

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF SUNSHINE ACADEMY
APPLICATION DENIAL

APPLICANT: SUNSHINE ACADEMY

SCHOOL BOARD: SCHOOL BOARD OF ORANGE COUNTY

INTRODUCTION

On October 29, 2003 the Orange County School Board (hereinafter “School Board”) voted to deny the application for the Sunshine Academy Charter (hereinafter “Applicant”) . Written notice of denial was provided to the Applicant in a letter dated October 29, 2003 (hereinafter “Letter of Denial”). Applicant timely filed an appeal of the application denial to the State Board of Education on March 23, 2004, (hereinafter “Notice of Appeal”). The School Board filed a Response to the Notice of Appeal on April 1, 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:

WHETHER THE SCHOOL BOARD’S PROCEDURE FOR REVIEWING CHARTER SCHOOL APPLICATIONS WAS INCONSISTENT WITH THE STATUTORY REQUIREMENTS UNDER FLORIDA STATUTE §1002.33(6), RESULTING IN THE IMPROPER DENIAL OF APPLICANT’S APPLICATION.

- School Board provided and required Applicant to complete an application based on the Florida Charter Schools Standard Application Form published by the Florida Department of Education. The form incorporates the new charter criteria required under §1002.33(6), FS.
- In its Notice of Appeal, Applicant argues that School Board failed to timely provide written information needed to complete the requirements and stipulations addressed during the application process; that the Review Committee failed to provide sufficient information during the pre-submission process; and provided insufficient time to correct deficiencies prior to the final submission date.
- School Board states in its Appeal Response that all application packets contained a template on a diskette to assist in preparing the application.
- School board further states that informal review of draft proposals was provided to all applicants from May 1 through August 1, 2003, and that Applicant did not request any technical assistance prior to the submittal of the draft application on August 1, 2003.
- The findings show that on August 19, 2003, School Board issued a letter to Applicant containing a written list of areas in the application needing further clarification prior to submittal of the final application. (SB Attachment 4)
- Applicant argues in its Notice of Appeal that School Board issued its written report “only several days” prior to the September 1 deadline for final submittal, leaving little time to

correct deficiencies. However, the record does not contain evidence supporting this allegation.

- The findings show that on October 7, 2003, School Board held a work session during which Applicant made a presentation and had the opportunity to respond to board member questions.
- Applicant argues that the School Board work session was demeaning and provided insufficient time to address the application. However, the record does not contain evidence supporting this allegation.
- School Board responds that the work session is offered as a courtesy to applicants and considers the allegations unfounded.
- The findings show that on October 28, 2003, the School Board voted to deny the application. School Board asserts that no one representing the application attended the meeting. On October 29, School Board issued a Letter of Denial to Applicant stating that the specific reasons for denial of the Application were contained in an attached memorandum dated October 28, 2003. (SB Response, pp 6-10)§
- The findings show that on a scale of 1 to 5, with a rating of 3 as the midpoint rating, Applicant's application received an averaged overall score of 2.6, a negative rating.
- Applicant cites no statutory basis to support its argument that School Board's procedure is inconsistent with the charter review procedure required under §1002.33(6), FS.
- Applicant's Notice of Appeal did not address any issue relative to the statutory, good cause reasons for denial of the Application by School Board.