

**CHARTER SCHOOL APPEAL COMMISSION**  
**Recommendation to State Board of Education, January 17, 2006**

IMAGINE-BREVARD COUNTY, LLC  
WEST BREVARD CHARTER ELEMENTARY SCHOOL

Petitioner,

v.

SCHOOL BOARD OF  
BREVARD COUNTY

DOE Case No. 2005-1122

RECOMMENDATION

On October 25, 2005, the School Board of Brevard County (School Board) voted to deny the charter application of Imagine-Brevard County, LLC, West Brevard Charter Elementary School (Charter School). The Charter School filed this appeal on November 15, 2005. On January 4, 2006, the Charter School Appeal Commission heard the appeal of this matter. **Thereafter, the Commission voted 6 to 1 to recommend to the State Board of Education to deny the appeal of the Charter School.** The Commission's justifications for its recommendation were as follows:

1. The Commission voted 4 to 3 that the School Board **did** provide the Charter School with written good cause reasons for denial in a timely manner as required by Florida Statute §1002.33(6)(b)(3).
2. The Commission voted 4 to 3 that the School Board **did** apply different standards and guidelines to the Charter School as compared to other unrelated charter applications resulting in inequitable treatment of the Application. The Commission reserved the ruling of the following motion until the end of the meeting: The Commission finds that the School Board's application of different standards and guidelines to the Charter School as compared to other unrelated charter applicants resulting in inequitable treatment of the Application is harmless error.
3. The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of "Guiding Principles".
4. The Commission voted 6 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of "Educational Program".
5. The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of "Student Assessment".

6. The Commission voted 5 to 2 that the School Board **did** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of “Profile of the Application Group and Management Team”.
7. The Commission voted 4 to 3 that the School Board’s denial of the Application based on its finding that the Application was statutorily deficient in the area of “Profile of the Application Group and Management Team” **is** statutory good cause for denial.
8. The Commission voted 6 to 1 that the School Board **did not** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of “School Governance”.
9. The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of “Recruiting and Marketing Plan”.
10. The Commission voted 6 to 1 that the School Board **did** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of “Finance”.
11. The Commission voted 6 to 1 that the School Board’s denial of the Application based on its finding that the Application was statutorily deficient in the area of “Finance” **is** statutory good cause for denial.
12. The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of “Risk Management”.
13. The Commission voted 7 to 0 that the school Board **did not** competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of “Student Code of Conduct, Discipline & Dismissal Procedures”.
14. The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of “Human Resources”.
15. The Commission voted 7 to 0 that the School Board **did not** have competent, substantial evidence to support its finding that the Application was statutorily deficient in the area of “Transportation”.
16. The Commission voted 7 to 0 after consideration of the issues, to reconsider their vote on Issue 2. The Commission then voted 4 to 3 that the School Board **did** apply different standards and guidelines to the Charter School as compared to other unrelated charter applicants resulting in inequitable treatment of the Application.
17. The Commission voted 4 to 3 that the School Board’s application of different standards and guidelines to the Charter School as compared to other unrelated charter applicants resulting in inequitable treatment of the Application **is** harmless error.

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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 January, 2006.

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AGENCY CLERK