

THE FLORIDA DEPARTMENT OF EDUCATION  
CHARTER SCHOOL APPEAL COMMISSION

# Technical Assistance Paper

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APPEAL OF: SUNRISE COMMUNITY CHARTER SCHOOL

APPELLANT: SUNRISE COMMUNITY CHARTER SCHOOL

SCHOOL BOARD: THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

**DISCLAIMER: THIS TAP IS INTENDED TO PROVIDE A BRIEF SUMMARY OF THE SCHOOL DISTRICT'S REASONS FOR DENYING THE CHARTER SCHOOL APPLICATION AND THE PARTIES' POSITIONS REGARDING SUCH REASONS. THIS TAP DOES NOT REPLACE OR SUPERSEDE THE RECORD ON APPEAL. TO THE EXTENT INCONSISTENT, THE RECORD ON APPEAL SHALL GOVERN. INTERESTED PERSONS SHOULD READ THE FULL RECORD ON APPEAL.**

## HISTORY – SUNRISE COMMUNITY CHARTER SCHOOL

August 2006 – School began operation

January 5, 2009 – School relocated to Leadership Academy facility

January 6, 2009 – Students disbursed to other schools

January 29, 2009 – School filed notice of invoking the dispute resolution provision of the charter

February 3, 2009 – School Board voted to terminate the School's charter

February 10, 2009 – Letter from School Board to Charter School advising of termination

February 18, 2009 – Written notice of termination was received by Charter School

March 13, 2009 – Charter School filed appeal with the State Board of Education

April 21, 2009 – Response to appeal filed by School Board

**The letter of termination provided to Sunrise Community Charter School from the School District of Broward County indicated that the charter was terminated for:**

- 1. The threat to the health, safety and welfare of the charter school's students because the charter school disrupted the educational programs of its enrolled student and ceased its delivery of educational services on January 6, 2009.**

**The Charter School states:**

- At the beginning of the School's third year of operation, the City of Sunrise conducted its annual fire inspection of the School building. On August 20, 2008, the City of Sunrise issued a report that the School passed its fire inspection. On December 8, 2008, while the School was completing its revised drawings for permanent classrooms for submission to the City of Sunrise later that month, the School received a surprise inspection from a fire inspector for the Broward County School Board who was accompanied by a fire inspector from the city of Sunrise. A Comprehensive Fire Inspection Report was issued by the School Board noting several non-serious fire code deficiencies which were to be corrected between January 7, 2009, and April 7, 2009. Two key items noted in the report are: 1) there were zero serious life safety hazards; and 2) un-alarmingly, a re-inspection was to take place no later than April 15, 2009.

Monday, December 15, 2008, more than twelve (12) persons from the Sunrise Building Department, Fire Department, Broward County School Board Safety Department and Broward County Board of Rules and Appeals descended upon the School to inspect the property. Meetings were held between the City of Sunrise, the School Board and the Board of Appeals and it was determined that while the School would be permitted to operate through Friday, December 19, the School would be on fire watch by the City of Sunrise Fire Department for the remainder of the week.

They were informed by Tamarac officials that they could not issue the certificate of occupancy based on phone calls officials from the City of Tamarac received from officials from the City of Sunrise, and from the School Board, who told the Tamarac officials that they should not permit the School to operate based on issues the School had in its existing facility. The School had no choice but to temporarily shut down. The School's 146 students were forced to enroll in other schools.

**The School District States:**

- Officials from the City of Sunrise Fire Department and from School Board of Broward County conducted an annual inspection of the School on December 9, 2008. On December 10 or 11, 2008, the City of Sunrise Building and Fire Departments conducted a joint inspection of the School. In a letter dated December 22, 2008, sent to representatives of the Charter School, the Acting Building Official for the City of Sunrise stated that "numerous violations were noted during each inspection including violations of the Fire Life Safety Code."

The following code violations were noted by the Broward County School Board Safety Inspector during a joint inspection on December 9, 2008:

- No Secondary Means of Egress
- Non-Rated Corridors and Doors
- Lack of Fire Sprinkler System
- Exposed and Illegal Electrical Wiring
- Non-operational Fire Curtains
- The Air Conditioning System has no Smoke Detection Protection

A walk-through inspection was conducted at the School on December 15, 2008, by officials from the City of Sunrise Fire Department, the Broward County Board of Appeals and from the School Board of Broward County. As a result of that walk-through inspection, a fire watch was initiated at the School on December 16, 2008, and continued through the close of the school day on December 19, 2008.

On Tuesday, January 6, 2009, the day following the return of its 146 students in grades K-5, the Charter School called in the parents and assisted them in enrolling all of their students in other schools. The dispersion of the School's student body occurred halfway through the second grading period of the 2008-09 School Year and interrupted the continuity of each student's education.

At its meeting on February 3, 2009, School Board of Broward County heard presentations made by representatives of the School and of the school district and found that the school's cessation of the delivery of educational services on January 6, 2009, constituted good cause for the termination of Sunshine Community Charter School's Charter School Agreement. It also constituted a threat to the health, safety and welfare of the School's students.

**The pertinent Florida Statutes on this issue read as follows:**

Section 1002.33(8)(d), Florida Statutes

**(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--**

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The sponsor shall notify in writing the charter school's governing body, the charter school principal, and the department if a charter is immediately terminated. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 30 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).

**2. The Lack of a facility possessing the certificates of occupancy necessary to conduct an educational program.**

**The Charter School states:**

- The Board of Rules and Appeals [an autonomous agency formed by Broward County voters to “write, modify and interpret a uniform body of building codes applicable throughout the county”] sent a letter to the City of Sunrise alleging that on November 14, 2006, the City of Sunrise, in violation of Section 110.1.2 of the Florida Building Code, “erroneously” issued a Class “E” (educational) certificate of occupancy to the School. Faced with a possible violation, Sunrise revoked the School’s Class “E” certificate of occupancy.

The result of the revocation of the Class “E” certificate of occupancy was that the School would not be permitted to utilize the temporary classrooms when school resumed on January 5, 2009, unless significant renovations to the classrooms and corridors around the classrooms were completed, as required by the School Board and Board of Rules and Appeals. The School determined that it was not feasible to continue use of its facility.

Leadership Academy, an existing school within close proximity in neighboring Tamarac, had available space it offered to the School. The School began operating at Leadership Academy on January 5, 2009. That day, inspectors from the City of Tamarac visited the property and informed the School that the building it was occupying was not approved for use as a school. Tamarac officials indicated that they would allow the School to occupy the space while some minor renovations were done to the building and they could pick up a temporary certificate of occupancy at the building department the next morning. The next day the Charter School was informed by Tamarac officials that they could not issue the certificate of occupancy based on phone calls they received from officials from the City of Sunrise, and from the School Board, who told the Tamarac officials that they should not permit the School to operate based on issues the School had in its existing facility.

**The School District States:**

- December 19, 2008, the City of Sunrise rescinded the certificate of occupancy that had been granted for the School and was issued by the City of Sunrise authorizing “A” (Assembly) occupancy use of the School. Sunrise Community Charter School acknowledges that the effect of the revocation of the Class “E” certificate of occupancy for the School was that it would not be permitted to utilize that site when school resumed on January 5, 2009, “unless significant renovations to the classrooms and corridors around the classrooms were completed...” The School states in its brief that the cost of renovation and time available made it infeasible to continue use of that site. Sunrise Community Charter School initially believed it had found a suitable site in the City of Tamarac over the Winter Break and operated at that site on

Monday, January 5, 2009. It ultimately found that site also lacked the necessary certificate of occupancy for an educational facility.

The pertinent Florida Statutes on this issue read as follows:

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Section 1002.33(8)(d) and 1002.33(18)(b) Florida Statutes

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The sponsor shall notify in writing the charter school's governing body, the charter school principal, and the department if a charter is immediately terminated. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 30 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).

(18) FACILITIES.--

(b) A charter school shall utilize facilities that comply with the Florida Fire Prevention Code, pursuant to s. [633.025](#), as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).