

Bond Case Briefs

Municipal Finance Law Since 1971

CHARTER SCHOOLS - FLORIDA

School Bd. of Seminole County v. Renaissance Charter School, Inc.

District Court of Appeal of Florida, Fifth District - April 26, 2013 - So.3d - 2013 WL 1775527

District court strictly construes “substantially replicates” requirement in state charter school statute.

School board appealed the state board’s order requiring it to permit charter school operator to open and operate a charter school in Seminole County.

In the appeal, the district court found one issue dispositive. It agreed with the school board that the operator’s proposed charter school’s educational program did not “substantially replicate” that of the high-performing charter school being replicated and that the order granting the operator’s application must therefore be reversed. Under the state charter school statute, high-performing charter schools are allowed to apply to open new schools that “substantially replicate” an existing school.

In this case, the district court found that the requirement had not been met because the application submitted by the operator sought to open a school for grades K through 8, while the school being replicated served only students in grades 6 through 8.

The state board had apparently rejected this conclusion, accepting the operator’s argument that a new charter school does not have to “exactly match” the high-performing school upon which it is modeled and the school in this case met the “substantially replicates” requirement, as the schools shared a substantially similar instruction model and the very same organizations, i.e., the very same governing board and ESP.

The district court disagreed and reversed.

In addition, the district court articulated what it deemed to be serious deficiencies in the underlying charter school statute, particularly with regard to procedural issues.