

Antoinette Dunbar, Deputy Superintendent  
Curriculum, Instruction, and School Improvement

**SUBJECT: SCHOOL BOARD APPROVAL OF RESOLUTION NO. 06-49 TO REMAIN THE EXCLUSIVE AUTHORIZER OF CHARTERS WITHIN THE MIAMI-DADE COUNTY PUBLIC SCHOOLS AND SUBMISSION OF THIS RESOLUTION OF INTENT TO THE STATE BOARD OF EDUCATION**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT**

In May 2006, the Florida Legislature enacted Section 1002.335, Florida Statutes, Charter Schools, which established the Florida Schools of Excellence (FSE) Commission whose primary focus is the development and support of charter schools. This law was approved by the Governor on June 26, 2006, and took effect on July 1, 2006.

The primary intent of this legislation was to establish an independent, state-level commission to serve as a charter school authorizing entity and a developer of standards for and evaluation of the performance of co-sponsors and charter schools. The FSE Commission is encouraged to convene no later than October 1, 2006, and will meet monthly, working in collaboration with the Florida Department of Education (FLDOE) and under the supervision of the State Board of Education (SBE). Pursuant to this law, The School Board of Miami-Dade County, Florida, and the FSE Commission will now have concurrent authority to authorize and sponsor charter schools within the geographical boundaries of the District.

The FSE Commission's powers and responsibilities include, but are not limited to:

- Authorizing and acting as a sponsor of charter schools, including the approval or denial of charter school applications;
- Authorizing municipalities, state universities, community colleges, and regional educational consortia to act as co-sponsors of charter schools;
- Approving or denying FSE charter school applications and renewing or terminating charters of FSE charter schools;
- Monitoring and conducting annual reviews of facilities, curriculums, academic performances, and financial performances of the charter schools it sponsors; and
- Performing all sponsor duties while keeping the administrative overhead fee to a maximum of five percent (5%).

The Statute allows each school district to present a resolution of intent to the SBE to remain an exclusive authorizer of charter schools within its own geographic boundaries. The deadline to the FLDOE for submitting the initial resolution and accompanying description for districts seeking exclusive authorizing authority is October 16, 2006. Eligibility to become an exclusive authorizer requires a district to demonstrate a four-year history of fair and equitable treatment to its charter schools, which includes, as a minimum:

- Compliance with the provisions of section 1002.33, Florida Statutes, Charter Schools;
- Compliance with full and accurate accounting practices and charges for charter school administrative costs;
- Compliance with requirements allowing a charter school, at its discretion, to purchase certain services or a combination of services at actual cost to the district;
- Absence of a moratorium on approving new charters;
- Compliance with valid SBE orders;
- Inclusion of facilities' needs of charter schools in bond issues and/or provision of land or facilities, when available;
- Provision of pro rata share of eligible state and federal grant money to charter schools, when applicable;
- Provision of adequate staff and other resources to support charter schools;
- Absence of policy or practice of limiting charter school enrollment; and
- Provision of an adequate number of choice programs under No Child Left Behind and a history of approval that encourages chartering.

Since 1996, Miami-Dade County Public Schools has effectively and efficiently overseen its charter schools. Without an exclusive authorizer status, the FSE Commission would, along with the School Board, sponsor and oversee charter schools within the District, potentially eliminating the viable partnerships that currently exist. New and existing charter schools would have the choice of applying to the District or to the FSE Commission. In addition, charter schools whose applications were denied by the School Board could opt to seek sponsorship from the FSE Commission. Retaining the exclusive authorizer status that the District currently holds would enable the District to uniformly continue its chartering success and efficacy for existing and upcoming charter schools.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, grant approval of Resolution No. 06-49 to remain the exclusive authorizer of charter schools within the Miami-Dade County Public Schools and authorize the Superintendent to submit this resolution of intent to the State Board of Education by October 16, 2006.

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**RESOLUTION NO. 06-49  
OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA,  
TO REMAIN THE EXCLUSIVE AUTHORIZER OF CHARTERS  
WITHIN THE MIAMI-DADE COUNTY PUBLIC SCHOOL DISTRICT**

**WHEREAS**, the Legislature of the State of Florida has authorized the establishment of the Florida Schools of Excellence Commission (hereinafter "Commission") as a charter school authorizing entity, pursuant to the provision of Section 1002.335, Florida Statutes (2006); and

**WHEREAS**, by provision of the same statute the Legislature has also established a process by which district school boards may apply to retain exclusive authority to authorize charter schools within the geographical boundaries of the school district; and

**WHEREAS**, this process requires district school boards to present to the State Board of Education, on or before a date 60 days after the establishment of the Commission, a written resolution adopted by the district School Board indicating the intent to remain exclusive authority to authorize charter schools; and

**WHEREAS**, The School Board of Miami-Dade County, Florida (The School Board) currently authorizes 57 charter schools within the geographical boundaries of Miami-Dade County, and employs a dedicated staff for the purpose of carrying out the intent of the legislature and facilitating and ensuring the performance of all duties and obligations duly placed upon the authorizer; and

**WHEREAS**, The School Board has provided fair and equitable treatment to its charter schools during the four years prior to the adoption of this Resolution; and

**WHEREAS**, The School Board desires to retain exclusive authority to authorize charter schools within the geographical boundaries of Miami-Dade County, Florida;

**NOW THEREFORE, BE IT RESOLVED** by The School Board of Miami-Dade County, Florida, pursuant to the provisions of Section 1002.335(5), Florida Statutes (2006), that the School Board desires and intends to retain exclusive authority to authorize charter schools within the geographical boundaries of Miami-Dade County, Florida.

**BE IT FURTHER RESOLVED** that this resolution be spread upon the minutes of The School Board of Miami-Dade County, Florida, that it be submitted to the State Board of Education, and that it be delivered to each charter school authorized by The School Board of Miami-Dade County, Florida, on or before the date submitted to the State Board of Education.

A copy of this resolution is placed in the permanent records of this Board.

Presented this thirteenth day of September, A.D. 2006

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

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CHAIR

ATTEST:

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SECRETARY