

Antoinette Dunbar, Deputy Superintendent
Curriculum and Instruction

SUBJECT: SCHOOL BOARD APPROVAL OF RESOLUTION NO 07-195 TO REMAIN THE EXCLUSIVE AUTHORIZER OF CHARTER SCHOOLS WITHIN THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE 2008-2009 SCHOOL YEAR AND SUBMISSION OF THIS RESOLUTION TO THE STATE BOARD OF EDUCATION

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO DISTRICT STRATEGIC PLAN: GENERAL OPERATIONS

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 and took effect on July 1, 2006. 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 cosponsors of charter schools, including the approval or denial of cosponsor applications;
- Approving or denying Florida Schools of Excellence (FSE) charter school applications and renew or terminate charters of FSE charter school;
- Monitoring and conducting facility and curriculum reviews of charter schools approved by the commission or one of its cosponsors; and
- Performing all duties as a Sponsor and retaining an administrative overhead fee at an amount not to exceed five percent (5%) of each charter school's operating funds.

Pursuant to Section 1002.335 (5), Florida Statutes, exclusivity is granted on an annual basis. The application process to retain exclusive authority, which includes submission of a resolution, must be transmitted to the State Board of Education on or before March 1 of the fiscal year prior to that for which the exclusive authority is to apply.

At the School Board meeting of November 20, 2007, the Board approved Agenda Item G-1, which directed the Superintendent to prepare a Resolution seeking exclusive authority for the next school year to be placed on the December School Board agenda.

Eligibility to become an exclusive authorizer requires a district to demonstrate a four-year history of fair and equitable treatment of its charter schools, which includes meeting the 50 conditions set forth in State Board Rule 6A-6.0783, District School Board Exclusive Authority to Sponsor Charter Schools.

Since 1996, Miami- Dade County Public Schools has effectively and efficiently overseen its charter schools. Without exclusive authorizer status, the FSE Commission along with any Co-Sponsors (e.g. municipalities), and the School Board will have concurrent authority to sponsor and oversee charter schools within Miami-Dade County, potentially eliminating the viable partnerships that currently exist. New charter schools and existing charter schools nearing contract expiration could opt to seek sponsorship from the FSE Commission or any Co-Sponsors. Retaining exclusive authorizer status 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. 07-195 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 March 1, 2008.

LCR/MB/EOW:tp

**RESOLUTION NO. 07-195
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 (2007); 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 March 1, 2008, 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 63 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;

WHEREAS, The School Board, by submitting this Resolution is hereby asserting, reserving and not waiving the constitutional powers, rights, and authority of the School Board under Fla. Const. Art. IX, Section 4, which vests in school boards the sole authority to operate, control and supervise all free public schools within their districts, and that this constitutional provisions applies to charter schools; and

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 (2007), 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 nineteenth day of December, A.D. 2007

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

CHAIR

ATTEST:

SECRETARY