

Bill No. CS for SB 1972

Amendment No. 3 Barcode 752576

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Appropriations recommended the following amendment:

Senate Amendment

On page 9, line 3 through page 10, line 14, delete those lines

and insert:

(b) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the school board shall be submitted to the state board within 30 calendar days after notification of the appeal. The state board must by majority vote accept or reject the decision of the district school board no later than 60 calendar days after an appeal is filed in accordance with state board rule. The state board may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection

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1 shall describe the submission errors. The appellant may have
2 up to 15 calendar days from notice of rejection to resubmit an
3 appeal that meets requirements of rule. An application for
4 appeal submitted subsequent to such rejection shall be
5 considered timely if the original appeal was filed within 30
6 calendar days after receipt of the specific reasons for the
7 school board's denial of the charter application ~~the school~~
8 ~~board denial~~. The state board shall remand the application to
9 the district school board with its written recommendation that
10 the district board approve or deny the application consistent
11 with the state board's decision. The decision of the State
12 Board of Education is not subject to the provisions of the
13 Administrative Procedure Act, chapter 120.

14 (c) The district school board must act upon the
15 recommendation of the State Board of Education within 30
16 calendar days after it is received. The district board may
17 fail to act in accordance with the recommendation of the state
18 board only for good cause. Good cause for failing to act in
19 accordance with the state board's recommendation arises only
20 if the district school board determines by competent
21 substantial evidence that approving the state board's
22 recommendation would be contrary to law or contrary to the
23 best interests of the pupils or the community. The district
24 school board must articulate in written findings the specific
25 reasons based upon good cause supporting its failure to act in
26 accordance with the state board's recommendation. The district
27 board's action on the state board's recommendation is a final
28 action subject to judicial review.

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