

Office of Superintendent of Schools
Board Meeting of October 13, 2010

October 12, 2010

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: AUTHORIZATION FOR SCHOOL BOARD ATTORNEY TO APPEAL
STATE BOARD OF EDUCATION'S REVERSAL OF SCHOOL BOARD'S
TERMINATION OF RISE CHARTER SCHOOL CONTRACT**

On June 16, 2010, the School Board terminated its contract with Rise Schools, Inc., a non-profit operating the charter school, Rise Academy. The termination was based upon deficient academic performance, poor financial performance and lack of internal controls, failure to implement the state's Differentiated Accountability requirements, numerous violations of law, and multiple breaches of the contract. An appeal was filed and pursuant to Florida law, the Charter School Appeal Commission ("Commission") heard the appeal in Miami on August 24, 2010. After a four-hour hearing, the impartial Commission voted unanimously to deny Rise Academy's appeal finding that the school's due process rights were not violated, an adequate opportunity to be heard was provided, and that good cause to terminate the contract existed based upon the school's (1) failure to implement Florida's requirements for failing schools, (2) poor financial performance, (3) multiple violations of law, and (4) breach of contract.

The Commission's recommendation was presented to the State Board of Education for a final vote in Tallahassee on September 21, 2010. The State Board voted 4-3 to reject the Commission's recommendation and to reverse the School Board's termination of the contract. The Final Order was entered on October 4, 2010 (attached).

The Board has 30 days from the date of the final Order to either take action consistent with the Order, i.e., reinstate the contract, or file a Notice of Appeal to the Third District Court of Appeal challenging the State Board's decision. An appeal would create an automatic stay (or suspension) of the State Board's Order.

RECOMMENDED: That the School Board of Miami-Dade County, Florida, authorize the School Board Attorney to appeal the State Board of Education's reversal of the School Board's termination of its contract with Rise Charter School.

REPLACEMENT

G-4

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the implementation of data-driven decision-making processes. It provides a framework for how to integrate data analysis into the organization's strategic planning and operational decision-making.

4. The fourth part of the document discusses the challenges and risks associated with data management and analysis. It offers strategies to mitigate these risks and ensure the security and integrity of the organization's data.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of a continuous learning and improvement process in the field of data management and analysis.

6. The final part of the document provides a list of references and resources for further reading. It includes books, articles, and online resources that provide additional information on the topics discussed in the document.

STATE OF FLORIDA
DEPARTMENT OF EDUCATION

FILED AGENCY CLERK

RISE ACADEMY OF SOUTH DADE
CHARTER SCHOOL

2010 OCT -4 P 12: 04

v.

DEPT OF EDUCATION
TALLAHASSEE FLA

SCHOOL BOARD OF
MIAMI-DADE COUNTY

DOE Case No. 2010-2122 FOI

FINAL ORDER

On June 16, 2010, the School Board of Miami-Dade County (School Board) voted to terminate the charter of Rise Charter Academy of South Dade Charter School (Charter School). On July 16, 2010, the Charter School filed its notice of appeal with the State Board of Education. On August 16, 2010, the School Board filed its response with the State Board of Education. Pursuant to Section 1002.33(6)(c), Florida Statutes, the appeal briefs and documentation were reviewed by the Charter School Appeal Commission, and a hearing was held before the Commission on August 24, 2010. After hearing oral arguments by the parties, the Commission issued its recommendation that the Charter School's appeal be denied.

The appeal came before the State Board of Education on September 21, 2010. Upon review of the evidence presented to the School Board, the Commission recommendation and hearing transcripts, and the recommendation of the Commissioner of Education, the State Board of Education rejected the findings and recommendation of the Commission and granted the appeal of the Charter School.

Pursuant to Section 1002.33(6)(c), Florida Statutes, it is hereby ordered that the School Board's termination of the charter is reversed. The School Board shall act in accordance with this order within 30 days.

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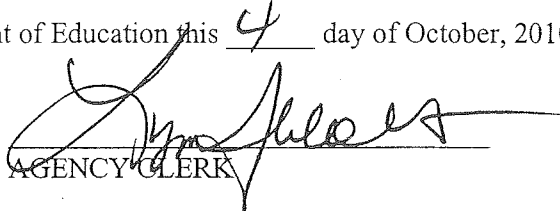
EDUCATION AGENCY CLERK

DONE and ORDERED this 4 day of October, 2010.



Dr. Eric J. Smith, Commissioner
Florida Department of Education
On behalf of the State Board of Education Chair

FILED with the Agency Clerk of the Department of Education this 4 day of October, 2010.

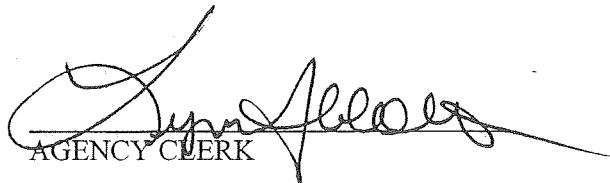

AGENCY CLERK

NOTICE OF RIGHTS

Any party to this order has the right to seek judicial review of this Final Order pursuant to Florida Rules of Appellate Procedure 9.030(b)(1)(c) and 9.110. The notice of appeal must be filed pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Agency Clerk, Department of Education, Suite 1520, 325 West Gaines Street, Tallahassee, Florida, 32399-0400. Additionally, a second copy of the notice of appeal, accompanied by the applicable filing fees, must be filed with the appropriate Florida District Court of Appeal. The notice must be filed within 30 days of the day this Final Order is filed with the Agency Clerk of the Department of Education. Failure to make a timely appeal will result in waiver of the right of judicial review in this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Glen J. Torcivia, Esq., 701 Northpoint Parkway, West Palm Beach, Florida 33407; Daniel Woodring, Esq., 203 N. Gadsden Street, Suite 1-C, Tallahassee, Florida 32301 and Melinda McNichols, Esq., Miami-Dade School Board, 1450 NE 2nd Ave., Suite 430, Miami, Florida 33132 on this 4th day of October, 2010.


AGENCY CLERK