

CHARTER SCHOOL APPEAL COMMISSION
Recommendation to State Board of Education, December 11, 2007

CITY OF PALM BAY, PALM BAY
ELEMENTARY CHARTER SCHOOL

Petitioner,

v.

SCHOOL BOARD OF
BREVARD COUNTY

_____/ DOE Case No.2007-1403

RECOMMENDATION

On July 17, 2007, the School Board of Brevard County (School Board) voted to deny the charter application of The City of Palm Bay, Palm Bay Elementary School (Charter School). The School Board's letter of denial was dated July 27, 2007. The Charter applicant filed this appeal on August 27, 2007. On November 16, 2007, the Charter School Appeal Commission heard the appeal of this matter. **Thereafter, the Commission voted 3 to 2 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 5 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 "Curriculum Plan."
2. The Commission voted 5 to 0 that the School Board did not have competent, substantial evidence to support its finding that the School was statutorily deficient in the area of "Goals and Objectives for Improving Student Learning and Measuring Improvement."
3. The Commission voted 4 to 1 that the School Board did have competent, substantial evidence to support its finding that the School was statutorily deficient in the area of "Reading Curriculum."
4. The Commission voted 4 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 "Reading Curriculum" was statutory good cause for denial.
5. The Commission voted 5 to 0 that the School Board did not have competent substantial evidence to support its finding that the School was statutorily deficient in the area "Financial Plan."

6. The Commission voted 5 to 0 that the School Board did deny the Applicant due process in the evaluation process of the Application.
7. The Commission voted 5 to 0 that the School Board's denial of due process in the evaluation process was not harmless error.

Shan Goff, Commissioner's Designee
Charter School Appeal Commission

FILED with the Agency Clerk of the Department of Education this _____ day of
November 2007.

AGENCY CLERK