

**STATE OF FLORIDA  
DEPARTMENT OF EDUCATION  
CHARTER SCHOOL APPEAL COMMISSION**

PARRISH CHARTER ACADEMY, INC,

Applicant/Appellant,

Case No.: 2017-3470

vs.

SCHOOL BOARD OF MANATEE COUNTY,  
FLORIDA,

School Board/Appellee.

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**THE APPELLEE SCHOOL BOARD OF MANATEE COUNTY, FLORIDA  
OPPOSITION TO PARRISH CHARTER ACADEMY'S MOTION TO STRIKE**

The Appellee, the School Board of Manatee County, Florida, through their undersigned counsel, pursuant to Rule 6A-6.0781, FAC, submits the following in Response to Parrish Charter Academy's Motion to Strike and Response to Exceptions to the Proposed Order submitted by the Charter School Appeal Commission.

**THERE IS NOTHING IN STATUTE THAT PREVENTS THE SUBMISSION  
OF EXCEPTIONS TO THE PROPOSED ORDER AND THE FAILURE TO  
DO SO COULD CONSTITUTE WAIVER**

Florida Statute Section 1002.33(6)(c) and Florida Statute Section 1002.33(6)(d), that pertains to the Charter School Appeals Process contains absolutely no prohibition whatsoever, for a Charter School or a Sponsor to submit exceptions to a Proposed Order by the Charter School Appeal Commission.

Any failure by a party to raise a timely objection or take exceptions to a proposed order, could be deemed waiver and prevent further Appeal in the DCA. See: Holmberg v. Baxter Healthcare Corp., 901 F.2d 1387, 1392 (7th Cir. 1990); Groner v. Golden Gate Gardens Apartments, 250 F.3d 1039, 1047 (6th Cir. 2001); Riley v. City of Montgomery, 104 F.3d 1247, 1251 (11th Cir. 1997).

Contrary to position of Parrish Charter Academy, Inc., the submission of exceptions to a statutorily required proposed Court Order is vastly different than a party that wishes to submit a Proposed Order to the Commission and usurp the statutory role of the Charter Appeal Commission.

Additionally, there is no three page limit to the submission of Exceptions to 6A-6.0781(4). The three page limit pertains solely to motions. Parrish Charter Academy's Motion is in violation of this rule. The legal maxim is applicable herein: "One who seeks equity, must do equity." Manufacturers' Finance Co. v. McKey, 294 U.S. 442 (1935).

### **CONCLUSION**

Accordingly, the Appellee, the School Board of Manatee County, Florida, opposes the instant motion in its entirety.

The School Board of Manatee County excepts to the entire Proposed Order from the Charter School Appeal Commission.

The Charter School Appeal Commission on August 25, 2017, over objection by counsel for the School Board of Manatee County, admitted new evidence that was not part of the Appellate Record and created prejudice to Appellee and reversible error.

The Appellee, the School Board of Manatee County, Florida, produced competent and substantial evidence and showed good cause for the denial of the application from Parrish Charter Academy, Inc.

Respectfully submitted this 5th day of October, 2017.

s/ Mitchell Teitelbaum, Esq.  
Mitchell Teitelbaum, Esq.  
School Board of Manatee County  
Fla. Bar: 74844  
215 Manatee Avenue West  
Bradenton, Florida 34205  
(941)-708-8770 x 2261 (office)  
(941)-708-8686(FAX)  
TEITELBAUMM@manateeschools.net  
General Counsel for School Board of Manatee County

**CERTIFICATE OF SERVICE**

I certify that the original and a copy of this document has been electronically served upon the Florida Department of Education and by Certified Mail, and electronically served upon Melissa Gross Arnold via, email: melissa@arnoldlawfirmllc.com on date listed above.

s/ Mitchell Teitelbaum, Esq.  
Attorney