

FLORIDA CHARTER SCHOOL APPEAL COMMISSION  
APPEAL FROM THE DENIAL OF A CHARTER SCHOOL APPLICATION

OWN YOUR SUCCESS ACADEMIES, INC.  
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY

APPLICANT/APPELLANT (“OYSA”)

V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA

APPELLEE (“DISTRICT”)

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**THE SCHOOL DISTRICT OF HILLSBOROUGH COUNTY, FLORIDA’S  
RESPONSE TO OWN YOUR SUCCESS ACADEMIES, INC’S  
MOTION TO EXCLUDE REASONS FOR DENIAL**

Appellee, THE SCHOOL DISTRICT OF HILLSBOROUGH COUNTY, FLORIDA (“DISTRICT”), files this response to OWN YOUR SUCCESS ACADEMIES, INC. d/b/a HILLSBOROUGH COUNTY ACCELERATION ACADEMY (“the Applicant,” “the School” or “OYSA”) Motion to Exclude Reasons for Denial (the “Motion”) and in support thereof, states as follows:

1. The Motion is untimely and prejudicial to the District. OYSA filed its appeal July 22, 2021; yet, the Motion was not filed until October 26, 2021, less than forty-eight (48) hours prior to the hearing before the Charter School Appeal Commission. Thereby giving the District less than twenty-four hours (since any response is due within five (5) business days of receipt or the day before the hearing, whichever occurs first) to research the case law cited in the Motion, much less, conduct its own research. As a result of such surprise tactics and the prejudicial effect to the District, the Motion should be denied.

2. The Motion fails to include or attach any supporting documentation. The basis for the

Motion is that the denial letter allegedly failed to include the specificity required. However, OYSA failed to attach the denial letter to its Motion. Additionally, although OYSA academy cites a case in the Motion for the basis that a “fact based justification is required”, the Motion fails to clarify that such finding was related to the Charter School Appeal’s Commission finding, not a school district denial letter. In fact, the quoted language in its totality states as follows:

Here, [Charter School Appeal Commission (“CSAC”)] failed to include a “fact-based justification” in its recommendation to the State Board. All the recommendation stated was “that 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 1002.33 ....” This is a legal conclusion, not a fact-based justification. **CSAC was required to make factual findings**, either about the application itself or the process used by the School Board in making its decision, which would have supported this conclusion.

*Sch. Bd. Of Palm Beach County v. Florida Charter Educ. Found., Inc.* 213 So.3d 356, 362 (Fla. 4<sup>th</sup> DCA 2017). Emphasis Added in Bold. As such, the Motion **fails to cite a single case** for the proposition that the reasons articulated by the District in the denial letter (giving rise to this appeal), lacked the specificity required. Accordingly, the Motion should be denied.

3. The Motion should be denied due to the fact the denial letter contained sufficient specificity. As stated above, the Motion attempts to allege that the denial letter did not articulate the specific reasons for the denial, as required by Fla. Stat. § 1002.33(6)(b)(3)(a). However, in attempting to make such claim **the Motion only discusses one of the seventeen articulated reasons for the denial, despite the fact each of the seventeen was sufficient, in and of itself, for the denial of the application.** A copy of the denial letter is attached hereto as Exhibit A. Therefore, the Motion is entirely unclear and ambiguous as to the specific articulated reasons it alleges were insufficient; rather, the Motion attempts to make blanket statements regarding the denial letter without additional evidence or support. Finally, unlike the *Sch. Bd. Of Palm Beach County* cited by OYSA where the CSAC simple stated that substantial evidence did not exist, a

cursory review of the denial letter shows that the District cited the specific statutory reference supporting its denial as well as the specific factual reasons why the application did not meet the standard of the Florida Charter Application Evaluation Instrument. By way of example, among other reasons, the denial letter states the following:

- The proposed daily schedule does not comply with statutory requirements due to instructional minutes being completed outside of the brick-and-mortar setting.
- The application does not include an enrollment projection of ELL students, nor a staffing plan aligned to projections.
- The application does not provide clear provisions for an annual financial audit as this expense is not evident in the budget.
- The Board has selected Acceleration Academies, LLC, a for profit management company, as their ESP. The application did not include Addendum B to address the required criteria regarding the ESP.
- During the capacity interview, concern arose that one of the founders of the ESP is also acting as legal representation for the governing board, disabling an arm's length relationship between the board and the ESP.

Emphasis added with underline. Accordingly, the denial letter contained the specificity required.

### CONCLUSION

The DISTRICT respectfully requests Motion to Exclude Reasons for Denial be denied.

Respectfully submitted this 26<sup>th</sup> day of October 2021.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of The School District of Hillsborough County Florida's Response to Own Your Success Academies, Inc's Motion to Exclude Reasons for Denial has been provided via email to Christian Emerson, Christian.Emerson@fldoe.org, Agency for the Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400. The response has also been provided via email to Thomas Sternberg, Esq., tbs@trippscott.com, TRIPP SCOTT, Attorneys for Petitioner, 110 SE Sixth Street, 15<sup>th</sup> Floor, 110 SE Sixth Street, Ft. Lauderdale, FL 33301, Attorneys for Petitioner, this 26th day of October 2021.

/s/ Jeffrey W. Gibson  
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Thomas Farrior, Esquire  
Attorney for Appellee