

STATE BOARD OF EDUCATION
Action Item
February 25, 2015

SUBJECT: SVG Leadership Academies, Inc., on behalf of The Leadership Academy for Academic and Personal Achievement vs. School Board of Broward County

PROPOSED BOARD ACTION

Accept Recommendation to Deny the Appeal

AUTHORITY FOR STATE BOARD ACTION

Section 1002.33, Florida Statutes

EXECUTIVE SUMMARY

This is an appeal by SVG Leadership Academies, Inc., on behalf of The Leadership Academy for Academic and Personal Achievement of the decision of the School Board of Broward County to deny the charter application submitted by the Applicant.

ISSUE:

Whether the School Board had good cause to deny the application based on the Applicant's failure to comply with Section 1002.33(6), Florida Statutes.

STANDARD OF REVIEW: Competent substantial evidence

The School Board's determination must be based on good cause. The standard by which the State Board is to review the School Board's decision is whether the School Board had competent substantial evidence to make that determination. The question, therefore, is whether the evidence upon which the School Board based its determination is sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. If so, the School Board's decision must be upheld.

SCHOOL BOARD'S GROUNDS FOR DENIAL:

The School Board of Broward County based its denial on the following pursuant to Section 1002.33, Florida Statutes:

- Application failed to meet the requirements of the Educational Plan
 - Educational Program Design: Section 1002.33(7)(a)2., Florida Statutes
 - Curriculum Plan: Sections 1002.33(6)(a)2.; 1002.33(6)(a)4.; 1002.33(7)(a)2.; 1002.33(7)(a)4., Florida Statutes
 - Exceptional Students: Section 1002.33(16)(a)3., Florida Statutes
 - English Language Learners: Section 1002.33(10), Florida Statutes
- Application failed to meet the requirements of the Organizational Plan
 - Management: Sections 1002.33(7)(a)9.; 1002.33(7)(a)14., Florida Statutes
- Application failed to meet the requirements of the Business Plan
 - Financial Management and Oversight: Sections 1002.33(6)(a)5.; 1002.33(6)(a)5.; 1002.33(7)(a)9.; 1002.33(7)(a)11., Florida Statutes
 - Action Plan: Section 1002.33(7)(a)16., Florida Statutes

CONCLUSION:

The School Board did have good cause to determine that the Applicant failed to meet the requirements of Section 1002.33, Florida Statutes, for failure to:

- Meet the requirements of the Educational Plan

CSAC RECOMMENDATION:

The Charter School Appeal Commission recommends upholding the decision of the School Board of Broward County by denying the appeal of SVG Leadership Academies, Inc., on behalf of The Leadership Academy for Academic and Personal Achievement.

Supporting Documentation Included: Charter School Appeal Commission Recommendation. The Charter School Appeal Commission transcript, appeal, and response of the school board are under separate cover.

Facilitator/Presenter: Adam Miller, Executive Director, Office of Independent Education and Parental Choice

CHARTER SCHOOL APPEAL COMMISSION
Recommendation to State Board of Education, February 25, 2015

SVG LEADERSHIP ACADEMIES, INC.,
On behalf of The Leadership Academy for
Academic and Personal Achievement

2015 FEB -3 PM 3:54

DEPT OF EDUCATION
TALLAHASSEE FLA

v.

SCHOOL BOARD OF BROWARD
COUNTY

DOE Case No. 2014-3045

RECOMMENDATION

On October 7, 2014, the School Board of Broward County (School Board) voted to deny the application of SVG LEADERSHIP ACADEMIES, INC., on behalf of the Leadership Academy for Academic and Personal Achievement (Charter Applicant). The School Board's letter of denial was dated October 8, 2014. The Charter Applicant filed this appeal on October 30, 2014. Thereafter, the School Board timely filed its Response with the State Board of Education. On December 15, 2014, the Charter School Appeal Commission met and heard the Due Process Issue and Issue One. The Charter School Appeal Commission reconvened on January 30, 2015, and heard the remaining issues of the appeal of this matter. **Thereafter, the Commission voted 6 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:

Due Process

- The Commission voted 6 to 0 that the School Board did violate the Charter School's due process rights.
- The Commission voted 6 to 0 that the School Board's denial of due process was harmless error.

Issue One

- The Commission voted 6 to 0 that the School Board did have competent substantial evidence to support its denial of the Charter School Application based on the Applicant's failure to meet the standards for the Educational Plan pursuant to Section 1002.33, Florida Statutes, and State Board of Education Rule 6A-6.0786, Florida Administrative Code.
- The Commission voted 6 to 0 that the School Board's denial of the Charter School Application based on the Applicant's failure to meet the standards of Section 1002.33, Florida Statutes, and State Board of Education Rule 6A-6.0786, Florida Administrative Code, regarding Educational Plan, was statutory good cause for denial.

Issue Two

- The Commission voted 6 to 0 that the School Board did not have competent substantial evidence to support its denial of the Charter School Application based on the Applicant's failure to meet the standards for the Organization Plan pursuant to Section 1002.33, Florida Statutes, and State Board of Education Rule 6A-6.0786, Florida Administrative Code.

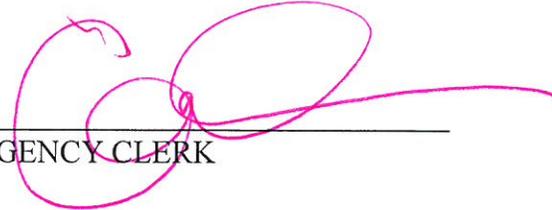
Issue Three

- The Commission voted 6 to 0 that the School Board did not have competent substantial evidence to support its denial of the Charter School Application based on the Applicant's failure to meet the standards for the Business Plan pursuant to Section 1002.33, Florida Statutes, and State Board of Education Rule 6A-6.0786, Florida Administrative Code.



Lois S. Tepper, Commissioner's Designee
Chair, Charter School Appeal Commission

FILED with the Agency Clerk of the Department of Education this 3 day of February, 2014.



AGENCY CLERK