

Education Trends

Charter schools to share in referendum funding, court rules

By ABRAHAM GALVAN

Florida's 3rd District Court of Appeals ruled last week that Miami-Dade County charter schools are indeed eligible for funding approved through a 2018 voter-approved public school system referendum.

This ruling reverses a lower court decision, which sided with the Miami-Dade School Board's position that charter schools are ineligible to receive the funding from a referendum that voters passed in November 2018 to levy an additional 0.75 mills of property taxes for four years to improve pay for educators and to bolster school safety.

The three-judge panel's decision stipulates that the funds in question should be shared proportionally between Miami Dade's public schools and charter schools. With this ruling, the case has been sent back to the circuit court to determine when money will start

to be shared, said Alan Kluger of Kluger, Kaplan, Silverman, Katzen & Levine.

Mr. Kluger is representing the City of Aventura, which operates two charter schools, and Archimedean Academy, which operates three charter schools in Miami-Dade County that sued the school board claiming that the schools were entitled to the funds.

In 2018, the Miami-Dade School Board approved a ballot referendum to raise money for investments in schools. Miami-Dade voters approved the referendum, which took effect July 1, 2019.

Charter schools were not expressly mentioned in the referendum language even though the state statute governing school funding states that "students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district."



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Based on this language, the City of Aventura and Archimedean Academy argued that its schools were entitled to a proportionate share of the funding.

The charter schools' position was denied by a lower court via summary judgment. Last week's appellate court decision is now marking a victory, which opens the door to additional funding for Miami Dade's 50-plus charter schools.

The next step is to ask for retroactive payments for the City of Aventura and Archimedean Academy for the past three years, Mr. Kluger said.

The Miami-based appeals court cited a February 2021 ruling by the 4th District Court of Appeal in a similar dispute in Palm Beach County, in which the Florida Supreme Court in September rejected a request by the Palm Beach County School Board to consider the issue, according to The News Service of Florida. One difference from the earlier case was that the wording of the Palm Beach County referendum specifically said the money would not go to charter schools.

The wording of the Miami-Dade ballot measure did not mention charter schools, and the school board's interpretation of state law blocked charter schools from getting a proportional share of the money, the News Service of Florida reported. Charter schools are public schools but are operated by entities outside of the regular school system. In 2019, the Legislature changed state law to say that funds from such referenda will be shared with charter schools.

The mandate hasn't been issued yet, which takes about 10 days after the ruling, Mr. Kluger said.

"Is the school board going to walk up and say 'Hi, here's the money.' I don't think so," he added. "But they have a right to the money and so we will have to see what the school board does. I'm sure they're thinking about what they are going to do because it was very irresponsible to make that decision that said charter schools are not public schools."