

STATE OF FLORIDA
DEPARTMENT OF EDUCATION

CITY OF PALM BAY, PALM BAY
HIGH CHARTER SCHOOL

v.

SCHOOL BOARD OF
BREVARD COUNTY

_____/ DOE Case No. 2007-1396 FOI

FINAL ORDER

On July 17, 2007, the School Board of Brevard County (School Board) voted to deny the charter application of City of Palm Bay, Palm Bay High Charter School (Charter School). On August 27, 2007, the Charter School filed its notice of appeal 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 November 16, 2007. After hearing oral arguments by the parties, the Commission issued its recommendation that the Charter School's appeal be granted.

The appeal came before the State Board of Education on December 11, 2007. Upon review of the evidence presented to the School Board, the Commission recommendation and hearing transcripts, the State Board of Education accepted 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 denial of the charter application is reversed. The School Board shall act in accordance with this order within 30 days.

DONE and ORDERED this _____ day of January, 2008.

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 _____ day of January, 2008.

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 1514, 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 Stacy Sutton, Carlton Fields, c/o the City of Palm Bay, 222 Lakeview Avenue, Suite 1400, West Palm Beach, Florida 33401-6149 and Harold Bistline, Stromire, Bistline & Miniclier, c/o Brevard County School Board, 1970 Michigan Avenue, Building E, Cocoa, Florida 32922 on this _____ day of January 2008.

AGENCY CLERK