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February 18, 2004

MEMORANDUM

TO: School District Superintendents
Selected Charter School Principals

FROM: Theresa A. Klebacha, Ph.D.

SUBJECT: Revised Format of Charter School Appeals and School District Responses

This correspondence is to notify you of some anticipated changes and request your adoption of those changes related to the format and procedures relative to charter school appeals and school district responses.

I know some school districts have already acted on the termination or non-renewal of charters, and others may soon be making some of the same decisions. In these cases, the charter may choose to appeal the school board decision, and in such situations, we request that the procedures described in this memo be followed.

The Department of Education intends to revise State Board of Education rule 6A-6.0781, Florida Administrative Code, to update provisions related to new statutory changes (s. 1002.33, F.S.) and reflect new operational procedures and practices. Until such time as the rule is adopted, we respectfully request you adopt the following practices related to appeal documents and procedures:

- The **school board denial letter** prepared pursuant to s. 1002.33(6)(b)3., F.S., should be structured to address the following question for every procedural or substantive issue identified as a reason for denial:

What were the grounds (reasons stated in the letter of denial) for the School Board's decision? NOTE: The grounds should be broken out separately.

THERESA A. KLEBACHA, PH.D.
Executive Director
Office of Independent Education and Parental Choice

School District Superintendents
Selected Charter School Principals
February 18, 2004
Page Two

- The **charter school appeal** (prepared pursuant to s. 1002.33(6)(b)4., F.S.) should be structured in a format that addresses the two questions below, providing facts and evidence of the case that support the charter's position on the points made by the school board. The appeal should also include any relevant procedural errors alleged by the charter school. A matrix format is encouraged.

Does the record contain competent and substantial evidence to support each of the grounds identified?

If there is sufficient evidence for an individual ground, is that ground a legally sufficient basis for denial?

- The **school district response to the charter appeal** should be structured in the **same** format, addressing the same questions, providing facts and evidence of the case that support the school district's position on the points made by the charter school. A matrix format is encouraged.
- Both the charter school and the school district should provide **20 (twenty) full and complete copies** of the appeal and the school district response, respectively, to the Department of Education in a timely manner. Each copy should be **in order, bound, and tabbed** (as appropriate) for easy reference by reviewers. Additionally, please submit all documents electronically to Jacqueline Hitchcock at Jacqueline.Hitchcock@fldoe.org.

Technical assistance documents, motions, vote sheets, and final recommendations to the State Board of Education will be structured by the Department of Education for consideration by the Charter School Appeal Commission in a manner consistent with the outline described above, so it would benefit participating parties to structure materials in this manner. **Beginning immediately, this described format will be expected for appeals related to new charters, charter terminations, and charter non-renewals.**

Your cooperation and attention to this request is greatly appreciated. We hope and expect these new procedures will facilitate the appeal review process, for all parties involved. Please contact Nancy Scowcroft in my office if you have any questions or concerns.

TK/tlc

c: Members, Charter School Appeal Commission
Members, State Board of Education
Chancellor Jim Warford
School District Charter School Contact
School District General Counsel
General Counsel Daniel Woodring
Counsel Michael Kooi
Charter School Management Companies
Cynthia Morani, FAU charter center