

CORAL REEF MONTESSORI ACADEMY CHARTER SCHOOL
A Miami-Dade County Public School
10853 SOUTHWEST 216 STREET
MIAMI, FLORIDA 33170

MANAGEMENT
COMPLIANCE A

2009 NOV 18 PM

PH (305) 255-0064

FAX (305) 255-4085

November 17, 2009

Mr. Trevor L. Williams, Assistant Chief Auditor
Office of Management & Compliance Audits
School Board Administration Building
1450 North East 2nd Avenue, Suite 415
Miami, Florida 33132

2009 NOV 18 11:11 AM
COMPLIANCE AND
ACCIDENTS

Ref: FY 2008-2009 Audited Financial Statements

Dear Sir:

In response to your letter dated November 9th, 2009, we have enclosed a copy of our attorney's letter pertaining to the matter. The Board of Directors has been apprised of your concerns and the attorney's opinion on how we can ensure the school is in compliance with the law.

Coral Reef Montessori Academy's application was conceived and written by the co-directors, the first two teachers (working in the classrooms) in the State of Florida to start a charter school. Our employment was not advocated by charter school personnel related to employees and related Board members did not participate in the discussion on the hiring or vote on the decision to hire.

We have been the co-directors since the inception of the school twelve years ago; therefore, note 5 of the audited financial statements for fiscal year ending June 30th, 2009 reflects activity of the charter school prior to the effective date of 1002.33(24), which effective date was July 1, 2009.

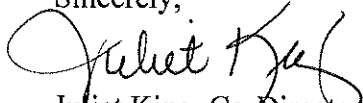
Florida Statute Section 1002.33(24) does not apply retroactively, nor does our reading require that the Charter School terminate employees whose hiring section 1002.33(24) would have otherwise prohibited, to the extent there are such employees of the Charter School.

The Board is aware of your concerns and will adopt a Conflict of Interest Policy effective as of July 1, 2009 which will include within its definition of a conflict the statutorily prohibited action by Charter School personnel (as defined section 1002.33(24)(a)(1). Further the Conflict of Interest Policy will include within its definition of a conflict such action as defined in Section 1002.33(24)(b) that restricts certain actions of Charter Schools. Lastly, the Conflict of Interest Policy will set forth that these acts are prohibited

and disclosure of the conflict is insufficient to cure the conflict. As you will note, Section 1002.33(24) only prohibits the appointment, advancement or hiring of a relative (as defined in Section 1002.33(24)(a)(2) to the extent such hiring violates Section 1002.33(24)(b). Coral Reef Montessori Academy's hiring practices going forward will reflect these restrictions.

If there are further questions, please feel free to contact us.

Sincerely,


Juliet King, Co-Director


Lucy C. Golden, Co-Director

November 16, 2009

Coral Reef Montessori Academy Charter School, Inc.
10853 S.W. 216th Street
Miami, Florida 33170
Attention: Lucy Canzoneri-Golden
Juliet King

Re: Florida Statutes Section 1002.33(24) 2009

Dear Ms. Canzoneri-Golden and Ms. King:

To respond to your question concerning the application of Florida Statute Section 1002.33 (2009), it is important to first set forth the operative provisions. Section 1002.33(24) provides:

(24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

(a) This subsection applies to charter school personnel in a charter school operated by a private entity. As used in this subsection, the term:

1. "Charter school personnel" means a charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decision-making authority and in whom is vested the authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in a charter school, including the authority as a member of a governing body of a charter school to vote on the appointment, employment, promotion, or advancement of individuals.

2. "Relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) Charter school personnel may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control any individual who is a relative. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member.

(c) The approval of budgets does not constitute "jurisdiction or control" for the purposes of this subsection.

Charter school personnel in schools operated by a municipality or other public entity are subject to s. 112.3135.

To determine what hiring practices this provision seeks to regulate, the focus must be on Section 1002.33(24)(b). The first part of 1002.33(24)(b) restricts certain actions by Charter School Personnel. The second part restricts certain actions of the Charter School itself.

As for the actions of Charter School Personnel that are prohibited, this first part states that "Charter school personnel may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control any individual who is a relative." In essence, this provision restricts the action of board members, charter school owners, the principal [and other persons listed in 1002.33(24)(a)(1.)] from hiring or advocating for the hiring of a Relative. The second part of Section 1002.33(24)(b) prohibits a Charter School from hiring a Relative when the hiring is advocated by that person's Relative or made by the governing board of which the Relative is a member. [While I used the word "hiring," in the preceding sentences, you will note that 1002.33(24)(b) goes beyond just hiring and includes promotions, appointments, advancement, etc.].

It should be noted that Section 1002.33(24)(b) goes further than simply requiring disclosure of a conflict or the family relationship. It prohibits, among other things, the Charter School from hiring a Relative, as defined therein, when the Relative's employment is advocated by charter school personnel who is related to the proposed employee. This restriction is without exception and disclosure will not cure a violation. "Advocate" as used in this section is not



defined. At a minimum though, it means that the related board member can not participate in the discussion on the hiring or vote on the decision to hire. It appears, without analyzing the legislative history of this 2009 amendment to the Florida Statutes, that the Florida Legislature was seeking independent hiring decision-making and was seeking to prevent improprieties or the appearance of improprieties with respect to hiring.

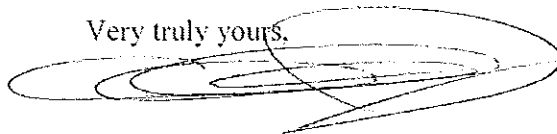
With that said, I do not find anything in Section 1002.33(24) that requires retroactive application of this restriction. In other words, nothing in Section 1002.33(24)(b) requires the Charter School to fire any relative that was hired prior to its effective date of July 1, 2009.

Therefore, the answer to Trevor L. Williams should be that Note 5 of the audited financial statements for the fiscal year ending June 30, 2009 reflects activity of the Charter School prior to the effective date of 1002.33(24), which effective date was July 1, 2009. Florida Statute Section 1002.33(24) does not apply retroactively, nor does our reading require that the Charter School terminate employees whose hiring Section 1002.33(24) would have otherwise prohibited, to the extent there are such employees of the Charter School.

The Charter School should adopt a Conflict of Interest Policy effective as of July 1, 2009, which will include within its definition of a conflict the statutorily prohibited action by Charter School personnel (as defined in Section 1002.33(24)(a)(1)). Further, the Conflict of Interest Policy should include within its definition of a conflict such action as defined in Section 1002.33(24)(b) that restricts certain actions of Charter Schools. Lastly, the conflict of Interest Policy should set forth that these acts are prohibited and disclosure of the conflict is insufficient to cure the conflict. As you will note, Section 1002.33(24) only prohibits the appointment, advancement or hiring of a Relative (as defined in Section 1002.33(24)(a)(2)) to the extent such hiring violates Section 1002.33(24)(b). The Charter School's hiring practices going forward must reflect these restrictions.

If you have any questions, please feel free to contact me.

Very truly yours,



Albert E. Dotson, Jr.

AED/eo

