

FLORIDA DEPARTMENT OF EDUCATION



JIM HORNE
Commissioner of Education



January 30, 2004

Mr. Jimmy Gander, Chair
Franklin County School Board
1423 Bluff Road
Apalachicola, Florida 32320

Mrs. Jo Ann Gander, Superintendent
Franklin County Public Schools
155 Avenue E
Apalachicola, Florida 32320-2099

Dear Chair Gander and Superintendent Gander:

Earlier this week the Charter School Appeal Commission, created under s. 1002.33, Florida Statutes, met to consider an appeal submitted by Apalachicola Bay Charter School, Inc. that wished to establish itself within your school district. Under my authority as Commissioner of Education, I am sending this letter as formal notification of my directive for your school board to consider the application of the charter school and act on the basis of its merits, as required by law.

My directive to you was stated in the Commission meeting:

“This matter is remanded to Franklin County for a swift and legally adequate resolution that is formally communicated to the SBE on or before the 27th of February 2004. Further, because of this directive all rights of the parties, including that of appeal, are preserved without prejudice.

Should the Franklin District School Board *again* fail to act I, as Commissioner, shall recommend to the SBE that all appropriate sanctions be employed including the withholding of lottery funds.”

I am very disappointed that your district chose to disregard its legal duties under the law which specifies that the school board must act, within 60 calendar days, on the submission of a charter school application to the school board. From all accounts, including the documentation and testimony of your attorney that appeared before the Commission on January 27, 2004, I was surprised to find that the school board chose not to address its own agenda item, and instead chose to ignore its statutory responsibility. Your inaction has jeopardized the possible opening of a new school as an option for the parents and students of your

Mr. Jimmy Gander
Mrs. Jo Ann Gander
January 30, 2004
Page Two

community. Given this fact, I would strongly recommend the school board take action on the application well in advance of the thirty days.

We are planning another meeting of the Charter School Appeal Commission for the last week of February, and it would be beneficial to all parties if we could plan to deal with an appeal from Apalachicola Bay Charter School, Inc., if necessary.

Thank you for your attention to this important issue. I encourage a speedy resolution to this issue.

Sincerely,

Jim Horne
Commissioner

c: Members, State Board of Education
 Members, Charter School Appeal Commission
 Members, Franklin County School Board
 Executive Director of Independent Education Theresa Klebacha
 Chancellor Jim Warford
 Chief of Staff John Winn
 General Counsel Daniel Woodring
 Governor's Education Policy Coordinator Bob Ward
 Michael Olenick