

6A-6.0781 Procedures for Appealing a District School Board Decision Denying Application for Charter School.

The procedures for filing and reviewing all appeals to the State Board of Education under provisions of Chapter 96-186, Laws of Florida, shall be as follows:

(1) Within thirty (30) days after the date of a decision of a district school board which denies an application for a Charter School, the applicant may file a written notice of appeal with the Agency Clerk for the Department of Education in Room 1702, The Capitol, Tallahassee, Florida. Copy of the notice of appeal shall be sent to the school board and to each member of the State Board of Education by the applicant on date of filing with the Agency Clerk.

(a) The notice of appeal must include: name and address of applicant; name and address of the school board; date of the school board decision; name and address of applicant's attorney, if any; precise identification of alleged errors of the district school board in rejecting the Charter School application; and written argument limited to specific alleged errors of the school board.

(b) The Charter School application together with available transcripts of all meetings before the district school board in which the application was considered shall be filed as exhibits to the notice of appeal.

(c) Within ten (10) days after filing notice of appeal the school board shall file with the Agency Clerk and submit to each member of the State Board of Education its written arguments limited to the specific alleged errors of the school board as identified in the notice of appeal. Such written arguments required from both parties shall not exceed twenty (20) pages exclusive of any addendum. Information provided in an addendum shall be limited to the actual Charter School application presented to the local board and the transcripts of meetings of the local boards' actions. Written arguments may be produced by any duplicating or copying process which produces a clear black image on white paper. All written arguments shall be on 8 1/2 · 11 inch paper, double spaced, except quoted material and footnotes, and bound at the top left corner. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one inch at the top, bottom, left and right.

(d) Failure to meet the requirements herein specified may cause rejection of the submission by the State Board.

(e) The Charter School application, transcripts of meetings before the district school board, and written arguments of the parties shall constitute the record on appeal.

(2) Upon receipt of a timely filed notice of appeal by a Charter School applicant, in accordance with accelerated appeal time constraints as set forth in Chapter 96-186, Laws of Florida, the Agency Clerk shall immediately schedule the matter on the next public meeting agenda of the State Board of Education to be considered within thirty (30) days after filing notice of appeal, with notice to the applicant and the school board of that hearing date. At the hearing before the State Board of Education, each party will be given a maximum of thirty (30) minutes to allow representative(s) to summarize the written arguments previously submitted to the State Board. No evidence or testimony, only oral argument, will be heard by the State Board at this time.

(3) Upon reviewing the record and hearing oral summaries of written arguments, if presented, the State Board shall then proceed by majority vote to either accept or reject the decision of the district school board and shall then remand the application to the district school board with its written recommendation that the district board approve or deny the application consistent with the State Board's decision.

Specific Authority 229.053(1) FS., Chapter 96-186, Laws of Florida. Law Implemented Chapter 96-186, Laws of Florida. History--New 2-2-97.