

**STATE BOARD OF EDUCATION**

**Action Item**

February 15, 2005

**SUBJECT: Charter School Appeal Commission Recommendations**

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**PROPOSED BOARD ACTION**

Approve the recommendations of the Charter School Appeal Commission related to the review of appeals heard January 24-25, 2005.

**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 of Education 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 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 January 24-25, 2005 to consider five charter school appeals filed during fall 2004, and has since provided recommendations to the Commissioner of Education (attached).

**Appeal Commission Recommends Granting the Charter School Appeal** (i.e., reject the school board decision)

- Progressive Ranch School, Inc. v. Sarasota County (final vote: 4:3)
- Life Skills Center, Polk County v. Polk County (final vote: 7:0)
- Flagler Academies of Excellence High School v. Flagler County (final vote: 7:0)

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

- Volusia Academies of Excellence Elementary School v. Volusia County (final vote: 5:2)
- Volusia Academies of Excellence Middle School v. Volusia County (final vote: 5:2)

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**Supporting Documentation Included:**

Charter School Appeal Recommendations and Technical Assistance Papers

**Facilitators/Presenters:**

Michael Kooi, Assistant General Counsel

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