

Dr. Marta Pérez, Board Member

**SUBJECT: REQUEST FOR APPROVAL OF RESOLUTION NO. 18-058
OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY,
FLORIDA, AFFIRMING FLORIDA'S JUDICIAL 2ND CIRCUIT
COURT'S AUGUST 20, 2018 POSITION PERTAINING TO
AMENDMENTS**

COMMITTEE: ACADEMICS, INNOVATION, EVALUATION & TECHNOLOGY

**LINK TO STRATEGIC
BLUEPRINT: INFORMED, ENGAGED AND EMPOWERED STAKEHOLDERS**

The Constitution Revision Commission (CRC) convenes once every 20 years to examine the Florida Constitution and propose changes for voter consideration. The CRC meets for approximately one year, identifying issues, performing research and possibly recommending changes to the Florida Constitution. As part of this process, the CRC holds public hearings, throughout the state, to learn about issues that matter most to Floridians and considers proposed constitutional amendments submitted by the public. The CRC adjourned in May 2018 and placed eight proposed constitutional amendments on the General Election ballot for voter consideration. At least 60 percent of the vote is required to pass a constitutional amendment in Florida.

Amendment 8 proposes to: limit school board members to two consecutive four-year terms in office, specify which schools are operated, controlled, and supervised by a school board, and require the Legislature to provide for the promotion of civic literacy in public education.

Amendment 8 appears to be an effort to authorize an entity other than the elected school board to establish a traditional public school, a charter school, a school of hope and/or other choice options. Transferring this authority to an individual or an entity that is not elected denies taxpayers, families, and communities any means to hold the authorizing entity fiscally and programmatically accountable.

This proposal would permit and encourage the creation of a parallel system of free public schools by essentially creating two systems: One system under the operation and control of the locally elected school board and another system under the operation and control of some other entity. The proposal encourages and would permit a process to establish a public school without regard to the need, desire, or appropriateness of the new school. This threatens the state's ability to comply with constitutional mandate for an efficient system of free public schools.

Promotion and instruction in civic literacy is already well established in Florida Statutes, incorporated into the Florida Standards, and measured by Florida's statewide, standardized assessment system. It is not necessary to further enshrine civic literacy in the state constitution.

**Revised ²
H-6**

In early July, the Florida League of Women Voters filed a lawsuit against Amendment 8. The Florida School Boards Association unanimously adopted a resolution opposing Amendment 8, at their Board of Directors meeting in June 2018. The members of the Greater Florida Consortium of School Boards in attendance at their business meeting on that same date also unanimously voted to support that position. Thus far, other school districts in Florida that have voted to support the exclusion of the amendment include Charlotte, Duval, Hillsborough, Lee, Martin, Pinellas, Polk, St. Lucie and Sarasota. Other organizations supporting this issue include Miami-Dade County Council of PTAs/PTSAs, the United Teachers of Dade, and the Florida Education Association.

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Furthermore, in August 2018, Judge John Cooper wrote in a summary judgement that the amendment should be removed “because its ballot title and summary fail to comply with the accuracy requirement imposed by” the Florida Constitution.

This item has been reviewed and approved by the School Board Attorney’s Office as to form and legal sufficiency.

**ACTION PROPOSED BY
DR. MARTA PÉREZ:**

That The School Board of Miami-Dade County, Florida, approve Resolution No. 18-058 of The School Board of Miami-Dade County, Florida, affirming Florida’s Judicial 2nd Circuit Court’s August 20, 2018 position which ensures that any amendment language respects and protects the authority of local school boards and complies with Constitutional requirements.

**RESOLUTION NO. 18-058
OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AFFIRMING
FLORIDA'S JUDICIAL 2ND CIRCUIT COURT'S AUGUST 20, 2018 POSITION
PERTAINING TO AMENDMENT 8**

WHEREAS, The Florida Constitution Revision Commission has proposed an amendment to the Florida Constitution, Amendment 8, to appear on the November 2018 General Election Ballot; and

WHEREAS amendments to the Florida Constitution should be necessary, fair, desirable, and clearly understandable; and

WHEREAS, Amendment 8 does not clearly explain the possible implications of authorizing an alternate entity to establish public schools; and

WHEREAS, this amendment appears to authorize an entity other than the elected school board to establish a traditional public school, a charter school, a school or hope, and/or other public school choice options; and

WHEREAS, transferring the authority to establish a public school to an individual or entity that is not elected denies taxpayers, families, and communities any means to hold the authorizing entity fiscally and programmatically accountable and threatens the state's ability to comply with the constitutional mandate for a uniform system of free public schools; and

WHEREAS, the League of Women Voters filed a lawsuit objecting to Amendment 8 which has gained support from other Florida school districts including Charlotte, Duval, Hillsborough, Lee, Martin, Pinellas, Polk, St. Lucie, Sarasota, as well as The Miami-Dade County Council of PTAs/PTSAs, the United Teachers of Dade, and the Florida Education Association.

WHEREAS, the Florida's Judicial 2nd Circuit Court concluded that the amendment should be removed "because its ballot title and summary fail to comply with the accuracy requirement imposed by" the Florida Constitution.

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NOW, THEREFORE BE IT RESOLVED THAT:

That The School Board of Miami-Dade County, Florida, approve Resolution No. 18-058 of The School Board of Miami-Dade County, Florida, affirming Florida's Judicial 2nd Circuit Court's August 20, 2018 position which ensures that any amendment language respects and protects the authority of local school boards and complies with Constitutional requirements.

A copy of this resolution is placed in the permanent records of this Board.

Presented this fifth day of September, A.D. 2018

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

CHAIR

ATTEST:

Secretary