

STATE BOARD OF EDUCATION
Action Item
February 25, 2015

SUBJECT: Discovery High School vs. School Board of Polk 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 Discovery High School of the decision of the School Board of Polk 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 Polk County based its denial on the following pursuant to Section 1002.33, Florida Statutes:

- Application failed to meet the requirements of the Educational Plan
 - Exceptional Students: Section 1002.33(16)(a)3., Florida Statutes
 - School Climate and Discipline: Sections 1002.33(7)(a)7.; 1002.33(7)(a)11.; 1002.33(9), Florida Statutes
- Application failed to meet the requirements of the Organizational Plan
 - Governance: Sections 1002.33(7)(a)15.; 1002.33(9), Florida Statutes
 - Management: Sections 1002.33(7)(a)9.; 1002.33(7)(a)14., Florida Statutes
- Application failed to meet the requirements of the Business Plan
 - Food Services: Section 1002.33(20)(a)1., Florida Statutes
 - Budget: Sections 1002.33(6)(a)5.; 1002.33(6)(b)2., 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 Polk County by granting the appeal of Discovery High School.

Supporting Documentation Included: Charter School Appeal Commission Recommendation. The Charter School Appeal Commission transcript, appeal, and response of the school board are under separate cover.

Facilitator/Presenter: Adam Miller, Executive Director, Office of Independent Education and Parental Choice

CHARTER SCHOOL APPEAL COMMISSION
Recommendation to State Board of Education, February 25, 2015

FILED AGENCY CLERK
2015 FEB -3 PM 3:55

DISCOVERY HIGH SCHOOL

v.

SCHOOL BOARD OF POLK COUNTY

DEPT OF EDUCATION
TALLAHASSEE FLA

DOE Case No. 2014-3063

RECOMMENDATION

On October 14, 2014, the School Board of Polk County (School Board) voted to deny the application of Discovery High School (Charter Applicant). The School Board's letter of denial was dated October 24, 2014. The Charter Applicant filed this appeal on November 21, 2014. Thereafter, the School Board timely filed its Response with the State Board of Education. On January 30, 2015, the Charter School Appeal Commission met and heard the appeal of this matter. **Thereafter, the Commission voted 6 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:

Issue One

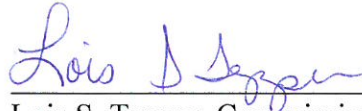
- The Commission voted 5 to 1 that the School Board did not have competent substantial evidence to support its denial of the Charter School Application based on the Applicant's failure to meet the standards for the Educational Plan pursuant to Section 1002.33, Florida Statutes, and State Board of Education Rule 6A-6.0786, Florida Administrative Code.

Issue Two

- The Commission voted 6 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 Organization Plan pursuant to Section 1002.33, Florida Statutes, and State Board of Education Rule 6A-6.0786, Florida Administrative Code.

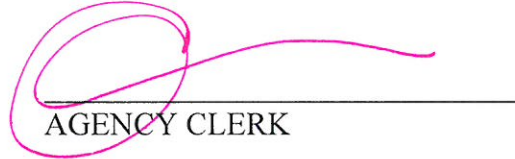
Issue Three

- The Commission voted 4 to 2 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 Business 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 3 day of February, 2014.



AGENCY CLERK