

FLORIDA DEPARTMENT OF EDUCATION

# CHARTER SCHOOL APPEAL COMMISSION GUIDELINES

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FOR CHARTER SCHOOL APPLICATION  
DENIAL APPEALS

As Adopted by the

FLORIDA CHARTER SCHOOL APPEAL COMMISSION

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# CHARTER SCHOOL APPEAL COMMISSION GUIDELINES

## FOR CHARTER SCHOOL APPLICATION DENIAL APPEALS

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### INTRODUCTION

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Section 1002.33 (6)(d)(1), Florida Statutes states “A Charter Schools Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charters have been denied or whose contracts have not been renewed by their sponsors.”

The following document contains GUIDELINES, created by the Florida Department of Education, Office of Independent Education and Parental Choice, to assist the Charter School Appeal Commission conduct a fair and impartial review of appeals filed by applicants whose requests to be granted charters have been denied. These GUIDELINES will facilitate Members of the Appeal Commission to:

- **Review** objectively all written documents, including:
  - a. The Charter School Application filed with the District School Board
  - b. District staff studies and recommendations related to the Charter School Application
  - c. Written School Board Denial of the Charter Application
  - d. The Notice of Appeal and documentation submitted by the charter applicant
  - e. The documentation in support of its position submitted by the District School Board in response to the Appeal
  - f. Any other documentation filed in connection with the appeal
- **Effectively evaluate** all evidence presented in support of or in opposition to the decision of the District School Board to deny the application.
- **Reach a decision** as to what recommendation for action is to be sent forward to the State Board of Education based on available evidence

The GUIDELINES have been organized into 4 sections. They are:

1. Overview
2. Application Process and Review
3. Definitions and Purposes of Appeal Documents
4. Criteria for Review of Charter School Applications

## SECTION 1

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### OVERVIEW

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#### Charter School Application Denials

Charter schools in Florida are created via a contract executed between the operators of the Charter School and the School District in which the school is to be located. The first step in this process is the filing with the District by a potential operator of an application to be granted a charter. The application is in the nature of a proposal/business plan for the school. Upon receipt of the application the District is charged with reviewing the application and rendering a decision on whether or not to grant a charter. The decision to grant or not grant the charter is made by majority vote of the District School Board.

If a District School Board elects to deny an application it must supply the applicant with a written decision. Upon receipt of the written decision the applicant is granted by law the right of appeal to the State Board of Education. To assist the SBE in this task statute provides for a Charter School Appeal Commission. This commission, chaired by the Commissioner of Education or her/his designee is charged with reviewing the case and issuing a recommendation for action to SBE.

Once the Commission has forwarded its recommendation, the SBE, by majority vote, may elect either to sustain or overturn the District's action. State law declares that the decision of the SBE is a final action subject to judicial review, and that it is binding on the District unless a court of competent jurisdiction rules otherwise.

#### Legal Authority

##### **The following sections of the Florida Statutes govern the material presented in these Guidelines:**

##### Charter Schools Generally:

*s. 1002.33, F.S.* -- This section authorizes charter schools and covers all aspects of their creation and operations except Capital Outlay matters.

##### Charter School Capital Outlay:

*s. 1013.62, F.S.* -- This section authorizes the appropriation and distribution of capital outlay monies to charter schools and prescribes the permissible uses of such monies.

##### Charter School Application Process and Review:

*s. 1002.33 (6), F.S.* -- This section describes the application process, specifies certain items that must be present in each application, and grants applicants the right to appeal an adverse decision.

##### The Charter School Appeal Commission:

*s. 1002.33(6)(e)1, F.S.* -- This section creates the Appeal Commission. and specifies its role in the appeals process

##### State Board of Education:

s. 1002.33(6)(c), F.S. --This section describes the role of the State Board of Education in the appeals process, delineates the effect of its rulings and provides for judicial review of those rulings.

### Process

Ultimately it is the responsibility of the Charter School Appeal Commission to identify evidence in support of, and/or against, the objections raised by the District School Board in order to render a recommendation to the State Board of Education. To do so, the following process is recommended:

1. Review CHARTER SCHOOL APPLICATION and SCHOOL BOARD STAFF REPORTS using criterion guidelines in Section 4.
2. Review WRITTEN SCHOOL BOARD DENIAL to determine GOOD CAUSE as evidenced by CHARTER SCHOOL APPLICATION and/or Charter School Statute
3. Review Applicant/Appellant's NOTICE OF APPEAL in which Appellant must address EACH REASON for DENIAL in the WRITTEN SCHOOL BOARD DENIAL.
4. Review the Department of Education Staff Report and Analysis that is developed on each appeal from the filings of the parties.
5. Review District School Board's ARGUMENTS IN RESPONSE TO NOTICE OF APPEAL as Appellee refutes the evidence provided by the Appellant and reiterates the specific reasons for the Appellee's denial BASED UPON GOOD CAUSE.
6. Render a "...written recommendation to the SBE as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included" {s. 1002.33 (6)(d)(5), F.S.}. At a **minimum** the written recommendation **must** address the following three questions:
  - a. What were the grounds (reasons stated in the letter of denial) for the School Board's decision? **NOTE:** The grounds should be broken out separately.
  - b. Does the record contain competent and substantial evidence to support each of the grounds identified?
  - c. If there is sufficient evidence for an individual ground, is that ground a legally sufficient basis for denial?

### Recommendations

The Charter School Appeal Commission must ultimately either deny or accept the District School Board's decision not to approve the Applicant's charter school. However, the Commission may make additional recommendations to the State Board of Education along with its final decision to deny or accept, as follows:

1. The Charter School Appeal Commission may accept the District School Board's decision to deny, and may also make strong recommendations to the District School Board that they work with the applicant to resolve substantive charter issues for the following application cycle.

2. The Charter School Appeal Commission may deny the District School Board's decision not to approve, and may also make recommendations that the specific areas of district concern be worked out in the contract negotiations.

## **Section 2**

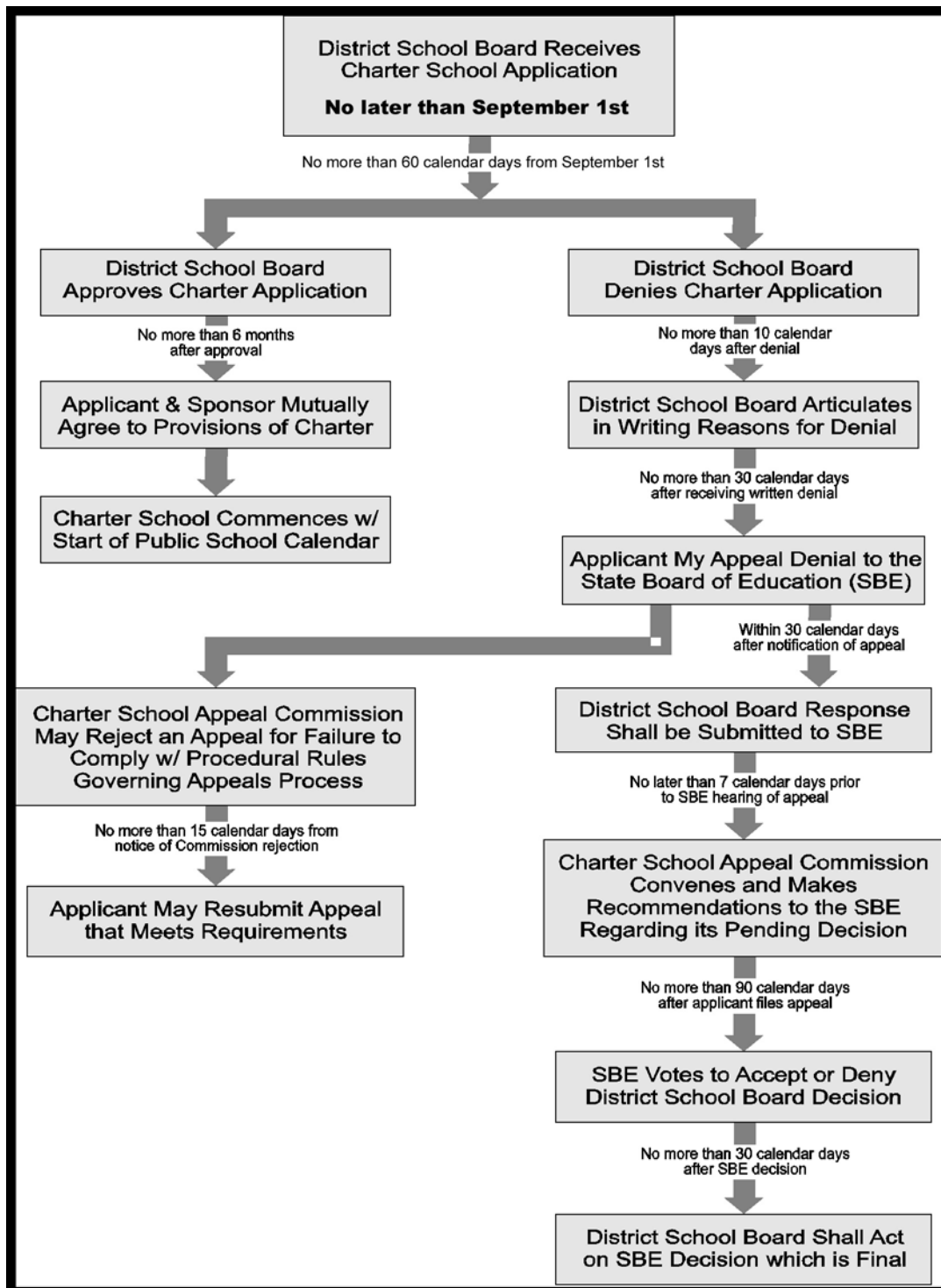
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### **APPLICATION PROCESS AND REVIEW**

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The following flow chart describes the Charter School Application Process and Review, including the appeal of a District School Board denial.

The Flow Chart reflects one substantive change. The time allowed between the filing of the Notice of appeal and SBE action has been changed from 60 days to 90 days. This increase in allowable time was passed by the 2003 Florida Legislature in HB 55A.



**SECTION 3****DEFINITIONS AND PURPOSES OF APPEALS DOCUMENTS**

<b>DOCUMENT</b>	<b>DEFINITION</b>	<b>PURPOSE</b>
Charter School Application	Proposal submitted to a District School Board from the applicant requesting approval for a charter school	A business plan outlining the proposed charter school. If approved serves as a blueprint for the charter contract
School Board Staff Reports	Written review / analysis of the charter school application prepared by the District School Board staff	Provides the analytical foundation from which district superintendents make recommendations to District School Boards as to whether to approve or deny a given charter application.
Written School Board Denial of Charter Application	Written articulation of the reasons the District School Board elected to deny the Charter School Application	Provides the applicant, the Charter School Appeal Commission, and the State Board of Education the specific reasons for the denial
Notice of Appeal	An unsuccessful Charter School Applicant's formal request that the State Board of Education reverse the decision of the District School Board. The Notice must contain the applicant's arguments against the District School Board denial	Refutes the District School Board's written decision denying the charter application
Arguments in Response to Notice of Appeal	The District School Board's written response to the applicant's Notice of Appeal	Refutes the arguments advanced by the applicant while reiterating the District School Board's reasons for denial.

## SECTION 4

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### CRITERIA FOR REVIEW OF CHARTER SCHOOL APPLICATIONS

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The Florida Department of Education, Office of Independent Education and Parental Choice has provided a “Florida Charter Schools Standard Application Format” which potential applicants may access on line or by mail. The following is an outline of the application. To provide guidelines for reviewing charter applications, suggested decision benchmarks has been added to each section. The basis for criteria selection has been: Florida Charter School law, Florida Charter School Application Format, and Best Practices used by chartering agencies around the United States.

It should be noted that no two application denial appeals are identical, and that the issues before the Commission and the SBE may or may not relate to all sections of this document. Further, aside from the specifically required items state law mandates be present in all charter applications the items contained in the Standard Application may or may not be used by all School Districts. The required items appear in the following marked by a \*\*.

This document then is designed to give the members of the Appeals Commission and the SBE guidance on issues they may be faced with addressing that can be reasonably anticipated in advance.

### ACADEMIC DESIGN

#### Guiding Principles, Purpose, & Mission:

- A. The application should describe the core philosophy or underlying purpose of the proposed school.
- \*\*B. The application **must** describe how the school will utilize the Guiding Principles found in s. 1002.33(2) (a), F.S..

The Guiding Principles are:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the State’s public school system.
2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.
3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year’s worth of learning for every year spent in the charter school.



- \*\*C.** The application ***must*** describe how the school will meet the Prescribed Purposes of a charter school found in s.1002.33 (2)(b), F.S..

The Prescribed Purposes are:

1. Improve student learning and academic achievement.
2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
3. Create new professional opportunities for teachers, including ownership of the learning program at the school site.
4. Encourage the use of innovative learning methods.
5. Require the measurement of learning outcomes.

- D.** The application may describe how the charter school will fulfill the Optional Purposes of charter schools found in s. 1002.33(2)(c), F.S..

The Optional Purposes are:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
3. Expand the capacity of the public school system.

- E.** The application should describe the target student population to be served, including student ages and grade levels at the school. If applicable, it should define any target populations permitted in section 1002.33 (10) (d), F.S.

**Suggested Decision Benchmarks:**

1. Does the mission statement define the nature and purpose of the school and is it based on a philosophy of education or a theory about teaching and learning?
2. Does the school's mission provide the foundation for the entire charter application? Is the mission statement clear, focused, free of jargon, and consistent with high academic standards and student success?
3. Does the stated purpose of the school adequately inform the public about who the charter school intends to reach and how the charter school seeks to make a difference in public education and in its community?
4. Is the mission statement reflected throughout all sections of the application?
5. Does the application adequately address the required integration of the Guiding Principles?

6. Does the application speak clearly to the purposes Charter Schools are required to fulfill?
7. If the optional purposes are addressed are they consistent with the mission of the school?
8. Is there a clearly articulated vision for an innovative public school that will lead to improved educational outcomes?
9. Are there clear indicators that the proposed educational program will aid in accomplishing the mission of the charter school?

**Educational Program:**

- \*\*A.** The application must describe the educational program of the school and provide an overview of curriculum objectives and content of the main subject areas. The curriculum plan must be detailed and must clearly illustrate how students will be provided the educational services necessary for them to meet the Sunshine State Standards.
  
- \*\*B.** The application must describe the school's reading curriculum. Reading is a critical portion of Florida's education system and the law requires it be a "primary focus" of all school curricula. All charter applications must contain a curriculum and strategy set for students reading at grade level or higher and a separate curriculum and strategy set for students who are reading below grade level. In addition any reading curriculum proposed for use by the school must be consistent with effective teaching strategies and must be grounded in scientifically based reading research.
  
- \*\*C.** The application must contain the Goals and Objectives to be used for improving student learning. These Goals and Objectives must indicate how much academic improvement students are expected to show each year, including information on the specific results to be obtained through instruction that ensures each child is receiving a year's worth of learning for each year spent in school.
  
- D.** The application should briefly outline the instructional methods to be used, including any distinctive instructional techniques to be employed. Information should also be provided on how this pedagogy will enhance student learning.
  
- E.** The application should describe how the school will meet the needs of Exceptional Education students.
  
- F.** The application should describe how the school will meet the needs of limited English proficient students.

**Suggested Decision Benchmarks:**

1. Are the innovative teaching methods and curriculum approaches based on high academic standards
2. Is the overview of curriculum substantive and clear?
3. Is the proposed educational program coherent? Is it founded on an understanding of research-based educational theories (particularly in reading), teaching methods, core academic subjects and curricular sources?
4. Is there consistency between the mission, curriculum, and student population to be served?
5. Is the proposed educational program in compliance with applicable regulations designed to meet the needs of limited English proficient and special needs students?
6. Is there a detailed description of the school's curriculum highlighting the Goals and Objectives to be used to ensure each child receives a year's worth of learning for each year spent in school?
7. Is there information on the differentiated reading curricula required by law?

***Please Note:*** Sponsors are required to deny a charter if the school proposes a reading curriculum that is not consistent with effective teaching strategies that are grounded in scientifically based reading research.

8. Is there identification of appropriate technologies needed to improve educational and administrative performance; including a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards?

**Student Assessment:**

- \*\*A. The application must describe what Goals and Objectives will be used to measure student improvement, together with information on how student success in meeting the Goals and Objectives will be measured.
- B. The application should describe your plan to assess student performance in the core academic areas, including a plan to obtain student performance data for each of the students coming from the district school system. This should include the current baseline standard of achievement, the outcomes to be achieved and the method(s) of measurement to be used.
- C. The application should describe the methods to be used in identifying the educational strengths and needs of students and the extent to which educational goals and performance standards are being met.

- D. To the extent possible, the application should describe how students' rates of academic progress will be evaluated and compared with the rates of progress of comparable student populations.
- E. The application should describe how students will, at a minimum, participate in the statewide assessment program.
- F. If the application is for a secondary charter school it should describe the method for determining that a student has satisfied the requirements for graduation in section 1003.43, F.S.

**Suggested Decision Benchmarks:**

1. Is there a commitment to high academic standards, which are linked to the school's mission?
2. Is there a commitment to aligning the Florida Sunshine State Standards with school's curriculum?
3. Is there an explanation of well-developed and varied diagnostic, formative and summative assessment mechanisms for all students, including alternate assessments for Exceptional Education students?
4. Does the application demonstrate understanding of state assessment requirements, academic achievement requirements, and graduation requirements?
5. Is there evidence of a well-developed methodology for ensuring accountability to stakeholders?
6. Are there well-developed assessment mechanisms that relate directly to the stated Goals and Objectives?

**GOVERNANCE & MANAGEMENT**

**Profile of the application group and management team:**

- A. The application should describe the group submitting this application and other management team members including each person's or entity's name, background, professional or other relevant experience, and references.
- B. The application should provide information on which members of the founding group will continue as members of the governing board, or serve as operating officers, once the school is in operation.
- C. The application should describe the relationship between the members of the governing board and the operational officers including information on any overlapping memberships

and/or authority that may be held by individuals in these two classes.

- D. The application should detail the relevant expertise of retained consultants or professionals (e.g. accounting, finance, educational management services, risk management, human resources).
- E. The application should identify any management or professional expertise that must be acquired and how that task will be achieved.
- E. The application should discuss any business arrangements or partnerships with existing schools, educational programs, businesses, or non-profit organizations.

**Suggested Decision Benchmarks:**

1. Is the founding group well-balanced? Does it bring together people with a range of professional skills capable of the organizational, financial, pedagogical, legal, and other tasks required to open a functioning public school?
2. Is the founding group representative of the school's locale?
3. Is there evidence of continuity between the founding group and the eventual members of the governing board and operating officers of the school?
4. Are the résumés of key management personnel present, and are permissions given to perform financial background checks on them?
5. Is there evidence presented relating to the financial standing and business experience of members of the founding group?

**School Governance:**

- A. The application should describe the legal entity that will organize and/or operate the school.
- B. The application should outline the school's governance and management structure. This should include clearly delineated information on responsibilities, policies, and practices needed to effectively manage the school.
- C. The application should state if the school plans to be a public or private employer. Also, information on whether the school will seek to participate in the Florida Retirement Program.
- D. The application should specify how the school's governing board will be selected both initially and in the future.
- E. The application should describe the governing board's roles and responsibilities including how it will exercise continuing oversight over school operations.

- F. The application should propose a method for resolving disputes between the charter school and its sponsor.
- G. Information should be provided describing anticipated parental involvement including:
  - Input, comment, and/or participation in the school's operations or governance.
  - Lines of communication between the school's governing board or management team and parents.
  - The methods for handling disputes between parents and the school.
- H. The application should be clear relative to how the school plans to comply with Florida statutes relating to public records and public meetings.

**Suggested Decision Benchmarks:**

1. Is there evidence of a stable, effective, and comprehensive governance model that is consistent with school's mission?
2. Are there clearly defined roles and responsibilities of the board and its interaction with staff?
3. Are there clear processes for policy development and a strong plan for ongoing Board development?
4. Are there present mechanisms for teacher and parent input in school decision-making?
5. Is there evidence that the school leader will be able to provide high quality leadership for the new school and that the Board has established clear criteria for the selection of a leader?
6. Does the application reflect knowledge of and a willingness to comply with Florida public information and government in the sunshine laws?

**Length of Charter and Implementation Timetable:**

- A. Does the application state the requested charter term? If the applicant is requesting an initial charter term exceeding 5-years, does the application outline reasons supporting that request?
- B. The application should contain a timetable for the school's start-up.

**Suggested Decision Benchmarks:**

1. Does the application reflect a thoughtful and realistic implementation strategy that covers major operational items and that provides flexibility for addressing unanticipated events?
2. Is there an action plan that is specific and consistent with the school's mission and objectives?

**Recruiting & Marketing Plan:**

- A. The application should demonstrate how the school will publicize itself in order to attract a sufficient pool of applicants.
- B. Information should be provided regarding what steps will be taken to reach students that are representative of the racial and socioeconomic diversity in the community, including "harder to reach" families.

**Suggested Decision Benchmarks:**

1. Is the proposed enrollment and growth of school sensible and is it consistent with the school's mission and educational program?
2. Is there a solid plan to attract students?
3. Are the recruitment and retention strategies outlined in the application aggressive, nondiscriminatory and do they seem adequate to attract a broad array of students within the school's target population?
4. Does the application contain a plan for a workable effort to publicize the school to a broad audience in order to foster enrollment of a student body that is representative of the local community?
5. Does the recruitment strategy in the application seek to ensure a match between the school's educational program and the potential students' educational and personal needs?

**FINANCE, FACILITIES & RISK MANAGEMENT**

**Facilities:**

- A. The application should describe the facilities to be used and their location, or a detailed plan regarding locating and securing facilities.
- B. The application should contain clear information on any proposed site including information on its suitability for the school. Also, there should be a discussion of any plans to renovate or otherwise bring a possible facility into compliance with all applicable state and local codes.
- C. If applicable, the application should discuss any progress, partnership developments, or other future steps towards the acquisition of a facility.
- D. The application should clearly describe any financing or leasing plans for facilities.

**Suggested Decision Benchmarks:**

- 1. Does the application include a presentation of possible options for securing an adequate school facility?
- 2. Are the financing options/proposals sound?

**Finance:**

- \*\*A.** The application must contain an annual financial plan for each year requested by the charter for operation of the school up to a maximum of 5 years. Each annual plan must contain:
  - 1. Anticipated fund balances based on revenue projections that take into account all expected sources and amounts of income including income derived from projected student enrollments and from community support.
  - 2. A spending plan based on projected revenues and expenses. The expense projection must include a full accounting of the costs of operation, including start-up costs.
  - 3. A description of what controls will be employed to safeguard finances should match enrollment projections.
- B. The application should describe the financial management and internal accounting procedures to be used by the school.
- C. The application should present the format in which accounting records shall be maintained.



- D. The application should discuss the projected enrollments that are needed to generate sufficient funds to support planned expenditures.
- E. The application should explain the plans for obtaining an annual audit of financial statements from an independent certified public account firm.
- F. The application should describe how the school plans to address the storage and security of student and financial records.
- G. The application should discuss the format and frequency of financial reporting to its sponsor.

**Suggested Decision Benchmarks:**

1. Is the budget consistent with all parts of the proposal?
2. Does the budget demonstrate a knowledge and understanding of the practical matters that attend the operation of a school?
3. Is the projected revenue realistic and is it adequate for fiscal viability of the school?
4. Is there a fiscal management and accountability system that is appropriate, efficient and that follows generally accepted accounting principles?
5. Does the application reflect sound financial planning, including:
  - A historical Balance Sheet and P & L Statement (if applicable)
  - A projected Balance Sheet and P & L Statement
  - Information on historical Cash Flow (if applicable)
  - Information on projected Cash Flow
  - Details of Debts & Lease obligations/terms
  - Data on Contingent Liability
  - A discussion of short term and long term fiscal viability of the school

**Risk Management:**

- A. The application should describe what procedures will be used to identify various risks and it should provide information on what approaches will be utilized to reduce the impact of losses.

- B. The application should discuss what plans the school has to ensure the safety and security of students and staff.
- C. The application should describe any plans to identify, minimize and protect others from violent or disruptive student behavior.
- D. The application should describe the school's insurance coverage plans, including applicable health, worker's compensation, general liability, property insurance and directors and officers' liability coverage.
- E. The application should detail emergency plans to include those for fires, hurricanes, tornadoes, building evacuation, and threats to child safety.

**Suggested Decision Benchmarks:**

- 1. Are there adequate plans in place to minimize risks for all parties?
- 2. Is there evidence of adequate insurance coverage?

**Admissions & Registration Plan:**

- A. The application should describe the admissions procedures to be used. If students are articulating from one charter school to another there should be a description of the articulation process.
- B. The application should describe the timetable to be used for registering & admitting students, including what plans exist for an admission lottery if the number of applicants exceeds the program capacity.
- C. The application should describe the ways in which the school will endeavor to achieve a racial/ethnic balance reflective of the community it serves.
- D. In the case of an existing school being converted to charter status, the application should outline what alternative arrangements will be put into place to meet the needs of current students who choose not to attend the charter school.

**Suggested Decision Benchmarks:**

1. Is the admissions and registration plan consistent with the mission of the school?
2. Is the admission plan non-discriminatory?
3. Is there a timely and realistic procedure for admitting students?
4. Is there a process for dismissing students that reflects an understanding that only the District School Board is responsible for providing students with due process for expulsions?
5. Are the admissions and registration plans in compliance with charter school law?
6. If the application is for a conversion school is there a clear plan for alternative placements for current students who choose not to attend the charter school?
7. Are the eligibility standards for students consistent with applicable law?

**Class Size Requirements**

The application should describe the methods the school will use to ensure compliance with Florida's constitutional class size provisions. This voter approved constitutional provision has been placed in law by the Florida Legislature during 2003 via SB30A: "The Quality Education Act" which establishes limits on the number of students in core curriculum classes by grade level. The standards of compliance begin in the 2003-2004 school year, and grow progressively stricter through the 2010-2011 school years when the amendment will be in full force and effect.

**Suggested Decision Benchmarks:**

Is the class size compliance information reflective of a workable plan that is tied to enrollment projections that will allow the school to meet its constitutional class size obligations while remaining financially viable?

**Student Code of Conduct, Discipline & Dismissal Procedures:**

- A. The application should describe the Code of Conduct to be implemented in the charter school.
- B. The application should describe the discipline and dismissal procedures to be implemented.
- C. The application should describe what plans will be put into place to ensure the safety and security of students and staff, as well as information on plans to identify, minimize, and protect others from violent or disruptive student behavior.

**Suggested Decision Benchmark:**

Is there evidence that the Code of Conduct created by the charter school, or adopted from the District School Board, is consistent with school's mission and program and does it adequately outline the charter school's commitment to safety for all its community members

**Human Resource Information:**

- A. The application should describe the standards and potential strategies that will be used to recruit, hire, train, and retain qualified staff.
- B. The application should describe the human resource plan that will govern salaries, contracts, hiring & dismissal, and benefits.
- C. The application should describe how the qualifications of the teachers will be communicated to parents considering the charter school for their children, as is required in the charter school law.
- D. Information should be presented on the targeted staff size, staffing plans, and projected student-to-teacher ratio.

**Suggested Decision Benchmarks:**

1. Is there a strong staffing plan, clear hiring criteria, evaluation procedures and a workable professional development plan?
2. Does the human resources plan make provision for high professional standards which are consistent with school's mission and educational program?
3. Will the planned staffing patterns that will contribute to the achievement of the school's goals?
4. Are the working conditions and compensations packages such that they will attract and work to retain high quality staff?
5. Are there provisions in the human resources plan to fully comply with labor laws, fingerprinting and background checks?
6. Does the application reflect a clear commitment to professional development and training of staff?

**Transportation:**

- A. The application should discuss the plans for transporting students to and from school including what arrangements, if any, will be made with the local School District, private providers, or parents.
- B. Since charter schools are responsible for providing transportation for students residing within a "reasonable distance" of the charter school the application should delineate how a "reasonable distance" been defined. This should include information concerning what factors helped form the basis for the distance determination.
- C. The application should describe the policies designed to help ensure that transportation is not a barrier to equal access for all students.
- D. If the School District is under court-ordered desegregation, the application should describe how that has been taken into account in the transportation plan.

**Suggested Decision Benchmark:**

Is the transportation plan a workable, fair, non-discriminatory and cost-effective arrangement for safely transporting students to and from school, and is it in keeping with the law?