

STATE BOARD OF EDUCATION

Action Item

September 24, 2025

SUBJECT: The School Board of Alachua County vs. Newberry Community School, Inc.

PROPOSED BOARD ACTION

Accept the recommendation of the Charter School Appeal Commission (Appeal Commission) to deny the appeal of the School Board of Alachua County and grant the conversion charter application filed by Newberry Community School

AUTHORITY FOR STATE BOARD ACTION

Section 1002.3301, Florida Statutes

EXECUTIVE SUMMARY

Parents and teachers in Alachua County voted to convert an existing public school to a charter school. Following the vote, the Applicant completed an application to open the school as a charter school. The application was submitted to the Charter School Review Commission (Review Commission). The Review Commission reviewed and approved the application. Subsequently, the Alachua County School Board appealed the decision to approve the application. The appeal was heard by the Appeal Commission. The Appeal Commission's recommendation to deny the appeal and grant the charter application is before the Board for consideration and approval.

ISSUES

- (1) Whether the vote to convert Newberry Elementary School to a charter school met the requirement for teacher support, pursuant to Section 1002.33(3)(b), F.S. (2024);
- (2) Whether the application is a municipal charter application; and
- (3) Whether there is competent substantial evidence to support approving the application filed by Newberry Community School, Inc.

REVIEW PROCESS AND STANDARD OF REVIEW

This is the first time the Appeal Commission has reviewed a decision by the Review Commission. The Appeal Commission applied the same overall process and standard of review to this case as it would to a typical appeal.

The Appeal Commission is made up of an evenly split panel, with half the members representing currently operating charter schools and half representing sponsors. The Commissioner of Education, or his designee, serves as chair. The Appeal Commission conducts an impartial review and provides a recommendation to the State Board, which makes the final decision to uphold or overturn the decision of the Review Commission. The decision of the State Board, and the recommendation by the Appeal Commission, must be based upon competent, substantial evidence. The Appeal Commission is not limited to documents contained in the record on appeal and may consider additional information and can ask clarifying questions in making its decision. Thus, the review is not a typical appellate review, which is limited to information considered below, and is instead a continuation of the administrative review process. The recommendation to the State Board

must include a fact-based justification. The fact-based justification is memorialized in writing and included in the supporting documents provided to the State Board.

APPEAL COMMISSION CONCLUSION

The Appeal Commission recommends that the State Board of Education find the following:

- (1) The vote to convert Newberry Elementary School to a charter school met the requirement for teachers in support of conversion, pursuant to Section 1002.33(3)(b), F.S. (2024);
- (2) The application is not an unauthorized municipal charter application; and
- (3) There is competent substantial evidence to support approving the application filed by Newberry Community School, Inc. and that the application meets the standards set forth in Florida law and rule for student performance, assessment and evaluation; exceptional students; English language learners; professional learning; facilities; transportation; food service; and budget.

APPEAL COMMISSION RECOMMENDATION

The Appeal Commission recommends affirming the decision of the Review Commission and granting the applicant's conversion charter school application.

Supporting Documentation Included: Motion to Dismiss; Order Referring Motion to Dismiss to State Board of Education; CSAC Recommendation. Appeal of the School Board; Response; and Appeal Commission Meeting Transcript (under separate cover)

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