

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF UCP OF CENTRAL FLORIDA
APPLICATION DENIAL

APPLICANT: UCP OF CENTRAL FLORIDA

SCHOOL BOARD: THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA

INTRODUCTION

On October 28, 2003 the Brevard County School Board (hereinafter referred to as "School Board") voted to deny the application for the UCP of Central Florida Charter School (hereinafter referred to as "Applicant"). Written notice of denial was provided to Applicant in writing, in a letter dated October 31, 2003. On December 1, 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**
 - C. Delaying Consideration of Appellant's Application Will Negatively Impact The Disabled Children of Brevard County**
- School Board's Charter application is modeled after the Florida Charter School 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 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 15 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, whenever needed. Applicant timely filed five-page supplement to its application, which included a revised budget, a timeline, and human resource documents.
- On a scale of “1” to “5” Applicant received a score of “2” in Student Assessment, Profile Management Team, School Governance, Human Resource Information, and Facilities.
- Applicant presented no evidence to establish the manner in which disabled children in Brevard County would be negatively impacted by delaying consideration of the charter application until the 2004-2005 school year.
- 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 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 provided 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, 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)(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 became part of the specific reasons based upon good cause for denial. Applicant was given written prior notice of these reasons on October 10, and responded to each weakness in detail.