

STATE BOARD OF EDUCATION

Action Item

October 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 September 28, 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 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 includes 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 September 28, 2005, to consider two charter school appeals filed on June 21, 2005, and has since provided its recommendations to the Commissioner of Education (attached).

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

- Imhotep – Nguzo Saba Charter School vs. School Board of Palm Beach County
(Final vote: 4:3)
- Mandela – Nguzo Saba Charter School vs. School Board of Palm Beach County
(Final vote: 4:3)

Supporting Documentation Included: Charter School Appeal Commission Recommendation and Technical Assistance Paper.

Facilitators/Presenters: Jason Fudge, Assistant General Counsel

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