

Merrett R. Stierheim, Superintendent of Schools

**SUBJECT:           REQUEST CONFIRMATION OF THE SUPERINTENDENT'S  
REQUEST TO THE GOVERNOR TO EXERCISE HIS VETO  
AUTHORITY AND VETO LINE 81 OF THE 2004 GENERAL  
APPROPRIATIONS ACT; AND REQUEST AUTHORIZATION TO  
PREPARE A DETAILED ANALYSIS OF EDUCATIONAL  
FUNDING AVAILABLE FOR FISCAL YEAR 2004-2005; TO  
PURSUE ALL AVAILABLE REMEDIES, ADMINISTRATIVE,  
LEGAL AND OTHERWISE TO THE MODIFICATION OF THE  
METHODOLOGY USED TO CALCULATE THE DISTRICT COST  
DIFFERENTIAL; AND TO EXPLORE THE INTEREST OF SISTER  
SCHOOL DISTRICTS TO JOIN FORCES AND SHARE THE  
COST OF A LAWSUIT, SHOULD A LEGAL REMEDY BE  
RECOMMENDED**

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Revised

**COMMITTEE:       LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND  
PERSONNEL SERVICES**

) During the 2004 Florida Legislative Session, the District Cost Differential (DCD) component of the Florida Education Finance Program (FEFP) formula was modified resulting in a reduction in funding to 27 high-cost districts, including Miami-Dade. In an attempt to mitigate the initial fiscal impact to this district, a compromise transition supplement of \$14,231,828 was negotiated by members of the Miami-Dade Delegation. While these funds somewhat soften the blow that a potential cut of \$27,835,427 would have on Miami-Dade County Public Schools, such a cut is still unbearable.

The Legislature has acted to determine the revenues available to us to educate students. It now falls to the school district to analyze the implications of such a massive restructuring of the education funding formula. The end result of such a drastic cut will be to mandate difficult and deep cuts to this district's operational budget, including possible impacts to educational programs which have been largely avoidable in the past, especially in year two of its implementation.

) At the April 19, 2004 Tri-County School Board meeting, the majority of our Board, seven of nine Board members from Broward, and three Board members present from Palm Beach, unanimously voted to pursue legal relief at two levels. The first pertains to the constitutional requirement for the State to provide an adequate level of funding for public education. It was the unanimous position of the fifteen Board members present that funding for public education was inadequate. The second level pertains to the District Cost Differential.

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As authorized by Agenda Item A-7 at the April 14, 2004, Board meeting, the firm of Holland & Knight, LLP, was retained to provide preliminary opinions as to the constitutionality of the Legislature's action. The firm has conducted a preliminary review and provided an outline of their recommendations to the Board Attorney. Among the firms recommendations is that a request be submitted to the Governor to veto the FEFP based on the modification to the DCD. Accordingly, after discussion with Board Chair Dr. Michael M. Krop, I will be preparing a letter to the Governor on behalf of the Board. This letter will be transmitted to the Board under separate cover and will be placed on file in the Office of the Recording Secretary to the School Board and in the Citizen Information Center. } Added

It is imperative that this district explore all manner of remedies available to reverse the assault and dismantling of the FEFP, including possible legal challenges based on the constitutional requirement to provide for adequate and equitable funding for education.

Board Member Agustin Barrera has a related item on this agenda (D-13) and after discussion with Mr. Barrera, I am requesting that both items be discussed together. } Revised

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida:

1. confirm the Superintendent's request to the Governor to exercise his veto authority and veto line 81 of the 2004 General Appropriations Act – Grants and Aids to Local Governments – Florida Education Finance Program;
2. authorize a detailed analysis of the educational funding available for fiscal year 2004-2005 and report it to the Board at the June 16, 2004 meeting; } Revised
3. authorize the Superintendent and Board Attorney to pursue all available remedies, administrative, legal and otherwise to the modification of the methodology used to calculate the DCD; and, } Revised
4. authorize the Superintendent and Board Attorney to explore the interest of Sister School Districts to join forces and share the cost of a lawsuit, should a legal remedy be recommended. } Revised