

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF FLAGLER ACADEMIES OF EXCELLENCE MIDDLE SCHOOL
APPLICATION DENIAL

APPLICANT: FLAGLER ACADEMIES OF EXCELLENCE MIDDLE SCHOOL

SCHOOL BOARD: FLAGLER COUNTY SCHOOL BOARD

INTRODUCTION

On November 18, The School Board for the School District of Flagler County (hereinafter “School Board”) voted to deny the charter application for Flagler Middle School (hereinafter “Charter Application”) made by Academies of Excellence, Inc. (hereinafter “Applicant”). Written notice of denial was provided to the Applicant in a letter dated December 1, 2003 (hereinafter “Denial Letter”). Applicant filed an appeal of the application denial to the State Board of Education on January 16, 2003 (hereinafter “Notice of Appeal”). The School Board filed a Response to the Notice of Appeal on February 16, 2004 (hereinafter “Appeal Response”).

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

WHETHER THE SCHOOL BOARD FAILED TO RESPOND TO APPLICANT’S CHARTER APPLICATION IN A TIMELY MANNER, AS REQUIRED BY FLORIDA STATUTE §1002.33(6)(b)(c).

- In its Notice of Appeal, Applicant argues that it filed its Charter Application on September 2, 2003, and that School Board did not take action until November 18, 2003, “77 days after submission of the application.”
- In its Appeal Response, School Board argues that the Charter Application was submitted without a statement of intent; and that Applicant did not inform School Board that the Charter Application was a new submission until September 22, 2003. School Board further argues that its review and vote to deny the Charter Application on November 18, was within 60 days of the September 22 notification of submission.
- Florida Statute §1002.33(6)(b)(c)3 states, in pertinent part:

“A district school board shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board shall by a majority vote approve or deny the application.” (Emphasis added.)

ISSUE TWO

WHETHER THE SCHOOL BOARD FAILED TO PROVIDE WRITTEN GOOD CAUSE REASONS IN A TIMELY MANNER, AS REQUIRED BY FLORIDA STATUTE §1002.33(6)(b)(c).

- In its Notice of Appeal, Applicant argues that the Letter of Denial was dated December 1, 2003, and mailed on December 2, 2003, “15 calendar days” after the School Board’s denial of the Charter Application. (Applicant Exhibit G)

- School Board does not dispute the allegation the Letter of Denial was untimely.
- The pertinent part of F.S. §1002.33(6)(b)(c)3 states:
“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.” (Emphasis added.)

ISSUE THREE

WHETHER SCHOOL BOARD’S DENIAL OF THE CHARTER APPLICATION WAS BASED UPON GOOD CAUSE, AS REQUIRED BY FLORIDA STATUTE §1002.33(6)(b)(c).

- In its Notice of Appeal, Applicant argues that the School Board’s denial was not based on good cause, and that the Charter Application review was “faulty.” As evidence, Applicant cites the “Charter School Application Review Form” and “Review Team Guidelines” (Applicant Exhibit H), and states that the “reviewers responses demonstrate a lack of knowledge regarding the contents of the application as well as numerous erroneous statements.” No evidence is provided to support this argument.
- The findings show that on a scale of “1” to “5” Applicant’s Charter Application received a score of “1” (fails to meet the standards for minimal acceptance) in the following areas: Mission and Purpose; Academic Design, Student Performance, Accountability Design, ESE Education Plan, Finances, Audit & Accountability, Planning & Establishment, Governance & Management, and Community Responsiveness. (School Board Appendix I, p1)
- Florida Statute §1002.33(6)(b)(c)3 requires that a school board must “articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.” (Emphasis added.)