

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF GOOD START UNIVERSITY
CHARTER APPLICATION DENIAL

APPELLANT: GOOD START UNIVERSITY, INC.

SCHOOL BOARD: THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA

INTRODUCTION & HISTORY

On September 1, 2005 Good Start University, Inc. (hereinafter “Applicant” or “Appellant”) submitted a charter application (hereinafter “Charter Application”) to open Good Start University (hereinafter “School”) to the School Board of St. Johns County, Florida (hereinafter “School District” or “School Board”).

On September 23, 2005 a committee authorized by the School Board to review charter applications held a public meeting on the Charter Application.

On October 4, 2005 the School Board held a workshop to discuss the Charter Application.

On October 11, 2005 the School Board voted to deny the Charter Application.

On October 18, 2005 written notice of the denial of the Charter Application was sent by the School Board to the Applicant (hereinafter, “Letter of Denial”).

On November 17, 2005 the Applicant filed a Notice of Appeal from Denial of Charter Application (hereinafter “Appeal”) with the Florida Department of Education (hereinafter “FLDOE”).

On December 22, 2005 the School Board filed the Answer to Appeal from Denial of Charter School Renewal [sic] Application (hereinafter “Appeal Response”) with the FLDOE.

ISSUE ONE:

WHETHER THE APPLICANT RECEIVED A FULL AND COMPLETE CHARTER APPLICATION WITH INSTRUCTIONS FROM THE SCHOOL BOARD.

- Appellant states that the School Board did not supply it with a complete charter application package including instructions and information on the methods used for evaluation or the School Board’s review process (Appeal page 1). Consequently, Appellant argues that the School Board denied the Appellant due process because the review of the Application was not fair and impartial (Appeal pages 1-2).
- School Board states that Appellant had been provided a blank application packet with instructions that tracked the statutory requirements for a charter school application (Appeal Response page 3). School Board states the Appellant was provided ample opportunity to present and defend the Application at no less than three (3) meetings and the process by which the School Board made the decision to deny was thoughtful and deliberative (Appeal response pages 15-17).
- ANALYSIS: There is no requirement under Florida law that the School Board either create or provide any form of charter school application package.

- The pertinent Florida Statutes on this issue reads as follows:

F.S. §1002.33(6) APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare an application that:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

ISSUE TWO:

WHETHER THE SCHOOL BOARD UTILIZED REVIEW STANDARDS THAT WERE CONTRARY TO STATE GUIDELINES.

- Appellant states that the School Board erred when it neglected to read each topic and subtopic of the state’s application requirements. Appellant states the School Board developed its own review standards which were not in accordance with and contrary to the state’s written instructions, including requiring character education and refusing to support the proposed admission and expulsion policy (Appeal pages 2, 4-5).
- School Board states that the School Board and its staff were well aware of the statutory provisions that govern potential and existing charter schools. The “Proposal Review” indicators used by the School Board’s review committee directly quote the language of the Florida charter school statute (Appeal Response page 16).

- ANALYSIS: School Board indicates that copies of the indicators used by the review committee are attached as composite Exhibit 14. However, Exhibit 14 was not provided.

ISSUE THREE:

WHETHER THE SCHOOL BOARD VIOLATED THE FLORIDA SUNSHINE LAW AND PUBLIC RECORDS LAWS DURING ITS REVIEW OF THE CHARTER APPLICATION.

- Appellant states that the School Board violated Florida's Sunshine Law and Public Records Law requirements when it failed to maintain copies of reviewer's reports, notes, and other documents regarding the Charter Application (Appeal pages 2-3).
- School Board states that it did not violate Florida law and provided Appellant with all records requested as required by state statutes (Appeal Response pages 17-18).
- ANALYSIS: Regardless of the parties' arguments, Florida Statute §286.011(2) states that the circuit courts of Florida have jurisdiction on these issues and it would not be proper for either the Charter School Appeal Commission or Florida State Board of Education to hear arguments or render a decision on this issue.
- The pertinent Florida Statutes on this issue reads as follows (emphasis added):

F.S. §286.011(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. *The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.*

ISSUE FOUR:

WHETHER THE SCHOOL BOARD ACTED REASONABLY AND IN GOOD FAITH WITH THE APPELLANT.

- Appellant states the School Board expressed displeasure with the Appellant's presentation of the School Board's data revealing mass failure of African American students to make adequate yearly progress (Appeal page 5).
- Appellant states the School Board erred when they publicly expressed their "anti-charter schools" attitude during the October 4, 2005 workshop. Appellant states that personal opinions prevented members of the School Board from being objective and looking at the Charter Application with an open mind (Appeal page 6).
- School Board states that a full review of the Charter Application was made. The Appellant was provided with the opportunity to explain and defend the Charter

Application to both the School Board application review committee and the School Board at two separate meetings (Appeal Response page 16).

- ANALYSIS: There is nothing in the record which supports Appellant's argument.

ISSUE FIVE:

WHETHER THE LETTER OF DENIAL SENT BY THE SCHOOL BOARD TO THE APPLICANT WAS STATUTORILY SUFFICIENT WRITTEN GOOD CAUSE REASONS FOR DENIAL.

- Appellant states the reasons contained in the Letter of Denial are different from the reasons voted on by the School Board; therefore the Letter of Denial did not contain the specific reasons for the School Board's denial of the Charter Application (Appeal pages 7, 9-10).
- Appellant states that the Letter of Denial contains only generic comments and does not provide the results, weighted scores, average review score, and a scoring scale (Appeal page 8).
- School Board states that the Letter of Denial set out with specificity the reasons for the denial and provided the Applicant with information on its right to appeal the decision. (Appeal Response page 5).
- ANALYSIS: The Letter of Denial lists seven areas of concern with the Charter Application. Each area of concern contains bullet points with subsections with more specific information on the School Board's concerns (Appeal Response Exhibit 10).
- The pertinent Florida Statutes on this issue reads as follows (emphasis added):

F.S. §1002.33(6)(b)(3): A district school board shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board shall by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). ***If an application is denied, the district school board shall, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.***

ISSUE SIX:

WHETHER THE “PRINCIPLES” SECTION OF THE CHARTER APPLICATION WAS STATUTORILY INSUFFICIENT AND THUS GOOD CAUSE FOR DENIAL OF THE CHARTER APPLICATION.

- Appellant states that it meets the state standard and guidelines for stating the principles of a school within the Charter Application (Appeal page 11).
- School Board states that the Charter Application lacks consistency, direction and innovation and that it was patterned after other existing charter schools (Appeal Response page 9).
- School Board states that the Charter Application had too many inconsistencies and grammatical and spelling errors (Appeal Response page 9).
- Appellant states that in a letter dated September 27, 2005 to the School District it apologized for the errors and supplied the School District with a corrected copy of the Charter Application (Appeal Exhibit 18).
- ANALYSIS: The relevant section of the Charter Application addressing principles is Appellant’s Exhibit A.
- The pertinent Florida Statutes on this issue reads as follows (emphasis added):

F.S. §1002.33(6) APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare an application that:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

ISSUE SEVEN:

WHETHER THE “EDUCATIONAL PROGRAM” SECTION OF THE CHARTER APPLICATION WAS STATUTORILY INSUFFICIENT AND THUS GOOD CAUSE FOR DENIAL OF THE CHARTER APPLICATION.

- Appellant states that it meets the state standards and guidelines for describing an educational program within the Charter Application (Appeal pages 11-12).
- School Board states that the Charter Application lacks details and focus, fails to specify measures for implementing the educational program, and fails to clearly define the curriculum (Appeal Response page 11).

- School Board states that the Charter Application failed to include a plan for exceptional student education (Appeal Response page 11).
- ANALYSIS – The section of the Charter Application which addresses the educational program is Appellant’s Exhibit B.
- The pertinent Florida Statutes on this issue reads as follows (emphasis added):

F.S. §1002.33(6) APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare an application that:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

ISSUE EIGHT:

WHETHER THE “STUDENT ASSESSMENT” SECTION OF THE CHARTER APPLICATION WAS STATUTORILY INSUFFICIENT AND THUS GOOD CAUSE FOR DENIAL OF THE CHARTER APPLICATION.

- Appellant states that each assessment will not be used for each student nor will every test require funding. Appellant notes that it reserved the right to change its program at its discretion to suit the students’ needs (Appeal page 12).
- School Board states that the Charter Application includes various unconnected and unnecessarily overlapping assessment tools without explanation as to how and why such tools would be used in conjunction with each other. There was no distinction made among screening assessments, diagnostic assessments, progress monitoring assessments and outcome assessments (Appeal Response page 12).
- ANALYSIS – The section of the Charter Application which addresses student assessment is Appellant’s Exhibit C.
- The pertinent Florida Statutes on this issue reads as follows (emphasis added):

F.S. §1002.33(6) APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare an application that:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
3. *Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.*

ISSUE NINE:

WHETHER THE “FINANCES” SECTION OF THE CHARTER APPLICATION WAS STATUTORILY INSUFFICIENT AND THUS GOOD CAUSE FOR DENIAL OF THE CHARTER APPLICATION.

- Appellant states that it used a budget from a charter school approved three years ago by the School Board as a model (Appeal page 13).
- Appellant states that it used the wrong formula for calculating Full Time Equivalent funding because the School Board did not provide the Applicant with the current formula (Appeal page 13).
- School Board states that the Charter Application did not contain a comprehensive or realistic budget. The budget omitted recognized expenditures, had unrealistic cost expectations and did not adequately provide for budget expansion (Appeal Response page 13).
- School Board states that the budgeted amount for teacher salaries was lower than those paid by the School Board and is unrealistic (Appeal Response pages 13-14).
- ANALYSIS – The section of the Charter Application which addresses finances is Appellant’s Exhibit D.
- The pertinent Florida Statutes on this issue reads as follows (emphasis added):

F.S. §1002.33(6) APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

- (a) A person or entity wishing to open a charter school shall prepare an application that:
1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- 5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.***

ISSUE TEN:

WHETHER THE “CLASS SIZE REQUIREMENTS” SECTION OF THE CHARTER APPLICATION WAS STATUTORILY INSUFFICIENT AND THUS GOOD CAUSE FOR DENIAL OF THE CHARTER APPLICATION.

- Appellant states that it projects a class size of 30 students to one teacher for the first year of operation, but that it will fully comply with the state’s class size requirements by the 2010-2011 school year (Appeal page 13).
- The School Board does not address this issue in the Appeal Response.
- ANALYSIS: The section of the Charter Application which addresses class size requirements is Appellant’s Exhibit E.
- The pertinent Florida Statutes on this issue reads as follows:

F.S. §1003.03 MAXIMUM CLASS SIZE--

(1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.--Pursuant to s. 1, Art. IX of the State Constitution, beginning in the 2010-2011 school year:

(a) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students.

(b) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students.

(c) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 9 through 12 may not exceed 25 students.

ISSUE ELEVEN:

WHETHER THE “HUMAN RESOURCES” SECTION OF THE CHARTER APPLICATION WAS STATUTORILY INSUFFICIENT AND THUS GOOD CAUSE FOR DENIAL OF THE CHARTER APPLICATION.

- Appellant states that the comments made by the School Board do not give consideration to student population, freedom and flexibility for creative teaching methods, ownership in the school and school programs, lesser duties, and participation in the Florida Retirement System (Appeal pages 13-14).
- School Board states that Applicant did not include a professional development plan for staff (Appeal Response page 13).
- ANALYSIS: The section of the Charter Application which addresses human resources is Appellant’s Exhibit F.

ISSUE TWELVE:

WHETHER THE “TRANSPORTATION” SECTION OF THE CHARTER APPLICATION WAS STATUTORILY INSUFFICIENT AND THUS GOOD CAUSE FOR DENIAL OF THE CHARTER APPLICATION.

- Appellant states that the School Board used incorrect standards in evaluating this section of the Charter Application (Appeal page 14).
- School Board states that the transportation plan is not supported by the figures in the budget provided the Charter Application (Appeal Response page 14).
- School Board states that the Charter Application does not budget for any student field trip transportation, but instead suggests that transportation will be provided by the school’s teachers or students’ parents (Appeal Response page 14).
- ANALYSIS – The section of the Charter Application which addresses transportation is Appellant’s Exhibit G.