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June 23, 2021

Mr. Addison Davis, Superintendent
Ms. Lynn Gray, School Board Chair
Hillsborough County Public Schools
901 East Kennedy Boulevard
Tampa, Florida 33602

Dear Superintendent Davis and School Board Chair Gray:

Re: Kid's Community College Charter High School; Pivot Charter School; SouthShore Charter Academy; Woodmont Charter School

It has come to my attention that at your June 15, 2021, School Board meeting, the Board voted to non-renew the charter contracts for four charter schools set to expire 15 days later, on June 30, 2021. This action came just 56 days before the first day of school at SouthShore and Woodmont.

None of these schools are graded below a "C" and in fact, two schools are graded as "B" schools. As I'm sure you are aware, the students attending these schools come from economically disadvantaged homes, ranging from anywhere from 100% to 33% of the student population. The Board's action was contrary to the recommendations of district staff, who had thoroughly reviewed the schools' applications and recommended renewal of the contracts for a five-year period. Most importantly, the Board's action appears to be contrary to law. Section (s) 1002.33(8)(b), Florida Statutes (F.S.), provides in part, as follows:

At least 90 days before . . . nonrenewing . . . a charter, the sponsor shall notify the governing board of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 90 days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's final order shall be submitted to the sponsor. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals. The

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charter school's governing board may, within 30 calendar days after receiving the final order, appeal the decision pursuant to s. 120.68.

The 90-day notice that a sponsoring school district must provide a charter of its intention to non-renew a charter school contract is necessary in order to minimize the disruption that closure of a charter school can cause for parents, students and teachers. The 90-day notice requirement is also found in Rule 6A-6.0786, Florida Administrative Code (F.A.C.), which requires a school district to provide notice to each charter school of its process and timeline for programmatic renewal review and, "[u]pon completion of the programmatic review, but no later than 90 days prior to the end of the charter term, the Sponsor shall notify the governing board of the Charter School in writing of the proposed action to . . . non-renew the charter, pursuant to s. 1002.33(8)(a), Florida Statutes." Quite clearly, notice of an intention to non-renew a charter contract must occur no later than 90 days before the contract is scheduled to expire.

In this case, the board's untimely action has the potential to negatively impact over 2,000 students, their parents and teachers in these schools. In order to avoid this disruption and to meet the notice requirements of the law, it would appear that the district should have given notice of its intention to non-renew the charter contracts no later than April 1, 2021. Having failed to provide the required notice, and lacking any basis to initiate an emergency termination, I am not aware of any legal justification for the action taken by the Board on June 15, 2021.

As you know, the Department acts as the administrative and supervisory education agency over local school districts under the direction of the State Board of Education (*See* Art. IX, section 2, Florida Constitution). In its supervisory capacity, the Department is required to ensure compliance with the Florida Statutes and State Board of Education Rules (*See* s. 1008.32, F.S.).

I am writing to urge you to reconsider your action and, at a minimum, renew the charter school contracts pursuant to statute and based upon your staff's recommendations. The law provides that the school board must provide charter schools with timely notice of an intention to non-renew. This notice period is critical because it minimizes the disruption caused to students, parents and teachers.

By 5:00 p.m. on Tuesday, June 29, 2021, please provide me with documentation showing that the School Board of Hillsborough County has renewed the four charter schools at issue. Alternatively, by this same deadline, please provide me with every factual and legal justification that the School Board of Hillsborough County has to support the validity of its action taken on June 15, 2021, with regard to non-renewal of these charter school contracts.

After reviewing your response, I will determine whether there is probable cause to find that the School Board of Hillsborough County has failed to comply with s. 1002.33(8), F.S., and Rule 6A-6.0786, F.A.C. If I find probable cause, I will initiate the State Board's oversight enforcement authority under s. 1008.32, F.S.

A finding of probable cause that the School Board of Hillsborough County has failed to comply

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with a statutory duty could result in the State Board imposing serious consequences, including withholding state funds, discretionary grant funds, discretionary lottery funds or any other funds specified as eligible for this purpose until such time as the School Board of Hillsborough County comes into compliance with Florida law, or the invoking of Art. IV, section 7(a) of the Florida Constitution. In addition, should I find probable cause that the School Board of Hillsborough County and its members have violated the law, I will report my finding to the Governor, the State Board of Education and to the Florida Legislature.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Corcoran", with a long horizontal flourish extending to the right.

Richard Corcoran

Commissioner of Education

