

May 2, 2002

Education  
Mercedes Toural, Associate Superintendent

**SUBJECT: REQUEST FOR SCHOOL BOARD APPROVAL OF THE CHARTER SCHOOL CONTRACTUAL AGREEMENT FOR TOBIAS SIMON CHARTER SCHOOL**

The School Board of Miami-Dade County, Florida, approved two charter school applications submitted by United Teachers of Dade (UTD)-Edison Schools on December 13, 2000. The Board authorized the Superintendent to negotiate up to nine individual charter school contractual agreements with the applicant for a term of five years commencing with the 2003-2004 school year. The Charter School Contract Review Committee met on April 15, 2002, and by a majority vote made a recommendation for approval of the charter school contractual agreement for Tobias Simon Charter School. The School Board also agreed to waive 4% of the 5% statutorily permitted administrative fee in exchange for compliance with all of the following conditions:

1. UTD-Edison Schools will not use the credit rating of the District or its tax-exempt status to finance the new schools (i.e., the District will not be the issuer of the securities).
2. The charter school facilities will be newly constructed or renovated and not third party leases.
3. The District will agree to the locations where UTD-Edison Schools will open the charter schools.
4. The District will have the right of first refusal to acquire the school properties in the event of default or breach of the charter school contractual agreement.
5. The schools will be built in accordance with State Requirements for Educational Facilities (SREF), the Florida Building Code, including Section 423, and the Florida Fire Prevention Code.

Tobias Simon Charter School will be located at 24400 SW 137th Avenue, Miami, Florida. The governing board will operate the school through a management contract with Edison Schools, Inc., H. Christopher Whittle, President and CEO. The charter school will serve a maximum of 1,600 students enrolled in grades kindergarten through eight, commencing with the first year of operation.

Miami-Dade Charter Schools, Inc. will function as the governing board for Tobias Simon Charter School. The following is the Board of Directors: Mr. Pat L. Tomillo, Jr., United Teachers of Dade; Ms. Merri Mann, United Teachers of Dade; Ms. Annette Katz, United Teachers of Dade; and Dr. Shirley Johnson, United Teachers of Dade.

The Tobias Simon Charter School will be open to any student in grades kindergarten through eight residing in Miami-Dade County. District schools in close proximity to the charter school include:

School	Student Population	Percentage Utilization (Permanent Capacity)	Percentage Utilization (Permanent and Relocatable Capacity)	Number of Relocatables
W.A. Chapman Elem.	858	90	83	9
Naranja Elementary	911	146	112	7
Pine Villa Elem.	739	123	88	12
Redland Elementary	1,031	124	124	0
Mays Middle	1,104	105	100	2
Redland Middle	1,695	141	138	3

Source: M-DCPS Report T0500P08-R1 dated 3/2/02

Section 228.056, 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.

Copies of this charter school contractual agreement will be placed on file, and will be available for inspection in the School Board Members' office, in the Office of Board Recording Secretary, and in the Citizen Information Center.

**RECOMMENDED:** Recognizing that The School Board of Miami-Dade County, Florida, has previously approved this site and application, it is recommended that the Board grant final approval of the charter school contractual agreement for the Tobias Simon Charter School, for a period of five years, commencing with the 2003-2004 school year.

MB:dcr