

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF OASIS LANGUAGE ACADEMY
APPLICATION DENIAL

APPLICANT: OASIS LANGUAGE ACADEMY

SCHOOL BOARD: ORANGE COUNTY PUBLIC SCHOOLS

INTRODUCTION

On October 29, 2003, Orange County Public Schools (hereinafter “School Board”) voted 6-0 to deny the application for Oasis Language Academy (hereinafter “Applicant”). Written notice of denial was provided to the Applicant in a letter dated October 29, 2003 (hereinafter “Denial Letter”). On November 29, 2003, Applicant filed an appeal of the application denial to the State Board of Education pursuant to F.S. §1002.33(6)(c).

Two 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:

WHETHER THE REASONS FOR DENIAL PROVIDED BY THE SCHOOL BOARD ARE GENERIC AND FACIALLY INAPPLICABLE TO THE CONTENT OF THE APPLICATION, RESULTING IN A FAILURE BY THE SCHOOL BOARD TO ESTABLISH AN ADEQUATE BASIS FOR DENIAL UNDER F.S. §1002.33(6)(B)(3)

- The School Board provided and required Applicant to complete an application based on the Florida Charter Schools Standard Application Form published by the Florida Department of Education. The form incorporates the new charter legislation which became effective July 1, 2003.
- The Applicant submitted its draft application to the School Board on August 1, 2003. The filings show that it was the School Board’s policy to provide an informal review and feedback process to applications received by August 1st.
- The School Board provided the Applicant with written feedback in a letter dated August 15, 2003, and the Applicant resubmitted its final charter application on September 2, 2003.
- The School Board held a work session on October 7, 2003, for the purpose of expressing concerns of particular applications and giving applicants an opportunity to respond. At the work session, the School Board’s concerns regarding the proposed academic dismissal policy was discussed in detail.
- A follow-up meeting was held between School Board representatives and the Applicant on October 15, 2003 to further discuss the concerns discussed at the October 7th School Board work session.
- The filings show that the School Board sent a letter dated October 29, 2003 notifying the Applicant of its decision to deny Applicant’s charter application. The letter attached a memorandum dated October 28, 2003.

- The Applicant asserts that the reasons for denial set forth in writing by the School Board are generic and facially inapplicable given the quality of the content of this application. In support of this argument, the Applicant suggests that “given the thin reasons given by the School Board for denying the application, and the very late development of these two reasons, could it be that they are merely a subterfuge for some other, less palatable reasons? Could it be that the School Board was influenced in a negative way by the national origin or religious beliefs of the Applicant?”
- The memorandum dated October 28, 2003 outlines the School Board’s policies, procedures and review process of all charter applications generally. The only specific references to the Applicant are on the third page, where the five point rating scale is briefly discussed and reference is made to the Applicant’s overall score of 2.7, a negative rating. At the bottom of the third page the School Board makes a reference to the interview with a representative of the Applicant, which overall rating was 3.1, an acceptable rating.
- On the last page, the School Board states that the “proposed academic and attendance dismissal policy for the school does not align with the purpose of charter schools to increase learning opportunities for all students, with a special emphasis on low-performing students,” and “lack of measurable goals and objectives that indicate the level of academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be obtained through instruction.” The School Board also states that “based upon the complete review process and the responses provided by the applicant, there is sufficient reason to believe that the Oasis Language Academy Charter School will not be capable of successfully implementing and operating its program.” No further details or facts in support of these statements are offered.
- 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 Denial Letter references and attaches a copy of the October 28 memorandum, which gives the specific reasons for denial.

ISSUE TWO:

WHETHER REASONS FOR DENIAL CITED BY THE SCHOOL RISE TO THE LEVEL OF GOOD CAUSE TO DENY THE APPLICANT’S CHARTER APPLICATION

- A. Whether the proposed academic and attendance dismissal policy did not align with the purpose of charter schools to increase learning opportunities for all students, with a special emphasis on low-performing students.**

B. Whether the application lacked measurable goals and objectives that indicate the level of academic improvements that are expected to be shown each year, how success will be evaluated, and the specific results to be obtained through instruction.”

- The School Board provided charter applicants with a letter dated June 10, 2003 which stated that “**Following the statutory application deadline of September 1, 2003, all applications received are considered final and no amendments or addendums may be submitted**” (emphasis supplied).
- The School Board’s letter dated August 15, 2003 does not make reference to the Applicant’s academic and attendance dismissal policy or the lack of measurable goals and objectives. The School Board’s letter dated August 15, 2003 indicates that the letter is as a result of an “informal review” and that a complete review will be undertaken following the September 1, 2003 filing deadline.
- As discussed above, the Applicant and School Board and School Board representatives held meetings on October 7 and 15, 2003 to discuss various concerns regarding the charter application. The issue of academic dismissal was specifically discussed during these meetings. The School Board contends that the Applicant refused to remove the provision which permitted the Applicant to dismiss a student based on low academic performance.
- Florida Statute §1002.33(2)(b) states in pertinent part:

“Charter schools shall fulfill the following purposes:

(2) Increase learning opportunities for all student, with special emphasis on low-performing students and reading.”
- With respect to the alleged lack of measurable goals and objectives, the School Board asserts that although the Applicant’s proposal contains references to measurable outcomes related to attendance, discipline, and satisfaction, no measurable student academic achievement outcomes were identified. No further information or details were provided.
- Florida Statute §1002.33(6)(a) states in pertinent part:

“A person or entity wishing to open a charter school shall prepare an application that:

(3) Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.”

- The Applicant received notice of the recommendation for denial on October 24, 2003. Upon receipt, the Applicant revised both its academic and attendance dismissal policy and student assessment section and submitted them to the School Board.
- The Applicant indicates that at the October 29, 2003 meeting, it offered to address the School Board's concerns either immediately or during the contract negotiation process.
- The School Board convened a committee to review charter school applications. The School Board describes this committee as being comprised of administrators with expertise in specific areas involving charter schools, such as exceptional education, budget, curriculum, assessment and accountability.
- The charter application review committee reviewed each application using a rating scale with a 5-point scale, "5" being the best score, and any score below "3" considered negative. The overall score for the Applicant's charter application was a "2.7".