

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

OAKWOOD ACADEMY

Petitioner,

v.

SCHOOL BOARD OF
BREVARD COUNTY

DOE Case No. 2003-949

RECOMMENDATION

On October 28, 2003, the School Board of Brevard County (School Board) voted to deny the charter application of Oakwood Academy (Charter applicant). The School Board's letter of denial was dated November 7, 2003. The Charter applicant filed this appeal on December 4, 2003. On January 27, 2004, the Charter School Appeal Commission heard the appeal of this matter. **Thereafter, the Commission voted 7 to 2 to recommend to the State Board of Education to deny the appeal of the Charter applicant.** The Commission's justifications for its recommendation were as follows:

1. The Commission voted 9 to 0 to recommend that the School Board's review and denial of the charter application **was consistent with the statutory requirements** under Section §1002.33(6) Florida Statute
2. The Commission voted 9 to 0 to recommend that the School Board's letter notifying the Charter applicant of the denial of the charter application was **sufficient to meet the statutory requirements** set forth in, Section §1002.33(6)(b)(3), Florida Statute.
3. The Commission voted 9 to 0 to recommend that the School Board **did not** have competent substantial evidence to support its finding that the mission and purpose of the charter application was insufficient.
4. The Commission voted 9 to 0 to recommend that the School Board **did not** have competent substantial evidence to support its findings that the educational program of the Charter application was insufficient
5. The Commission voted 9 to 0 to recommend that the School Board **had competent substantial evidence** to support its finding that the student assessment area of the charter application was insufficient.

The Commission voted 9 to 0 that the School Board's reason for denial of the charter application based on the insufficiency of the area of student assessment **did constitute statutory good cause for denial** under Florida Statute §1002.33.

6. The Commission voted 9 to 0 to recommend that the School Board **did not** have competent substantial evidence to support its finding that the area of school governance of the charter application was insufficient.
7. The Commission voted 9 to 0 to recommend that the School Board **did not** have competent substantial evidence to support its finding that the facilities area of the charter application was insufficient.
8. The Commission voted 9 to 0 to recommend that the School Board **did not** have competent substantial evidence to support its finding that the finance area of the charter application was insufficient.
9. The Commission voted 9 to 0 to recommend that the School Board **did not** have competent substantial evidence to support its finding that the area of risk management of the charter application was insufficient.
10. The Commission voted 9 to 0 to recommend that the School Board **did not** have competent substantial evidence to support its finding that the admissions and regulations area of the charter application was insufficient.
11. The Commission voted 9 to 0 to recommend that the School Board **did not** have competent substantial evidence to support its finding that the student code of conduct, discipline and dismissal area of the charter application was insufficient.

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