

**STATE BOARD OF EDUCATION**

**Action Item**

November 15, 2019

**SUBJECT:** Florida East Coast Charter School, Inc., v. School Board of Volusia County

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**PROPOSED BOARD ACTION**

Accept the Recommendation of the Charter School Appeal Commission to grant the Appeal.

**AUTHORITY FOR STATE BOARD ACTION**

Section 1002.33, Florida Statutes

**EXECUTIVE SUMMARY**

This is an appeal by the Florida East Coast Charter School, Inc., of the decision of the School Board of Volusia 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, Florida Statutes.

**STANDARD OF REVIEW:**

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 Volusia County based its denial on the following pursuant to section 1002.33, Florida Statutes:

- Application failed to meet the requirements of the Educational Plan
  - Curriculum and Instructional Design: Sections 1002.33(6)(a)2.; 1002.33(6)(a)4.; 1002.33(7)(a)2.; 1002.33(7)(a)4., Florida Statutes
- Application failed to meet the requirements of the Business Plan
  - Facilities: Sections 1002.33(7)(a)13., and 1002.33(18), Florida Statutes
  - Food Service: Section 1002.33(20)(a)1., Florida Statutes
  - Budget: Sections 1002.33(6)(a)5.; 1002.33(6)(b)2., Florida Statutes
  - Financial Management and Oversight: Sections 1002.33(6)(a)5.; 1002.33(7)(a)9.; 1002.33(7)(a)11., Florida Statutes
  - Start-Up Plan: Section 1002.33(7)(a)16., Florida Statutes

**CSAC CONCLUSION:**

The School Board did not have competent, substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Educational Plan

or the Business Plan.

**CSAC RECOMMENDATION:**

The Charter School Appeal Commission recommends overturning the decision of the School Board of Volusia County by granting the appeal of Florida East Coast Charter School, Inc.

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**Supporting Documentation Included:** Charter School Appeal Commission Recommendation. Appeal of Charter School, Response and CSAC Transcript (under separate cover)

**Facilitator/Presenter:** Adam Emerson, Charter Schools Director, Office of Independent Education and Parental Choice