

CHARTER SCHOOL APPEAL COMMISSION
Recommendation to State Board of Education, October 18, 2005

IMHOTEP – NGUZO SABA CHARTER SCHOOL

Petitioner,

v.

SCHOOL BOARD OF
PALM BEACH COUNTY

DOE Case No. 2005-1081

RECOMMENDATION

On April 27, 2005, the School Board of Palm Beach County (School Board) voted to deny the charter application of Imhotep-Nguzo Saba Charter School (Charter School). The Charter School filed this appeal on June 21, 2005. On September 28, 2005, the Charter School Appeal Commission heard the appeal of this matter.

Thereafter, the Commission voted 4 to 3 to recommend to the State Board of Education to grant the appeal of the Charter School. The Commission's justifications for its recommendation were as follows:

1. The Commission voted 5 to 2 that the School board **did not** have statutory good cause to deny the Appellant's charter application based on School Board Policy which defines statutory good cause.
2. The Commission voted 6 to 1 that the School Board **did not** have statutory good cause to deny the Appellant's charter application based on the School Board standard of an existing charter school being "exemplary" before being permitted to open additional charter schools.
3. The Commission voted 4 to 3 that the School Board **did** have competent, substantial evidence to support its finding that the Appellant's existing charter school is fiscally non-compliant.
4. The Commission voted 4 to 3 that the School Board's denial of the Appellant's charter application based on its finding that the Appellant's existing charter school is fiscally non-compliant **is** statutory good cause for denial.
5. The Commission voted 5 to 2 that the School Board **did** have competent, substantial evidence to support its finding that the Appellant's existing charter school is academically non-compliant.

6. The Commission voted 5 to 2 that the School Board's denial of the Appellant's charter application based on its finding that the Appellant's existing charter school is academically non-compliant is not statutory good cause for denial.

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

FILED with the Agency Clerk of the Department of Education this _____ day of October, 2005.

AGENCY CLERK