

# **Charter School Appeals Commission Guidelines**

**Recommendation-Rendering  
Guidelines for Charter School  
Application-Denial Appeals**

# Introduction

- Florida Statute 1002.33 (6)(d)(1) states “A Charter Schools Appeal Commission is established to assist the Commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charters have been denied or whose contracts have not been renewed by their sponsors.”

# Introduction

- Statute allows “An applicant to appeal any denial of that applicant’s application or failure to act on an application to the State Board of Education . . . .”
- “The SBE shall by majority vote accept or reject the decision of the district school board . . . .”

# Introduction

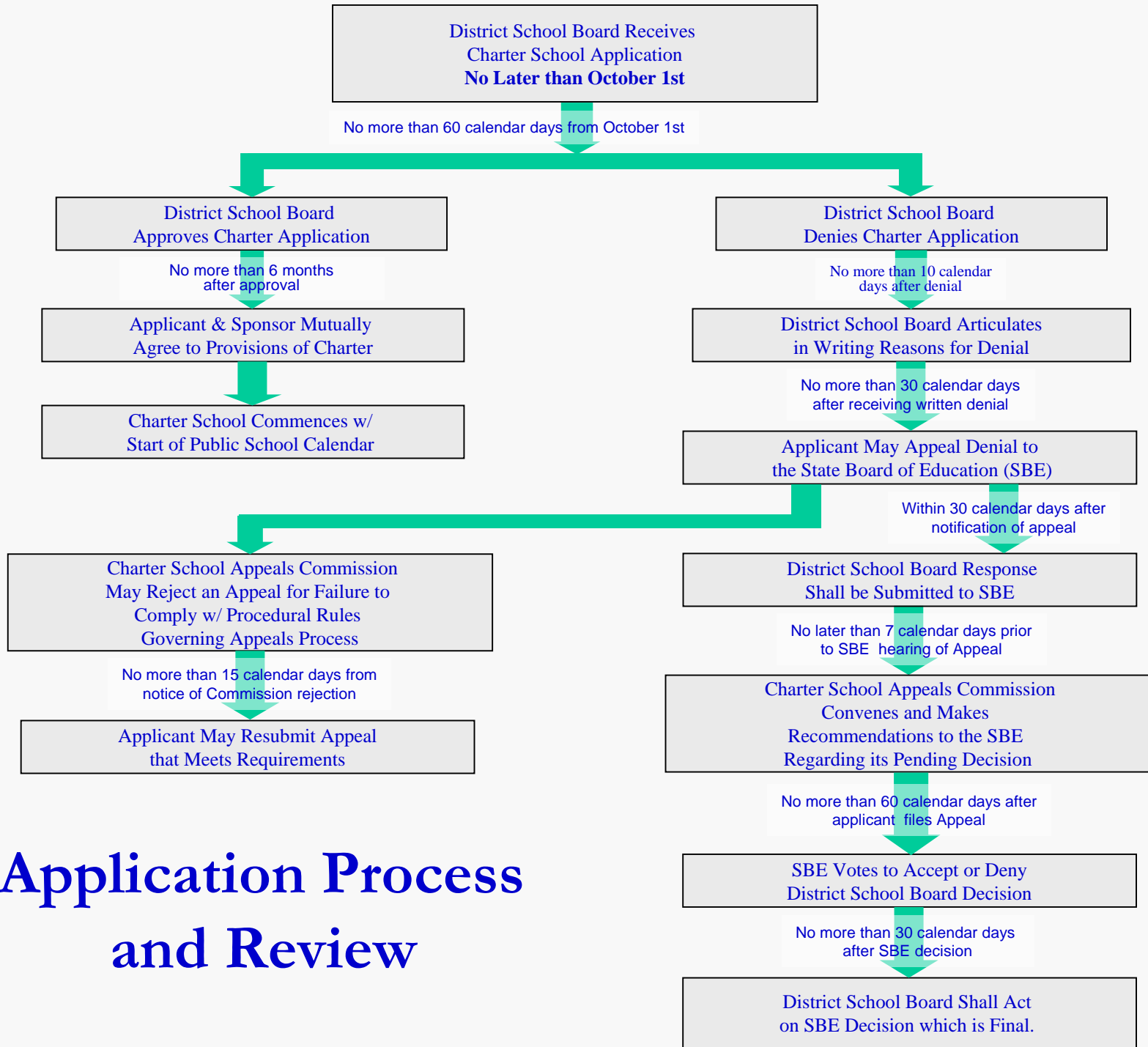
- Therefore, the ultimate question to be determined, first by the Appeals Commission by way of a recommendation, and finally by the SBE, is whether or not the district school board denial of an appeal is **WELL FOUNDED** and **BASED ON GOOD CAUSE**.

# Primary Purpose of Guidelines

- To assist the Charter School Appeals Commission as well as the SBE to establish a fair and impartial review of appeals by applicants whose charters have been denied. These *Guidelines* will facilitate the Appeals Commission and the SBE to:
  - **Review** objectively all written documentation
  - **Identify** evidence in support of, and/or against, the objections raised by the district school boards
  - **Render** and **articulate** decisions based on available evidence

# Secondary Purpose of Guidelines

- To assist the SBE render its decision as to whether or not to uphold the recommendation of the Appeals Commission
- To provide a high standard for approving charter school applications that may be adopted by applicants, districts, the Appeals Commission and the SBE



# Application Process and Review

# Appeals Documents

- Charter School Application
- School Board Staff Reports
- Written School Board Denial of Charter Application
- Notice of Appeal
- Arguments in Response to Notice of Appeal

# The Charter School Application

- **Mission Statement**
- **Educational Program**
- **Student Assessment**
- **Governance & Management**

# The Charter School Application

- Length of Contract & Implementation Timetable
- Recruiting & Marketing Plan
- Facilities
- Finance

# The Charter School Application

- Admissions & Registration Plan
- Student Code of Conduct
- Human Resource Information
- Transportation

# Identifying Evidence for Rendering a Decision

- **Recommended Process for Examination**
  1. Review charter school application
  2. Review *Written School Board Denial* to determine good cause as evidenced by charter school application and/or Charter School Statute
  3. Review Applicant/Appellant's **Notice of Appeal** in which Appellant must address EACH REASON for Denial in the *Written School Board Denial and School Board Staff Reports*

# Identifying Evidence for Rendering a Decision

- **Recommended Process for Examination, cont.**
  4. Review district school board's *Arguments in Response to Notice of Appeal* as Appellee refutes the evidence provided by the Appellant and reiterates the specific reasons for the Appellee's denial based upon good cause
  5. Commission will, according to statute, render its "written recommendations to the State Board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included."

# Appeals Commission Report to the State Board of Education

- Report shall contain the following information:
  - Summary of procedural timeline
  - Summary of district school board *Reasons for Denial*
  - Evidence to support and/or refute objections by district school board
  - Summary of findings by Appeals Commission
  - Appeals Commission Specific Recommendations

# Rendering Recommendations

- **The Appeals Commission may:**

- Deny school board decision

- Deny with directions to the applicant

- Accept school board decision

- Accept with recommendations to the school board

# Conclusions

- **State Board of Education Responsibilities**
  - The ultimate question to be determined, first by the Appeals Commission by way of a recommendation, and finally by the SBE, is whether or not the district school board denial of an appeal is **WELL FOUNDED** and **BASED ON GOOD CAUSE**.

# Conclusions

- **Final State Board of Education Action**
  - Statute requires that the SBE “remand the application to the district school board with its written decision that the district school board approve or deny the application. The district school board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the Administrative Procedures Act, chapter 120.”

# Conclusions

- **Subsequent District School Board Action**

- Statute requires that the district school board “act upon the decision of the State Board of Education within 30 calendar days after it is received . The State Board of Education’s decision is a final action subject to judicial review.”