

STATE BOARD OF EDUCATION
Action Item
December 2, 2008

SUBJECT: Consideration of Mandate from District Court of Appeal of the State of Florida, Fifth District, RE: Universal Education Services in Osceola County

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1002.33, Florida Statutes

EXECUTIVE SUMMARY

This case previously came before the State Board of Education on February 20, 2007. The School Board of Osceola County had previously voted to deny the charter school application of Universal Education Services d/b/a Osceola Universal Schools. The applicant appealed the school board's decision to the Charter School Appeal Commission and State Board of Education. The Charter School Appeal Commission recommended denying the appeal, however, the State Board rejected the recommendation and granted the appeal, overturning the district's application denial.

The School Board of Osceola appealed the decision of the State Board to the Fifth District Court of Appeal (5th DCA). The 5th DCA ruled in favor of Osceola and overturned the decision of the State Board stating that since the applicant had failed to file its appeal within the 30-day time frame set forth in statute, the State Board did not have jurisdiction to take up the appeal. Accordingly, the 5th DCA has forwarded its final order and a Mandate to the State Board to take action to appropriately dismiss the appeal of Universal.

Supporting Documentation Included: Mandate from District Court of Appeal of the State of Florida, Fifth District, RE: Universal Education Services in Osceola County.

Facilitators/Presenters: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice