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MEMORANDUM

TO: State Board of Education Members

FROM: Commissioner Richard Corcoran

RE: Hillsborough County School Board; Nonrenewal of Charter Schools

DATE: July 12, 2021

Based upon the attached memorandum, I find there is probable cause that the School Board of Hillsborough County acted contrary to the law, specifically, sections 1008.33(8)(a) and (b), Florida Statutes, when it voted to nonrenew four charter contracts for the following schools: Pivot Charter School; Southshore Charter Academy; Woodmont Charter School and Kid's Community College Charter High School.

Every school board member has a duty to comply with the law, whether they agree with it or not. And, while the law does permit local school boards to nonrenew charter contracts, that action can only be taken after the required statutory notice is provided and only when the specific statutory grounds for nonrenewal have been clearly established.

Notice of Nonrenewal Was Not Timely Provided

- Each of these contracts expired on June 30, 2021;
- Section 1008.33(8)(b) requires that at least 90 days before nonrenewing, the district notify the governing board in writing of its proposed action;
- Written notice of the intention to nonrenew was provided June 29, 2021—only one day before the expiration of the contracts.

Hillsborough's Failure to Provide Notice Was Not Cured By Making the Nonrenewal Effective on September 27, 2021—90 Days After Mailing the Untimely Notice of Nonrenewal

- There is no provision for unilateral extension of the contracts.
- Nonrenewal well after the school year begins would result in harm to the educational system, students and their families.

Hillsborough Failed to Provide Colorable Grounds for an Emergency Termination and Failed to Make Student Academic Achievement the Most Important Factor when it Nonrenewed

- The District did not proffer any grounds approaching an immediate and serious danger to the health, safety, or welfare of the charter schools' students, which might allow it to avoid the requirement to provide 90-days' notice before nonrenewal.
- Contrary to the requirements of section 1002.33(8), the District failed to make student achievement the most important factor when determining to nonrenew these schools. Two of these schools are graded B and two are graded C while serving a high percentage of students from economically disadvantaged families, minorities, and students with disabilities.

The Actions of the Hillsborough County School Board Harms the State's System of Education and the Students Served by the District

The failure to provide timely notice means that the process provided in statute for resolving nonrenewals before an administrative law judge cannot be accomplished before the school year starts in August 2021. As a result, the School Board's action causes uncertainty for over 2,000 students who attend these schools, as well as their parents. The uncertainty also affects the teachers and administrators at these schools, who must decide whether to remain or seek employment elsewhere.

Instead of advocating for change before the Legislature, the School Board ignored the law, its duty and the interests of at least 2,000 students who reside within Hillsborough County. Moreover, the School Board's action was contrary to the recommendation of their staff and the District's superintendent. The concerns I raised on June 23, 2021, were also disregarded, except the School Board purported to make the "nonrenewal" effective on September 27, 2021—well into the coming school year. Proposing to nonrenew these charters months into the 2021-22 school year is clearly contrary to the best interests of students and Florida's educational system. The action is unprecedented. As a result, I must report my finding of probable cause under the provisions of section 1008.32, Florida Statutes, that the School Board of Hillsborough County has violated the law.

Given the material violation of state law, the failure to correct their actions after notice and the harm to the system of education, I request that the State Board of Education find that the School Board of Hillsborough County violated section 1002.33(8) and order the Hillsborough County School Board comply with the law within ten days. This finding of probable cause, and any such order is not intended to interfere with the right of the charter schools to seek administrative review of the District's decision to nonrenew through a proceeding in the Division of Administrative Hearings.