

April 22, 2002

Education
Mercedes Toural, Associate Superintendent

**SUBJECT: AUTHORIZATION TO ACT ON THE RECOMMENDATION OF THE
FLORIDA BOARD OF EDUCATION TO APPROVE THE CHARTER
SCHOOL APPLICATION FOR THE CONVERSION OF SNAPPER CREEK
ELEMENTARY SCHOOL**

An application for the conversion of Snapper Creek Elementary School was submitted to Miami-Dade County Public Schools on October 1, 2001. The Charter School Technical Assistance Team reviewed the application on October 22, 2001, and identified a number of weaknesses. A second opportunity was given for the applicant to address these weaknesses, and a revised application was subsequently submitted to the District. The Charter School District Review Committee reviewed the revised application on November 15, 2001, and determined that all of the weaknesses had not been satisfactorily rectified, and voted unanimously to recommend to the Superintendent that the application be denied. On December 12, 2001, The School Board of Miami-Dade County, Florida, denied the application for conversion.

Pursuant to Section 228.056, Florida Statutes, the applicant, on February 11, 2002, appealed the School Board's decision to deny the application to the Florida Board of Education. On April 9, 2002, a hearing on the appeal of the School Board's denial of the application was heard before the Florida Board of Education. By letter dated April 11, 2002 received on April 15, 2002, the School Board received official written notification of the Florida Board of Education's decision to remand the application back to the School Board with the recommendation that the application for charter conversion be approved.

Under Section 228.056, Florida Statutes, the School Board must act upon the recommendation of the Florida Board of Education within 30 days after it is received. The School Board may fail to act in accordance with the recommendation of the Florida Board of Education only for good cause. Good cause arises only if the School Board determines by competent substantial evidence that approving the Florida Board of Education's recommendation would be contrary to law or contrary to the best interests of the pupils or the community.

Staff is recommending that the School Board act upon the recommendation of the Florida Board of Education by rejecting the recommendation to approve the application for charter conversion of Snapper Creek Elementary School. There is good cause to reject the recommendation of the Florida Board of Education based upon competent substantial evidence that the conversion of Snapper Creek Elementary School will not be in the best interest of the pupils or the community for the following reasons:

1. the objectives proposed for year one of operation of the school as a conversion charter school require lower student academic performance outcomes than those presently achieved and/or required as part of the school's approved 2001-2002 School Improvement Plan;
2. the establishment of an enrollment cap at the conversion charter school is not in the best interest of the community since it will negatively impact the pupils in the surrounding schools;
3. the fiscal viability of the conversion charter school is uncertain (the management company indicated their intent to waive management fee and seek funds to balance budget, but no specific sources for obtaining additional funding were identified);
4. the information provided to parents and teachers prior to securing their votes for the conversion was incomplete and/or inaccurate;
5. the personnel arrangements proposed for the conversion charter school are not in the best interest of the community since they require the District to incur expenditures beyond those covered by the statutorily-authorized 5% administrative fee; and
6. the participation of a school administrator in the governing board of the conversion charter school is contrary to the District's policy that precludes compensation of charter school governing board members.

At the April 9, 2002 hearing before the Florida Board of Education, no new information was presented. Accordingly, the conversion of Snapper Creek Elementary School to charter school status is not in the best interest of the pupils or the community.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, reject the Florida Board of Education's recommendation to approve the charter conversion application for Snapper Creek Elementary School because it would be contrary to the best interest of the pupils or the community for the reasons enumerated in items 1 through 6 above and set forth in the School Board's proposed Final Order.

MB:pr