

Office of School Board Attorney
Walter J. Harvey, Board Attorney

**SUBJECT: REQUEST AUTHORIZATION AND RATIFICATION TO
INITIATE LITIGATION AGAINST RISE SCHOOLS, INC.,
AND/OR OTHER INDISPENSABLE OR NECESSARY
PARTIES TO RECOVER SCHOOL BOARD FUNDS AND
PROPERTY**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

**LINK TO
STRATEGIC
FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

On June 14, 2010 the School Board terminated its contract with Rise Schools, Inc., a Florida not-for-profit corporation operating the charter school, Rise Academy ("Rise"). Pursuant to Rise's charter school contract with the School Board, upon immediate termination Rise was required to relinquish to the School Board "all educational and administrative records of the School...and ...within two business days, the School shall turn over all records and information regarding the accounts of all of the public funds to the School Board." Furthermore, Section 1002.33(8)(e), Fla. Stat. (2010), also states that upon termination, public funds and property shall revert to the School Board immediately.

Despite the clear language of both the contract and Florida law, Rise officials did not relinquish any property purchased with District funds. In addition, over \$117,000 in FEFP funds deposited in Rise's official bank account for the purpose of paying teachers, vendors, and other debts are unaccounted for. Despite numerous written demands, Rise has failed to provide access to these School Board funds and its financial records. Rise has also failed to relinquish the School Board's property. Meanwhile, teachers and vendors remain unpaid for services rendered to Rise.

To protect the School Board's property and funds, the Board Attorney seeks authorization to take all necessary legal actions to collect any and all public funds and property that reverted to the School Board upon termination, including interest, costs, and fees. Pursuant to Section 1001.41(4), the School Board is authorized to "contract, sue, and be sued." Accordingly, the School Board Attorney recommends that the Board authorize the ratification of his action to

initiate of any and all necessary legal actions or claims to recover School Board funds and property provided to Rise through its contract with the School Board.

RECOMMENDED:

That the School Board of Miami-Dade County, Florida, authorize and ratify the School Board Attorney:

- (1) to initiate any and all requisite legal actions or claims against Rise Schools, Inc. d/b/a Rise Academy and any other indispensable or necessary parties, to collect all funds and property that Rise was required to relinquish to the School Board upon termination of Rise's charter school contract, and
- (2) to take any other appropriate action that may be necessary to enforce the rights and duties of the School Board under these circumstances.