

STATE BOARD OF EDUCATION

January 18, 2005

SUBJECT: Charter School Appeal Commission Recommendation

PROPOSED BOARD ACTION

Approve the recommendation of the Charter School Appeal Commission related to the review of the appeal heard on November 18, 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 terminate a charter school contract.

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 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 Charter School Appeal Commission met on November 18, 2004, to consider one charter school appeal filed on June 30, 2004, and has since provided its recommendations to the Commissioner of Education (attached). The following statements summarize the actions taken relative to the appeal:

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

- Eastside Multicultural Community School, Inc. v. Hillsborough County School District
(final vote: 6:3)

Commission decision: The district DID NOT violate the Applicant's right to due process by failing to provide Applicant reasonable notice and an opportunity to respond, in violation of Section 1002.33 (8) (d), Florida Statutes. The district had competent, substantial evidence to support its finding that the charter school exhibited continued low student performance, and such finding was statutory good cause for immediate termination.

Supporting Documentation Included: Technical Assistance Papers for considered appeal.

Facilitators/Presenters: Michael Kooi, Assistant General Counsel

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