

April 16, 2002

Education
Mercedes Toural, Associate Superintendent

SUBJECT: REQUEST FOR SCHOOL BOARD APPROVAL OF THE CHARTER SCHOOL CONTRACTUAL AGREEMENT FOR BAYARD RUSTIN CHARTER SCHOOL

The School Board of Miami-Dade County, Florida, approved two charter school applications submitted by UTD-Edison Schools on December 13, 2000, for nine schools, and authorized the Superintendent to negotiate individual charter school contractual agreements with the applicant for a term of five years commencing with the 2003-2004 school year. The Charter School Contract Review Committee met on March 20, 2002, and by a majority vote, made a recommendation for approval of the charter school contractual agreement for Bayard Rustin Charter School. The School Board also agreed to waive 4% of the 5% statutorily permitted administrative fee in exchange for compliance with all of the following conditions:

1. UTD-Edison Schools will not use the credit rating of the District or its tax-exempt status to finance the new schools (i.e., the district will not be the issuer of the securities).
2. The charter school facilities will be newly constructed or renovated, and not third party leases.
3. The District will agree to the locations where UTD-Edison Schools will open the charter schools.
4. The District will have the right of first refusal to acquire the school properties in the event of default or breach of the charter school contractual agreement.
5. The schools will be built in accordance with State Requirements for Educational Facilities (SREF), the Florida Building Code, including Section 423, and the Florida Fire Prevention Code.

Bayard Rustin Charter School will be located at SW 312 Street and 167 Avenue, Homestead, Florida (a final address will be provided by the Post Office). The governing board will operate the school through a management contract with Edison Schools, Inc., H. Christopher Whittle, President and CEO. The charter school will serve a maximum of 1,600 students enrolled in grades Kindergarten through eighth, commencing with the first year of operation.

Miami-Dade Charter Schools, Inc., will function as the governing board for Bayard Rustin Charter School. The following is the initial Board of Directors: Mr. Pat L. Tornillo, Jr., United Teachers of Dade; Ms. Merri Mann, United Teachers of Dade; Ms. Annette Katz, United Teachers of Dade; and Dr. Shirley Johnson, United Teachers of Dade.

The Bayard Rustin Charter School will be open to any student residing in Miami-Dade County. District schools in close proximity to the charter school include:

| School | Student Population | Percentage Utilization (Permanent Capacity) | Percentage Utilization (Permanent and Relocatable Capacity) | Number of Relocatables |
|-----------------------|--------------------|---|---|------------------------|
| Avocado Elem. | 938 | 125 | 125 | 0 |
| Campbell Drive Elem. | 1,098 | 121 | 109 | 21 |
| Leisure City Elem. | 1,784 | 145 | 117 | 14 |
| Redondo Elem. | 733 | 108 | 108 | 6 |
| Campbell Drive Middle | 1,380 | 91 | 91 | 0 |
| Homestead Middle | 1,382 | 152 | 134 | 5 |

Source: M-DCPS Report T0500P08-R1 dated 3/2/02

Section 228.056, Florida Statutes, Charter Schools, requires that the major issues involved in the operation of charter schools be considered in advance and written into a charter school contractual agreement between the charter school and the Sponsor, following a public hearing to ensure community input.

Copies of this charter school contractual agreement will be placed on file, and will be available for inspection in the School Board members' office, in the Office of Board Recording Secretary, and the Citizen Information Center.

RECOMMENDED:- Recognizing that The School Board of Miami-Dade County, Florida, has previously approved this site and application, it is recommended that the Board grant final approval of the charter school contractual agreement for the Bayard Rustin Charter School, for a period of 5 years, commencing with the 2003-2004 school year.

MB:dcr