



Article IX - Education

SECTION 4. School districts; school boards.--

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

Section 4(b) makes school boards responsible for the schools that belong to their districts. It thereby creates a statewide uniform framework and hierarchy for geographically organizing the state's conventional public school systems. It ensures that each school board serves an entire county and not just a part of it. It does not, however, prohibit the creation or existence of public schools that are not part of those traditional systems.

It is wrong to rely on Section 4(b) to claim that exclusively a school board can charter a public school in Florida, because Section 4(b) does NOT grant monopolies to school boards. It does NOT say that there shall be no public schools in Florida other than those that belong to a specific school district.

Section 4(b) does not create public education monopolies. In fact, Section 4(b) specifically allows "Two or more school districts may operate and finance joint educational programs." One way to look at a statewide chartering authority is as a joint educational program of all the state's school districts.

If Section 4(b) were incorrectly interpreted as granting exclusive monopolies to the school districts, many of the best tools for providing and improving public education in the state would be thwarted. For example, Florida could not have the School for the Deaf & Blind, or the Virtual School, or any of the many Charter Lab Schools that exist throughout the state. A monopolistic interpretation would frustrate basic public policy considerations that encourage competition and innovation in the state's public education system.

Accordingly, the simple answer to applying the language of Section 4(b) of Article IX of the Constitution is that public schools chartered by an independent state chartering authority (or a college or university, for that matter) simply do not belong to the school district in the county where they are located. Although they are public schools, they are NOT operated, controlled, or supervised by the local school board. This is a perfectly reasonable interpretation of Section 4(b) of Article IX of the Constitution, and it is the interpretation that best supported by actual public education practice in the state.