

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

UCP OF CENTRAL FLORIDA

Petitioner,

v.

SCHOOL BOARD OF
VOLUSIA COUNTY

DOE Case No. 2003-951

RECOMMENDATION

On October 28, 2003, the School Board of Volusia County (School Board) voted to deny the charter application of UCP of Central Florida (Charter applicant). The School Board's letter of denial was dated November 7, 2003. The Charter applicant filed this appeal on December 5, 2003. On January 29, 2004, the Charter School Appeal Commission heard the appeal of this matter. **Thereafter, the Commission voted 8 to 0 to recommend to the State Board of Education to grant the appeal of the Charter applicant.** The Commission's justifications for its recommendation were as follows:

1. The Commission voted 8 to 0 to recommend that the School Board's exercise of its statutory discretion not to provide educational services for ESE children birth to age three (Section §1003.21(1)(e), Florida Statutes) **does not preclude** a charter application which proposes to serve such children.
2. The Commission voted 6 to 2 to recommend that the School Board's denial notification letter **was not sufficient** to meet the requirements of Section § 1002.33 (6)(b)3., Florida Statutes.
3. The Commission voted 7 to 1 to recommend that the School Board **did not** have competent, substantial evidence to support its finding regarding the uncertainty of ESE funding by the State of Florida.
4. The Commission voted 7 to 1 to recommend that the School Board **did not** have competent, substantial evidence to support its finding regarding the supervisory implications relating to academic design.
5. The Commission voted 8 to 0 to recommend that the School Board **did not** have competent, substantial evidence to support its finding regarding the supervisory implications relating to student performance.

6. The Commission voted 8 to 0 to recommend that the School Board **did not** have competent, substantial evidence to support its finding regarding the supervisory implications relating to eligibility.
7. The Commission voted 8 to 0 to recommend that the School Board **did not** have competent, substantial evidence to support its finding that the finance area of the 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