

STATE BOARD OF EDUCATION

Action Item

April 15, 2015

SUBJECT: Lake Worth Classical Academy vs. School Board of Palm Beach 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 Lake Worth Classical Academy of the decision of the School Board of Palm Beach 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 Palm Beach County based its denial on the following pursuant to Section 1002.33, Florida Statutes:

- Application failed to meet the requirements of the Educational Plan
 - 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
 - Student Performance, Assessment and Evaluation: Sections 1002.33(6)(a)3.; 1002.33(7)(a)3.; 1002.33(7)(a)4.; 1002.33(7)(a)5., Florida Statutes
 - Exceptional Students: Section 1002.33(16)(a)3., 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
 - Facilities: Sections 1002.33(7)(a)13; 1002.33(18), Florida Statutes
 - Transportation: Section 1002.33(20), Florida Statutes
 - Food Service: Section 1002.33(20)(a)1., Florida Statutes
 - Budget: Sections 1002.33(6)(a)5.; 1002.33(6)(b)2., 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 Business Plan

CSAC RECOMMENDATION:

The Charter School Appeal Commission recommends upholding the decision of the School Board of Palm Beach County by denying the appeal of Lake Worth Classical Academy.

Supporting Documentation Included: Charter School Appeal Commission Recommendation

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

CHARTER SCHOOL APPEAL COMMISSION
Recommendation to State Board of Education, April 15, 2015

LAKE WORTH CLASSICAL ACADEMY

v.

SCHOOL BOARD OF PALM BEACH
COUNTY

DOE Case No. 2014-3082

RECOMMENDATION

On November 5, 2014, the School Board of Palm Beach County (School Board) voted to deny the application of Lake Worth Classical Academy (Charter Applicant). The School Board's letter of denial was dated November 13, 2014. The Charter Applicant filed this appeal on December 17, 2014. Thereafter, the School Board timely filed its Response with the State Board of Education. On March 16, 2015, the Charter School Appeal Commission met and heard the appeal of this matter. **Thereafter, the Commission voted 4 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 4 to 0 that the School Board did not violate the Charter School's due process rights.

Issue One

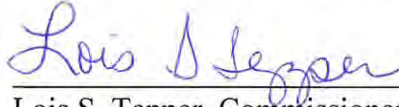
- The Commission voted 2 to 2 with the Chair breaking the tie that the School Board did not have competent substantial evidence to support its denial of the Charter School Application based on the Applicant's failure to meet the standards for the Educational Plan pursuant to Section 1002.33, Florida Statutes, and State Board of Education Rule 6A-6.0786, Florida Administrative Code.

Issue Two

- The Commission voted 4 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 Organizational 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 4 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 Business Plan pursuant to Section 1002.33, Florida Statutes, and State Board of Education Rule 6A-6.0786, Florida Administrative Code.
- The Commission voted 4 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 Business Plan, was statutory good cause for denial



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

FILED with the Agency Clerk of the Department of Education this 25 day of March, 2015.



AGENCY CLERK