

CHARTER SCHOOL APPEAL COMMISSION
Recommendation to State Board of Education, February 17, 2004

BERKLEY ACCELERATED MIDDLE SCHOOL

Petitioner,

v.

SCHOOL BOARD OF
POLK COUNTY

DOE Case No. 2003-945

RECOMMENDATION

On October 22, 2003, the School Board of Polk County (School Board) voted to deny the charter application of Berkley Accelerated Middle School (Charter applicant). The School Board's letter of denial was dated October 28, 2003. The Charter applicant filed this appeal on December 1, 2003. On January 29, 2004, the Charter School Appeal Commission heard the appeal of this matter. **Thereafter, the Commission voted 6 to 0 to recommend to the State Board of Education to grant the appeal of the Charter applicant.** The Commission's justifications for its recommendation were as follows:

1. The Commission voted 5 to 1 to recommend that the School Board **did not** have competent, substantial evidence to support its findings that the proposed charter school site was insufficient.
2. The Commission voted 4 to 3 to recommend that the School Board **did have** competent substantial evidence to support its finding that the proposed charter site could not feasibly be utilized by the district in the event the school failed.

The Commission voted 6 to 0 that the denial of the Charter application based on the fact that the site could not feasibly be utilized by the District in the event the school failed **was not statutory good cause for denial** under Florida Statute §1002.33.

Commissioner Jim Horne, Chair
Charter School Appeal Commission

FILED with the Agency Clerk of the Department of Education this _____ day of February, 2004.

AGENCY CLERK