

# FLORIDA DEPARTMENT OF EDUCATION



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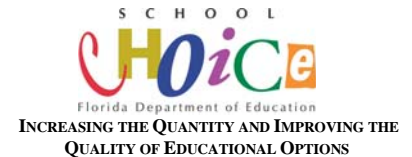
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November 22, 2006

TO: Charter School Administrators

FROM: Carlo Rodriguez, Ed.D.

SUBJECT: Interim Process for Appealing District Denials of Charter School Applications

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Traditionally, charter school applicants who wish to challenge the district's denial of their application have been required to file an appeal with the State Board of Education within 30 days of the district's denial. See Section 1002.33(6)(c), F.S. However, in conjunction with the creation of the Florida Schools of Excellence Commission (FSEC), this appeal process has been amended to require charter school applicants whose application is denied by districts that do not have exclusive authority, to apply to the Florida Schools of Excellence Commission or a cosponsor before being able to appeal the district's denial. See Section 1002.33(6)(d), F.S. As the effective date of this amendment and the law creating the Florida Schools of Excellence Commission was July 1, 2006, the initial implementation of these laws continues. For example:

- Pursuant to Section 1002.335(6)(a), F.S., a charter school applicant can submit an application to the FSEC or cosponsor only if the school district in which the applicant is to be located has not retained exclusive authority. District requests for exclusive authority are pending, and will likely remain so until early-to-mid 2007. Thus, it is unknown whether districts will be able to retain their exclusive authority.
- As a newly created charter school authorizing entity pursuant to Section 1002.335, F.S., the FSEC is still organizing. Thus, the commission will likely require several months before being in a position to accept charter school applications.

**CARLO RODRIGUEZ, Ed.D.**

*Executive Director*

*Office of Independent Education and Parental Choice*

- Pursuant to Section 1002.335(7)(b), F.S., no cosponsor may receive applications for charter schools until the cosponsor agreement is executed. The Commission is not anticipated to begin accepting cosponsor applications until late January, 2007. Thus, those applicants who are approved will probably not have their agreement executed until mid-to-late 2007.

In effect, charter school applicants do not currently have the ability to apply to the Commission or a cosponsor. As such, the question being asked is how may charter school applicants appeal district denials of their applications during this period of initial implementation?

In absence of the ability of charter school applicants to apply to the Commission or a cosponsor during this interim period of initial implementation, charter school applicants should continue to utilize the standard appeal process identified in Section 1002.33(6)(c), F.S. Once it is possible to comply with the statutory amendments, the Department will notify both districts and charter schools of the availability of alternate processes.

cc: Superintendents  
District Charter Contacts