

STATE BOARD OF EDUCATION

February 21, 2006

SUBJECT: Charter School Appeal Commission Recommendation for Challenge Foundation vs. Sarasota County School Board

PROPOSED BOARD ACTION

Approve the recommendations of the Charter School Appeal Commission related to the review of the appeal filed by Challenge Foundation.

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 deny a charter school application.

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 include 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 February 1-3, 2006 to consider charter school appeals filed during fall 2005, and has since provided its recommendations to the Commissioner of Education (attached). The following statement summarizes the action taken relative to the appeal:

Appeal Commission Recommends Denying the Charter School Appeal (i.e., accept the school board decision)

- Challenge Foundation vs. Sarasota County School Board (final vote: 5:1)
Commission decision: the district DID have competent, substantial evidence and statutory good cause to deny the application based on findings in the following area: The School Board's inability to differentiate between school and another charter school in Sarasota County.

Supporting Documentation Included: Challenge Foundation recommendation and technical assistance paper.

Facilitators/Presenters: Dr. Kim McDougal, Commissioner's Designee as Chair
Charter School Appeal Commission