

Valtena G. Brown, Deputy Superintendent/Chief Operating Officer
School Operations

SUBJECT: REQUEST SCHOOL BOARD APPROVAL OF A SCHOOL OF HOPE PERFORMANCE BASED AGREEMENT WITH KIPP MIAMI, INC.

COMMITTEE: PERSONNEL, STUDENT, SCHOOL AND COMMUNITY SUPPORT

LINK TO STRATEGIC BLUEPRINT: RELEVANT, RIGOROUS AND INNOVATIVE ACADEMICS

AUTHORITY AND SCOPE

Schools of Hope and the Schools of Hope Program are authorized by Section 1002.333, F.S. This law, enacted in 2017, provides the authority for the State Board of Education to designate a non-profit organization with tax exempt status under s. 501(C)(3) of the Internal Revenue Code that operates three (3) or more public charter schools serving students in grades K-12 in Florida or other states with a proven record of serving students from low-income families as a *Hope Operator*.

A Hope Operator may establish a School of Hope (with multiple campuses) in the attendance zone or within a five (5) mile radius of a school identified as a persistently low-performing public school, pursuant to Section 1002.333, F.S. A *persistently low-performing* school is defined as a Title I school that has earned three consecutive school grades below a "C", under the state's accountability system, or a school that was closed after exhausting intensive intervention and support strategies under Section 1008.33(4), F.S.

PROCESS

Pursuant to State Board of Education Rule 6A-1.0998271, F.A.C., the Florida Department of Education has developed a standard School of Hope Notice of Intent form and School of Hope Performance-based Agreement for Schools of Hope. A Hope Operator seeking to open a School of Hope must submit the completed Notice of Intent (Notice) and School of Hope Performance-based Agreement (PBA) forms to the Superintendent of the school district in which the persistently low-performing school has been identified by the Florida Department of Education (FDOE). Upon receipt of a complete Notice and draft standard form PBA from the Hope Operator, the District must enter into a PBA with the entity within sixty (60) days to open one or more public Schools of Hope to serve students from persistently low-performing schools.

While the School Board and Hope Operator may negotiate the terms of the standard form PBA adopted by the State Board of Education, the Hope Operator or School Board may petition the State Board of Education to appoint a General Magistrate for dispute resolution if the parties fail to enter into a PBA at least sixty (60) days after submission of the Notice. However, Section 002.333(11)(c), F.S., mandates that the General Magistrate cannot make any recommendations that alter in any way the provisions of the standard PBA. Additionally, under Section 1002.333(11)(d), F.S., failure to enter into an agreement will result in the State Board of Education entering into the PBA with the Hope Operator. Finally, a school district that does not enter into a PBA within the 60-day timeframe, shall reduce the administrative fees withheld for charter school oversight and compliance pursuant to Section 1002.33(20), F.S., to one (1) percent for all charter

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schools currently in operation in the District. Upon execution of the PBA, the District may resume withholding the full amount of administrative fees; but may not recover any fees that would have otherwise accrued during the period of noncompliance.

SUMMARY OF SCHOOL OF HOPE NOTICE AND PBA

KIPP New Jersey, Inc., was approved by the State Board of Education as a Hope Operator on May 16, 2018. The District received a Notice (Attachment A) and draft PBA on March 11, 2019, from KIPP New Jersey, Inc., to establish a School of Hope with KIPP Miami, Inc., for multiple campuses in the attendance zone or within a five (5) mile radius of Brownsville Middle School, which was identified in 2018 by the FDOE as a persistently low-performing public school. On March 20, 2019, the District received a letter from the FDOE clarifying that the approval of KIPP New Jersey, Inc., as a Hope Operator includes “non-profit entities operating in Florida pursuant to a CMO Management Agreement with KIPP New Jersey, Inc.” (Attachment B) KIPP New Jersey, Inc., is the CMO for KIPP Miami, Inc., which currently has a charter contract with the School Board for KIPP Miami Sunrise Academy, a Kindergarten through 5th grade charter school for up to 640 students.

The negotiated PBA (Attachment C) is proposed to be between the School Board and KIPP Miami, Inc. Highlighted below are the significant terms in the Notice and PBA:

Approved Hope Operator:	<i>KIPP New Jersey, Inc.</i>		
Contracted Hope Operator:	<i>KIPP Miami, Inc.</i>		
School of Hope	<i>KIPP Miami – Liberty City</i>		
Governing Board Members:	<i>Dan Adan Holly Briedis Jeb Bush Jr.</i>	<i>Deborah Dauman Bill Diggs</i>	<i>Billy Krauss Larry Quinlan</i>
Targeted Persistently Low Performing School: <i>(as of 2018-2019 SY)</i>	<i>Brownsville Middle School (MSID 6031) 4899 NW 24th Avenue, Miami, FL 33142</i>		
Term:	<i>5 years July 1, 2019 to June 30, 2024</i>		
Address/Geographic Location:	<i>A site has not yet been determined. However, it is anticipated that there will be multiple campuses/locations identified within a 5-mile radius of the persistently low-performing school, Brownsville Middle School. The PBA will be amended when locations are determined.</i>		
Academic Program	<i>Knowledge is Power Program (KIPP) – a national nonprofit network of charter schools with a focus on college-preparatory education.</i>		
Grade Levels:	<i>Year 1 - Kindergarten through 6th grade Year 2 - Kindergarten through 7th grade Year 3 - Kindergarten through 8th grade Year 4 - Kindergarten through 9th grade Year 5 - Kindergarten through 10th grade</i>		
Enrollment Capacity:	<i>Year 1 (Min/Max) – up to 224 students/784 students Year 2 - up to 1,680 students Year 3 - up to 1,904 students Year 4 - up to 2,116 students Year 5 - up to 2,316 students</i>		

Administrative Fee:	<i>The District shall withhold an administrative fee in the amount of 2 percent (2%) of available funds for the first 250 students per school, until such time that the School is approved as its own LEA for the purpose of receiving federal funds.</i>
Causes for non/renewal or termination (pursuant to s. 1002.333(5)(g), F.S.):	<ul style="list-style-type: none"> ▪ <i>Failure to achieve academic performance set forth in Annual Objectives section of the PBA</i> ▪ <i>Failure to meet generally accepted standards of fiscal management</i> ▪ <i>Material violation of the PBA or violation of law</i>

DISTRICT IMPACT

Any significant increase in charter school student enrollment (Charter FTE) directly impacts the District’s operating budget as well as instructional and non-instructional staffing levels. The performance-based agreement being presented represents an increase in overall charter school enrollment and an anticipated initial loss to the District for the 2019-2020 SY.

To ensure that the District’s financial position remains positive, Board authorization is requested to allow a Reduction-in-Force/Layoff only if it becomes necessary. Any such Reduction-in-Force/Layoff affecting instructional and non-instructional staff would be implemented in accordance with School Board policies and applicable collective bargaining agreements. The number of position reductions will not exceed the stated Initial Loss included in this item and will be re-evaluated and adjusted in subsequent years to reflect changes in FTE.

TOTAL INITIAL LOSS (2019-2020 SY)						
District Impact	Initial Loss		Initial Loss - Human Capital			
	Total FEFP Revenue (\$)	Projected Charter FTE (#)	Instructional Positions		Non-Instructional Positions	
			Core ¹	Non-Core ²		
TOTAL INITIAL LOSS:	\$3,674,042	784	30	8	24	62

Additionally, there could be an impact should the school district not enter into a PBA within the 60-day timeframe, which would result in an automatic reduction to the administrative fees withheld for every charter school in operation, pursuant to s. 1002.33(20), F.S. The estimated loss would be \$483,000 per month or \$5.8 million annually.

DUE PROCESS

To ensure proper notice and due process, the Hope Operator was noticed of the Superintendent’s recommendation to the School Board and was provided a copy of the contract prior to the School Board Meeting. They were also informed of the School Board’s Personnel, Student, School and Community Support Committee Meeting and procedures for requesting to appear before the School Board at meetings and public hearings.

A copy of the Notice and PBA have been transmitted to the School Board Members under separate cover and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Board approval of this item does not reflect or constitute a finding of need, justification, or endorsement for any charter school as proposed in the item but only that it meets the statutory

¹Core includes: elementary education, language arts/reading, mathematics, science, and social science.

²Non-Core includes: electives and all other subject areas and programs.

requirements for Board approval of a School of Hope Performance-based Agreement under Section 1002.333, F.S., State Board of Education Rule 6A-1.0998271, F.A.C., and School Board Policy, 9800, **Charter Schools**.

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

- A. Approve a School of Hope Performance-based Agreement with KIPP Miami, Inc., for a 5-year term commencing July 1, 2019 and ending June 30, 2024; and,
- B. Approve a Reduction-in-Force/Layoff as needed, only to the extent described in this item as Total Initial Loss, in accordance with School Board Policies and applicable collective bargaining agreements.

Attachments

Attachment A: [SOH2 – School of Hope Notice of Intent](#)

Attachment B: [FDOE KIPP Designation Clarification Letter](#)

Attachment C: [SOH3 – School of Hope Performance-based Agreement](#)

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