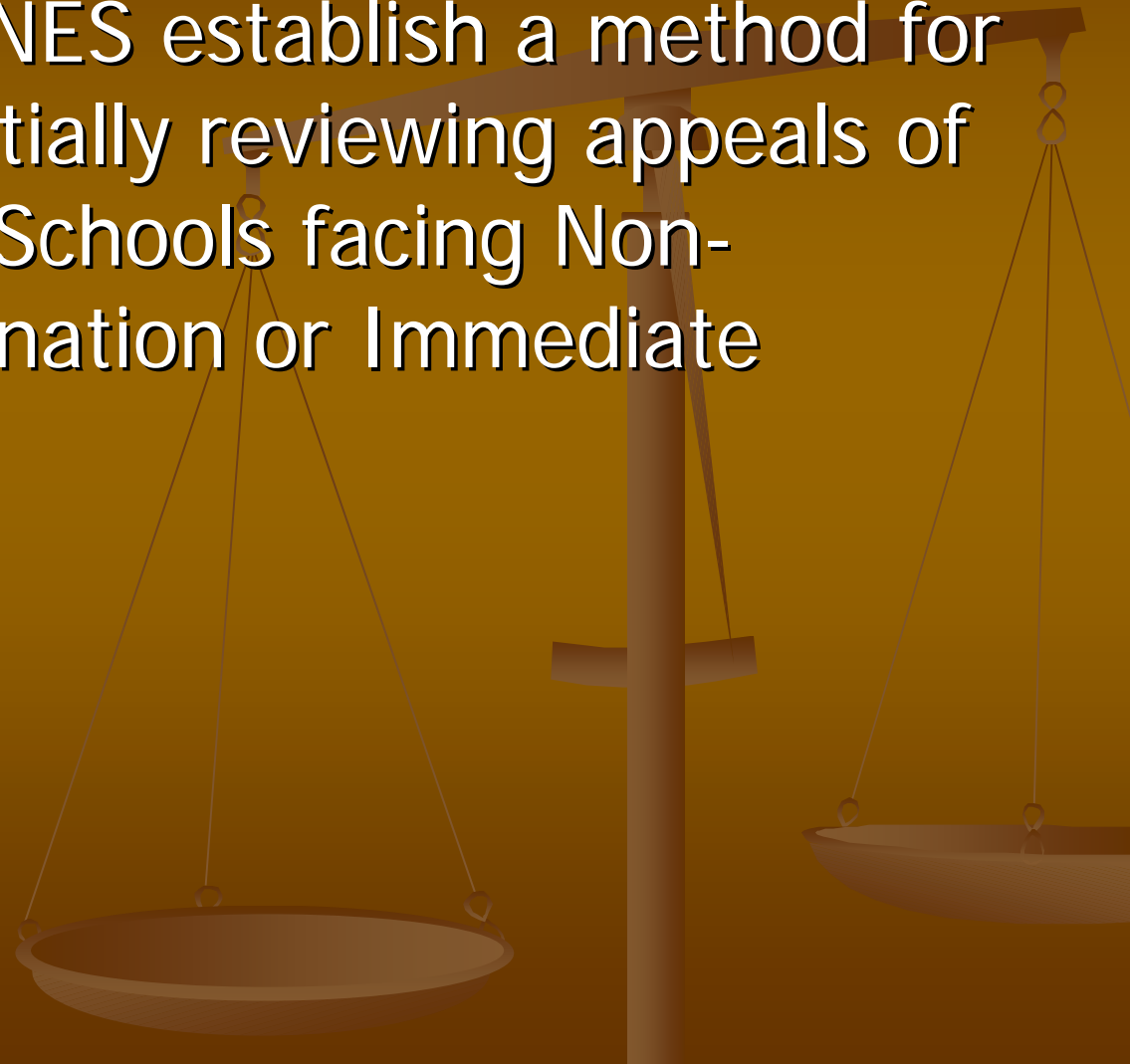


Charter School Appeal Guidelines

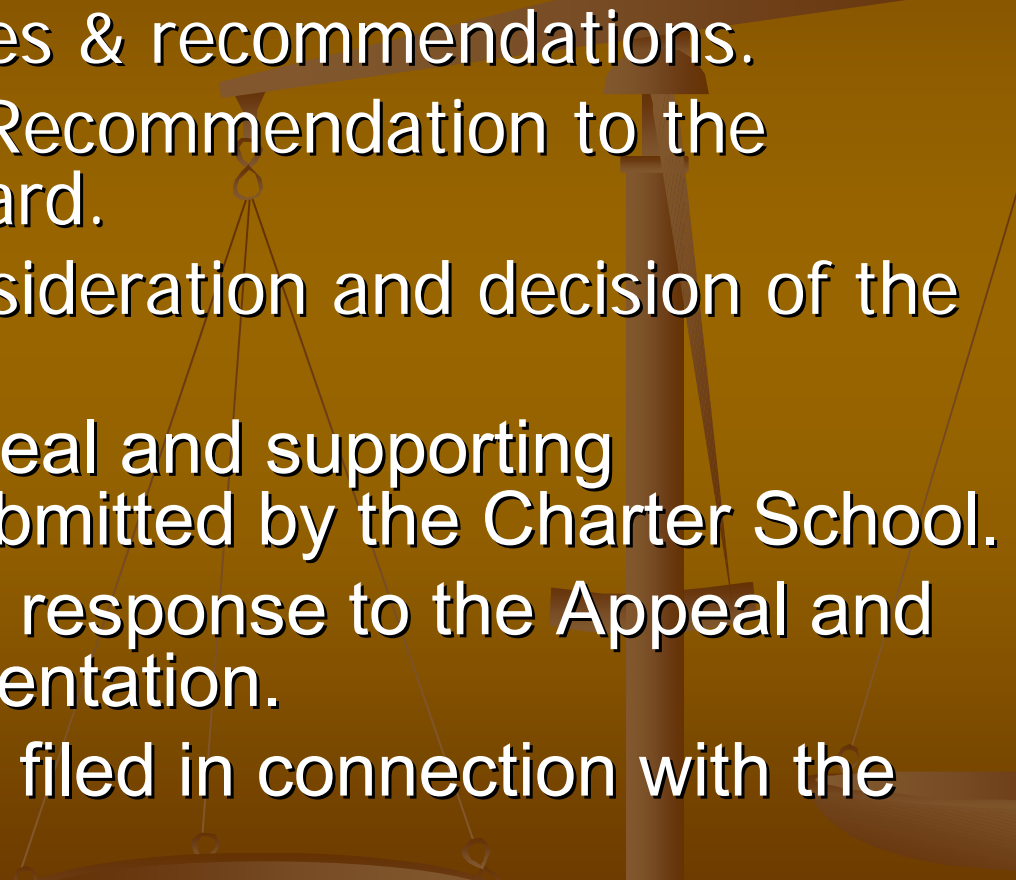
Guidelines for Charter School
Non-Renewal, Termination, and
Immediate Termination Appeals

PURPOSE

- These GUIDELINES establish a method for fairly and impartially reviewing appeals of Florida Charter Schools facing Non-Renewal, Termination or Immediate Termination.



The Guidelines allow the SBE and the Commission to: **Objectively Review**

- District staff studies & recommendations.
 - Superintendent's Recommendation to the District School Board.
 - The record of consideration and decision of the School Board.
 - The Notice of Appeal and supporting documentation submitted by the Charter School.
 - The School Board response to the Appeal and supporting documentation.
 - All other materials filed in connection with the appeal.
- 

The Guidelines allow the SBE and the Commission to:

Effectively Evaluate

- The evidence presented in support or opposition to the decision of the District School Board.

Reach a Decision

- On the recommendation to be sent forward to the State Board of Education.

APPEALS PROCESS FLOW CHART



District must notify Charter School in writing of proposed action

At least 90 days prior to action



Charter School may request Informal Hearing

Within 14 days of receiving notice



District School Board holds Informal Hearing

Within 30 days of request



Charter School may file Appeal with State Board of Education

Within 14 days of receiving District decision

Commissioner of Education calls Appeals Commission Meeting

Upon being informed by SBE of Appeal

Appeals Commission may send appeal back to school for corrections

School has 15 days to resubmit

District submits response to Appeal

Within 30 days after being notified of Appeal

Commission meets, makes decision, and Commissioner of Education sends recommendation in writing to State Board of Education

Within 7 days of when SBE is to hear appeal



State Board of Education, by majority vote, sustains or overturns District decision

Within 90 days after Appeal is filed



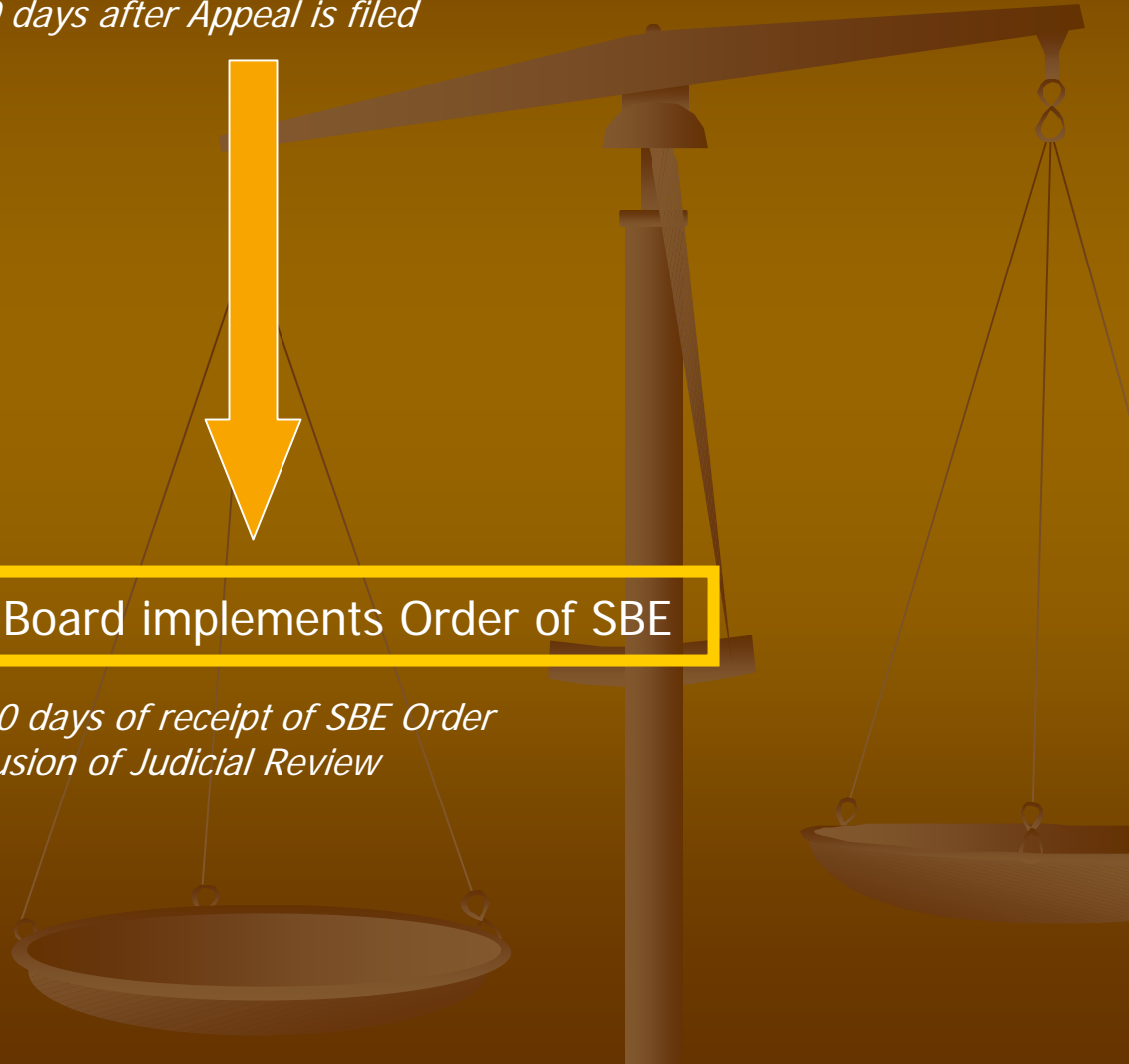
Judicial Review of SBE decision

If requested by one of the parties

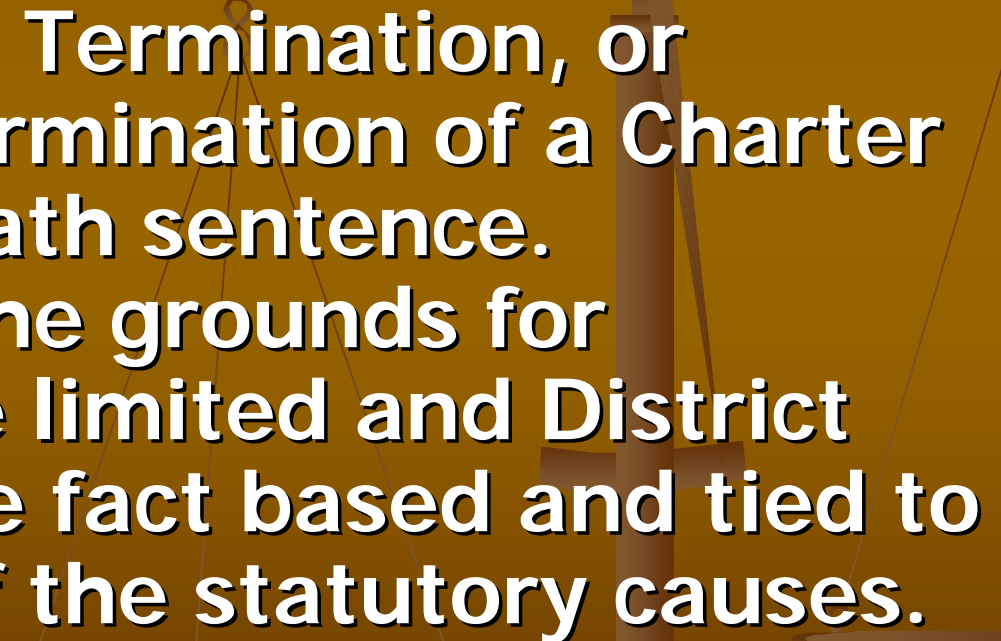


District School Board implements Order of SBE

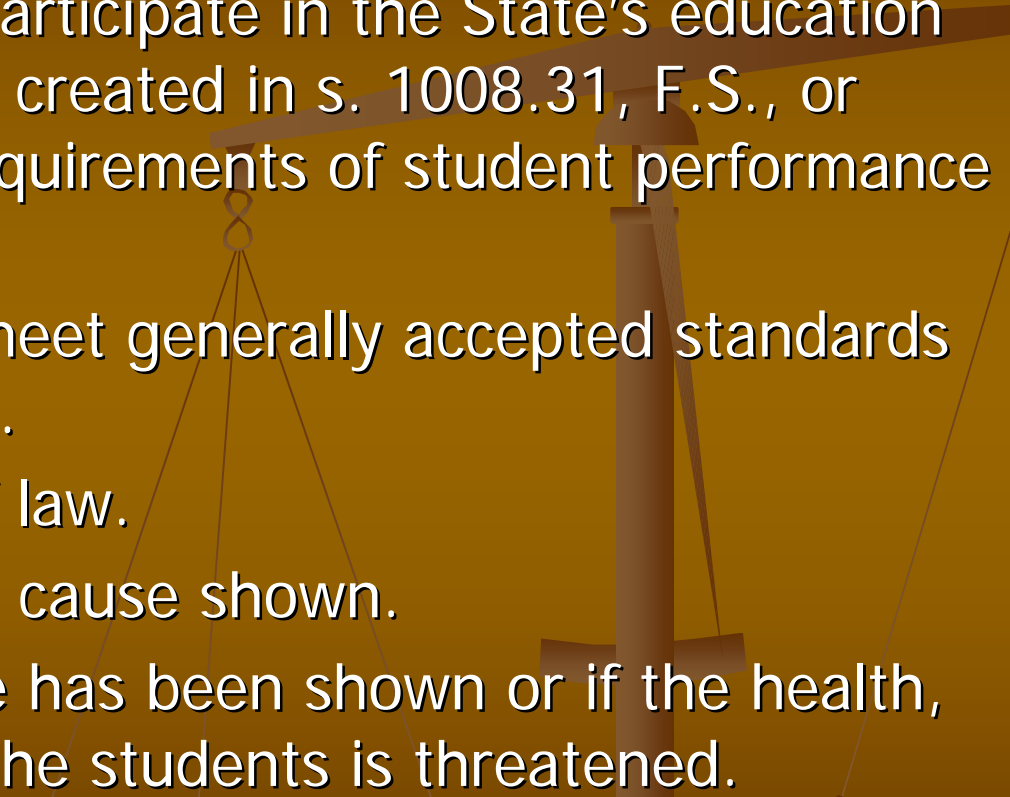
Within 30 days of receipt of SBE Order or conclusion of Judicial Review



Objective of the Appeals Process

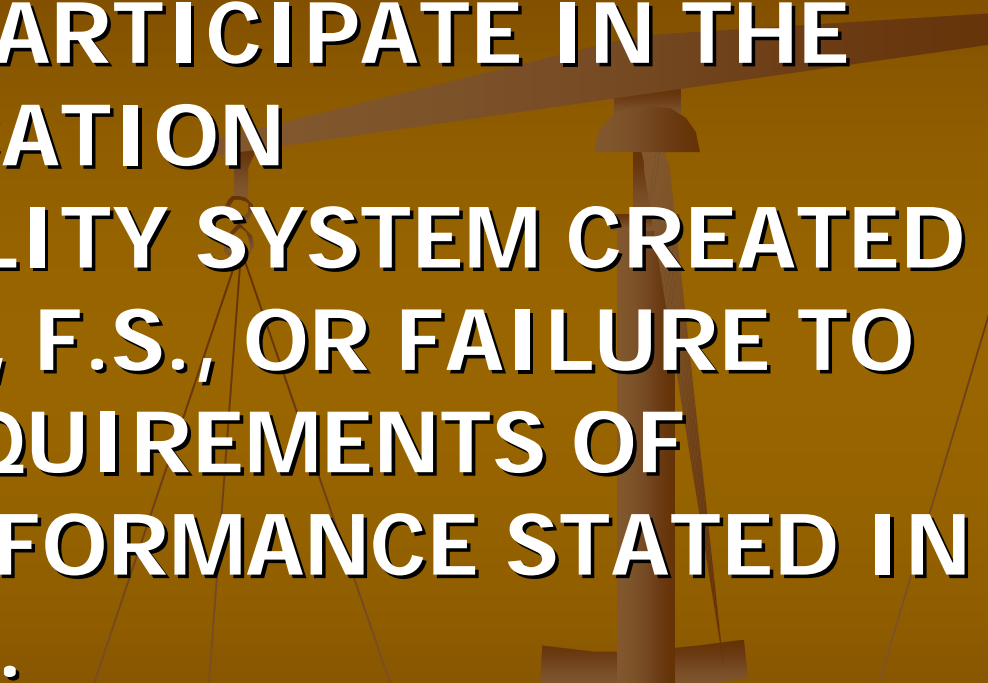
- **Non-Renewal, Termination, or Immediate Termination of a Charter School is a death sentence. Accordingly, the grounds for imposition are limited and District action must be fact based and tied to at least one of the statutory causes.**
- 

Causes for Non-Renewal, Termination, or Immediate Termination

- CAUSE 1: Failure to participate in the State's education accountability system created in s. 1008.31, F.S., or failure to meet the requirements of student performance stated in the charter.
 - CAUSE 2: Failure to meet generally accepted standards of fiscal management.
 - CAUSE 3: Violation of law.
 - CAUSE 4: Other good cause shown.
 - CAUSE 5: Good cause has been shown or if the health, safety, or welfare of the students is threatened.
- 

Cause 1

FAILURE TO PARTICIPATE IN THE STATE'S EDUCATION ACCOUNTABILITY SYSTEM CREATED IN S. 1008.31, F.S., OR FAILURE TO MEET THE REQUIREMENTS OF STUDENT PERFORMANCE STATED IN THE CHARTER.



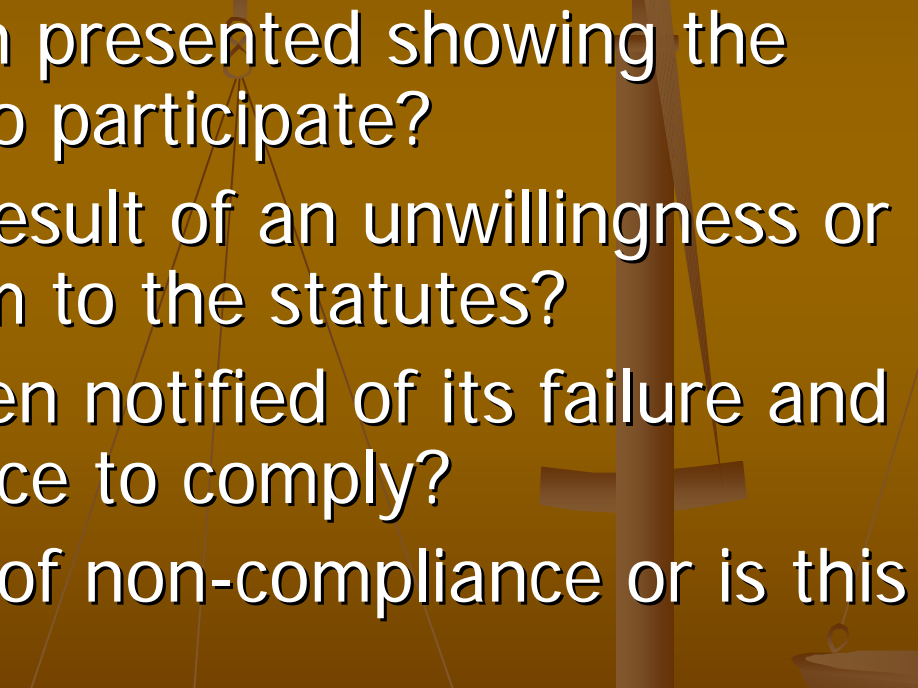
Definition: Cause 1, Part 1

Failure to participate in the state's educational accountability system

- This cause is rooted in statutory language. Any allegation by a district related to it must cite specific violations and supply supporting factual evidence.

Benchmarks: Cause 1, Part 1

Suggested Decision Benchmarks

- Has evidence been presented showing the school has failed to participate?
 - Is the failure the result of an unwillingness or inability to conform to the statutes?
 - Has the school been notified of its failure and been given a chance to comply?
 - Is there a pattern of non-compliance or is this an isolated case?
- 

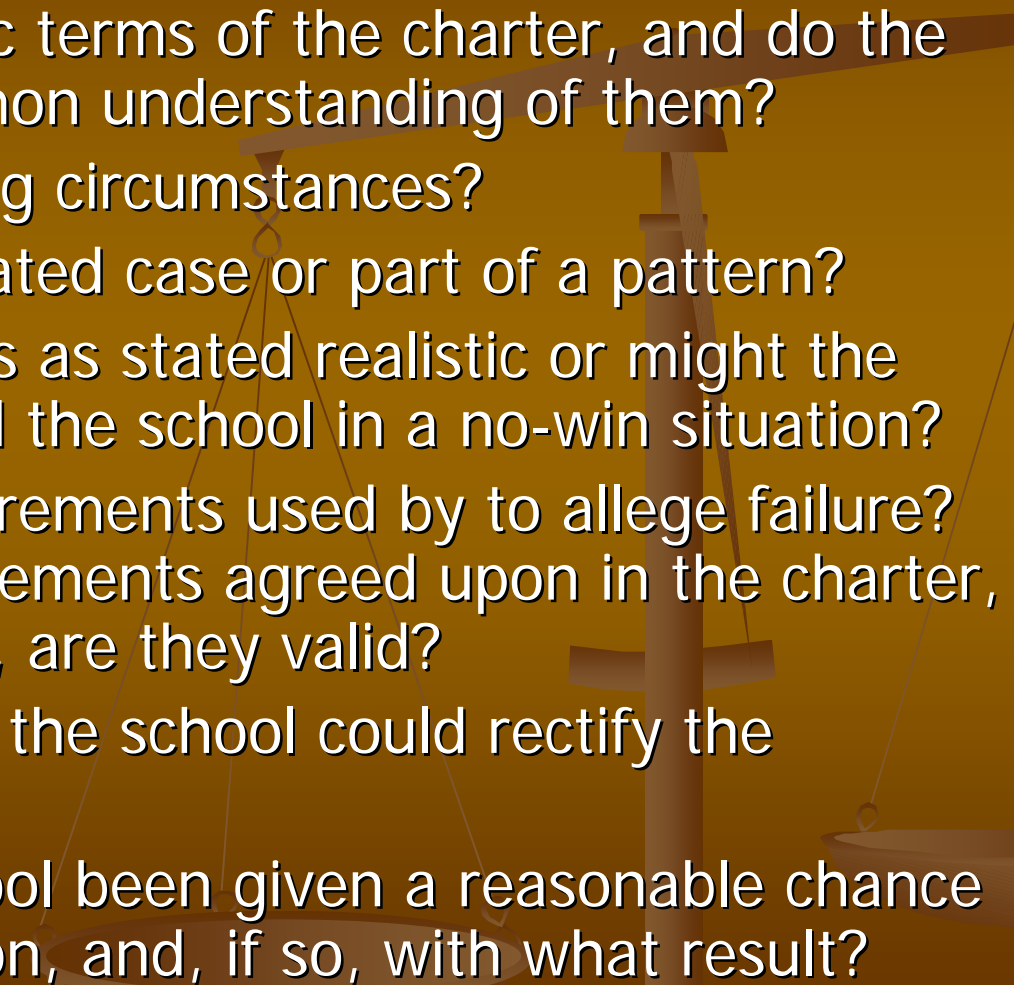
Definition: Cause 1, Part 2

Failure to meet the requirements of student performance stated in the charter.

- This cause is based in the terms of the charter itself. Any district alleging a violation based on the terms of the contract must cite specific examples and provide supporting factual evidence.

Benchmarks: Cause 1, Part 2

Suggested Decision Benchmarks

- What are the specific terms of the charter, and do the parties have a common understanding of them?
 - Are there extenuating circumstances?
 - Is the failure an isolated case or part of a pattern?
 - Are the requirements as stated realistic or might the contract have placed the school in a no-win situation?
 - What are the measurements used by to allege failure? Are they the measurements agreed upon in the charter, and even if they are, are they valid?
 - Is there a possibility the school could rectify the situation?
 - Has the charter school been given a reasonable chance to rectify the situation, and, if so, with what result?
- 

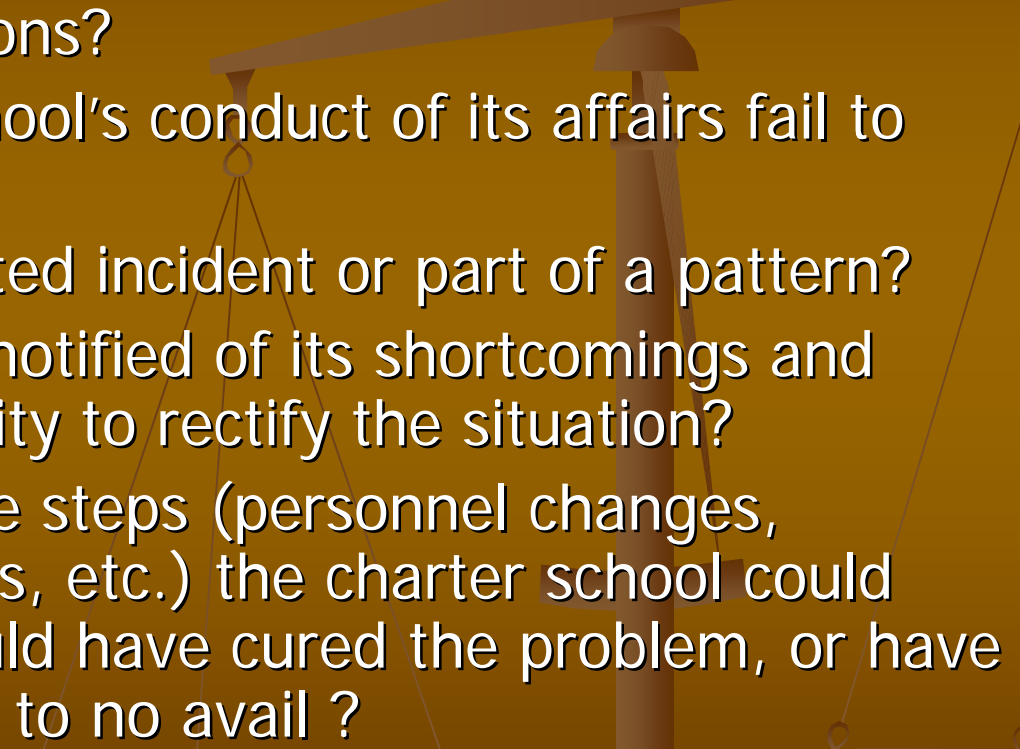
Definition: Cause 2

FAILURE TO MEET GENERALLY ACCEPTED STANDARDS OF FISCAL MANAGEMENT.

- This cause is dependent upon the definition that is used for the term “generally accepted standards.” This is a term of art among financial professionals as it does not speak to the issue of financial crime. A district alleging this cause must provide specific examples and factual evidence that the charter school failed to meet the standard.

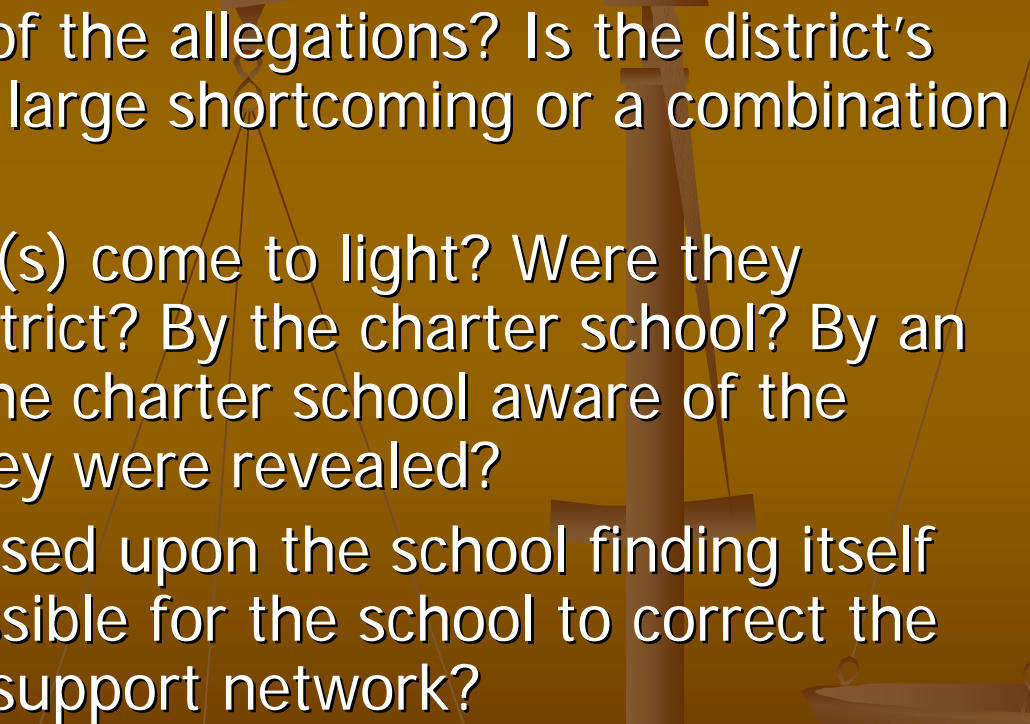
Benchmarks: Cause 2

Suggested Decision Benchmarks

- What are the allegations?
 - How does charter school's conduct of its affairs fail to meet the standard?
 - Is the failure an isolated incident or part of a pattern?
 - Has the school been notified of its shortcomings and afforded an opportunity to rectify the situation?
 - Were there immediate steps (personnel changes, changes in procedures, etc.) the charter school could have taken which could have cured the problem, or have such steps been tried to no avail ?
- 

Benchmarks: Cause 2 (continued)

Suggested Decision Benchmarks

- What is the severity of the allegations? Is the district's action the result of a large shortcoming or a combination of many small ones?
 - How did the problem(s) come to light? Were they discovered by the district? By the charter school? By an outside party? Was the charter school aware of the problem(s) before they were revealed?
 - If the allegation is based upon the school finding itself with a deficit is it possible for the school to correct the situation through its support network?
- 

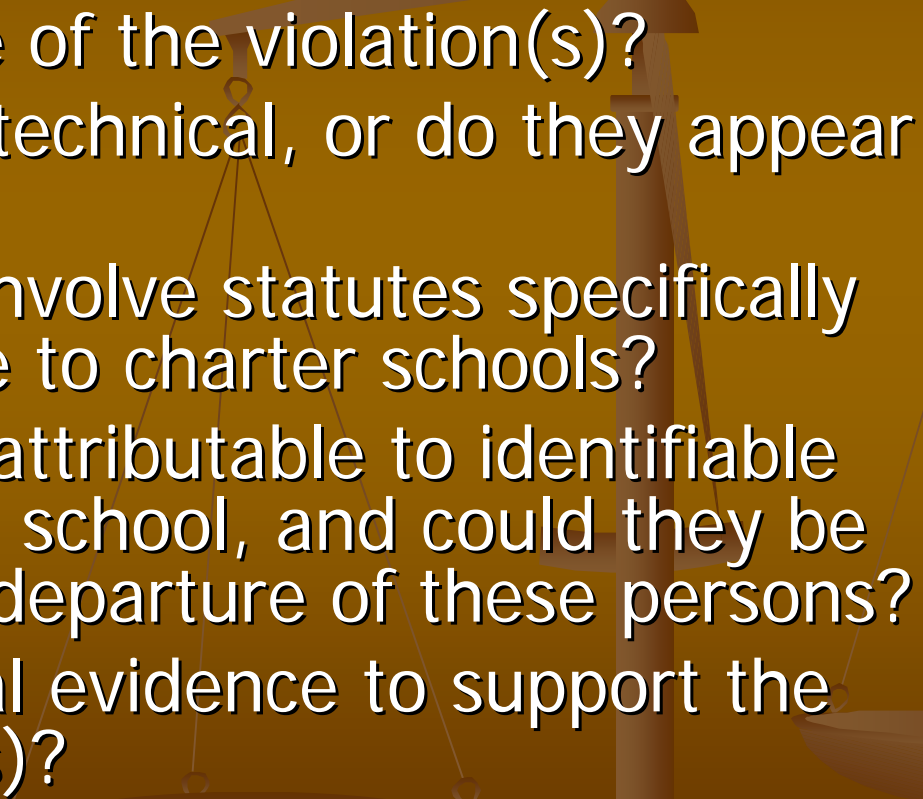
Definition: Cause 3

VIOLATION OF LAW

- There are many violations of law ranging from civil infractions to criminal felonies. Therefore, an allegation based on this cause should be material. In other words, it must rise to the level that in itself warrants the closure of a charter school due to its severity, or the level must be reached through a cumulative violation situation that in toto indicates an inability or unwillingness to conform to legal expectations.

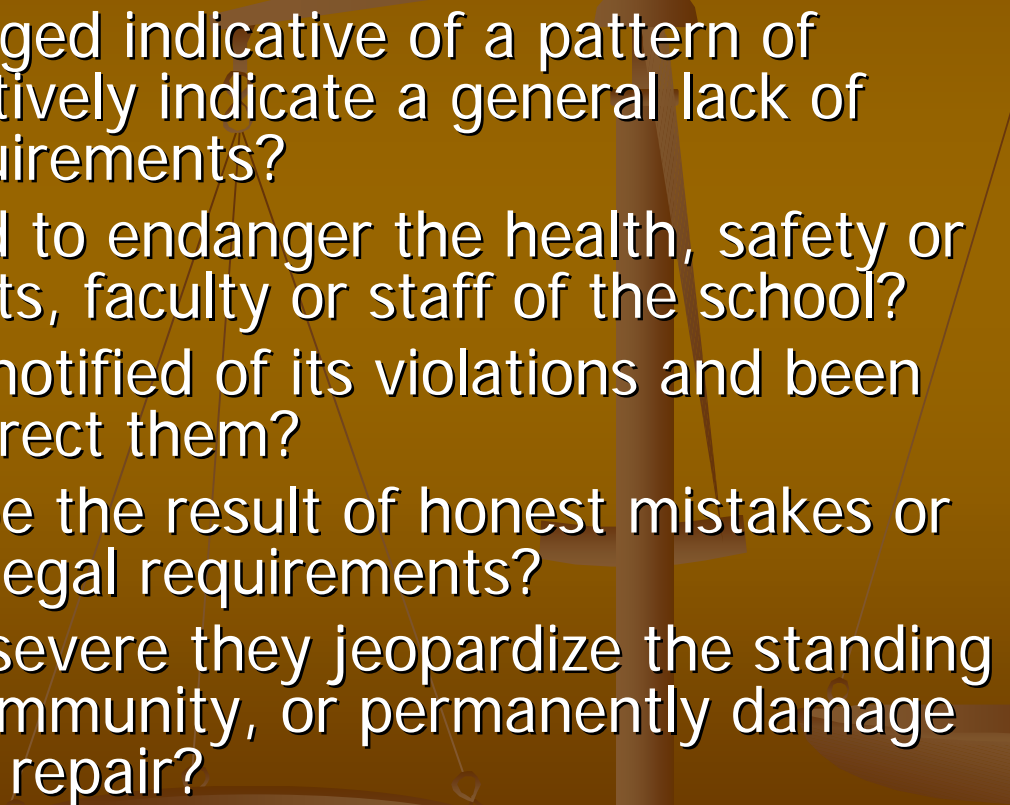
Benchmarks: Cause 3

Suggested Decision Benchmarks

- What is the nature of the violation(s)?
 - Are the violations technical, or do they appear deliberate?
 - Do the violations involve statutes specifically listed as applicable to charter schools?
 - Are the violations attributable to identifiable persons within the school, and could they be eliminated by the departure of these persons?
 - Is there substantial evidence to support the district's findings(s)?
- 

Benchmarks: Cause 3 (continued)

Suggested Decision Benchmarks

- Are the violations alleged indicative of a pattern of behavior that cumulatively indicate a general lack of concern for legal requirements?
 - Do the violations tend to endanger the health, safety or welfare of the students, faculty or staff of the school?
 - Has the school been notified of its violations and been given a chance to correct them?
 - Could the violations be the result of honest mistakes or misunderstanding of legal requirements?
 - Are the violations so severe they jeopardize the standing of the school in its community, or permanently damage that standing beyond repair?
- 

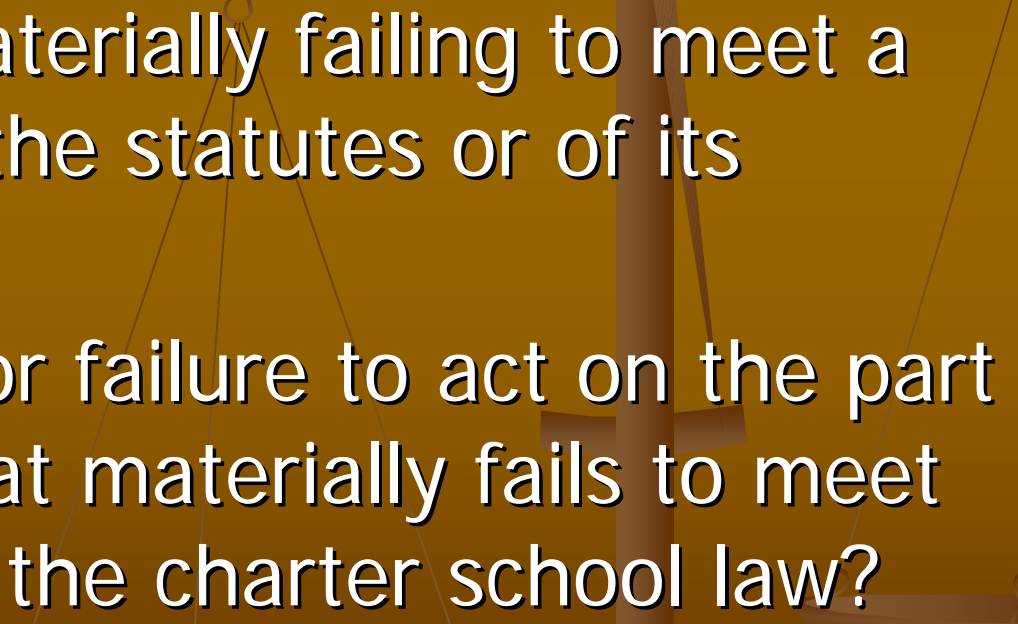
Definition: Cause 4

OTHER GOOD CAUSE SHOWN

- “Good cause shown” is a term of art which conveys a certain degree of discretion to those making the decision. Basically, if a charter school runs afoul of, or is somehow materially failing, to meet the requirements of law or its charter contract, there would be “good cause”.

Benchmarks: Cause 4

Suggested Decision Benchmarks

- Is the school materially failing to meet a requirement of the statutes or of its charter?
 - Is there an act or failure to act on the part of the school that materially fails to meet the purposes of the charter school law?
- 

Definition: Cause 5

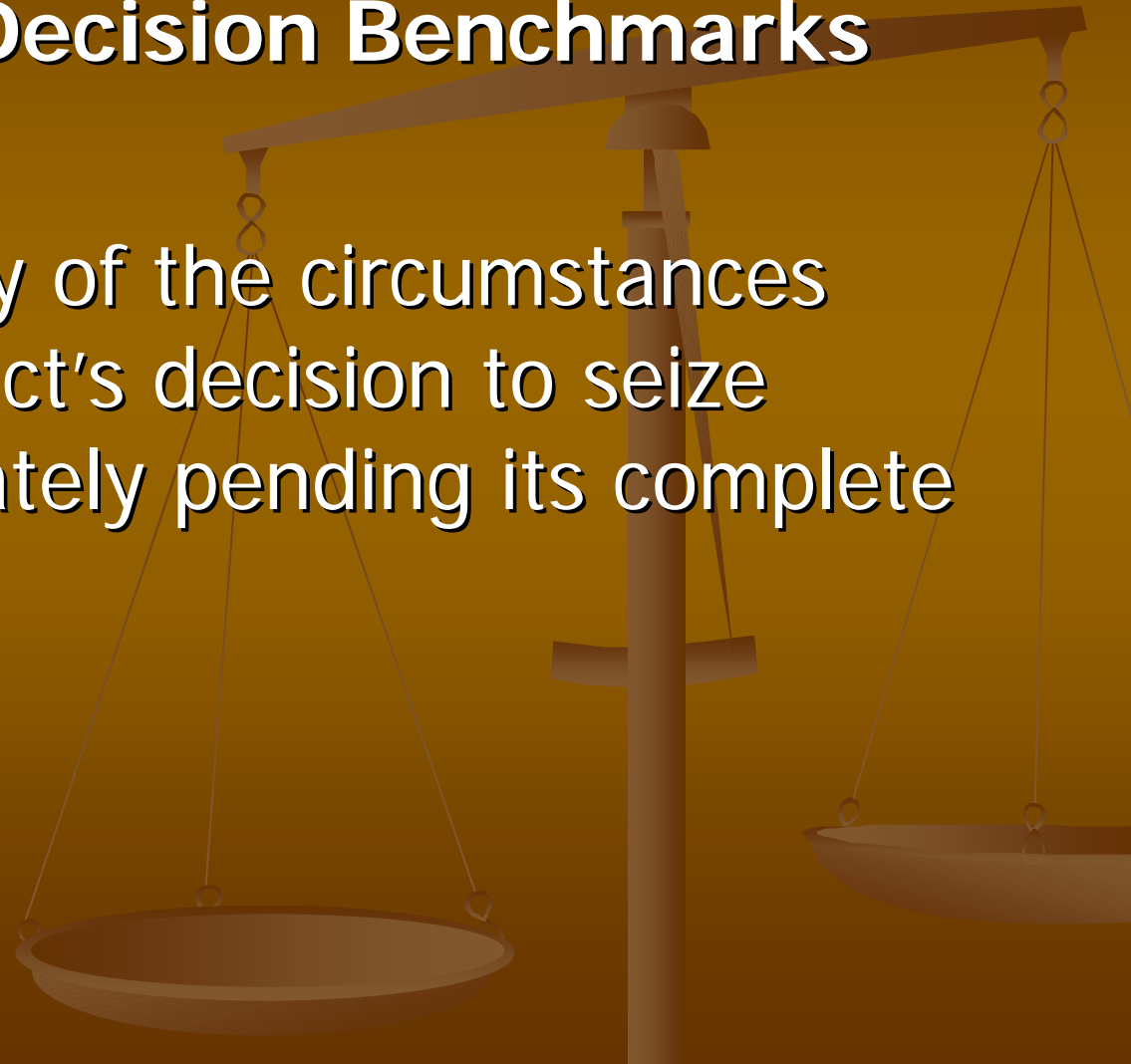
GOOD CAUSE HAS BEEN SHOWN OR IF THE HEALTH, SAFETY, OR WELFARE OF THE STUDENTS IS THREATENED

- This cause results in *immediate termination* in response to an extreme situation – i.e., the District Board votes to seize control of the school immediately and oversee its shut down.
- As the most drastic form of Termination, the SBE and the Commission must keep in mind its consequences. The “good cause” applicable here refers to an extreme situation such as fraud, extreme mismanagement, etc., or to substantial evidence that the health, safety or welfare of the school’s students is in jeopardy.
- The SBE and the Commission are required to consider the totality of the circumstances in determining whether this verdict is justified.

Benchmarks: Cause 5

Suggested Decision Benchmarks

- Does the totality of the circumstances justify the District's decision to seize control immediately pending its complete shut down ?



END

