

MEMORANDUM

July 14, 2010

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools *AMC*

SUBJECT: **WITHDRAWAL OF AGENDA ITEM C-31 - REQUEST SCHOOL BOARD DENIAL OF THE CHARTER SCHOOL CONTRACTUAL AGREEMENT FOR FLORIDA HIGH SCHOOL FOR ACCELERATED LEARNING – GREATER MIAMI CAMPUS, INC., ON BEHALF OF FLORIDA HIGH SCHOOL FOR ACCELERATED LEARNING – GREATER MIAMI CAMPUS**

The attached agenda item C-31, Request School Board Denial of the Charter School Contractual Agreement with Florida High School for Accelerated Learning – Greater Miami Campus, Inc., on behalf of Florida High School for Accelerated Learning – Greater Miami Campus, is being withdrawn from the July 14, 2010, School Board Meeting Agenda. The school no longer desires to enter into a contractual agreement with the School Board to operate a charter school for the 2010-2011 school year. The approved charter application will expire on August 1, 2010.

Should you have any questions, please contact Mr. Freddie Woodson, Deputy Superintendent, District/School Operations, at 305-995-2938.

AMC:ihb
M049

Attachment

cc: School Board Attorney
Superintendent's Cabinet

Freddie Woodson, Deputy Superintendent
District/School Operations

SUBJECT: REQUEST SCHOOL BOARD DENIAL OF THE CHARTER SCHOOL CONTRACTUAL AGREEMENT FOR FLORIDA HIGH SCHOOL FOR ACCELERATED LEARNING – GREATER MIAMI CAMPUS, INC., ON BEHALF OF FLORIDA HIGH SCHOOL FOR ACCELERATED LEARNING – GREATER MIAMI CAMPUS

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO DISTRICT STRATEGIC PLAN: GENERAL OPERATIONS

Section 1002.33(7), Florida Statutes, Charter Schools, requires that the major issues involved in the operation of charter schools be considered in advance and written into a charter school contractual agreement, between the charter school and the sponsor, following a public hearing to ensure community input.

On November 18, 2008, The School Board of Miami-Dade County, Florida (School Board) approved a charter school application submitted for Florida High School for Accelerated Learning – Greater Miami Campus (School) and authorized the Superintendent of Schools to negotiate a charter school contractual agreement with the applicant for a term of five years, commencing the 2009-2010 school year. However, pursuant to Section 7(f) of School Board Rule 6Gx13- 6A-1.471, Charter Schools (K-12) (2008), the charter school requested to extend contract negotiations and defer the opening of school until the 2010-2011 school year due to difficulties in obtaining a feasible facility. This School was approved to serve a maximum of 400 at-risk students seeking credit recovery and/or accelerated programs, in grades nine through twelve. The Education Service Provider (ESP) is Accelerated Learning Solutions, Inc.

Pursuant to Section 6 of School Board Rule 6Gx13- 6A-1.471, Charter Schools (K-12) (2010), the Charter School Contract Review Committee (CRC) met on June 22, 2010 and July 1, 2010, to negotiate the contract. During the CRC meetings, the following issues were raised as significant concerns:

- The ESP selected the governing board members which contradicts representations made in the approved charter application.
- Lack of knowledge and/or evidence or authorization by the governing board members about the lease arrangements, school finances, and general school development plans.
- Upon review of the Management Agreement between the School and the ESP, there is no clearly defined performance-based relationship between the School's

**Withdrawn
(7/14/10)**

governing board and ESP. The Management agreement requires the School to pay a monthly fee of 97% of the School's Revenues, less the amount of any outstanding costs and expenses. Furthermore, the School can only terminate the Management Agreement if the Sponsor does not award a charter contract or renew an existing charter contract, or if the ESP materially breaches the Management Agreement without curing the breach within a 90 days.

- The lease of the school facility would be contingent upon a continued relationship between the ESP and the School. There exists no suitable alternative facility option and no evidence that the school would have the option to terminate Management Agreement without losing its facility.
- An addendum to the Management Agreement was referenced, but it was not provided for consideration and approval.
- Discrepancies regarding academic sessions, school calendar, and hours of operation raise concerns about the school's ability to fulfill legal obligations regarding attendance and minimum instructional minutes.
- Insufficient documentation provided to ensure that parents and students would be informed that the school would not be an accredited educational institution in its first year of operation. Enrollment will include grade twelve in the initial year.
- Discrepancies between the budget and cashflow statements, specifically regarding a \$1.7 million contribution to the school. Additionally, insufficient information provided to clarify the source of the contribution or whether the contribution is a donation or loan. This matter is significant because the treatment of such a disbursement has a definite impact on the evaluation of the School's financial viability. Neither the ESP nor the school governing board chairperson could clarify this issue.
- Financial monetary incentives and awards for students were budgeted in the school's general fund budget, which is not an allowable use of these funds.

At the July 1, 2010 meeting, the CRC, by a majority vote, made a recommendation to deny the charter school contractual agreement with Florida High School for Accelerated Learning – Greater Miami Campus, Inc., on behalf of Florida High School for Accelerated Learning – Greater Miami Campus for the following reasons:

1. No clear, sensible delineation of roles and responsibilities between the ESP and school's governing board;
2. No clearly defined performance-based relationship between the school's governing board and ESP;
3. Existence of a conflict of interest as it relates to the school's leasing arrangement;
4. School schedule does not meet the minimum statutory requirements; and,
5. Inability to ensure financial viability of the school.

Should the School Board approve this recommendation, the school's governing board may request mediation services from the Department of Education. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings.

RECOMMENDED: That The School Board of Miami-Dade County, Florida deny the charter school contractual agreement submitted by Florida High School for Accelerated Learning – Greater Miami Campus, Inc., on behalf of Florida High School for Accelerated Learning – Greater Miami Campus.

FW:elg