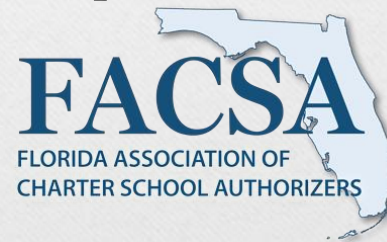


Charter Application Denial and Appeal Process: A Walkthrough

April 22, 2022



Where it all begins...

- Section 1002.33(6)(b)3a, Florida Statutes: A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application ... If the application is denied, **the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons based on good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.**

90-Day Waiver

Memorandum of Agreement between Charter Applicant and Hillsborough County Public Schools for Application Review Timeline 2021

Florida Statute 1002.33(6)(b)3.a. states, "A sponsor shall by majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application."

Due to the District School Board meeting calendar, we are requesting an extension of the 90-day timeline so that all applications may go to the Board for a vote on **June 15, 2021**. This would allow enough time for a thorough review while still giving the applicant ample time to prepare for opening in the case of an approval.

By signing this memorandum, you are agreeing to the extension requested by the Hillsborough County School Board.

I agree to the Hillsborough County School Board extension.

Proposed School Name: Hillsborough County Acceleration Academy

Relation to the Application: Own Your Success
~~CEO~~ Consultant to AA

Name (printed): CYNTHIA J ENDICOTT

Signature: Cynthia J Endicott

Date: 1/28/21

Notification

Depending on your district's process, *initial* notification of denial may occur in a variety of ways:

- Face-to-face at a capacity interview
- Phone call
- Email
- Formal letter

Regardless of the initial method that is used by your district, all applicants having a denied application must receive the specific reasons, based on good cause, **in writing within 10 calendar days.**

*Best practice – When preparing the documents to present the committee's recommendation to your school board, present the information in such a way that it can easily be converted into a letter format/supporting documentation and can be sent to the applicant as soon as the school board renders its decision.

Documentation regarding Board Date and Interview

February 1, 2021

Amy SDHC

Dear Charter Applicant:

Your charter school application proposal to open a charter school in the 2022-2023 school year has been received by Hillsborough County Public Schools.

Please find the following information enclosed:

- ✓ Application Timeline
- ✓ Application Received Checklist
- ✓ Memorandum of Agreement Waiver

An Application Presentation Opportunity has been scheduled for your applicant team. Please notify our office at (813) 272-4049 if you elect not to participate in this optional opportunity.

Application Timeline

DATES	REVIEW ACTIVITY
February 4	Application Review Team receives applications
February 5 <i>9:00 to 9:30</i>	<p>Applicant Presentation Opportunity: This optional 30-minute presentation by your applicant team is your opportunity to share information regarding your application directly to the review team. There will be no questions about your application at this time. You may present in whatever type of format you prefer on the Zoom platform. We will make you a co-host in the meeting so that you may share your screen if you chose.</p> <p>Zoom Meeting Details https://us02web.zoom.us/j/82821116416?pwd=VVdUVEZldFQ0dGsxQWEyZ2ZrRitRZz09 Meeting ID: 828 2111 6416 Passcode: 1ZAd3R</p>
Between February 25- April 1	Application Review Team reviews applications
April 13 <i>8:30 to 10:00</i>	<p>Applicant Capacity Interviews will be conducted with applicant & governing board members</p> <p>Zoom Meeting Details https://us02web.zoom.us/j/82821116416?pwd=VVdUVEZldFQ0dGsxQWEyZ2ZrRitRZz09 Meeting ID: 828 2111 6416 Passcode: 1ZAd3R</p>
May 5	Review findings and body of evidence is provided to the Superintendent
May 21	Board agenda items due to Superintendent
June 15	Board members vote to approve/deny applications at the Board meeting
June 25	Charter Office will notify applicants in writing of approval or denial
	Charter Office will notify the Department of Education in writing of approval or denial

This timeline is subject to change.

Prior to submitting our review findings to Superintendent Davis, we will hold an interview with your applicant team **and** the board members associated with the application proposal.

Please ensure members of the governing board are present at the interview in addition to any applicant team members. A list of attendees with names and titles associated with the application is requested by **Thursday, April 1.**

Your 2021 Applicant Capacity Interview is scheduled for:

Date: **Tuesday, April 13, 2021**

Between: **8:30-9:30 AM**

Zoom Meeting Details

<https://us02web.zoom.us/j/82821116416?pwd=VVdUVEZldFQ0dGsxQWEyZ2ZrRitRZz09>

Meeting ID: 828 2111 6416

Passcode: 1ZAd3R

+++++

Thank you for signing the memorandum of agreement to waive the statutory 90-day review window. Superintendent Davis will make his recommendation before the School Board of Hillsborough County for approval or denial of the application on **June 15, 2021.**

Please note that our Board is in the process of revising the board meeting schedule and this specific date may change. We will notify you immediately should the June meeting date change.

A copy of the signed waiver is attached for your records, along with a copy of the application review timeline and our application received checklist.

If you have any questions or concerns, please feel free to contact the Charter Office at 813-272-4049. Amy Fordyce [amy.fordyce@sdhc.k12.fl.us] will be your primary contact for assistance.

*Thank you,
Amy*

Amy Fordyce
District Resource Teacher, Charter, Innovation
Hillsborough County Public Schools

Option to Withdraw

Offering an applicant the option to withdraw the application has some benefits.

- No additional paperwork!
- No potential appeal!
- Does not go on record as a denial! (applicants like this 😊)

Sample letter



March 2, 2020

Dear

Thank you for submitting an application to the **Department Name** for consideration to open a Charter School in **County/District**, Florida. The **Name of Review Committee** reviewed the application for **School Name** and rated the section(s) below "Partially Meets the Standard" or "Did Not Meet the Standard" according to Florida statutes:

- Section 01 – Mission, Guiding Principles and Purpose
- Section 03 – Educational Program Design
- Section 04 – Curriculum Plan
- Section 06 – Exceptional Students (ESE)
- Section 07 – English Language Learners
- Section 08 – School Climate and Discipline
- Section 11 – Education Service Providers
- Section 12 – Human Resources/Employment
- Section 14 – Facilities
- Section 17 – Budget
- Section 18 – Financial Management
- Section 19 – Action Plan/Timeline

You have the option to voluntarily withdraw your application, which will negate the necessity to go before **School Board Name** as a denial.

Please indicate your decision below and email or fax this letter back to **Department Name** at **Phone Number** at your earliest convenience.

_____ I would like to voluntarily withdraw my application and re-apply next year.

_____ I would like my application to go forward as a Denial to **Your School Board Name**

I encourage you to contact the **Department Name** for clarification of these options prior to submitting your response. We appreciate your efforts on behalf of the students in **County Name**, Florida.

Sincerely,

**Director Name, Director
Department Name**

Moving forward...

- Section 1002.33(6)(c)1, Florida Statutes states: An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education **no later than 30 calendar days after receipt of the sponsor's decision or failure to act** and shall notify the sponsor of its appeal. **Any response of the sponsor shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal...**

June 24, 2021

Mr. Mark Graves, President, Acceleration Academies (ESP)
Hillsborough County Acceleration Academy
714 West Melrose St.
Unit 1E
Chicago, IL 60657

Dear Mr. Graves:

Thank you for submitting an application to open Hillsborough County Acceleration Academy for the 2021-2022 school year. Your application was one of nine received by the District.

Careful consideration was given to your application. Our process the Board included the following steps:

- A review team composed of district staff from various areas was formed to be representative. The team represented areas such as Curriculum & Instruction, English Language Learners, Assessment & Accountability, and Office staff.
- The applicant was given the opportunity to present the application to the review team.
- The review team developed a comprehensive assessment of the application's weaknesses.
- Interviews were held with all applicants to discuss the application and the review team's findings.
- The recommendations from the review team were provided to the Superintendent.
- The Superintendent's recommendations were presented to the Board meeting.

The process resulted in the identification of some concerns and an Evaluation Instrument presented to the School Board. Although the concerns described below resulted in the Superintendent's recommendation, the Board approved the Superintendent's recommendation on June 1, 2021.

The recommendation to deny the application is based on the following reasons:

The application does not comply with F.S. 1002.33(7)(a)2 because:

- The educational program design and learning environment do not meet the requirements in Florida Statutes for charter schools.
- The proposed daily schedule does not comply with statute and was completed outside of the brick-and-mortar setting.

Denial Letter

[20220309075641474.pdf](#)

Notification of Denial to Applicant

1 The application does not comply with F.S. 1002.33(16)(a)3 and F.S. 1002.33(6)(b)2 because:

- A comprehensive and compelling plan for appropriate identification of students with special needs is not clearly articulated in the application.
- The application does not clearly describe the continuum of service for Exceptional Students that will be provided at the school.
- The application does not provide a clear understanding of how to ensure appropriate placement of students through the IEP process.

2 The application does not comply with F.S. 1002.33(10)(f) because:

- The application reflects limited understanding of the legal obligations of Language Learners and the school's obligation under state and federal law.
- The application lacks a comprehensive and compelling plan for educating English Language Learners.
- The application lacks a clear plan for identifying, monitoring and evaluating English Language Learner students, including exiting students from ELL services.
- The application does not include an enrollment projection of ELL student projections.

3 The application does not comply with F.S. 1002.33(6)(a)5 and 1002.33(6)(b)2 because:

- Budgetary projections are not consistent with all key aspects of the application, including instructional seat time to ensure revenue is earned, appropriate staffing to ensure an SSO or Guardian, transportation expenses, food services expenses and validate proposed revenues.
- The application does not provide a realistic assessment of projected source of revenue for the school due to the Education Service Provider (ESP) payments, the lack of accounting for the district's administrative fee, lack of ESOL students accounted for in projections and the additional expenses for 95% of the budget already designated to the ESP.
- The plan to adjust the budget should non-guaranteed revenues not materialize in the application and not a sound plan.

The application does not comply with F.S. 1002.33(6)(a)5, 1002.33(7)(a)9 and 1002.33(7)(a)2 because:

- The application states that the Board will review operating results presented monthly, however, due to the 95% of the FEFP being paid to the ESP, the Board has no oversight over the financial operations of the school.
- The application does not provide a fiscal management system with clear roles and responsibilities for operations and board oversight.
- The application does not provide clear provisions for an annual financial audit of the budget.
- The application does not clearly articulate public transparency of school operations and that a majority of public funding will be given to the ESP.
- Insurance coverage requirements are not addressed in the application, only a broker to ensure coverage. The insurance broker is not included in the budget.

3

The application does not comply with F.S. 1002.33(6)(a) because:

- The Board has selected Acceleration Academies, LLC, a for-profit management company, as their ESP. The application did not include Addendum B to address the required criteria regarding the ESP.
- A draft management agreement is provided in the application and includes language throughout that provides the ESP authority over the charter school to include 95% of all FEFP funding paid to the ESP.
- During the capacity interview, concern arose that one of the founders of the ESP is also acting as legal representation for the governing board, disabling an arm's length relationship between the board and the ESP.

If you desire to appeal the District's decision, Florida Statute 1002.33(6)(c) states, 'An applicant may appeal any denial... to the State Board of Education no later than 30 calendar days after receipt of the sponsor's decision... and shall notify the sponsor of its appeal.'

If you have any questions regarding the School Board's decision, please contact me at 813-272-4049.

Sincerely,



Cinzia DeLange, Ed.D
Supervisor, Charter Schools

cc: Addison G. Davis, Superintendent of Schools
Van Ayers, Chief of Innovation
Jeff Gibson, Esq., School Board Attorney
Dr. Dakeyan Graham, Executive Director, Office of Independent & Parental Choice, Florida Department of Education
Adam Emerson, Director of Charter Schools, Florida Department of Education

Appeal Notification Received...

District Response to Appeal:

Once the notification of an application appeal is received, **your district will have 30 calendar days** to provide a response to the State Board of Education in accordance with the filing procedures as indicated in Rule 6A-6.0781, Florida Administrative Code.

The response to appeal should include the following:

- Cover letter to the FDOE Charter School Appeal Commission from the Sponsor
- Sponsor's Argument in Support of Application Denial (20 page maximum)
- Supporting Documentation
 - Table of Contents for exhibits/items to support the denial
 - Complete Application
 - Applicant Notification of Denial
 - Board Item and Supporting Evaluator Comments of Application Deficiencies

Sponsor's Response to Appeal

1. **ESE Section - The application does not comply with FS 1002.33(16)(a)3 and FS 1002.33(6)(b)2 because of concerns over the services for Exceptional Students described in the application:**

- The application clearly indicates on p. 84 of the Budget section a projection of 12% of ESE students; but it fails to indicate the seat time per day and the Appeal states that "students...should be given deference in how they receive their education." Appeal p. 8. Of greater concern, if a student only receives services with its nondisabled peers 40% of the time (p. 42 of app), the application fails to indicate how the student would receive direct services the other 60% of the time given the proposed "12 hour per week on campus" and the "deference" given to students regarding when and where they complete their coursework.
- The application does not describe a gifted program but does account for gifted students in their FEFP funds. Page 44 only states "the blended learning environment will provide many opportunities for enrichment."
- The application does not describe the 504 process or interventions
- **The application** does not include the need for ESE certified classroom teachers. It only states that the "Special Education Coach" will oversee IEPs and ensure that students are delivered services without specified who will deliver those services. P. 44

2. **ELL Section - The application does not comply with FS 1002.33(10)(f) because of concerns over the services for ELL students described in the application.**

- The applicant had the option to state the school will implement the district's ESOL Programmatic Program or submit a plan to the sponsor for approval. In this application.....

From Layman's Terms to Legalese

**FLORIDA CHARTER SCHOOL APPEAL COMMISSION
APPEAL FROM THE DENIAL OF A CHARTER SCHOOL APPLICATION**

OWN YOUR SUCCESS ACADEMIES, INC.
D/B/A HILLSBOROUGH COUNTY
ACCELERATION ACADEMY,
A FLORIDA NONPROFIT CORPORATION,

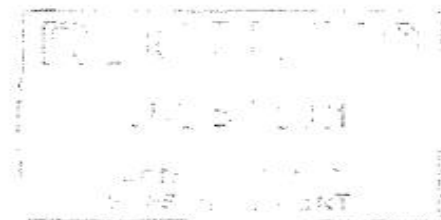
Petitioner,

CASE NO 21-

vs.

THE SCHOOL BOARD OF
HILLSBOROUGH COUNTY, FLORIDA,

Respondent.



**NOTICE OF APPEAL OF DENIAL OF A CHARTER SCHOOL APPLICATION AND
PETITIONER'S BRIEF**

Own Your Success Academies, Inc., d/b/a Hillsborough County Acceleration Academy, a Florida nonprofit corporation (hereinafter "OYSA" or the "Charter School"), files this instant Notice of Appeal, with incorporated brief, to formally appeal the denial of the Charter Application of the Hillsborough County Acceleration Academy (the "Charter Application") by the School Board Of Hillsborough County, Florida (hereinafter or "School Board") made at the

IN RE: DENIAL OF OWN YOUR SUCCESS ACADEMIES, INC.
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY CHARTER
APPLICATION 2021

NOTICE OF APPEAL

OWN YOUR SUCCESS ACADEMIES, INC.
D/B/A HILLSBOROUGH COUNTY ACCELERATION ACADEMY
APPLICANT/APELLANT (“OYSA”)

V.

THE SCHOOL DISTRICT HILLSBOROUGH COUNTY, FLORIDA
APPELLEE (“DISTRICT”)

**THE SCHOOL DISTRICT OF HILLSBOROUGH COUNTY, FLORIDA’S
RESPONSE TO OWN YOUR SUCCESS ACADEMIES, INC’S
d/b/a HILLSBOROUGH COUNTY ACCELERATION ACADEMY’S
APPEAL OF DENIAL OF ITS CHARTER SCHOOL APPLICATION**

Appellee, THE SCHOOL DISTRICT OF HILLSBOROUGH COUNTY, FLORIDA

(“DISTRICT”) files this Response to the appeal of the denial of the application of OWN

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

Filing Procedures:

- 6A-6.0781(1)(a) and (b) describe the process for the applicant
- 6A-6.0781(1)(c) describes the process for the district
- 6A-6.0781(1)(d) and (e) describe the requirements for both parties

Appeal Procedures:

- 6A-6.0781(2)(a)-(e) describe the process at the appeal before the Charter School Appeal Commission

Add motions and requests for settlement

Preparation Leading up to Day of Appeal

- Directors may meet with the respective application evaluators whose sections did not meet the standard to gain a thorough understanding of why that section was denied and which statutes were not supported.
- Director may meet with the school board attorney to explain/clarify the application deficiencies and comments from evaluators.
- Director provides the educational, financial and organizational deficiency rationales while the attorney converts it to “legalese.”

Day of the Appeal...

Per Rule 6A-6.0781(a)-(e), F.A.C.:

Parties are given at least seven (7) days notice of the hearing date

- Each party is given a maximum of 10 minutes to allow representatives to summarize the written arguments previously submitted.
- Each party also receives additional time to address each of the reasons for denial.
- The Charter School Appeal Commission may ask questions of either party to clarify the documentation presented.
- Upon review of the record on appeal, the oral summaries and consideration of answers to questions asked the Charter School Appeal Commission proceeds by majority vote to accept or reject the decision of the school board.
- The Charter School Appeal Commission's recommendation is sent to the State Board of Education for consideration.

After the Appeal Date

- The State Board of Education considers the appeal and the Charter School Appeal Commission's recommendation at the next scheduled State Board of Education meeting and no later than 90 days after an appeal is filed.
- Each party has five minutes to summarize their arguments.
- The State Board of Education may ask questions of the each party and approves or denies the appeal

Charter School Appeal Commission

Members:

Commissioner's Designee

Amanda Gay, FLDOE Assistant General Counsel

Charter School Representatives

Raphael Arza, Educational Consultant, Mountain Moving Strategies, Florida Charter School Alliance

Ashley Barber, Educational Consultant, AB Consulting Services, Florida Charter School Alliance

Osvaldo Garcia, Principal, Passport School, Inc.

Richard Moreno, Executive Director, Charter School Services Corporation

Sponsor Representatives

John-Anthony Boggess, Asst Superintendent, Div. of Choice and Innovation, School District of Palm Beach County

Tiffanie Pauline, Assistant Superintendent, Miami-Dade County Public School District

Shana Rafalski, Executive Director, Educational Choices and Innovation, Osceola County Schools

Kia Sweeny-Scott, Senior Director, School Choice Services, Orange County Public Schools

Resources

- <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-appeal/>
- <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-appeal/csac-members.shtml>
- <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-appeal/archived-appeals.shtml>
- <https://www.flrules.org/gateway/ruleNo.asp?ID=6A-6.0781>
- http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1002/Sections/1002.33.html

Thank you, Rhonda Stephanik, for graciously
allowing me to use your presentation to tell
Hillsborough County's story

