

Valtena G. Brown, Chief Operating Officer  
School Operations

**SUBJECT: REQUEST SCHOOL BOARD APPROVAL TO COMMENCE THE 90-DAY CHARTER SCHOOL TERMINATION PROCESS FOR EXCELSIOR ACADEMIES, INC., ON BEHALF OF EXCELSIOR ACADEMY HIGH SCHOOL**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT**

**LINK TO STRATEGIC FRAMEWORK: STUDENT, PARENT, AND COMMUNITY ENGAGEMENT**

Section 1002.33(8), Florida Statutes, and the contract between the charter school and the School Board, provide guidelines for the termination of a charter school contract.

### History & Overview

The initial charter school contract with Excelsior Academies, Inc., on behalf of Excelsior Academy High School (Excelsior), was approved for a five-year term by The School Board of Miami-Dade County, Florida ("School Board"), on July 14, 2010, commencing with the 2010-2011 school year and ending on June 30, 2015.

Under the contract, the School is authorized to serve a maximum of 600 students in grades 9 through 12 at 600 West 20 Street, Hialeah, Florida, 33143. The School was co-located with Excelsior Language Academy of Hialeah (K- 8) (Excelsior K-8). The enrollment history of Excelsior is contained in the following chart.

School Year	October FTE	Contract Capacity	Grades Served	School Grade
2010-11	25	200	9	NA*
2011-12	64	600	9 – 10	B
2012-13	103	600	9 – 10	C

\*The number of students tested did not meet the state threshold required for the award of a school grade.

On June 24, 2013, Excelsior notified the District that its lease at 600 West 20 Street was terminated due to "irreconcilable issues" between the School and the Landlord (Attachment A).<sup>1</sup> In June, the School requested a contract amendment in order to relocate. The Contract Review Committee was unable to recommend approval of the request, however, because the school failed to provide sufficient documentation required under Board Policy 9800, *Charter Schools*, including the following:

<sup>1</sup> Excelsior Language Academy of Hialeah (K-8), moved to another location at 369 East Tenth Street, Hialeah, Florida 33010. This location change was approved by the Board as a contract amendment on July 17, 2013. The K-8's enrollment has declined from 553 students (October 2012 FTE) to approximately 80 students.

A description of the new location, including identification as permanent or temporary, and if temporary, the period of time during which the school will be at the temporary location;

- Evidence that the new location would not result in a private school conversion;
- Evidence that financial implications, feasibility, and student access issues have been addressed; and,
- Evidence of parental support for the new facility.

### **Termination of Contract**

Section 1002.33(8)(d), Florida Statutes, provides that a sponsor may terminate a charter school for violation of law and/or good cause shown. School Board Policy 9800, *Charter Schools* and the charter contract also stipulate that charter school contracts may be terminated or non-renewed if the charter school materially breaches the contract.

In this case, the charter contract to operate a high school cannot be performed because Excelsior no longer occupies the approved facility located at West 20 Street and has failed to relocate to a suitable alternative facility. Additionally, District records indicate that Excelsior has no students enrolled (Attachment B) and no employees (Attachment C). This failure has resulted in a breach of the following contract provisions:

- a. Failure to locate the school at the address identified in the approved charter contract (600 West 20 Street, Hialeah, Florida, 33010, folio no: 01-3013-034-0600). [Contract, Section V(C)(4)] or find a suitable alternate facility prior to the first day of school [§1002.33(7)(a)15., F.S.];
- b. Failure to make progress toward the stated mission of the School pursuant to the charter school application and the Contract [Contract, Section II(C)(7)] and failure to deliver the instructional programs or curricula identified in the application [Contract, Section II(C)(8)] due to the inability to obtain a facility for the 2013-14 school year. In addition, even if the School had continued operating at the previous site, the zoning restrictions would have limited the School to serving only 9<sup>th</sup> and 10<sup>th</sup> grade students;
- c. Failure to have an annual audit that complies with the requirements specified in the Contract or to timely submit required financial reports (Attachment D). [Contract, Section II(C)(8), §1002.33(9)(g)2.-3., F.S.]; and,
- d. Failure to start the school year consistent with the Miami-Dade Public School's calendar. [Contract I(E)(1), §1002.33(9)(m), F.S.].

For these reasons, it is requested that The School Board, Miami-Dade County, Florida, authorize the Superintendent to notify Excelsior of the proposed commencement of the

90-day process for termination of the contract pursuant to § 1002.33(8), F.S. The School's governing board may request an administrative hearing pursuant to § 1002.33(8), School Board Policies 9800, *Charter Schools*, and 0133, *Quasi-Judicial Proceedings*. If the School does not request a hearing, the contract will automatically terminate with no further action by the Board.

} Deleted

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida:

1. Authorize the Superintendent to notify Excelsior High School that the School Board will terminate the contract in 90 days, and automatically terminate the charter if the School does not request a hearing within the statutory timeline.

VGB:nlb

## ATTACHMENT A NOTIFICATION FROM SCHOOL

**From:** Ctr [<mailto:ctrilles@aol.com>]  
**Sent:** Monday, June 24, 2013 11:48 AM  
**To:** Pauline, Tiffanie A.; Gonzalez, Dahlia M.  
**Cc:** TRI STAR LEADERSHIP INC; [aliciarbower@gmail.com](mailto:aliciarbower@gmail.com)  
**Subject:** CRC

Dear Ms. Pauline:

As discussed and shared with you, the Lease Agreement for both Excelsior Language Academy K-8 and high school was terminated due to irreconcilable issues with the school and the Owner.

As a result and as discussed with you, this termination at this time has rendered both schools in a state of urgency with respect to the safety, well being and educational welfare of the students who would be left without a location due to a number of circumstances that were beyond the control of the Governing Board.

As a result, the School is being forced to move to other locations for the 2013-2014 school year. Proposed locations have been found and a CRC for the relocations is needed, based on the emergency and unanticipated nature of these matters.

Your support and assistance are appreciated.

Sincerely,

Claudia Trilles  
Board President

**ATTACHMENT B  
PARIS SCREEN  
WL 7054**

09/17/13

NO STUDENTS FOUND MEETING SEARCH CRITERIA

<PF2> = RETURN TO SEARCH CRITERIA SCREEN   <PF3> = EXIT   <ENTER> =  
CONTINUE



ATTACHMENT D  
CHARTER SCHOOL COMPLIANCE MANAGEMENT SYSTEM

2013-14 School  
Year



USER	
Name: <u>Nicki Brisson</u>	Approved: <u>2947</u>
Role: Administrator	Pending Review: <u>1527</u>
Date: 09/17/2013	Incomplete: <u>254</u>
<u>Logout</u>	Past Due: <u>174</u>

School Name: Excelsior Charter High School (7054)

Administrator: Wyartt, Janel

Contact Number: 305-883-8359

Benchmark Schedule

Month:



Compliance Status: Non-compliant

1117	09/02/13	<u>Audited Financial Statement</u>	<u>Christopher Morgan</u>	Past Due	5	0
10027	09/04/13	<u>Governing Board Members</u>	<u>Nicki Brisson</u>	Past Due	5	0
10370	09/04/13	<u>Emergency Evacuation</u>	<u>Susan Cooper</u>	Missing Documentation	1	0
10373	09/04/13	<u>Contract Verifying Charter School Staff not M-DCPS Employees</u>	<u>Pamela Sanders-White</u>	Past Due	1	0
10684	09/13/13	<u>Race To The Top Deliverables</u>	<u>Dwight Bernard</u>	Past Due	5	0
10010	09/16/13	<u>Application Accountability Report</u>	<u>Alina Diaz</u>	Past Due	5	0
1122	09/24/13	<u>School Support Team (SST)</u>	<u>Karen Boyce</u>	N/A	5	
10374	09/24/13	<u>Safety and Emergency Plan and Staff Training</u>	<u>Dwight Bernard</u>	N/A	1	
10491	09/24/13	<u>Restriction/Disclosure of Employment of Relatives</u>	<u>Pamela Sanders-White</u>	N/A	1	
10376	09/30/13	<u>Charter School By-Laws</u>	<u>Alina Diaz</u>		1	

# ATTACHMENT D CHARTER SCHOOL COMPLIANCE MANAGEMENT SYSTEM

10416

09/30/13 Monthly Financial Report

Christopher Morgan

N/A

N/A

1

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