

THE FLORIDA DEPARTMENT OF EDUCATION  
CHARTER SCHOOL APPEALS COMMISSION

# Technical Assistance Paper

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APPEAL OF OAKWOOD ACADEMY  
APPLICATION DENIAL

APPLICANT: OAKWOOD ACADEMY

SCHOOL BOARD: SCHOOL BOARD OF BREVARD COUNTY

## INTRODUCTION

On October 28, 2003 the Brevard County School Board (hereinafter “School Board”) voted 4 to 1 to deny the application for the Oakwood Academy Charter (hereinafter “Applicant”). Written notice of denial was provided to the Applicant in a letter dated October 31, 2003. On December 4, 2003, Applicant timely filed an appeal of the application denial to the State Board of Education, pursuant to §1002.33 (6)(c), FS.

Two major issues are in dispute. Based upon the available evidence presented by the parties, the following is a summary of the research findings in relation to the issues raised:

### ISSUE ONE:

#### **FLAWS IN THE SCHOOL BOARD’S PROCEDURE FOR REVIEWING CHARTER SCHOOL APPLICATIONS RESULTED IN PREJUDICE TO APPLICANT WHO TIMELY SUBMITTED A COMPREHENSIVE CHARTER SCHOOL APPLICATION BASED ON A SUCCESSFUL PROGRAM PLAN, AND ATTEMPTED TO COOPERATE WITH THE SCHOOL BOARD ON ALL ISSUES**

- A. The School Board Failed to Timely Provide Applicant with Sufficient Guidance on Perceived Deficiencies in Applicant’s Application**
- B. Appellant (Applicant) Provided all Required Information Under the Florida Charter School Statute**

- School Board’s charter application is modeled after the Florida Charter Schools Standard Application Form (revised 2004-2005), which incorporates the new charter criteria required under §1002.33(6), FS.
- School Board provided a “technical assistance meeting” for Applicants on August 4, 2003, where instructions were given on how to complete the application. On September 18, 2003, School Board conducted an interview with Applicant regarding deficiencies in its application. On both occasions, Applicant received written information listing what reviewers would look for during review of the applications, and a list of key personnel (with phone numbers) to assist Applicant. During the interview, School Board explained the scoring system orally and in writing. A score sheet was provided giving a numerical evaluation of each application criteria. School Board also provided verbal suggestions for improving the application, along with a written “list of concerns” delineating 11 areas requiring further work.

- School Board allowed two weeks for applications to be resubmitted, and encouraged Applicant to call the listed key personnel for assistance, if needed. Applicant made one telephone call to and/or visited Jim Hulse (Director, Accountability and Testing); and telephoned the Office of School Choice on September 29, the resubmission date.
- On a scale of “1” to “5” Applicant received a score of “2” in: Mission & Purpose, Educational Program, School Governance, Length of Contract, Finances, and Risk Management. A score of “1” was received in: Student Assessment, Facilities, Admissions & Regulations, and Student Code of Conduct, Discipline & Dismissal Procedures.
- Applicant cites no statutory basis to support its argument that School Board’s procedure is inconsistent with the charter review procedure required under §1002.33(6), FS.

ISSUE TWO:

- **THE SCHOOL BOARD’S DENIAL LETTER FAILED TO COMPLY WITH FLORIDA STATUTE § 1002.33(6)(B)(3), BECAUSE THE DENIAL LETTER DID NOT PROVIDE SPECIFIC REASONS BASED UPON GOOD CAUSE SUPPORTING DENIAL BUT SIMPLY REFERRED TO THE SUPERINTENDENT’S RECOMMENDATIONS DATED EIGHTEEN DAYS PRIOR TO THE SCHOOL BOARD MEETING**
- October 31, 2003, School Board mailed a formal letter of denial to Applicant, as required by §1002.33(6)(b)(3), FS. This letter provides in part, “In a letter dated October 10, 2003 from Superintendent Richard DiPatri, the reasons for the recommendation were detailed in the compilation of strengths and weaknesses.”
- The October 10 letter notified Applicant that the Superintendent would recommend denial of the resubmitted application. Attached to the letter was a document entitled “2004-2005 Charter Applications Review Compilation (Compilation),” which provided an in depth listing of the strengths and weaknesses in each area of the application, and a numerical rating for each area. In a document dated October 27, the Applicant set forth an extensive response to each weakness listed in the Compilation, and mailed it to each member of the School Board.
- The October 10, letter from the Superintendent to the Applicant, which is referred to by School Board in its October 31 notice of denial, is a form letter sent to all applicants. The question arises whether this letter alone, without the accompanying compilation of strengths and weaknesses would constitute articulated written specific reasons based upon good cause for denial of the application, as required by § 1002.33(6)(B)(3), FS.

Section 1002.33(6)(B)(3), FS, states, in part, as follows:

“If an application is denied, the district school board shall, within 10 calendar days, articulate in writing the specific reasons based on good cause supporting its denial of the charter application.” (Emphasis added.)

The October 10 letter clearly states that during application review, special emphasis was given to the requirements mandated by §1002.33(6), FS. The October 10 letter and Compilation were referenced in writing in the October 31 notice of denial, and thereby became part of the specific reasons based upon good cause for denial. The Compilation details how Applicant failed to meet the statutory requirements of §1002.33(6), FS. Applicant was given written prior notice of these reasons on October 10, and responded to them in detail on October 27, 2003.