

FLORIDA DEPARTMENT OF EDUCATION

# CHARTER SCHOOL APPEAL COMMISSION GUIDELINES

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RECOMMENDATION-RENDERING  
GUIDELINES FOR CHARTER SCHOOL  
APPLICATION-DENIAL APPEALS

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## RECOMMENDATION-RENDERING GUIDELINES FOR CHARTER SCHOOL APPLICATION-DENIAL APPEALS

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### INTRODUCTION

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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.”

The following document contains GUIDELINES, created by the Florida Department of Education to assist the Charter School Appeals Commission establish a fair and impartial review of appeals by applicants whose charters have been denied. These GUIDELINES will facilitate Members of the Appeals Commission to:

- **Review** objectively all written documentation, including the
  - a. Charter School Applications
  - b. Notices of Appeal
  - c. Arguments in Response to Notices of Appeal
  - d. School Board Staff Reports
  - e. Written School Board Denials of Charter Applications
  - f. All other supporting documentation filed with the State Board of Education (SBE)
- **Identify** evidence in support of, and/or against, the objections raised by the district school boards
- **Render** and **articulate** decisions based on available evidence

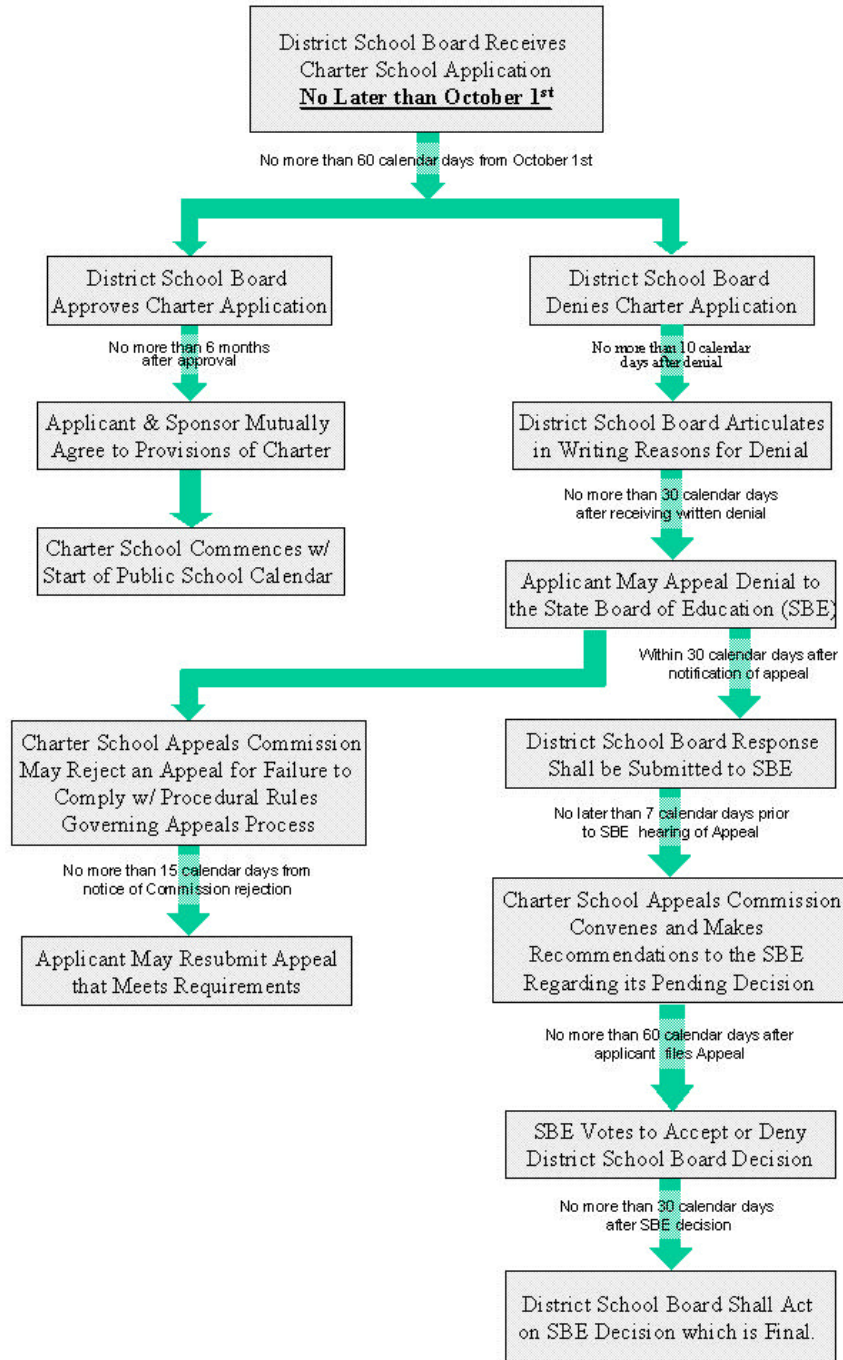
GUIDELINES have been organized into four sections as follows:

1. Application Process and Review – Page 3
2. Definitions and Purposes of Appeals Documents – Page 4
3. Criteria for Review of Charter School Applications – Page 5
4. Identifying Evidence for Rendering a Recommendation – Page 13

**SECTION I**

**APPLICATION PROCESS AND REVIEW**

The following flow chart describes the Charter School Application Process and Review, including the appeal of a district school board denial.



**SECTION II**

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**DEFINITIONS AND PURPOSES OF APPEALS DOCUMENTS**

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<b>DOCUMENT</b>	<b>DEFINITION</b>	<b>PURPOSE</b>
Charter School Application	Original petition to the district school board from the applicant requesting approval for a charter school	Blueprint for the proposed charter school and substantive portion of the charter contract
School Board Staff Reports	Written review/critique of each area of charter school application by district school board staff	Provides a foundation from which district superintendent may make a recommendation to the district school board to approve or deny application.
Written School Board Denial of Charter Application	Written articulation of specific reasons for district school board's vote to deny	Defines for the applicant and SBE specific reasons for the denial BASED UPON GOOD CAUSE
Notice of Appeal	Applicant/Appellant's written arguments against the district school board/Appellee's written denial of application	Provides evidence which refutes the Written School Board Denial of Charter Application to the SBE upon which it may determine to deny or accept the district school board's decision
Arguments in Response to Notice of Appeal	District school board's written response to the appellant's "Notice of Appeal"	Refutes the evidence provided by the Appellant and reiterates the specific reasons for the Appellee's denial BASED UPON GOOD CAUSE

### SECTION III

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#### CRITERIA FOR REVIEW OF CHARTER SCHOOL APPLICATIONS

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The Florida Department of Education Choice Office has provided a “Florida Charter Schools Standard Application Format” which potential applicants may access on line or by mail. The following is an outline of the application. To provide guidelines for reviewing Charter Applications, suggested criterion has been added to each section. The basis for criteria selection has been: Florida Charter School law, Florida Charter School Application Format, and Best Practices used by chartering agencies around the Unites States.

#### ACADEMIC DESIGN

##### 1) Mission:

- A. Describe the core philosophy or underlying purpose of the proposed school.
- B. Describe the target student population to be served, including student ages and grade levels at the school. If applicable define target populations permitted in section 1003.22(10), Florida Statutes.

##### Criteria:

1. The statement defines the nature and purpose of the school and may be based on a philosophy of education or a theory about teaching and learning.
2. School’s mission provides the foundation for the entire charter application and for the term, of the school’s charter.
3. The mission statement should be clear, focused, free of jargon, and consistent with high academic standards and student success.
4. It should inform the public about who the charter school intends to reach and how the charter school seeks to make a difference in public education and the community.
5. Finally the mission statement should be reflected throughout all sections of the application.

##### 2) Educational Program:

- A. Describe the educational program of the school, providing an overview of curriculum objectives and content of the main subject areas.
- B. Briefly outline the instructional methods to be used, including any distinctive instructional techniques to be employed. How will this pedagogy enhance student learning?
- C. Describe how your school will meet the needs of Exceptional Education students.

**D.** Describe how your school will meet the needs of limited English proficient students.

**Criteria:**

1. Innovative teaching methods and curriculum approaches based on high academic standards
2. Substantive overview of curriculum
3. Coherent program, which is founded on an understanding of research-based educational theories (particularly in reading), teaching methods, core academic subjects and curricular sources
4. Consistency between the mission, curriculum, and student population to be served
5. Compliance with applicable regulations to meet the needs of limited English proficient and special needs students in the school program
6. Identification and acquisition of appropriate (to target population and curriculum) technologies needed to improve educational and administrative performance

**3) Student Assessment:**

**A.** Describe your plan to assess student performance in the core academic areas. Please include the current baseline standard of achievement, the outcomes to be achieved and the method(s) of measurement to be used.

**B.** Describe the methods used to identify the educational strengths and needs of students and the extent to which educational goals and performance standards are being met.

**C.** To the extent possible, describe how students' rates of academic progress will be evaluated and compared with the rates of comparable student populations.

**D.** Describe how students will, at a minimum, participate in the statewide assessment program.

**E.** For secondary charter schools, describe the method for determining that a student has satisfied the requirements for graduation in section 1003.43, Florida Statutes.

**Criteria:**

1. Commitment to high academic standards, which are linked to school mission
2. Commitment to aligning the Florida Sunshine State Standards with school's curriculum
3. Explanation of well-developed and varied diagnostic, formative and summative assessment mechanisms for all students, including alternate assessments for Exceptional Education students.
4. Demonstrated understanding of state assessment requirements under SBE rule 1003.43, academic achievement requirements as per SBE rule 1.09981 and graduation requirements as per section 1003.43, Florida Statutes.
5. Well-developed methodology for ensuring accountability to the stakeholders

## II. GOVERNANCE & MANAGEMENT

### 1) Profile of the Founding Board and/or Initial Incorporators:

- A.** Describe the organizing group of initial incorporators that is working together to apply for a charter, including the names of the organizers, their background and experiences, and references for each.
- B.** Detail the relevant expertise of retained consultants or professionals (e.g. accounting, finance, educational management services, risk management, human resources).
- C.** Identify any management or professional expertise that must be acquired and how that task will be achieved.
- D.** Discuss any business arrangements or partnerships with existing schools, educational programs, businesses, or non-profit organizations.

#### **Criteria:**

- 1. A well-balanced group which brings together people with a range of professional skills capable of the organizational, financial, pedagogical, legal, and other tasks required to open a functioning public school
- 2. Local representation
- 3. Meets requirements of law

### 2) School Governance:

- A.** Describe the legal entity that will organize and/or operate the school.
- B.** Outline the school's governance and management structure. Include clearly delineated responsibilities, policies, and practices needed to effectively manage the school.
- C.** Will the schools be a public or private employer? If the school seeks to participate in the Florida Retirement Program, detail the process leading to such participation.
- D.** How will the school's governing board be selected both initially and in the future?
- E.** Describe the governing board's roles and responsibilities including how it will exercise continuing oversight over school operations.
- F.** Propose a method for resolving disputes between the charter school and the sponsor.
- G.** Describe anticipated parental involvement including:

1. Input, comment, and/or participation in the school's operations or governance
2. Lines of communication between the school's governing board or management team and parents
3. Methods for handling disputes between parents and the school

**G.** Discuss how the charter school will comply with Florida statutes relating to public records and public meetings. (Chapter 119, Florida Statutes & s. 286.011, Florida Statutes)

**Criteria:**

1. Stable, effective, and comprehensive governance model which is consistent with school mission
2. Clearly defined roles and responsibilities of the board and its interaction with staff
3. Clear processes for policy development and a strong plan for ongoing Board development
4. Appropriate teacher and parent input in school decision-making
5. Evidence that the school leader will be able to provide high quality leadership for the new school and that the Board has established clear criteria for the selection of the such a leader
6. Knowledge of and compliance with public information and Government in the Sunshine laws. (Chapter 119, Florida Statutes & s. 286.011, Florida Statutes)

**3) Length of Contract & Implementation Timetable:**

**A.** State the requested charter term. If the applicant is eligible for and requests an initial charter term exceeding 5-years, outline the reasons supporting that request..

**B.** Present a timetable for the school start-up.

**Criteria:**

1. Strategy and timeline for the successful launch of the school which addresses major operational items and provides flexibility for addressing unanticipated events
2. Action plan is specific and consistent with the proposal's mission and objectives

**4) Recruiting & Marketing Plan**

- A. Demonstrate how you will publicize the school to attract a sufficient pool of applicants
- B. What steps will be taken to reach students representative of the racial and socioeconomic diversity in the community, including typically “harder to reach” families?

**Criteria:**

1. Proposed enrollment and growth of school is sensible and consistent with its mission and program
2. Solid plan to attract proposed enrollment
3. Recruitment and retention strategies are aggressive, nondiscriminatory and attract a broad array of students within the student target population

**III. FINANCE & FACILITIES**

**1) Facilities:**

- A. Describe the facilities to be used and their location, or alternatively, describe your present options for a school building.
- B. Demonstrate how this site would be a suitable facility for the proposed school, including any plans to renovate and bring facility into compliance with all applicable local building codes.
- C. If applicable, discuss any progress, partnership developments, or other future steps towards acquisition of a school building.
- D. Describe financing plans for facilities, if applicable.

**Criteria:**

1. Presentation of possible options for an adequate school facility in the proposed area of service
2. Sound financing options

**2) Finance:**

- A. Describe the financial management and internal accounting procedures of the school.
- B. Present the format in which accounting records shall be maintained (“Financial and program Cost Accounting and Reporting for Florida Schools”).
- C. Present budget covering all projected sources of revenue (state, local, federal, private donations and fund-raising) and planned expenditures.

**D.** Discuss the projected enrollment for a 3-year period needed to generate sufficient funds to support planned expenditures

**E.** Explain the plans for obtaining an annual audit of financial records in a protected environment.

**F.** Describe how the school will address the storage of student and financial records in a protected environment

**G.** Discuss the format and frequency of financial reporting to the sponsor (balance sheet income statement, bank reconciliation, etc.).

**Criteria:**

1. Budget consistent with all parts of the proposal
2. Budget demonstrates knowledge of the practical matters that attend the operation of a school
3. Realistic assessment of projected revenue adequate for fiscal viability of the school
4. Fiscal management system that is appropriate, efficient and that follows generally accepted accounting principles
5. Sound financial planning

**3) Risk Management:**

**A.** Describe procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses

**B.** Discuss plans to ensure the safety and security of students and staff

**C.** Describe plans that identify, minimize and protect others from violent or disruptive student behavior

**D.** Describe your school's insurance coverage plans, including applicable health, worker's compensation, general liability, property insurance and directors and officers' liability coverage

**E.** Detail emergency plans to include fires, hurricanes, tornadoes and child safety issues

**Criteria:**

Adequate guidelines and coverage are in place to minimize risks for all parties

#### IV. OPERATIONS

##### 1) Admissions & Registration Plan:

- A. Describe the admissions procedures and dismissal procedures you will use.
- B. Describe the timetable to be used for registering & admitting students, including a plan for the admission lottery if the number of applicants exceeds the program capacity.
- C. Describe the ways in which the school will endeavor to achieve a racial/ethnic balance reflective of the community it serves.
- D. In the case of an existing school being converted to charter status, suggest alternative arrangements for current students who choose not to attend the charter school.

**Criteria:**

1. Consistency with the mission of the school
2. A non-discriminatory admissions process
3. Timely and realistic procedures for admitting students
4. Process for dismissing students with the understanding that only the district school board is responsible for providing students with due process for expulsions.
5. Compliance with charter school legislation
6. Suggestions for alternative placements for conversion school students who choose not to attend the charter school.

##### 2) Student Code of Conduct:

- A. Describe the Code of Conduct, Discipline & Dismissal Procedures
- B. Describe the discipline and dismissal procedures to be implemented in the charter school
- C. Describe plans to ensure the safety and security of students and staff, as well as plans to identify, minimize, and protect others from violent and disruptive student behavior

**Criteria:**

Evidence that the Code of Conduct created by the charter school, or adopted from the district school board, is consistent with school mission and program and that it outlines the charter school's commitment to safety for all its community members

**3) Human Resource Information:**

- A.** Describe the standards and potential strategies to be used to recruit, hire, train and retain qualified staff.
- B.** Describe your human resource plan that will govern: salaries, contracts, hiring and dismissal, and benefit packages.
- C.** Describe how the qualifications of the teachers will be described to parents considering the charter school for their children, as required in the charter statute.
- D.** What are the targeted staff size, staffing plan, and projected student-to-teacher ratio?

**Criteria:**

1. Strong staffing plan, hiring criteria, evaluation procedures and a professional development plan
2. High professional standards which are consistent with school mission and program
3. Planned staffing patterns that will contribute to the achievement of the school's goals
4. Working conditions and compensations packages that will attract and retain high quality staff
5. Compliance with labor laws, fingerprinting and background checks.

**4) Transportation:**

- A.** Discuss the plans for transporting students to and from school. What arrangements, if any, will be made with the local school district, private providers, or with parents?
- B.** Charter schools are responsible for providing transportation for students residing within a "reasonable distance" of the charter school. How has that reasonable distance been defined in your charter transportation plan? What factors helped form the basis for this distance determination?
- C.** Describe the policies, which will help ensure that transportation is not a barrier to equal access for all students.
- D.** If the school district is under court-ordered desegregation, describe how that has been taken into account in the transportation plan.

**Criteria:**

A workable, fair, non-discriminatory and cost-effective arrangement for safely transporting students to and from school in keeping with the law.

SECTION 4

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**IDENTIFYING EVIDENCE FOR RENDERING A RECOMMEDATION**

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**Process**

Ultimately it is the responsibility of the Charter School Appeals Commission to identify evidence in support of, and/or against, the objections raised by the district school board in order to render a recommendation to the State Board of Education. To do so, the following process is recommended:

1. Review CHARTER SCHOOL APPLICATION and SCHOOL BOARD STAFF REPORTS using criterion guidelines in Section III.
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.
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. Render "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." Florida Statute 1002.33 (6)(d)(5).

**Recommendations**

The Charter School Appeals Commission must ultimately either deny or accept the district school board's decision not to approve the Applicant's charter school. However, the Commission may make additional recommendations to the State Board of Education along with its final decision to deny or accept, as follows:

1. The Charter School Appeals Commission may accept the district school board's decision to deny, and may also make strong recommendations to the district school board that they work with the applicant to resolve substantive charter issues for the following application cycle.
2. The Charter School Appeals Commission may deny the district school board's decision not to approve, and may also make recommendations that the specific areas of district concern be worked out in the contract negotiations.