

THE FLORIDA DEPARTMENT OF EDUCATION  
CHARTER SCHOOL APPEAL COMMISSION

## Technical Assistance Paper

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APPEAL OF EASTSIDE MULTICULTURAL COMMUNITY SCHOOL, INC.  
CHARTER TERMINATION

**NOVEMBER 18, 2004**

CHARTER: EASTSIDE MULTICULTURAL COMMUNITY SCHOOL, INC.

SCHOOL BOARD: HILLSBOROUGH COUNTY SCHOOL BOARD

## INTRODUCTION

On June 22, 2004, the School Board for the School District of Hillsborough County (hereinafter “School Board”) voted unanimously to terminate the charter of Eastside Multicultural Community School, Inc. (hereinafter “Charter”). Written notice of termination was provided to the Charter in a letter dated June 23, 2004 (hereinafter “Notice of Termination”). The Charter filed an appeal of the charter termination to the State Board of Education on June 30, 2004 (hereinafter “Notice of Appeal”). The School Board filed a Response to the Notice of Appeal on August 5, 2004 (hereinafter “Appeal Response”).

Based upon the available evidence presented by the parties, the following is a summary of the findings in relation to the issue raised.

### ISSUE ONE:

#### **WHETHER THE SCHOOL BOARD VIOLATED THE CHARTER CONTRACT AND APPLICABLE LAW IN THE IMMEDIATE TERMINATION OF ITS CHARTER, WITHOUT GIVING THE CHARTER REASONABLE NOTICE AND AN OPPORTUNITY TO RESPOND.**

- In its Notice of Appeal, the Charter states that the School Board failed to provide 90 days written notice of its decision to terminate the charter; failed to provide reasonable detail of the grounds for the proposed termination; and failed to inform the Charter of the right to request an informal hearing prior to termination, as required by the Charter and Florida Statute 1002.33 (8) (a). (The Charter Exhibit A, section 7)
- In its Appeal Response, School Board states that the Charter’s charter termination was an immediate termination, based upon a pattern of low student performance.
- Florida Statute 1002.33 (8) (d) provides as follows:
  - (d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6). (Emphasis added)
- The findings show that the Notice of Termination provides that the decision to terminate the Charter was based on “sustained low performance, as demonstrated on the FCAT Sunshine State Standards and Stanford Normed-Referenced Test.” This letter also informed the Charter of its right to file an appeal of the School Board’s decision within 14 days of receipt of the notice of termination. (School Board Attachment 38)
- The Charter argues that School Board did not allow a representative of the Charter to speak at the June 22, 2004 meeting, wherein the School Board voted to terminate the Charter.

- The findings show that the Charter’s legal representative arrived at the June 22 School Board meeting after the vote to terminate the Charter had occurred. A motion to reconsider the issue failed for lack of a second. Notwithstanding failure of the motion, the minutes from the June 22 meeting indicate that the Charter’s legal representative was offered three minutes to speak during the “audience participation” period, which he accepted. (School Board Attachment 35, pg. 228-229)

#### SUB-ISSUE

### **WHETHER THE SCHOOL BOARD’S IMMEDIATE TERMINATION OF THE CHARTER’S CHARTER WAS BASED ON GOOD CAUSE, AS REQUIRED BY FLORIDA STATUTE 1002.33 (8) (d).**

- The Charter argues in its Notice of Appeal that the School Board failed to make a finding that the Charter termination was based on one of the following grounds: (a) Failure to meet the requirements of student performance standards stated in the Charter; (b) Failure to meet generally accepted standards of fiscal management; (c) Violation of law; or (d) Other good cause shown, as set forth in Florida Statute 1002.33 (8) (a).
- The findings show that the School Board acted to immediately terminate the Charter as authorized by Florida Statute 1002.33 (8) (d). As such, Florida Statute 1002.33 (8) (a) is inapplicable.
- The findings show that the School Board’s Notice of Termination provides that the decision to terminate the Charter was based upon “sustained low performance, as demonstrated on the FCAT Sunshine State Standards and Stanford Normed-Reference Test.” (School Board Attachment 38)
- On May 26, 2004, the Florida Department of Education (FDOE) informed the School Board that FCAT scores for the 3<sup>rd</sup> grade students of the Charter had been invalidated, as a result of an investigation by the School Board’s Director of Assessment and Accountability. (School Board Attachment 30)
- On June 15, 2004, school grades were released; however, the Charter did not receive a grade. The School Board conducted its own assessment and determined that if the Charter had received a grade, it would have likely been a high “F” or low “D.” (School Board Attachment 33)
- The findings show that on June 23, 2004, the FDOE notified the School Board that it was assigning a grade of “F” to the Charter. This grade was based upon the Charter’s receipt of an “F” in 2003 and an “N” in 2002, as well as the “failure to show improved student achievement or to demonstrate an increase in student performance over prior years.” (School Board Attachment 36)
- The Charter did not provide argument or evidence to dispute the School Board’s finding that the Charter’s student academic history established a “sustained low performance, as demonstrated on the FCAT Sunshine State Standards and Stanford Normed-Referenced Test.”
- The Charter did not appeal its school grade with the FDOE.

ISSUE TWO:

**WHETHER ALLEGED INAPPROPRIATE TEACHER ASSISTANCE ON THE SUNSHINE STATE STANDARDS (SSS) WAS USED IMPROPERLY AND DISCRIMINATORILY TO ASSIGN A LETTER GRADE OF “F” TO THE CHARTER.**

- The Charter’s Notice of Appeal contained no argument or evidence regarding this issue. (The Charter Notice of Appeal, pg. 14)