

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT**  
**SPIRAL TECH ELEMENTARY CHARTER SCHOOL v. MIAMI-DADE**  
**COUNTY SCHOOL BOARD - CIRCUIT COURT CASE NO. 02-19935 CA-21**

On May 15, 2002, the School Board approved the termination of the charter school contract with Successful Enterprise, Inc., on behalf of Spiral Tech Elementary Charter School ("Spiral Tech"), effective August 1, 2002. This action was based on the non-compliance with certain provisions of its charter school contract. Among the reasons for the termination were the school's failure to maintain an appropriate certificate of occupancy ("CO"), failure to submit quarterly financial statements, and failure to provide proof of current insurance coverage.

Subsequently, Spiral Tech appealed the termination to the State Board of Education in Tallahassee, and on August 9, 2002, filed a lawsuit in State Circuit Court seeking a temporary injunction to allow the school to remain open until there is a final disposition of its appeal. On August 27, 2002, following an evidentiary hearing, the Court granted the school a temporary injunction and allowed the school to re-open until the appeal is completed. The Court also ruled that the school can only serve eighty (80) students (the maximum allowed by its CO), that the Chairperson and founder of the school must resign, and that a portable building at the school site must be removed before the school can re-open. The portable has since been removed and the school has remained open while the appeal is pending.

In the interim, the parties have reached a settlement that is being recommended to the Board for approval. A copy of the Settlement Agreement has been forwarded to the Board under separate cover. The Office of the School Board Attorney and administration recommend that the School Board authorize and approve the settlement as being in the best interest of all parties involved.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to accept and execute the Settlement Agreement in the case of Spiral Tech Elementary Charter School v. Miami-Dade County School Board, Circuit Court Case No. 02-19935 CA-21 and the appeal presently pending before the State Board of Education.