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INTER-OFFICE CORRESPONDENCE

MEMORANDUM NO. 2022-169

TO: Mayor Frank Ortis
Members of the City Commission

CC: Charles F. Dodge, City Manager
Samuel S. Goren, City Attorney
Michael D. Cirullo, Jr., Assistant City Attorney

FROM: Julie F. Klahr, Deputy City Attorney *JFK*

DATE: October 24, 2022

RE: City of Pembroke Pines ("City") \ Pembroke Pines Charter
School – Enrollment Preference

You have inquired whether the Pembroke Pines Charter School ("Charter School") enrollment preference can be expanded to provide a legacy preference for alumni of the Charter Schools. Under the existing charter school law, this question must be answered in the negative.

Enrollment preference is set forth in §1002.33(10)(d), Florida Statutes, which provides:

A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.
2. Students who are the children of a member of the governing board of the charter school.
3. Students who are the children of an employee of the charter school.
4. Students who are the children of:
 - a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or
 - b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a voluntary prekindergarten education program under [§1002.51-1002.79](#), Florida Statutes, provided by the charter school, the charter school’s governing board, or a voluntary prekindergarten provider that has a written agreement with the governing board.
6. Students who are the children of an active duty member of any branch of the United States Armed Forces.
7. Students who attended or are assigned to failing schools pursuant to Fla. Stat. [§1002.38\(2\)](#).

Enrollment preference is limited to those situations set forth above. Without amending the statute, the Charter School could not amend its enrollment preference nor could the Charter School Sponsor authorize such an amendment in the charter contract.

This issue has arisen in the past upon the inquiry of a “Charter Starter,” a student who enrolled in the Charter School in its initial year of operation and graduated from the Charter School who sought to have their child(ren) enrolled at the Charter School under a preference enrollment. The response to the inquiry at that time was consistent with the ultimate determination herein and for the same reason.

It has also arisen in the context of seeking enrollment preference for the sibling of a graduate alumnus. While siblings are usually afforded enrollment preference, the statute only contemplates a sibling preference if the sibling is **enrolled** at the Charter School at the time the preference enrollment is provided. The preference was initially provided to afford families the ability for their children to attend the same school simultaneously rather than travel to multiple schools in the day.

CONCLUSION

While one of the initial purposes and intents for the creation of charter schools was to provide an innovative educational environment and model, charter schools are limited to the boundaries of what is authorized by state law. The Charter School cannot operate in a manner outside of the school of its application or charter contract with its Sponsor, nor the limits of the authority prescribed by Florida law. If the City seeks to offer such opportunities, it would require an amendment to the charter school law. Whether to seek amendment of the statute or not is a determination to be made by the City Commission sitting as the Charter School governing board. One consideration to be contemplated in making such a decision is the impact such preference may have on the Charter School enrollment, if any.

To the extent that the foregoing answers the inquiry posed, please let us know how we may of further assistance to the City in this matter.

JFK:jc