

CHARTER SCHOOL APPEAL COMMISSION
Recommendation to State Board of Education, May 19, 2009

EXCEL ACADEMY INC.,
EXCEL ACADEMY MIDDLE CHARTER SCHOOL

Petitioner,

v.

SCHOOL BOARD OF
MIAMI-DADE COUNTY

_____/ DOE Case No.2008-1711

RECOMMENDATION

On November 18, 2008, the School Board of Miami-Dade County (School Board) voted to terminate immediately the charter contract of Excel Academy Inc., Excel Academy Middle Charter School (Charter School). The School Board's letter of termination was dated November 26, 2008. The Charter School filed its appeal on December 29, 2008. On April 17, 2009, the Charter School Appeal Commission heard the appeal of this matter. **Thereafter, the Commission voted 8 to 0 to recommend that the State Board of Education deny the appeal of the Charter School.** The Commission's justifications for its recommendation were as follows:

1. The Commission voted 6 to 2 that the School Board did provide the Charter School with due process.
2. The Commission voted 8 to 0 that the appeal submission of Excel Academy did not comply with the procedural rules governing the appeals process, pursuant to section 1002.33(6)(c), Florida Statutes, and rule 6A-6.0781(1)(a), F.A.C.
3. The Commission voted 8 to 0 that Excel Academy Middle Charter School's failure to comply with the procedural rules governing the appeals process was harmless error.

4. The Commission voted 8 to 0 that the School Board did have competent substantial evidence to support its finding that the Charter School was deficient in the area of complying with section 1002.33(8)(a)1., Florida Statutes, regarding poor academic performance.
5. The Commission voted 8 to 0 that the School Board's termination based on its finding that the Charter School was deficient in the area of complying with section 1002.33(8)(a)1., Florida Statutes, regarding poor academic performance was good cause for denial.
6. The Commission voted 8 to 0 that the School Board did have competent substantial evidence to support its finding that the Charter School was deficient in the area of complying with section 1002.33(8)(a)2., Florida Statutes, regarding poor financial performance.
7. The Commission voted 8 to 0 that the School Board's termination based on its finding that the Charter School was deficient in the area of complying with section 1002.33(8)(a)2., Florida Statutes, regarding poor financial performance was good cause for denial.

Lois Tepper, Commissioner's Designee
Charter School Appeal Commission

FILED with the Agency Clerk of the Department of Education this _____ day of April 2009.

AGENCY CLERK