Florida Charter School Law Overview

First enacted in 1996, Florida’s charter statute provides for schools to be authorized only by local school districts. Caps on their numbers are based on district enrollments and range from 12 schools in smaller districts to 28 in the largest. There is a statewide application that applicants submit to their local boards. If denied, the applicant may appeal to the State Board of Education, which gets recommendations from the newly formed Charter School Appeals Commission. The State Board can now order a local board to approve the charter school. (This appeals process also applies to revocation and non-renewal decisions.) Prior to creation of the Appeals Commission, the State Board could only recommend that a local district overturn denials. About 25% of such previous recommendations to overturn a denial had been accepted by district, while 75% were ignored.

Florida also allows for three special types of charter schools: “charter lab schools” (sponsored by a university), “charter schools-in-the-workplace,” and “charter schools-in-a-municipality” (both sponsored by local districts via partnerships with outside entities). There is also a pilot program that gives financial incentives to districts to create conversion charter schools. As of Fall 2002, 275 charter schools were approved, with 232 operating. All but one (231) were sponsored by 36 school districts. The lone exception is sponsored by Florida State University.

State Policy Environment

Support for Charter Schools: Florida earned a C– for charter school support. While there is broad state-level support from the Governor, legislature, and Department of Education (raters gave high marks to its charter friendliness), local support depends upon the district. Some view charters as a service—educating challenging students with less funding, and easing the facilities crunch—and see that they actually make money from charter schools. Other districts view them as a burden. Over half of Florida’s districts have chartered at least one school.

Schools are legally part of the district, but have a great deal of autonomy. The law restricts districts from imposing many restrictions on their schools, and requires them to provide some administrative services.

Support and Accountability for Authorizers: Florida received a C in this category. Authorizers are required to report periodically to the legislature and publish reports of charter school progress. The law
also requires a Governor-appointed review panel to regularly appraise policies and practices regarding charter schools. But survey respondents suggest that these measures have not been fully implemented. In 2005, the legislature is due to review the operation of charter schools.

The state received high marks for its appeals process, and for having a comprehensive accountability system.

**Authorizer Practices**

**Application Processes:** Mediocre scores on all criteria led to Florida’s C+ for applications. The law required the State Board of Education to create a statewide application, which districts may use for their application process. That application, along with an outline of the criteria reviewers will use, is available on-line. According to survey responses, however, local districts are doing a marginal job of providing other services such as informational meetings and technical assistance. Some assistance is provided by outside groups such as the Florida Consortium of Charter Schools. The state received low scores for seeking applications to fill market gaps—no doubt because the charter initiative falls entirely to local districts.

**Approval Processes:** Florida earned a C+ in this category as well. Once received, the local board sends the application to department heads for scoring and returning to the board, which approves or denies the application. Denied applicants may appeal to the State Board which gets recommendations from the new Charter School Appeals Commission. As of spring 2003, the Board (via the Commission’s recommendations) has voted on six appeals, upholding districts’ decisions to deny applicants in three cases, and requiring districts to approve schools in three other cases. Survey respondents gave high marks for the applicant’s opportunity to provide additional information should questions arise during this process.

**Performance Contracts:** Florida received a B+ for its performance contracts, with high marks in almost every category. Much of the contract content is specified by law, covering such important areas as school mission, curricular focus, instructional techniques, and access for students with special needs. Another important requirement in the law is how baseline academic achievement will be established and used in monitoring progress. Local districts must provide student data to charter schools.

**Oversight:** Despite a C+ for this category, Florida received high marks for financial audits and yearly school progress reports. Survey respondents say these reports are being used to notify schools of potential problems.

**Renewal and Revocation Processes:** The state received a B– for its renewal and revocation processes, with high marks for student performance data analysis and for having specific provisions to close a school when warranted. Charter renewal periods differ between the two types of charter schools. Contracts for non-profit-run schools can extend 10 years, while publicly sponsored schools can extend for 15 years. Even with an extended contract, however, school progress is monitored annually, and contracts can be canceled at any time due to financial problems or lack of student progress. All local authorizer decisions can be appealed to the State Board. Survey scores indicate that adequate policies regarding renewal and revocation are in place, though perhaps not fully implemented. As of Fall 2002, ten charters had been revoked or non-renewed.

**Transparency and Internal Accountability:** Many districts’ lack of enthusiasm for their role as charter authorizers is apparent in the C– for this category. Authorizers do little to make public their reports on charter schools or to provide transparency in their decisions. It should be noted, however, that since this survey was conducted the Florida Consortium of Charter Schools has established websites that allow the public to compare the progress of public and charter schools.

**Overall Grade**

Based on scores for 56 criteria, Florida earned a C for its policy environment and a B– for authorizer practices, resulting in an overall score of C+. When observer and school operator survey respondents were asked to provide a single “holistic” grade, the average grade given was a B–.
Overall, there is room for improvement in Florida’s authorizer processes. Survey responses suggest that attitudinal differences between local districts create an uneven landscape and uncertain environment. Policymakers and authorizers alike should review the specific criterion-based scores for Florida found in Appendix A, and on the web at http://www.edexcellence.net/tbfinstitute/authorizers.html.

Note: The grades for Florida are based upon survey data received from 18 authorizer respondents (representing 17 different authorizers, overseeing 44% of operating schools); five observer respondents; and 29 charter operator respondents (of 232 total operating charter schools, or 13%).