  - Is personnel budget for properly for other activities?
    - After School or Before School Care

O	Staff (looking at personnel listing on pgs. 71-72, and comparing to charts pgs. 95-96)					
	yr 1	yr 2	yr 3	yr 4	yr 5	
No. of teachers	4.00	5.25	8.50	8.75	11.00	
salary listed text	167,488.00	179,736.00	320,352.00	377,485.00	392,151.00	
calc. per each (yrly)	\$ 41,872.00	\$ 34,235.43	\$ 37,688.47	\$43,141.14	\$35,650.09	
*chart on pg. 95 indicated yearly salary of \$41,872 for Classroom Teacher						

## EXPENSES- PERSONNEL

- Does the application provide a plan for Facilities?
  - Several location options
    - Ranking of reasonable location sites
  - Documentation showing communications about leasing/building
    - Possible costs to retrofit location to meet required standards
      - Safety Standards
    - Does the location site allow for capacity of projected enrollment?
    - If a donation, is there documentation to support?
  - Is the expense properly reflected in the budget?
    - Agreement with CMS
    - Lease Rates can sometimes be tied to enrollment

## EXPENSES- FACILITIES

- **Transportation allocation is underfunded in FL**
  - **Most districts receive approximately 40-50% of actual yearly transportation costs (Q-Link)**
  - **Is the ridership FTE projected reasonable? (High Level ESE will require more personnel costs)**
  - **If contracting transportation, is there any documentation relating to communications with possible providers? (Quotes. Emails.)**
  - **If providing transportation in-house:**
    - **Personnel expenses reflected correctly**
      - **Bus drivers, bus attendants (ESE riders), routing clerk/specialist**
    - **Other expenses reflected reasonably**
      - **Equipment (purchases or leases)**
      - **Fuel**
      - **Insurance**
      - **inspections**

## EXPENSES- TRANSPORTATION

- ▶ Dependent on input from committee members
  - ▶ Staff tasked with reviewing this section of the application narrative will need to assist to identify high expense programs or licensing of educational software
- ▶ Instructional Materials and Supplies

EXPENSES- CURRICULUM REQUIREMENTS



- ▶ **Compliance with the Marjory Stoneman Act, and the Guardian Program**
  - ▶ **Hire an armed guard or contract with a Law Enforcement Agency**
  - ▶ **School Hardening requirements met**
    - ▶ **Single point of entry, etc.**
    - ▶ **Ties back to the Facilitates section**
- ▶ **Underfunded Allocation**

**EXPENSES- SCHOOL SAFETY**

- ▶ **In House Food Service**
  - ▶ Is personnel properly projected in the budget?
  - ▶ Is equipment budgeted for? (usually a year 1 expense)
- ▶ **Contracted Service**
  - ▶ Preliminary documentation to support expense projections
    - ▶ Often Charters will contract with District, or larger Charter School or System to have services provided from school within range

EXPENSES- FOOD SERVICES

- If included as part of the narrative for the school, then they must be reflected in the budget
  - Expenses should be tied to any revenues collected or generated from the activities, as those revenues will be restricted
  - Expenses are difficult to verify properly
    - Recommendation is to try and compare to existing programs

## EXPENSES- EXTRACURRICULAR ACTIVITIES

- Are restricted categoricals spent?
  - Best and Brightest
  - Teachers Classroom Supply Assistance
- Shown as an expense line in the budget?
- Categoricals where the school has contracted with the District
  - Forfeited the FTE Revenue
  - Shown as an expense line in the budget
- District Administrative Fee
  - Correct percentage calculated
  - Reflected in the budget

EXPENSES- ADDITIONAL  
CONSIDERATIONS



- **Additional Personnel that can be frequently overlooked**

- On-Site Nurse
- Guardian or LEO
- Bus Attendants
- Office Staff

- **Expenses that can be frequently overlooked**

- Fiscal Services
- Debt Service
- Benefits / Worker's Comp

- **Future Legislative Regulations / Requirements**

- Safety and Security Increases (school hardening)
- Minimum Teacher Salaries
- Minimum Wage Increase

EXPENSES- ADDITIONAL CONSIDERATIONS

- State requires a 3% minimum fund balance
  - Ideally would be higher than the minimum
  - Private Industry 15%
- Reflected in the budget as a line item

## FUND BALANCE REQUIREMENTS

- **Conflicts of Interest**
  - **Board Members**
    - **Business Relationship with School**
    - **Relation to Administration in School**
- **Public Schools' Data Available**
  - **revenues and expenditures are Public Record**
    - **District School or Charter**

**FINAL CONSIDERATIONS**



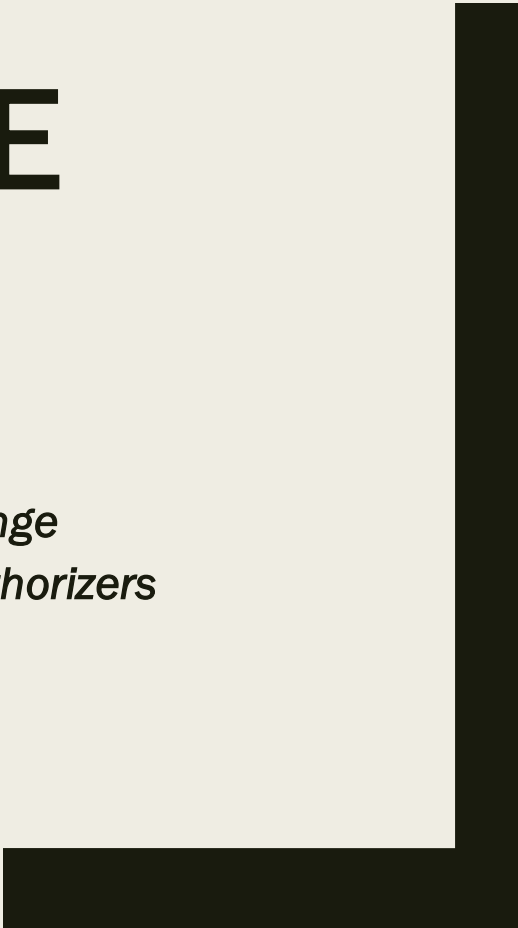
QUESTIONS



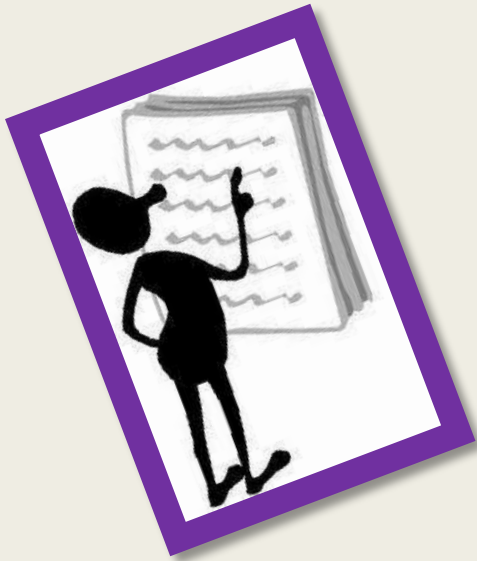


# LEGISLATIVE UPDATES

*Dr. Nicki Brisson & Dr. Cinzia de Lange*  
*Florida Association of Charter School Authorizers*  
*January 24, 2020*



# HB 883 – Education (Duggan, 12/09/2019)



- Requires DOE to maintain a disqualification list of certain individuals.
- A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. *An individual may not be employed as an employee or contract personnel of a charter school or serve as a member of a charter school governing board if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b). Before making an offer of employment, the charter school must check the database under s.1012.21 and if the individual is in the database, the charter must document the individual's suitability for employment at the school.*

# HB 945– Children’s Mental Health (Silvers, 12/13/2019)

- Requires DCF and AHCA to identify certain children and adolescents who use crisis stabilization services and to meet behavioral health needs of such children and adolescents. The array of services may include, but is not limited, to crisis response services provided through mobile response teams. The department shall contract with managing entities for mobile response teams throughout the state to provide immediate, onsite behavioral health crisis services to eligible children, adolescents, and young adults ages 18 to 25.



# HB 953 – Charter Schools (McClain, 12/13/2019



- Amends s. 1002.33. Authorizes state universities and Florida College System institutions to sponsor charter schools; revises reporting and accountability requirements; provides for funding; authorizes career and professional academy to be offered by charter school.
- A few interesting changes: *The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility of all local educational agency requirements ... A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade for the school district in which he or she resides.*
- (C) *Sponsor accountability. –*
- 1. *The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:*
  - a. *The sponsor's strategic vision for charter school authorizing and the sponsor's progress toward that vision.*
  - b. *The alignment of the sponsor's policies and practices to best practices for charter school authorizing.*
  - c. *The academic and financial performance of all operating charter schools overseen by the sponsor.*
- It also replaces *district school board* language with *sponsor*.
- Added to 1003.493 *Career and professional academies and career-themed courses. - Career and professional academies may be offered by charter schools.*



# HB 1020 – Charter Schools (Rodriguez, A., 12/23/2019)

- Revises provisions relating the charter school applications, charter school personnel background screenings, use of specified assets, opening of additional high-performing charter schools, and virtual charter schools. A significant addition to the language is (12)(g)1a. *If a charter school employee or governing board member who is subject to background screening under this paragraph has completed such screening in another school district in the last 5 years, he or she shall inform the sponsoring school district of such fact. The sponsoring school district shall verify the results of the background screening with the department using the shared system described in sub-subparagraph b. The sponsoring school district may not charge a fee for verifying the results of a charter school employee's or governing board member's background screening...*



# HB 1083 – Involuntary Examination of Minors (Webb, 01/03/2020)



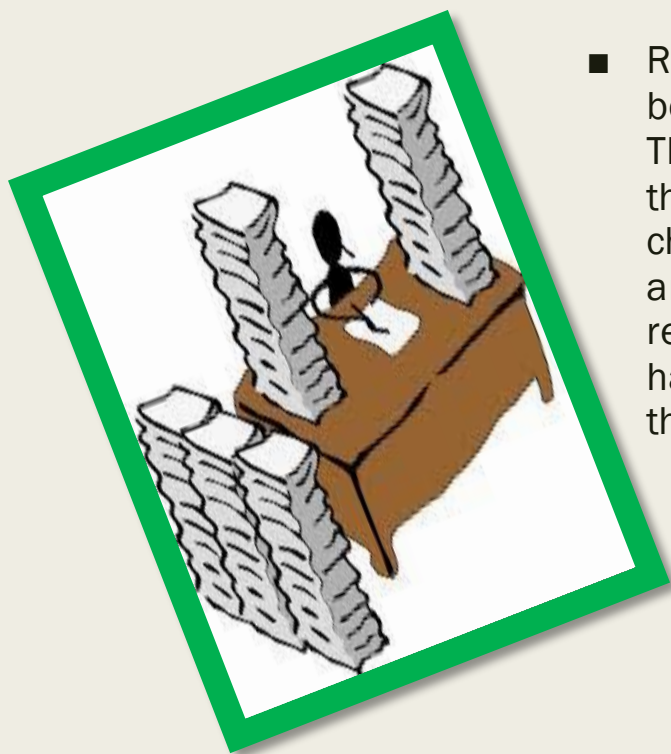
- Revises certain notifications relating to involuntary examination of student who is removed from school, school transportation, or school-sponsored activity (pertains to charter schools as well); provides exceptions; provides requirements relating to transport of minor patient; revises certain data reporting requirements; requires district school boards to adopt certain policies; provides additional training requirement for school safety officers; provides certain requirements relating to mental health assistance allocation.
- (9) is specific to charter school requirements with a few additions to the language, i.e. *The charter school principal or the principal's designee shall immediately notify the parent, guardian, or caregiver of a student **before the student is removed...***

# HB 1167 – School Safety Funding (Polsky, 01/08/2020)

- Requires district school superintendent to remit specified unused funds from the 2019-2020 fiscal year to DOE; authorizes DOE, upon request, to redistribute such funds to certain school district for specified purpose. Includes charter schools in the language.



# HB 1285 – Education (Fernandez, 01/10/2020)



- Revises requirements for annual report governing body of charter school must submit to its sponsor. The annual report will include documentation of the total number of public records requests the charter school received pursuant to chapter 119 and any costs associated with fulfilling the requests; and a list of contracts the charter school has with any other entity, including the name of the entity and terms of the contract.

# SB 1438 – Dyslexia (Harrell, 01/06/2020)

- Requires public schools (1001.2151) to screen all students in kindergarten through grade 3 for dyslexia within a certain timeframe; requires public school students with substantial deficiency in reading to be placed in an intensive remedial intervention program; requires public schools to have at least one person on staff trained in the instruction of students with dyslexia; creates the Dyslexia Task Force within the Department of Education, etc.



# HB 23/SB70 – Panic Alarms in Public Schools (Gottlieb, 01/07/20)



- The bill creates “Alyssa Law.” Requires each public school campus to be equipped with at least one panic alarm for use in a school security emergency such as an active shooter situation, a non-fire evacuation, or a lockdown. The panic alarm is required to bypass the E911 system so that the emergency signal will be transmitted directly to the local law enforcement agencies designated as first responders to the school.

# HB 55/SB 1004 – Sunshine Scholarship Program (Jones, 09/23/2019)

- Establishes the scholarship program to provide funding for 100% of tuition and fees for Florida residents pursuing an associate degree or career certificate from an eligible postsecondary institution. "Eligible postsecondary institution" means a Florida College System institution, a career center operated by a school district, or a charter technical career center.



# SB 1246 – Dual Enrollment (Stargel, 12/13/2019)



- Includes Home Education students in the bill. Authorizes charter schools to execute contracts to establish an early college program with specified institutions; a charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish an early college program at a mutually agreed upon location; adds definition of eligible independent colleges and universities to read: *An independent college or university that is not for profit, is accredited by a regional or national accrediting agency recognized by the USDOE, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program.*



# SB 1250 – Teacher Professional Learning (Diaz, 12/16/2019)

- Creates a PD Choice Pilot Program to be administered by the department for a period of 3 years, subject to legislative appropriation. The purpose of the pilot program is to provide grants to eligible teachers to select professional learning opportunities that best meet each teacher's individual needs. To be eligible for a pilot program grant, an individual must hold a professional certificate, be a classroom teacher for a district school board or a charter school.



# SB 1272 – Statewide Emergency Shelter Task Force (Montford, 12/17/2019)



- Establishes a Statewide Emergency Shelter Task Force, adjunct to the Department of Management Services. The purpose of the task force is to make recommendations to the Governor and the Legislature regarding the establishment and operation of state-designated emergency shelters. The Task Force will include: one member representing state facilities, who shall serve as chair; one public school superintendent; one member representing Florida College System institutions and state universities; one member representing charter schools; one member representing independent post-secondary institutions; one member representing emergency response agencies; one member representing facilities constructed with the assistance of state funds – all will be appointed by the Commissioner of Education.

# SB 62 – K-12 Education (Stargel, 12/20/2019)

- Requires that a resolution to levy discretionary sales tax include a statement containing certain information; requiring surtax revenues shared with charter schools to be expended by the charter schools in a certain manner; defines “early college program”; authorizes a charter school to execute a contract with a local Florida College System institution or another institution as authorized by law to establish an early college program; changes the calculation of FTE student membership for dual enrollment purposes; provides for calculation of FTE membership for students earning the Capstone Diploma; requires school board mental health policies and procedures to include certain items, etc.



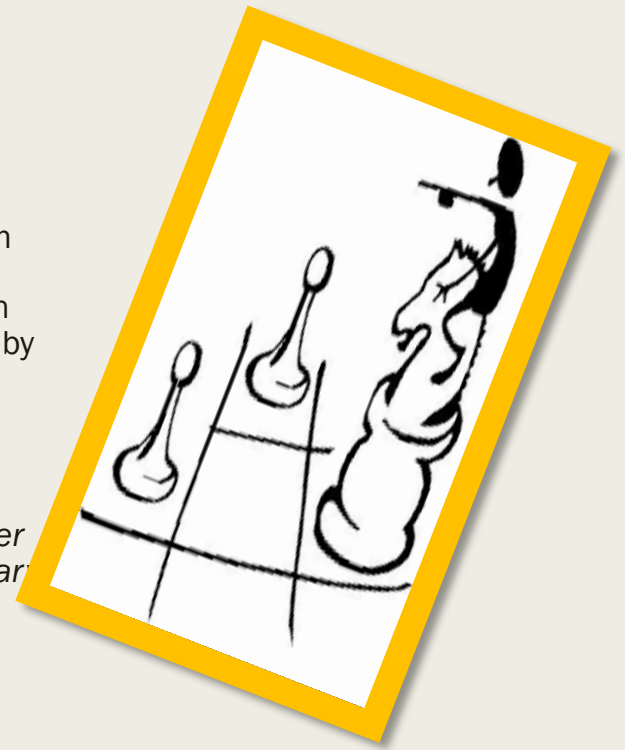
# SB 1420 & HB 1029 – Charter Schools (Flores, 01/06/2020)



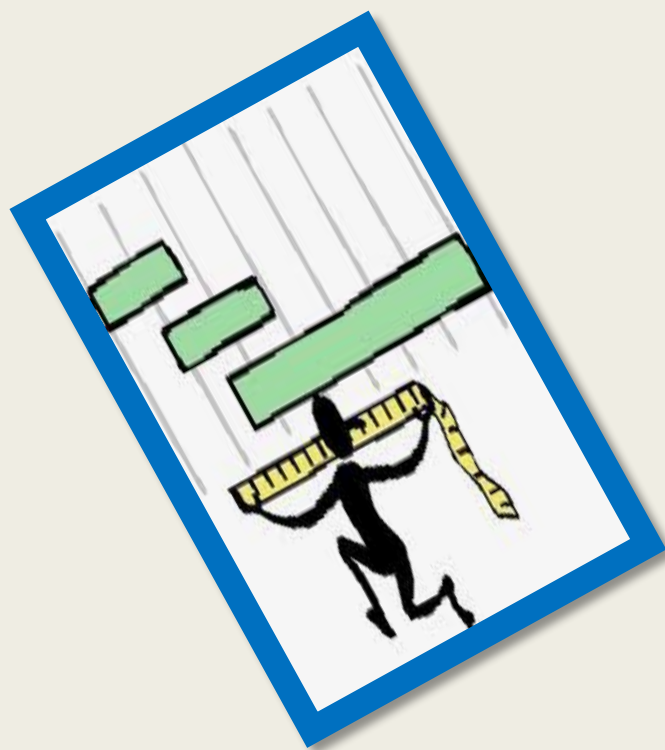
- Prohibits sponsors from refusing to receive a charter school application submitted during the calendar year; requires certain charter school employees or governing board members to inform a school district if he or she has completed a criminal history check in another district with a certain timeframe; specifies how many applications a high-performing charter school may submit in any school district in the state to establish and operate a new charter school; revises the virtual instruction a charter school may provide, etc.

# SB 1400 – Education (Diaz, 01/13/2020)

- Revises the eligibility criteria for the Family Empowerment Scholarship Program, to include eligibility of virtual schools, correspondence schools, or distance learning programs; creates the minimum base annual salary allocation to assist school districts in providing minimum base annual salaries to classroom teachers; creates the Rewarding Great Classroom Teachers and Principal Program – financial awards go to classroom teachers in public schools who improve students success, as demonstrated by an increase in the percentage of points earned by such schools; etc.
- Some of the pertinent language from the bill:
- *Beginning on July 1, 2020, each district school board and charter school governing board shall adopt a minimum base annual salary of \$47,500 for full time public school classroom teachers...*



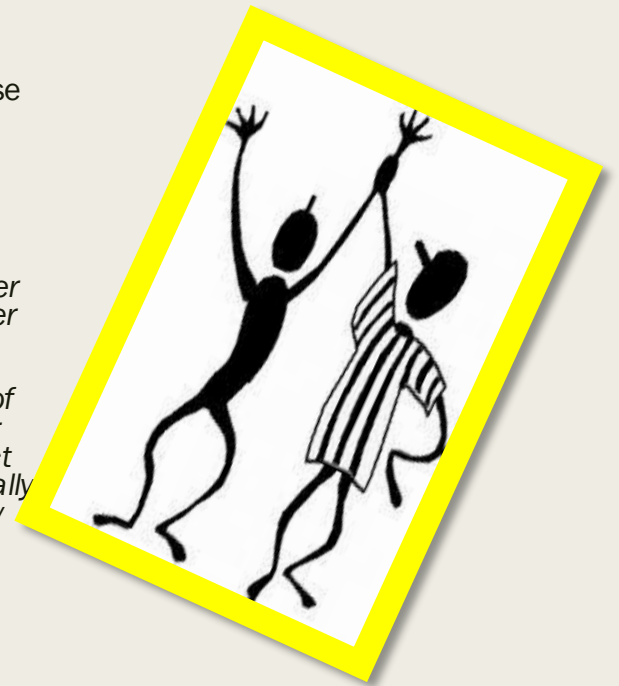
# SB 1818 – Education Accountability (Torres, 01/13/2020)



- Requires that an application and charter for a charter high school indicate that the school will administer the same assessment for high school graduation purposes as the local school district; revises the requirements for a standard high school diploma; etc.

# SB 1854 – Instructional Personnel and Educational Support Employee Pay Raise Initiative (Rodriguez, 01/13/2020)

- Establishes the Initiative and purpose; requires that the initiative be funded at a level sufficient to provide a specified annual salary increase for all instructional and support employees, plus a specified cost-of-living adjustment.
- Language specific to charter schools:
- *Each district school board, in consultation with each charter school governing board in the district, may provide salary increases for charter school instructional personnel and education support employees under this section if the participating charter school reports pay schedules adopted pursuant to s. 1012.22, document expenditures related to categorical funds to the department at least 30 days before the start of each legislative session, and agrees to return all funds received under this section plus pay a 5 percent penalty if pay schedules do not reflect that instructional personnel and educational support employees actually received the 4.5 percent raise. A charter school that fails to report pay schedules must return all funds received under this section plus pay a 10 percent penalty.*



# SBP 7040 – Implementation of the Recommendation of the MSD HS Safety Commission (01/16/2020)



- Recommendations include:
- Clarification that the SSO has the power to make arrests on property owned or leased by the charter school;
- requiring that SSOs must complete mental health crisis intervention training similar to the training required of an SRO;
- the clarification that school principals must ensure that incidents concerning school safety and discipline are reported to the DOE through the SESIR system – charter school governing board must withhold the salary of a charter school administrator for failure to comply with such requirements;
- charter school governing boards must adopt an emergency family reunification plan for the purpose of reuniting students and employees with their families in the event of a mass casualty or emergency situation;
- clarifies that the law enforcement presence on a threat assessment team must include a sworn law enforcement officer who has undergone threat assessment training identified by the OSS.
- All members of the TAT must be involved in the process from start to finish, including the final disposition decision.



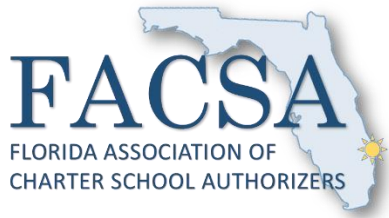
# SPB 7040, cont.

- Clarifying that a school security guard serving in the capacity of an SSO is considered to be a “*noninstructional contractor*” for the purpose of background screening, which must be satisfied prior to the school security guard being permitted access to school grounds;
- that the sheriff’s office must review and approve the results of the psychological evaluation and drug tests for each applicant seeing Feis guardian program certification, before accepting the applicant into the Feis guardian program.
- Adds requirements to the Mental Health Plan.



# Questions/Comments/Concerns.....





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Lunch  
12:00 – 12:30

# Florida Association of Charter School Authorizers

## FLORIDA PUBLIC RECORDS ACT and FLORIDA SUNSHINE LAW

Presented by:  
Suzanne D'Agresta, Esquire



GARGANESE | WEISS  
D'AGRESTA & SALZMAN<sup>PA</sup>  
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Presented: January 24, 2020



## **Suzanne D'Agresta**

Suzanne D'Agresta is a shareholder with Garganese, Weiss, D'Agresta & Salzman, P.A. She is certified by The Florida Bar as a specialist in City, County and Local Government Law, and has significant experience in transactional and litigation matters involving school boards. She concentrates her practice in the area of local government law. She is the recipient of the highest rating (AV-Preeminent) given by Martindale-Hubbell for legal ability and ethics. Ms. D'Agresta is recognized as a Florida Super Lawyer by *Law and Politics*. She is a member of the Florida School Board Attorneys Association, and served as its President in 2006. Ms. D'Agresta was the recipient of the 2017 C. Graham Carothers Award of Excellence, presented by the Florida School Board Attorneys Association. She was appointed to the City, County and Local Government Certification Committee for the maximum 6 year term and the Ninth Circuit Grievance Committee "D" for the maximum 3 year term. She is also a member of the National School Board Association/Council of School Attorneys, and The Florida Bar Education Law Committee.

Ms. D'Agresta currently serves as the school board attorney for the School Board of Indian River County, and has performed significant legal work for other school boards and municipalities in Florida. She is a frequent speaker on such local government issues as Sunshine Law, public records, public procurement, student discipline and employment matters.

Ms. D'Agresta is admitted to practice in Florida state and federal courts. She is admitted to The Florida Bar, and the Bars of the United States District Court for the Middle and Southern Districts of Florida, the United States Court of Appeals for the Eleventh Circuit and the Supreme Court of the United States. She earned her law degree from the University of Florida, and received her Bachelor's degree from the University of Central Florida.

### **CONTACT INFORMATION**

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# I. Florida's Public Records Act

## A. Charter School Statutory Requirement

1. Charter schools shall comply with Chapter 119 regarding public records – Section 1002.33(16)(b)2., Florida Statutes.

## B. The Rule – Chapter 119, Florida Statutes

1. Public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received . . . in connection with the transaction of official business. Section 119.011(12), Florida Statutes.
2. All materials made or received in connection with official business which are used to perpetuate, communicate, or formalize knowledge are public records subject to disclosure. *Shevin v. Byron*, 379 So.2d 633 (Fla. 1980).
3. Transitory records communicate information of short-term value, are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Such records can be deleted once administrative value is lost. **Examples:** reminders of meetings or appointments, most telephone messages, announcements of official events.

### C. What Does That Mean To Me?

1. The public record requirements apply once the charter contract is “effective.” Op. Att’y Gen. Fla. 01-23 (2001).
2. Email messages and other electronic communications made or received in connection with official business are public records subject to disclosure, in the absence of exemption. Op. Atty’ Gen. Fla. 96-34 (1996); Op. Att’y Gen. Fla. 01-20 (2001).
3. Public records may not be destroyed except in accordance with retention schedules approved by the Division of Library and Information Services of the Department of State. Op. Att’y Gen. Fla. 96-34 (1996). Remember the Orange County paid sick leave initiative a/k/a “text gate.”
4. Personal emails stored in a government owned computer are not made or received in connection with the transaction of official business and therefore do not fall within the definition of public records subject to disclosure by virtue of their placement on a government owned computer system. *State v. City of Clearwater*, 863 So.2d 149 (Fla. 2003).

C. What Does That Mean To Me? – cont'd

5. If tweets sent by public officials are public records, then the list of blocked accounts connected to those public record tweets could be a public record. Informal Op. Att'y Gen. Fla., June 1, 2016.
6. Notes and non-final drafts are public records if the purpose of the document is to perpetuate, communicate, or formalize knowledge.
  - a. Working papers used in preparing a budget.
  - b. Personal notes used as a reference in discussing an issue at a board meeting or workshop.

However, personal notes taken in the course of conducting official business by a public employee are not public records if the notes have not been transcribed or shown to others and were not intended to perpetuate, communicate, or formalize knowledge. **WARNING:** The longer the notes are maintained the closer in nature they appear to be documents which would perpetuate, communicate, or formalize knowledge, and could be characterized as public records. Op. Att'y Gen. Fla. 2010-55 (2010).

7. Records of telephone calls made from city owned telephones are public records, even if the call is personal. *Bill of Rights v. New Smyrna Beach* (2010).
8. Public employee personnel files are public records, with some exceptions such as social security numbers, medical records and direct deposit records.



## D. Penalties for Non-Compliance

1. Non-criminal infraction – fine not exceeding \$500.00. Section 119.10(1)(a), Florida Statutes.
2. Criminal infraction – if willfully and knowingly violate Public Records Act, guilty of a first degree misdemeanor. Section 119.10(2), Florida Statutes.
  - a. Imprisoned up to one year.
  - b. Monetary fine not exceeding \$1,000.00.
3. A civil lawsuit could be filed to force the disclosure of public records, and the Court could award attorney's fees and costs.
4. Orange County failed to timely deliver copies of records related to a dangerous dog investigation requested by Ms. Hewlings. The County finally complied with the request, but only after the Court entered an order directing it to produce the records within forty-eight (48) hours. Essentially, this amounted to a forty-five (45) day delay in producing the requested records. The Appellate Court concluded that an unjustified delay in responding to a request for public records is the equivalent of unlawful refusal to produce records, and Ms. Hewlings was entitled to recover her attorney's fees for bringing a lawsuit to obtain records. If a person asks for a specific file or a discreet set of documents, there is little tolerance in the courts for delay. *Hewlings v. Orange County* (2012).

## **II. Florida's Sunshine Law**

### **A. Charter School Statutory Requirement**

1. Charter schools shall comply with section 286.011, Florida Statutes. Section 1002.33(16)(b)1., Florida Statutes.
2. Each charter school's governing board must hold at least two public meetings per school year in the school district where the charter school is located. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or designee, must be physically present at each meeting. Members of the governing board may attend in person or by means of communications media technology used in accordance with Florida Administrative Code Chapter 28-109. Section 1002.33(9)(p)3., Florida Statutes.

### **B. The Rule – Section 286.011, Florida Statutes**

1. Any and all meetings of charter school governing boards, except as otherwise provided in the Constitution, at which official acts are to be taken, are public meetings open to the public.
2. Applies to regular meetings, special meetings, workshops, retreats, intergovernmental meetings, and any other meeting between two or more members of the same charter school governing board.
3. Requires reasonable notice and written minutes.

### C. What Does That Mean To Me?

1. One-way communication between governing board members, when it does not result in the exchange of comments or responses on a subject requiring public action, does not constitute a meeting subject to the Sunshine Law. Op. Atty' Gen. Fla. 96-35 (1996); Op. Atty's Gen. Fla. 01-20 (2001). However, circulation of position statements must not be used in place of a public meeting.
2. The use of an electronic anonymous newsletter which facilitates communication among members of a public board on matters that foreseeably may come before the public board for official action is subject to the Sunshine Law. Informal Op. Att'y Gen. Fla., October 31, 2000.
3. When two or more board members are participating in other meetings or functions unconnected with their board (*i.e.*, rotary) they must refrain from discussing matters on which foreseeable action may be taken by their board, but are not otherwise restricted in their actions. Op. Att'y Gen. Fla. 92-97 (1992). Members of a board are not prohibited from meeting together socially, provided that matters which may come before their board are not discussed. Inf. Op. to Batchelor, May 27, 1982.

C. What Does That Mean To Me? – cont'd

4. The City filed a lawsuit against members of some of its advisory boards regarding allegations of Sunshine Law violations. Members of two advisory boards became involved with neighborhood associations, and were discussing the issues of their advisory boards during closed meetings with neighborhood associations. The Court held the members of the advisory boards violated the Sunshine Law by participating in the neighborhood association meetings and discussing the issues of their advisory boards. Advisory committee members are prohibited from discussing their advisory board business among themselves outside a duly noticed public meeting. The individual members who violated the Sunshine Law were held to be responsible for reimbursing the City its attorney's fees. A newspaper article indicated the City expended more than \$325,000.00 in the case. *City of Bradenton Beach v. Metz* (12th Judicial Circuit Court 2019).
5. A series of private meetings (21) by Bert Fish Medical Center to discuss and decide upon a merger with Adventist Health System should have been held in the Sunshine. Bert Fish Foundation sued and a court determined the \$80 million merger was void. The Foundation attorneys received “just under \$1 million” as prevailing party attorney fees and Bert Fish Medical Center sued their former attorney for \$22.5 million over the failed merger. *Bert Fish Foundation v. Southeast Volusia Hospital District, et al.* (2011).

C. What Does That Mean To Me? – cont'd

6. Meetings between a voting member of a board and a nonvoting member who serves as a member of the board in an *ex officio*, nonvoting capacity, are subject to the Sunshine Law. Op. Att’y Gen. Fla. 05-18 (2005).
7. The Sunshine Law requirements apply once the charter contract is “effective.” Op. Att’y Gen. Fla. 01-23 (2001).
8. Breakout groups during public meetings are prohibited. A school attendance advisory committee was formed and during the first few meetings breakout sessions were held where committee members separated into two tables, one for high school and one for middle school. The Court found the practice of dividing committees into breakout groups violates the openness requirement of the Sunshine Law. Committee members could not hear what members at other tables said, and members of the public could not hear what was being discussed at each table. Due to the Sunshine Law violation, the decision made by the School Board based on the advisory committee work was void. *Linares v. Pasco School Board* (6th Judicial Circuit Court 2018).

## D. Penalties for Non-Compliance

1. Non-criminal infraction – fine not exceeding \$500.00. Section 286.011(3)(a), Florida Statutes.
2. Criminal infraction – if knowingly violate the Sunshine Law, guilty of a second degree misdemeanor. Section 286.011(3)(b), Florida Statutes.
  - a. Imprisoned up to 60 days.
  - b. Monetary fine not exceeding \$500.00.
3. The official action taken in violation of the Sunshine Law could be invalidated in a civil lawsuit.

# **QUESTIONS**



# Hair on Fire Issues

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WHAT'S YOUR BURNING  
QUESTION?