

STATE BOARD OF EDUCATION

March 16, 2004

SUBJECT: Charter School Appeal Commission Recommendations

PROPOSED BOARD ACTION

Approve the recommendations of the Charter School Appeal Commission related to the review of appeals heard February 27-28, 2004.

AUTHORITY FOR STATE BOARD ACTION

Section 1002.33, Florida Statutes, requires the Charter School Appeal Commission to make written recommendations to the State Board of Education to accept or reject the decision of a district school board to deny a charter school application.

BACKGROUND INFORMATION

The Charter School Appeal Commission was created pursuant to s. 1002.33(6), Florida Statutes, to assist the Commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charters have been denied or whose charters have been denied or whose charter contracts have not been renewed by their sponsors.

The Commission is responsible for providing a "written recommendation" to the Commissioner of Education stating whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The State Board must consider the Commission's recommendation but is not bound by the recommendation. By majority vote, the State Board must accept or reject the decision of the district school board no later than 90 calendar days after an appeal is filed.

The State Board must remand the application to the school board with its written decision that the school board approve or deny the application. The school board must implement the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review.

The Charter School Appeal Commission met on February 26-27, 2004 to consider 6 charter school appeals filed during fall 2003, and has since provided its recommendations to the Commissioner of Education (attached). The following statements summarize the actions taken relative to each of the appeals:

Charter School Withdrew Appeal so School Board Decision to Deny the Charter Stands

- Hernando County Academies of America Elementary School v. Hernando County School District
- Hernando County Academies of America Middle School v. Hernando County School District

Appeal Commission Recommends Denying the Charter School Appeal (i.e., accept the school board decision)

- MACH 4 v. Orange County (final vote: 6:2)
Commission decision: The district DID have competent, substantial evidence and statutory good cause to deny the application based on findings in the following areas: Reading; Goals and Objectives; Budget; Dual Enrollment Structure.
- Progressive Ranch School v. Sarasota County (final vote: 8:1)
Commission decision: The district DID have competent, substantial evidence and statutory good cause to deny the application based on findings in the following areas: Educational Design, ESE and LEP area; Performance Outcome; Reading program.

- Flagler Academies of Excellence Elementary School v. Flagler County (final vote: 8:1)
Commission decision: The district DID act on the application in a timely manner. The district DID NOT provide written good cause reasons for denial in a timely manner. The district DID have competent, substantial evidence and statutory good cause to deny the application based on findings in the following areas: Governance and Management; Community Responsiveness.
- Flagler Academies of Excellence Middle School v. Flagler County (final vote: 8:1)
Commission decision: The district DID act on the application in a timely manner. The district DID NOT provide written good cause reasons for denial in a timely manner. The district DID have competent, substantial evidence and statutory good cause to deny the application based on findings in the following areas: Governance and Management; Community Responsiveness.

Supporting Documentation Included: Recommendation letter to Commissioner Horne from the Charter School Appeal Commission; and Technical Assistance Papers for considered appeals.

Facilitators/Presenters:

Dr. Theresa Klebacha, Executive Director
Office of Independent Education and Parental Choice

Dr. Kim McDougal, Commissioner's Designee as Chair
Charter School Appeal Commission

Michael Kooi, Assistant General Counsel