

Sent 2-1-11

I am writing with a concern regarding the November 2010 ballot, specifically the “referendum **to continue** an ad valorem levy for school operational needs.” I have spoken to a number of individuals regarding this referendum because there seems to be a difference in the CURRENT .25 levy that was approved by a super majority of school district board members, and the voter approved .25 operational needs levy. As a voter, when reading the ballot I voted in favor of the referendum because the wording indicated to me that I was voting for a levy that was already in place (**to continue**). What I have now come to find out is that the levy that voters voted for is NOT a continuation of the .25 levy that is current for the 2010-2011 academic year, but an entirely different levy.

The CURRENT .25 critical needs levy, voted by super majority of the school district board members can be found in Florida Statute 1011.71-3(b): “In addition to the millage authorized in this section, each district school board may, by a super majority vote, levy and additional .25 mills for critical capital outlay needs or for critical operating needs.Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.”

The .25 levy that was voted on in the November election is NOT A CONTINUATION of the .25 critical needs levy, but a levy for operational needs that can be found in Florida Statute 1011.71-9: “In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limited established in s. 9(b), Art. VII of the State Constitution. Funds generated by such additional millage DO NOT BECOME A PART OF THE CALCULATION OF THE FLORIDA EDUCATION FINANCE PROGRAM TOTAL POTENTIAL FUNDS....”

The differences between these two levies are significant to charter schools because according to FS 1002.33-17(b) “The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district’s operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district’s current operating discretionary millage levy;...”

According to a letter sent from the School District of Palm Beach County, as signed by Mike Burke, Chief Financial Officer, states that “The revised worksheet includes the .25 mills levied by the local School Board for **critical operating needs**. This levy is embedded in the district’s discretionary local millage and reflects a non-recurring, one-time revenue source for charter schools in FY 2011.” I was happy to see that charter schools were going to receive these funds, as I had pursued charter schools rights to equal distribution of these funds with the State, since these discretionary funds were not reported in the General Appropriations Act and had not

been reflected on the FEFP revenue worksheets from the state. I was taken back to see that this was going to be a “one- time, non-recurring revenue source for charter schools in FY 2011 “ as voters had approved the CONTINUATION of the .25 millage for the next 4 years. It was not until I conducted extensive research and spoke with numerous State and Local officials that I realized that these two millages were not in fact a continuation, but a different millage all together and because of these differences, CHARTER SCHOOLS WILL NOT RECEIVE ANY OF THESE FUNDS. I was told by one state official that if voters had voted on a CONTINUATION of the .25 millage, FOR 4 YEARS as indicated on the ballot, then **the School District would not receive the funds either** because a critical needs millage can only be for 2 years, NOT four.

My school is only 1 in a district of 35 charter schools, and 5 new charter schools opening in the next year. For Bright Futures Academy Students, by being omitted from this levy we will not receive \$500,000 in revenue. It is my belief that the wording on this ballot was incorrect and misleading. I for one would have not voted to be taxed additionally had I known that charter school students would not receive these funds. I realize a re-vote may result in the same outcome, one where voters would still vote to fund the district; however, I feel that it is important that voters know what they are actually voting for or against.

This incident is not the only issue that charter schools face in this school district. Last year a decision made by board members regarding the moving of funds from critical operating to critical capital needs cost Bright Futures Academy Charter School \$150,000 and PBC Charter Schools a total of over \$1,000,000. What I find most disconcerting is that not only do charter schools lose funding opportunities in this district, but that the School Board (to the best of my knowledge through researching the online data base for board meeting minutes) has not voted for or against awarding any of these funds to charter schools. Statute states that the School District has the discretion to include charters in the distribution of these funds, but has never voted for or against this possibility; the School Board has simply ignored this opportunity and decision.

On July 21, 2010 I attended the School Board Meeting and requested to speak during the public comment section of the meeting where I asked the Board a series of questions regarding equality and charter schools, I have never received an answer, reply or comment regarding my questions.

It is my understanding that the school board can still vote to allow Charter Schools their proportionate share of the .25 operating needs funds and I am asking that the School Board consider this vote at the next possible board meeting.

Kendall Artusi

Bright Futures Academy

Chief Executive Officer