

STATE BOARD OF EDUCATION
Action Item
April 15, 2015

SUBJECT: Florida Charter Education Foundation, Inc., and South Palm Beach Charter School vs. School Board of Palm Beach County

PROPOSED BOARD ACTION

Accept Recommendation to Grant the Appeal

AUTHORITY FOR STATE BOARD ACTION

Section 1002.33, Florida Statutes

EXECUTIVE SUMMARY

This is an appeal by the Florida Charter Education Foundation, Inc., and South Palm Beach Charter School 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
 - Mission, Guiding Principles and Purpose: Sections 1002.33(2)(a); 1002.33(2)(b); 1002.33(2)(c); 1002.33(6)(a)1.; 1002.33(7)(a)1., Florida Statutes.

CONCLUSION:

The School Board did not have good cause to determine that the Applicant failed to meet the requirements of Section 1002.33, Florida Statutes.

CSAC RECOMMENDATION:

The Charter School Appeal Commission recommends overturning the decision of the School Board of Palm Beach County by granting the appeal of Florida Charter Education Foundation, Inc., and South Palm Beach Charter School.

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

FLORIDA CHARTER EDUCATION
FOUNDATION, INC., and SOUTH PALM
BEACH CHARTER SCHOOL

v.

SCHOOL BOARD OF PALM BEACH
COUNTY

_____ / DOE Case No. 2015-3112

RECOMMENDATION

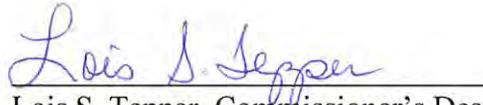
On December 10, 2014, the School Board of Palm Beach County (School Board) voted to deny the application of Florida Education Foundation, Inc., and South Palm Beach Charter School (Charter Applicant). The School Board's letter of denial was dated December 18, 2014. The Charter Applicant filed this appeal on January 16, 2015. 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 grant 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 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 Educational 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 25 day of March, 2015.


AGENCY CLERK