



# Start a School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

## Florida

### Charter Schools

#### Virtual Charters

A virtual charter school may:

- Contract with the Florida Virtual School.
- Contract with an approved provider.
- Enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The agreement must indicate a process for reporting student enrollment and the transfer of funds.

The department is required annually to publish online a list of providers approved to offer virtual instruction programs.

Citations: [Fla. Stat. Ann. § 1002.33](#); [Fla. Stat. Ann. § 1002.45](#)

#### Brick & Mortar Charter Schools

Charter Schools are public schools that operate under a performance contract or “charter” which frees them from many of the regulations for traditional public schools.

Charter schools may be created when an individual, a group of parents or teachers, a municipality, or a legal entity apply to the authorizing agent, usually a school district. The application will demonstrate how the school will use the guiding principles outlined in [s.1002.33\(6\), F.S.](#), provide a detailed curriculum, contain goals and objectives for student performance, separately describe the reading curriculum and strategies, and contain an annual financial plan. Florida Statutes can most easily be found by using a search engine with either the statute number and/or the name of the statute. You can also start with this [link](#) and usually find the statute by searching within the Department of Education.

Upon approval, the applicant governing board negotiates a contract with the sponsor (i.e. district) outlining both parties' expectations regarding the school's academic and financial performance.

## **Funding Your Charter School**

Charter schools are funded by the state in the same way as all other public schools in the school district. Operating funds include state and local funds, discretionary state lottery funds and funds from the district's current discretionary operating millage levy. A district millage levy is a property tax rate used to fund local services such as schools, libraries, and infrastructure within a specific district. A millage rate represents the amount per \$1,000 of property value that a taxpayer must pay. Districts may have additional millages that your school may be able to receive. Your sponsor may retain up to five percent for administrative services. Charter schools may be eligible for capital outlay funds for facilities allocated based on student enrollment.

## **Useful Things to Know**

- The school will receive its first check in early July based on the students in the District's Student Information System (SIS). Typically, this is the Focus SIS.
- First Year 75% Rule - if you don't meet 75% of your projected numbers, you are paid for the actual number of students in the SIS.
- The school then receives a monthly check based on the number of students in the SIS.
- Charter schools in Florida are funded on a per pupil basis and receive about two-thirds the per-student funding of traditional public schools.
- At this time, charter schools only receive federal and state funds for students with little or no local district funding. They may receive tax referendum funds.
- Unlike traditional public schools, charter schools must provide their own funding for capital expenses such as buildings and physical inventory.
- While the state does provide funding for each student, you also require other sources of revenue for those expenses as well as funding to assist in hiring excellent teachers and staff with competitive pay scales, purchase curriculum supplies and other school expenses.
- Charter schools cover operational, capital, and indirect costs with the same amount of funding that standard public schools receive only for operational costs.
- You may have a significant amount of fundraising for capital funding and make up the per pupil deficit since charter schools don't receive the same level of government funding.

## **Steps to Start a Brick & Mortar Charter School**

### **Option 1: Apply to your District**

Charter school applications can be submitted to and approved by your school district. Each district will have their own requirements on what must be submitted. You will need to find the

district's School Choice webpage to review your district's requirements for submitting a Charter School Application. Some will require that you include a Budget using their template. [Section 1002.33\(6\), F.S.](#), requires charter school applicants to submit an application on a model application form developed by the Department. The sponsoring district must then review the application using the evaluation instrument also developed by the Department. If approved, the sponsor will present a contract for negotiation using the model contract format. These can be found in the "[Links to Useful Websites](#)" section below."

### **Option 2: [Apply to the Charter School Review Commission \(CSRC\)](#)**

[Florida Statutes Section 1002.3301](#) was passed into law in 2022 that created the [Charter School Review Commission](#). They have the same power and duties as a sponsor for reviewing and approving charter applications. Their process is defined in [SBE Rule 6A-6.0792](#).

This [webinar](#) will provide information on the process for applying for a charter school through the Charter School Review Commission.

The commission consists of seven members that are appointed by the State Board of Education. They are confirmed by the Florida Senate.

The Charter School Review Commission is not a charter sponsor. If an application is approved by the Commission, the school district serves as the sponsor for approved applications. The Florida Charter Institute, Department of Education, School District and Commission all have a part to play in the approval process.

The commission is scheduled to meet quarterly. Charter Applications are due 90 days prior to each meeting for consideration. Find more information in the Useful Website links below.

Steps to apply via the CSRC:

- Step 1 - Starting Process (submit the Letter of Intent)
- Step 2 - Complete your Application
- Step 3 - Record an Introduction
- Step 4 - Upload your Application
- Step 5 - Send a Copy of your Application to Your District
- Step 6 - Prepare for your Interview
- Step 7 - [Florida Charter Institute](#) (FCI) Recommendation to the DOE
- Step 8 - DOE Review and Approval
- Step 9 - CSRC Meeting
- Step 10 - Contract Negotiations

### **Charter School Support Unit (now the Florida Charter Institute)**

You can also review the resources found on the [Charter Support Unit \(CSU\)](#) and [Florida Charter Institute \(FCI\)](#) websites. This resource contains helpful information on the following:

1. Planning and Launching
2. Boards and Governance
3. School Operations
4. Professional Development
5. One-on-one Consultations
6. Facilities Planning
7. Board Governance Program

## Next Steps

1. The first step in creating a charter school is to create a Governing Board. The Board will create Bylaws and Articles of Incorporation.
2. Next you will register as a corporation. This is usually a non-profit LLC. Register with the [Florida Division of Corporations](#).
3. A Federal Employer Identification Number (FEI/EIN) will be required after the registering as a company. Apply today with the IRS online at: <https://sa.www4.irs.gov/modiein/individual/index.jsp>
4. If you know the location of your planned school, you must review and comply with any local [building zoning](#), public safety, and inspection regulations. Contact your local [Department of Health](#) to find out more about specific building codes, [fire inspection regulations](#), and [food, water, and radon](#).
5. Research information required to apply. This includes demographics and academic achievement of at least ten neighboring schools. This data includes student performance in the following categories:
  - a. Special Education
  - b. English Language Learners
  - c. Racial and Hispanic Performance
  - d. Low Income
6. This can be found on the FLDOE [Know Your Schools](#) webpage. You will use this information in your application.
7. Create a budget that complies with the [Florida "Redbook"](#). The primary purpose of the Florida Redbook is to provide Florida school districts and charter schools with a uniform chart of accounts for financial, cost and budgetary reporting.
  - a. Note that some districts may require you to use their Budget template.
  - b. Identify revenue sources (government funding, loans, etc.)
  - c. Identify expenses.
  - d. Decide if you will do fundraising events and/or ask for donations.
  - e. Decide if you will need to raise capital.
  - f. Decide if you will seek investors.
8. Using the Public Records Request, obtain a copy of prior successful applications and the Evaluation Instrument.
9. Create your Mission and Vision Statements.
10. Create Job Descriptions for key staff.
11. Create required ethics policies for the application.

12. Obtain your IRS Non-Profit status by submitting [IRS Form 1023](#).
13. Complete and submit the application. The Optima Foundation can provide support in writing and/or reviewing the application. It is typically a 400-page document.
14. You will likely be invited to an Applicant Interview to “Defend” your application. The Optima Foundation can guide and assist you with interview preparation. We recommend inviting your subject matter experts to the meeting if applicable.
15. Once the application is approved, you will negotiate a Charter contract.

## Statutes and Rules

Charter School Founders should review each of the following statutes for impact on Charter Schools. You can use a browser to search for “Charter” or “Charter School” or “district school board” or “local school board” to find relevant requirements.

***Note, that Charter School Boards have the same obligations as District School Boards.***

### Requirement to Post Public Information on School Website

Charter schools must post some information on their website. A few items below are not specifically required but are considered “Best Practices”.

- Programs at the school, per [§ 1002.33\(9\)\(p\)1](#)
- School’s Annual Budget, per [§ 1002.33\(9\)\(p\)1](#)
- Schools Annual Independent Fiscal Audit, per [§ 1002.33\(9\)\(p\)1](#)
- School’s grade pursuant to s. 1008.34, per [§ 1002.33\(9\)\(p\)1](#)
- Annual Performance Data, per [§ 1002.33\(9\)\(p\)1](#)
- Governing Board Member’s Names, per [§ 1002.33\(9\)\(p\)1](#)
- Minutes of meetings, per [§ 1002.33\(9\)\(p\)1](#)
- Management Company, per [§ 1002.33\(9\)\(p\)1](#)
- Parent Representative; per [FS 1002.33\(9\)\(p\)2](#)

**Example:** “Florida Statute 1002.33 requires that each charter school’s governing board appoint a school representative to facilitate parental involvement with the school, provide access to school information, assist parents and others with questions and concerns about the school, and resolve disputes with the school.

The representative must reside in the school district in which the charter school is located and may be a governing board member, a charter school employee, or an individual contracted to represent the governing board.

The Board of Directors has appointed: TBD Name and email address”

- School Capacity per [§ 1002.31\(2\)\(b\)](#)

- Application process required to participate in controlled open enrollment, per [§ 1002.31\(2\)\(d\)](#)
- Public Records Request per [§119.12 \(2\)](#)
  - Pursuant to Florida Statute §119.12 (2) the contact information for the School’s custodian of public records is as follows:
- Reporting of Child Abuse Procedures, per [§ 1006.061\(2\)](#) and [§ 1006.061\(4\)\(a\)](#)
  - [Mandatory Reporting of Child Abuse](#)
- Reporting of Professional Misconduct, per [§ 1006.061\(2\)](#)
  - [Educator Misconduct Reporting](#)
- Workers’ Compensation Information, per [§ 440.185](#)
  - [FL Workers’ Compensation](#)
- Family Educational Rights and Privacy Act (FERPA), per [34 CFR PART 99.7](#)  
 FERPA is a Federal law requiring that the school, with certain exceptions, obtain a parent's/guardian's written consent prior to the disclosure of personally identifiable information from your child's educational records.
  - [FERPA – Information for Parents](#)
  - [Notification of Rights under FERPA for Elementary and Secondary Schools.](#)
- Hope Scholarship Policy, per [§ 1002.40\(4\)](#)
  - Include link to policy
- "Out of Field" Teachers, per [§ 1012.42\(2\)](#)
  - State law requires that we report teachers working "out of field". This means that some teachers are working in areas for which they are not technically certified, even though they are more than capable of performing the duties that are required of them. Most are currently working on gaining the necessary certification. The latest list is available at the bottom of this page in a pdf file.
- PE Opt-Out options, per [§ 1003.455\(5\)](#)
- Emailing the school notice, per [§ 668.6076](#)
  - Under Florida law, e-mail addresses and email contents sent to charter school email accounts are public records. If you do not want your email address and email contents released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. (FS 668.6076 Public records status of e-mail addresses; agency website notice.)
- Notification of Rights Under the Protection of Pupil Rights Amendment, per [20 U.S. Code § 1232h\(c\)\(2\)\(A\)\(1\)](#)
  - [Protection of Pupil Rights Amendment \(PPRA\)](#)
- Employee Evaluation System, per “Best Practice”
- Student Progression Plan, per [§ 1008.25 \(10\)\(b\)](#)
- Student Progression Annual Report, per [§ 1008.25 \(10\)\(b\)](#)
- Student Code of Conduct. Per [§ 1006.07\(2\)](#)

- FortifyFL Advertising, per [§ 943.082\(3\)\(b\)](#)
  - <https://www.getfortifyfl.com/>

## **Miscellaneous**

### **Background Checks**

Charter schools must have their staff complete a background check using the [Care Provider Background Screening Clearinghouse](#). A copy of the process PowerPoint may be accessed [here](#). Review the requirement at [F.S. 435.12\(3\)](#).

Schools must designate a contact to receive Clearinghouse updates and email their information to [CLH\\_DOE\\_Support@ahca.myflorida.com](mailto:CLH_DOE_Support@ahca.myflorida.com) with “Contact for [School Name]” in the subject line. Training and further updates on the Clearinghouse transition will be provided by ACHA as available. For more information or questions, please email [CLH\\_DOE\\_Support@ahca.myflorida.com](mailto:CLH_DOE_Support@ahca.myflorida.com).

### [Florida Attorney General Opinions \(AGO\)](#)

### [Electronic Code of Federal Regulations \(e-CFR\):](#)

#### [CFR § 200.501 - Audit requirements.](#)

### [8th Edition of the Florida Fire Prevention Code](#)

#### [NFPA 1 20.2.4.2.3 – Emergency egress drills shall be conducted as follows](#)

### [Chapter 30 SHERIFFS](#)

#### [Section 30.15 – Powers, duties, and obligations](#)

A charter school governing board in a school district that has not voted, or has declined, to implement a guardian program may request the sheriff in the county to establish a guardian program for the purpose of training the charter school employees. If the county sheriff denies the request, the charter school governing board may contract with a sheriff that has established a guardian program to provide such training. The charter school governing board must notify the superintendent and the sheriff in the charter school’s county of the contract prior to its execution.

### [Chapter 112 Code of Ethics for Public Officers and Employees](#)

#### [Section 112.312 – Definitions](#)

#### [Section 112.313 - Standards of conduct for public officers, employees of agencies, and local government attorneys](#)

#### [Section 112.3143 - Voting conflicts.](#)

## Chapter 119 –Public Records

Section 119.071 – General exemptions from inspection or copying of public records.

Section 119.0711 – Executive branch agency exemptions from inspection or copying of public records.

Section 119.12 – Attorney Fees

## Chapter 121 Florida Retirement System

Section 121.021 Definitions.

Section 121.1122 – Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic schools and colleges, including charter schools and charter technical career centers

Section 196.1983 – Charter school exemption from ad valorem taxes

Section 196.29 – Cancellation of certain taxes on real property acquired by a county, school board, charter school governing board, or community college district board of trustees.

## Chapter 163 Intergovernmental Programs

Section 163.3180 Concurrency

## Chapter 218 Financial Matters Pertaining to Political Subdivisions

Section 218.39 – Annual financial audit reports

Section 218.391 – Auditor selection procedures

Section 218.503 – Determination of financial emergency

## Chapter 238 Teachers' Retirement System

Section 238.104 – Charter school instructional personnel; reemployment after retirement.

## Chapter 286 Public Business: Miscellaneous Provisions

Section 286.011 – Public meetings and records; public inspection; criminal and civil penalties

Chapter 381 Public Health: General Provisions

Section 381.0056 – School Health Services Program

Section 381.0098 – Biomedical Waste

Chapter 404 Radiation

Section 404.056 Environmental radiation standards and projects

Chapter 496 Solicitation of Funds

Section 496.407 – Financial statement

Chapter 553 Building Construction Standards

Section 553 – Building Construction Standards

Section 553.80 – Enforcement

Chapter 617 Corporations Not for Profit

Section 617.2104 – FL Uniform Prudent Management of Institutional Funds Act

Chapter 633 Fire Prevention and Control

Section 633.208 – Minimum fire safety standards

Chapter 768 Negligence

Section 768.28 – Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management program

Chapter 1000 Early Learning-20 General Provisions

Section 1000.05 – Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.

Chapter 1001 Early Learning-20 Governance

Section 1001.10(5) – The Department of Education’s Teacher Certification Database.

Section 1001.29 – Discounted computers and Internet access for students.

Section 1001.42 - Powers and duties of district school board.

Section 1001.4205 – Visitation of schools by an individual school board or charter school governing board member.

## Chapter 1002 Student and Parental Rights and Educational Choices

Section 1002.20 – K-12 student and parent rights.

Requires each charter school governing board to require that a school that serves students in kindergarten through grade 8 provide specified training to an adequate number of personnel; requiring that the training include recognizing the signs of an anaphylactic reaction and administering an epinephrine delivery device; requiring each charter school governing board to require that a student's emergency action plan remain effective at all times while the student is on school grounds. Section 1002.20 (3)(q).

Section 1002.22 – Education records and reports of K-12 students; rights of parents and students; notification; penalty.

Section 1002.221 – K-12 education records; public records exemption.

Section 1002.222 – Limitations on collection of information and disclosure of confidential and exempt student records.

Section 1002.31 – Controlled open enrollment; public school parental choice.

Section 1002.33 – Charter Schools

Section 1002.3301 – Charter School Review Commission

Section 1002.331 – High-performing charter schools.

Section 1002.332 – High-performing charter school system.

Section 1002.34 – Charter technical career centers.

Section 1002.345 – Determination of deteriorating financial conditions and financial emergencies for charter schools and charter technical career centers.

Section 1002.41 – Home education programs.

## Chapter 1003 Public K-12 Education

Section 1003.01 – Definitions.

Section 1003.03 – Maximum class size. (average for school)

1003.21 School attendance

Section 1003.22 – School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.

Section 1003.4156 – General requirements for middle grades promotion.

Section 1003.4205 – Disability history and awareness instruction

Section 1003.4281 – Early high school graduation.

1003.4282 – Requirements for a standard high school diploma.

Section 1003.433 – Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.

Section 1003.436 – Definition of “credit.”

Section 1003.437 – Middle and high school grading system.

Section 1003.44 – Patriotic programs; rules.

Section 1003.455 – Physical education; assessment.

Section 1003.46 – Health education; instruction in acquired immune deficiency syndrome.

Section 1003.573 – Use of restraint and seclusion on students with disabilities.

Chapter 1004 Public Postsecondary Education

Section 1004.88 – Florida Institute for Charter School Innovation

Chapter 1006 Support for Learning

Section 1006.07 – District school board duties relating to student discipline and school safety.

Section 1006.12 – Safe-school officers at each public school

Section 1006.13 – Policy of zero tolerance for crime and victimization.

Section 1006.15 – Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation

Section 1006.21 – Duties of district school superintendent and district school board regarding transportation.

Section 1006.22 – Safety and health of students being transported.

Section 1006.23 – Hazardous walking conditions.

Section 1006.24 – Tort liability; liability insurance.

Section 1006.25 – School buses.

Section 1006.195 – District school board, charter school authority and responsibility to establish student eligibility regarding participation in interscholastic and intrascholastic extracurricular activities

Section 1006.261 – Use of school buses for public purposes.

Section 1006.27 – Pooling of school buses and related purchases by district school boards; transportation services contracts.

#### Chapter 1007 Articulation and Access

Section 1007.02 – Students with disabilities; definition.

Section 1007.265 – Persons with disabilities; graduation, study program admission, and upper-division entry; substitute requirements; rules and regulations.

#### Chapter 1008 Assessment and Accountability

Section 1008.212 – Students with disabilities; extraordinary exemption.

Section 1008.22 – Student assessment program for public schools.

Section 1008.23 – Confidentiality of assessment instruments.

Section 1008.25 – Public school student progression; student support; reporting requirements.

Section 1008.33 – Authority to enforce public school improvement.

Section 1008.34 – School grading system; school report cards; district grade.

#### Chapter 1011 Funding for School Districts

Section 1011.61 – Definitions.

Section 1011.62 – Funds for operation of schools.

Section 1011.78 – Standard student attire incentive payments.

## Chapter 1012 Personnel

Section 1012.22 – Public school personnel; powers and duties of the district school board.

Section 1012.26 – Legal services for employees; reimbursement for judgments in civil actions.

Section 1012.33 – Contracts with instructional staff, supervisors, and school principals.

Section 1012.335 – Contracts with instructional personnel hired on or after July 1, 2011.

Section 1012.34 – Personnel evaluation procedures and criteria.

Section 1012.42 – Teacher teaching out-of-field.

Section 1012.45 – School bus drivers; requirements and duties.

Section 1012.465 – Background screening requirements for certain noninstructional school district employees and contractors.

Section 1012.467 – Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.

Section 1012.468 – Exceptions to certain fingerprinting and criminal history checks.

Section 1012.51 – Legislative intent; declaration.

Section 1012.53 – Duties of instructional personnel.

Section 1012.54 – Purpose of instructional personnel certification.

Section 1012.55 – Positions for which certificates required.

Section 1012.56 – Educator certification requirements.

Section 1012.561 – Address of record.

Section 1012.57 – Certification of adjunct educators.

Section 1012.575 – Alternative preparation programs for certified teachers to add additional coverage.

Section 1012.582 – Continuing education and in-service training for teaching students with developmental disabilities.

Section 1012.583 – Continuing education and in-service training for youth suicide awareness and prevention.

Section 1012.584 – Continuing education and in-service training for youth mental health awareness and assistance.

Section 1012.585 – Process for renewal of professional certificates.

Section 1012.98 – School Community Professional Development Act.

#### Chapter 1013 Facilities

Section 1013.12 – Casualty, safety, sanitation, and fire safety standards and inspection of property.

Section 1013.13 – Submittal of facility construction design documents to jurisdictional public safety agencies; School Mapping Data Grant Program

Section 1013.38 – Boards to ensure that facilities comply with building codes and life safety codes.

Section 1013.62 – Charter schools capital outlay funding.

#### **Florida Rules**

Chapter 5J-7 – Solicitations of Contributions

Rule 64D-3.046 – Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

Rule 64F - 6.003 – Screenings Required: vision, hearing, growth and development, scoliosis

Rule 69I-72.006 – Annual inventory requirements for state-owned property. Referenced in Green Book via FDOE.

Rule 6A-1.0081 – Charter School and Charter Technical Career Center Monthly Financial Statements and Financial Conditions.

[Rule 6A-1.012 – Purchasing Policies](#)

[Rule 6A-1.0502 – Non-certified Instructional Personnel](#)

[Rule 6A-1.0503 – Definition of Qualified Instructional Personnel.](#)

[Rule 6A-1.091 – Purchases from Internal Funds. \(Repealed\)](#)

[Rule 6A-1.094224 – Uniform Assessment Calendar.](#)

[Rule 6A-1.09513 – Parents' Responsibility for School Attendance](#)

[Rule 6A-1.0955 – Education Records](#)

[Rule 6A-1.0985 – Entry into Kindergarten and First Grade by Out-of-State Transfer Students](#)

[Rule 6A-1.09941 – State Uniform Transfer of Students in Middle Grades and High School.](#)

[Rule 6A-1.0995 – Form of High School Diplomas and Certificates of Completion.](#)

[Rule 6A-1.09981 – School and District Accountability](#)

[Rule 6A-3.001 – Basic Principles for Transportation of Students.](#)

[Rule 6A-6.0331 – General Education Intervention Procedures, Identification, Evaluation, Reevaluation, and the Initial Provision of Exceptional Education Services.](#)

[Rule 6A-6.03312 – Discipline Procedures for Students with Disabilities.](#)

[Rule 6A-6.0784 – Approval of Charter School Governance Training](#)

[Rule: 6A-6.0792 – Charter School Review Commission](#)

## **Resources**

[Open My Florida Business](#) provides guidance on how to open a business in Florida. It includes links to most state agencies.

### **New Applicant Information**

- Charter Contract Template: [Florida Standard Charter Contract](#)
- Charter Application Template: [Model Florida Charter School Application](#)

- Charter Evaluation Instrument: [Standard Model Charter School Application Evaluation Instrument](#)
- [Frequently Asked Questions](#)
- [Department of Education, Office of School Choice](#)
- [Florida Charter Institute](#)
- [Charter School Review Commission Submission](#)