

STATE BOARD OF EDUCATION
February 17, 2004

SUBJECT: Charter School Appeal Commission Recommendations

PROPOSED BOARD ACTION

Approve the recommendations of the Charter School Appeal Commission related to the review of appeals heard January 27-29, 2004.

AUTHORITY FOR STATE BOARD ACTION

Section 1002.33, Florida Statutes, requires the Charter School Appeal Commission to make written recommendations to the State Board of Education to accept or reject the decision of a district school board to deny a charter school application.

BACKGROUND INFORMATION

The Charter School Appeal Commission was created pursuant to s. 1002.33(6), Florida Statutes, to assist the Commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charters have been denied or whose charters have been denied or whose charter contracts have not been renewed by their sponsors.

The Commission is responsible for providing a "written recommendation" to the Commissioner of Education stating whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The State Board must consider the Commission's recommendation but is not bound by the recommendation. By majority vote, the State Board must accept or reject the decision of the district school board no later than 90 calendar days after an appeal is filed.

The State Board must remand the application to the school board with its written decision that the school board approve or deny the application. The school board must implement the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review.

The Charter School Appeal Commission met on January 27-29, 2004 to consider 12 charter school appeals filed during fall 2003, and has since provided its recommendations to the Commissioner of Education (attached). The following statements summarize the actions taken relative to each of the appeals:

Charter School Withdrew Appeal so School Board Decision to Deny the Charter Stands

- Hillsborough County Academies of America Elementary School v. Hillsborough County School District
- Hillsborough County Academies of America Middle School v. Hillsborough County School District

Commissioner Horne Remanded Back to School District for Action

- Apalachicola Bay Charter School v. Franklin County
Commissioner Horne remanded back to the school board for action. Although on the school board agenda, no action was taken on the application. School district directed to act on application before February 27, 2004 (letter attached).

Appeal Commission Recommends Granting the Charter School Appeal (i.e., reject the school board decision)

- UCP of Central Florida v. Osceola County (final vote: 8:0)
Commission decision: the district DID NOT have statutory good cause to deny based on inadequate charter school funding (capital outlay).

- Osceola County Academies of Excellence Elementary v. Osceola County (final vote: 8:0)
Commission decision: the appeal was not untimely filed and the district DID NOT have statutory good cause to deny based on inadequate charter school funding (capital outlay).
- Osceola County Academies of Excellence Middle v. Osceola County (final vote: 8:0)
Commission decision: the appeal was not untimely filed and the district DID NOT have statutory good cause to deny based on inadequate charter school funding (capital outlay).
- Berkley Accelerated Middle School v. Polk County (final vote: 6:0)
Commission decision: the district DID NOT have competent, substantial evidence to support the finding that the charter site was insufficient in size (number of acres), and DID NOT have statutory good cause to deny based on the finding that the site could not be used by the district in the event the school failed.
- UCP of Central Florida v. School Board of Volusia County (final vote: 8:0)
Commission decision: the district's exercise of its statutory discretion not to provide educational services to certain students DOES NOT preclude the charter, the district's denial notification WAS NOT sufficient to meet statutory requirements, and the district DID NOT have competent, substantial evidence to support its findings related to inadequate ESE funding by the state; supervision of academic design, student performance and eligibility; and finance.

Appeal Commission Recommends Denying the Charter School Appeal (i.e., accept the school board decision)

- Four Towns Middle School v. Polk County (final vote: 8:1)
Commission decision: the district DID have competent, substantial evidence and statutory good cause to deny the application based on findings in the following areas: accountability design; and ESE educational plan.
- Oasis Language Academy v. Orange County (final vote: 7:0)
Commission decision: the district DID deny the application consistent with statute via a letter that was sufficient notification, and the district DID have competent, substantial evidence and statutory good cause to deny the application based on findings in the following areas: academic and attendance dismissal policy; and goals and objectives that indicate the level of academic improvement.
- Oakwood Academy v. Brevard County (final vote: 7:2)
Commission decision: the district DID deny the application consistent with statute via a letter that was sufficient notification, and the district DID have competent, substantial evidence and statutory good cause to deny the application based on findings that the student assessment area of the charter application was insufficient.
- UCP of Central Florida v. Brevard County (final vote: 9:0)
Commission decision: the district DID deny the application consistent with statute via a letter that was sufficient notification, the district DID have competent, substantial evidence and statutory good cause to deny the application based on findings in the following areas: founding board profile and governance.

Supporting Documentation Included: Letter from Commissioner Horne to Franklin County School Board; Recommendations of the Charter School Appeal Commission; and Technical Assistance Papers for considered appeals.

Facilitators/Presenters: Dr. Theresa Klebacha, Executive Director
Office of Independent Education and Parental Choice

Dr. Kim McDougal, Commissioner's Designee as Chair
Charter School Appeal Commission