

Charter school, establishment of a board of directors

Number: INFORMAL

Date: July 19, 2002

The Honorable Walter "Skip" Campbell
Senator, District 33
10094 McNab Road
Tamarac, Florida 33321

Dear Senator Campbell:

This is in response to your request on behalf of Ms. Doreece Harp for assistance in resolving a dispute involving the placement and recognition of parent representatives on the governing board of the Chancellor Charter School at Lantana.

The charter school has entered into a contract with the School Board of Palm Beach County for the operation of a school in accordance with the terms of the charter. The charter provides for the establishment of a board of directors, initially consisting of, among others, three parents chosen by the parents of the children attending the school. The School Board has advised the charter school's governing board that it must comply with the charter requirements of parental representation or risk termination of the charter agreement.[1] It appears, however, that the governing board of the school has not complied with the requirement of parental representation on the board.

Section 228.056, Florida Statutes, authorizes the creation of charter schools. A district school board may sponsor a charter school in the county over which the board has jurisdiction.[2] The terms and conditions for the operation of a charter school are to be mutually agreed upon by the sponsor and the applicant and such terms are reduced to a written agreement, the charter.[3] If there are disputes after a charter application has been approved, the Department of Education is to provide mediation services. If the Commissioner of Education determines that the dispute cannot be resolved through mediation, the dispute may be appealed to an administrative law judge who may rule on "issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial"[4]

Thus, the Legislature has provided a mechanism whereby disputes over charter provisions are resolved. While the plain language of the charter requires parental representation on the governing board of the charter school, any dispute as to compliance with this term should initially be reviewed by the process established in section 228.056, Florida Statutes.

I trust these informal comments are of assistance to you.

Sincerely,

Lagran Saunders
Assistant Attorney General

ALF/tgk

[1] See Letter to Mr. Charles Dodge, Governing Board Chair, Chancellor Charter School at Lantana, dated June 12, 2002 and from Dr. Joseph A. Orr, Chief Academic Officer, School District of Palm Beach County, dated June 19, 2002.

[2] Section 228.056(4), Fla. Stat.

[3] Section 228.056(4)(f), Fla. Stat.

[4] *Id.*