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MEMORANDUM

TO: School District Superintendents
Charter School Leaders

FROM: Hershel Lyons, Chancellor of Public Schools
Adam Miller, Office of Independent Education and Parental Choice

DATE: June 17, 2016

SUBJECT: **Automatic termination of charter school contracts (Double F)**

Contact Information

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The 2016 Florida Legislature, through House Bill 7029, made changes to Section 1002.33(9)(n)4., Florida Statutes (F.S.), that affect the process for the closure of charter schools that earn two consecutive grades of F.

As of July 1, 2016, a charter school's contract is automatically terminated if the school earns two consecutive grades of F after all school grade appeals are final. Importantly, districts are no longer required to issue a 90-day notice of termination in this circumstance. However, districts must notify the charter school's governing board, the charter school principal, and the Florida Department of Education in writing when a charter school contract is automatically terminated through this process.

Additionally, when considering the 2014-15 transition year for state assessments and school grades, the following scenarios fall under this Double-F provision:

- Schools that received a grade of F in 2013-14 and in 2014-15 will be subject to automatic termination if they receive another F in 2015-16;
- Schools that received an F in 2013-14 and received either an "T" or no grade in 2014-15 also will be subject to automatic termination if they receive an F in 2015-16.

Exceptions and waivers to the Double-F provision do not change. Specifically, automatic termination does not apply to a charter school established to turn around the performance of a district public school pursuant to s.1008.33(4)(b)3., F.S. Nor does it apply to a charter school that serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of F in the year before the charter school opened and the charter school earns at least a grade of D in its third year of operation.

HERSHEL LYONS
CHANCELLOR OF PUBLIC SCHOOLS

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The State Board of Education may grant a waiver if the school requests a waiver within 15 days after the department's official release of school grades and the school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for one year and may only be granted once. Charter schools that have been in operation for more than five years are ineligible for a waiver.

It is important to note that a waiver request must be signed by the chair of the charter school governing board and include certification that the governing board voted at a duly noticed public meeting to support the submission of the waiver request. Please see State Board of Education rule 6A-1.099827, Florida Administrative Code, for more information on how to submit a waiver request.

If more information is needed, please contact Adam Emerson, Charter Schools Director at the Florida Department of Education, at 850-245-9631 or Adam.Emerson@fldoe.org.

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