

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: OSCEOLA COUNTY SCHOOL BOARD

INTRODUCTION

On October 21, 2003, The School Board for the School District of Osceola County (hereinafter "School Board") voted to deny the application for UCP of Central Florida (hereinafter "Applicant"). Written notice of denial was provided to the Applicant in a letter dated October 28, 2003. On December 1, 2003, Applicant filed an appeal of the application denial to the State Board of Education pursuant to F.S. §1002.33(6)(c). The School Board filed its response on December 24, 2003.

There is one issue in dispute. Based upon the available evidence presented by the parties, the following is a summary of the research findings in relation to the issue raised.

ISSUE:

WHETHER THE SCHOOL BOARD MAY DENY APPLICANT'S CHARTER APPLICATION BASED ON PERCEIVED INADEQUATE CHARTER SCHOOL FUNDING BY THE STATE OF FLORIDA

- The School Board determined that present levels of state funding for capital expenses were inadequate to meet the needs of the already existing charter schools in Osceola County.
- The School Board asserts that under Florida Law it has the authority to operate, control and supervise all public schools, which the School Board determines also includes all charter schools, within its school district. That authority permits the School Board to exercise any power, except those specifically prohibited by the State of Florida's Constitution or general law, for the improvement of its school district in carrying out the objectives of the Education Code.
- The School Board states that in reviewing Applicant's charter application, it must look at the effect of a new charter school within its district on all of the other public schools in its district.
- The School Board argues that approving the applications for any additional charter schools would further dilute and reduce the amount of capital funds available per school in its district, and would then force all of the charter schools within the district to spend operating funds for capital expenses thus threatening their financial viability.
- The School Board determined that the expenditure of operating funds for capital expenditures was not in the best interests of the students of Osceola County.
- The School Board provides no other basis for denial in either its letter of denial dated October 28, 2003, or its response to the Applicant's appeal.

- Applicant currently operates four Florida charter schools, and received a score of 51.8 out of a possible 60 on the School Board's Charter Application Rating Form. There is no indication in the filing whether this is a "passing" score.