

**BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY,
FLORIDA**

RESOLUTION NUMBER 2006/2007-___

**RESOLUTION OF THE SCHOOL BOARD OF PALM BEACH
COUNTY, FLORIDA TO RETAIN EXCLUSIVE AUTHORITY TO
AUTHORIZE CHARTER SCHOOLS WITHIN THE GEOGRAPHIC
BOUNDARIES OF THE SCHOOL DISTRICT OF PALM BEACH
COUNTY**

WHEREAS, the Legislature of the State of Florida has authorized the establishment of the Florida Schools of Excellence Commission (hereinafter "Commission") as a charter school authorizing entity, pursuant to the provisions of Section 1002.335, Florida Statutes (2006); and

WHEREAS, by provision of the same Statute, the Legislature has also established a process by which District School Boards may apply to retain exclusive authority to authorize charter schools within the geographical boundaries of the school district, and

WHEREAS, this process requires district School Boards to present to the State Board of Education, on or before a date 60 days after the establishment of the Commission, a written resolution adopted by the District School Board indicating the intent to retain exclusive authority to authorize charter schools; and

WHEREAS, the School Board of Palm Beach County, Florida currently authorizes 42 charter schools within the geographical boundaries of Palm Beach County, including two conversion charter schools, and employs a dedicated staff for the purpose of carrying out the intent of the Legislature and facilitating and ensuring the performance of all duties and obligations duly placed upon the authorizer; and

WHEREAS, the School Board of Palm Beach County, Florida has provided fair and equitable treatment to its charter schools during the four (4) years prior to the adoption of this Resolution;

WHEREAS, the School Board of Palm Beach County, Florida desires to retain exclusive authority to authorize charter schools within the geographical boundaries of Palm Beach County, Florida;

WHEREAS, the School Board of Palm Beach County, Florida by submitting this Resolution is hereby asserting, reserving, and not waiving the constitutional powers, rights, and authority of the School Board under Fla. Const. Art. IX, § 4, which vests in school boards the sole authority to operate, control, and supervise all free public schools within their districts, and that this constitutional provision applies to charter schools; and

WHEREAS, the School Board of Palm Beach County, Florida, has, after adequate notice, in a public hearing, and after receiving input from any charter school authorized by the District School Board to operate in Palm Beach County, Florida determined to proceed as provided herein,

NOW, THEREFORE, BE IT RESOLVED that the School Board of Palm Beach County, Florida without waiving any of its rights as set forth above, seeks to retain and be granted, pursuant to Section 1002.335(5)(c) & (e)(2006), Florida Statutes exclusive authority to authorize charter schools within the geographic boundaries of the Palm Beach County, Florida. As stated below, the School Board submits that during the four (4) years prior to this Resolution, the School Board has met the following:

1. Compliance with the provisions of Section 1002.33, Florida Statutes.
2. Compliance with full and accurate accounting practices and charges for central administrative overhead costs.
3. Compliance with requirements allowing a charter school, at its discretion, to purchase certain services or a combination of services at actual cost to the District.
4. The absence of a District School Board moratorium regarding charter schools or the absence of any District wide charter school enrollment limits.
5. Compliance with valid orders of the State Board of Education.
6. The provision of assistance to charter schools to meet their facilities needs by including those needs in local bond issues or otherwise providing available land and facilities that are comparable to those provided to other public school students in the same grade levels within the School District.
7. The distribution to charter schools authorized by the District School Board of a pro rata share of federal and state grants received by the District School Board, except for any grant received for a particular purpose which, by its express terms, is intended to benefit a student population not able to be served by, or a program not able to be offered at, a charter school that did not receive a proportionate share of such grant proceeds.
8. The provision of adequate staff and other resources to serve charter schools authorized by the District School Board, which services are provided by the district school board at a cost to the charter schools that does not exceed their actual cost to the district school board.
9. The lack of a policy or practice of imposing individual charter school enrollment limits, except as otherwise provided by law.
10. The provision of an adequate number of educational choice programs to serve students exercising their rights to transfer pursuant to the "No Child Left Behind Act of 2001," Public Law No. 107-110, and a history of charter school approval that encourages chartering.

BE IT FURTHER RESOLVED that this Resolution be spread upon the minutes of the

School Board of Palm Beach County, Florida, that it be submitted to the State Board of Education, and that it be delivered to each charter school authorized by the School Board of Palm Beach County, Florida, on or before the date submitted to the State Board of Education.

DULY PASSED AND ADOPTED, at public meeting this ____ day of September, 2006.

THE SCHOOL BOARD OF PALM BEACH
COUNTY, FLORIDA

By: _____
Thomas Lynch, Chairman

Attest: _____
Arthur Johnson, Superintendent and
Secretary of the School Board

(SEAL)

Filed with the Clerk of the School Board
This _____ day of _____, 2006.

Alicia Palmer, Clerk

Prepared by: _____
Gerald A. Williams, Esq.
Chief Counsel, School Board
Attorney