

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL BY UCP of CENTRAL FLORIDA
APPLICATION DENIAL

APPLICANT: UCP of CENTRAL FLORIDA
RESPONDENT SCHOOL BOARD: SCHOOL BOARD OF VOLUSIA COUNTY

INTRODUCTION

On October 28, 2003, the Volusia County School Board (hereinafter “School Board”) voted to deny the charter application for UCP of Central Florida (hereinafter “Charter Application”) made by UCP of Central Florida. (hereinafter “Applicant”). Written notice of denial was provided to the Applicant in a letter dated November 7, 2003 (hereinafter “Letter of Denial”). Applicant filed an appeal of the application denial to the State Board of Education (hereinafter “Notice of Appeal”). The School Board filed a Response to the Notice of Appeal on January 12, 2004 (hereinafter “Appeal Response”).

There are three issues 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:

DISABLED YOUNG CHILDREN FOR WHOM APPELLANT’S PROPOSED SCHOOL IS INTENDED ARE ELIGIBLE FOR STATE FUNDING AND DO NOT REQUIRE THE SCHOOL DISTRICT ENLARGE ITS SUPERVISOR DUTIES, THUS THE SCHOOL BOARD’S “ANXIETY” OVER SERVING DISABLED CHILDREN AGES BIRTH THROUGH FIVE YEARS IS UNFOUNDED AND DENIAL ON THIS BASIS IMPROPER

- A. Disabled Children from Birth Through Age Five are Eligible for State Educational Funding**
 - B. Approval of this Charter School Application will not Enlarge the School District’s Supervisory Duties**
 - C. Denial of Appellant’s Application Will Negatively Impact the Disabled Children of Volusia County**
- School Board’s Appeal Response states that it properly denied Applicant’s Charter Application because Applicant sought to enlarge the school district’s educational services to include exceptional children age birth to two years. School Board argues that under §1003.21(1)(e), FS, it is within its discretion to determine not to provide educational services to this group.

The pertinent part of F.S. §1003.21(1)(e) states:

“Consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services

under rules adopted by the district school board. Exceptional children who are deaf or hard of hearing, visually impaired, dual sensory impaired, severely physically handicapped, trainable mentally handicapped, or profoundly handicapped, or who have established conditions, or exhibit developmental delays, below age 3 may be eligible for special programs; or, if enrolled in other school readiness programs, they may be eligible for supplemental instruction. “

- School Board’s Appeal Response states that lacks the supervisory experience and resources necessary to monitor Applicant’s progress toward its goals, as required by Charter School Law.

The pertinent part of F.S. §1002.33(5)(b) states:

“1. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

- Applicant presented no evidence to establish the manner in which disabled children in Brevard County would be negatively impacted by denying the charter application.

ISSUE TWO:

APPELLANT TIMELY SUBMITTED A COMPREHENSIVE APPLICATION, INCLUDING A SUPPLEMENT, THAT PROVIDES ALL OF THE INFORMATION REQUIRED BY THE STATUTE TO THE SCHOOL BOARD, INCLUDING FINANCIAL AND RISK MANAGEMENT INFORMATION THAT THE DISTRICT FAILED TO PROPERLY DISTRIBUTE TO REVIEWERS

- School Board’s Appeal Response disputes this allegation, and states that the supplemental information submitted by Applicant was considered in the Superintendent’s recommendation of denial.

ISSUE THREE:

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 REFERRED TO THE REVIEW FORM AND THE SCHOOL BOARD MEETING TRANSCRIPT, WHICH CONTAINED FURTHER REFERENCES AND INCORPORATIONS

- School Board’s Appeal Response states §1002.33(6)(b)(3), FS, provides no specific formatting requirements for School Boards to follow other than that the letter must provide specific reasons based upon good cause supporting denial.

Florida Statute §1002.33(3) states in pertinent part:

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

- School Board’s Denial Letter provides that, in addition to the testimony presented by the Superintendent and staff at the October 28 School Board meeting, the following documents “form the specific basis upon good cause for the Board’s decision and are incorporated by reference into this letter as Exhibits 1, 2, an 3, respectively.”
 - Transcript of the October 28, 2003 School Board meeting
 - The charter application
 - The Application Review for the UCP Volusia Charter School