

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: RATIFICATION OF SCHOOL BOARD'S MOTION TO INTERVENE IN
MATTER OF RENAISSANCE CHARTER SCHOOL INC.'S PETITION
BEFORE THE STATE OF FLORIDA'S DEPARTMENT OF COMMUNITY
AFFAIRS, DCA CASE NO. DCA08-DEC-218**

For some time now, the District has been steadfastly working to facilitate the resolution and finalization of the Interlocal Agreement on School Concurrency between the School Board and the Board of County Commissioners of Miami-Dade County ("ILA"). Throughout this process, Ms. Susan Trevarthen, Esquire, outside counsel with the firm Weiss Serota Helfman Pastoriza Cole & Boniske, P.L, has represented the School Board on all issues related to this matter. During this time, a Petition for Declaratory Statement was filed with the Department of Community Affairs ("DCA") by Renaissance Charter School, Inc. The DCA is the agency charged with the implementation and enforcement of school concurrency.

The aforementioned Petition requests that the DCA provide a declaratory statement on, among other things, whether charter schools are "public schools" within the meaning of §.163.3180(13), Fla. Stat. and are included in the Public School Facilities Element adopted into the comprehensive plan under §163.3180(13)(a). The District was invited to comment on the matter by DCA and has recommended (through our outside counsel), in order to protect the Board's interests, that DCA dismiss the Petition on numerous legal grounds. However, should the DCA not summarily dismiss the Petition, should such a dismissal of the Petition be appealed, or should the DCA issue a Declaratory Statement that is not in keeping with the School Board's position as stated in the Consensus ILA already approved by the School Board and 23 municipalities, the Board will have no further recourse with respect to DCA's declaratory statement if the School Board is not involved in this matter as a party.

Accordingly, in order to preserve the Board's interest, outside counsel filed a motion to intervene as an interested party. As a party, should a ruling adverse to the Board's interest be issued by DCA, the Board will have an opportunity to appeal said decision. This item is purely presented for the purpose of seeking ratification by the Board of the intervention and continued representation of the Board by outside counsel in this matter before the DCA. If the Petition is ultimately dismissed by DCA and no appeal is filed, the matter will be moot and no further action on behalf of the Board will be necessary.

RECOMMENDED: That The School Board of Miami-Dade County, Florida ratify the School Board's intervention in the matter of Renaissance Charter School, Inc.'s Petition for Declaratory Statement, presently pending before the State of Florida's Department of Community Affairs, DCA Case No. DCA08-DEC-218.