

**CHARTER SCHOOL APPEAL COMMISSION**  
**Recommendation to State Board of Education, February 15, 2005**

VOLUSIA ACADEMIES OF  
EXCELLENCE, INC., ELEMENTARY

Petitioner,

v.

SCHOOL BOARD OF  
VOLUSIA COUNTY

\_\_\_\_\_ / DOE Case No. 2004-1031

RECOMMENDATION

On October 26, 2004, the School Board of Volusia County (School Board) voted to deny the charter application of Volusia Academies of Excellence, Inc., Elementary (Charter applicant). The School Board's letter of denial was dated November 8, 2004. The Charter applicant filed this appeal on December 9, 2004. On January 24, 2005, the Charter School Appeal Commission heard the appeal of this matter. **Thereafter, the Commission voted 5 to 2 to recommend to the State Board of Education to deny the appeal of the Charter applicant.**

The Commission's justifications for its recommendation were as follows:

- A. The Commission voted 7 to 0 to recommend that the School Board **did not** provide written good cause reasons for denial of the Applicant's Charter Application in a timely manner, as required by Florida Statute §1002.33(6)(b)(3).
- B. The Commission voted 5 to 2 that the School Board's failure to provide written good cause reasons for denial of the Applicant's Charter Application in a timely manner **was** harmless error.
- C. The Commission voted 7 to 0 that the School Board **did** have competent, substantial evidence of proofreading and grammatical problems.
  - The Commission voted 4 to 3 that the School Board's denial of the Charter Application based on proofreading and grammatical problems **is not** statutory good cause for denial, under Florida Statute §1002.33.
- D. The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the ESE Program area was not sufficient.

- E.** The Commission voted 4 to 3 that the School Board **did** have competent, substantial evidence to support its finding that the Student Assessment/Accountability Design area was not sufficient.
- The Commission voted 6 to 1 that the School Board’s denial of the Charter Application based on the Student Assessment/Accountability Design area **is** statutory good cause for denial under Florida Statute §1002.33.
- F.** The Commission voted 5 to 2 that the School Board **did not** have competent, substantial evidence to support its finding that the Application Group and Management Team area was not sufficient.
- G.** The Commission voted 4 to 3 that the School Board **did** have competent, substantial evidence to support its finding that the School Governance area was not sufficient.
- The Commission voted 6 to 1 that the School Board’s denial of the Charter Application based on the School Governance area **is** statutory good cause for denial, under Florida Statute §1002.33.
- H.** The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Length of Charter and Implementation Timetable area was not sufficient.
- I.** The Commission voted 5 to 2 that the School Board **did not** have competent, substantial evidence to support its finding that the Planning and Establishment area was not sufficient.
- J.** The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Facilities area was not sufficient.
- K.** The Commission voted 7 to 0 that the School Board **did** have competent, substantial evidence to support its finding that the Finance area was not sufficient.
- The Commission voted 7 to 0 that the School Board’s denial of the Charter Application based on the Finance area **is** statutory good cause for denial, under Florida Statute §1002.33.
- L.** The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Human Resource Information area was not sufficient.
- M.** The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Transportation area was not sufficient.

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Kim McDougal, Commissioner's Designee  
Charter School Appeal Commission

FILED with the Agency Clerk of the Department of Education this \_\_\_\_\_ day of February 2005.

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AGENCY CLERK