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STATE OF FLORIDA
DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEAL COMMISSION HEARING

PALM BEACH COLLEGIATE CHARTER SCHOOL
VS.
SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

LOCATION: 325 W. GAINES STREET
CONFERENCE ROOM 1721/25
TALLAHASSEE, FLORIDA

DATE: WEDNESDAY, FEBRUARY 24, 2016
COMMENCED: 11:25 A.M.

TRANSCRIBED BY:

MICHELLE SUBIA
REGISTER PROFESSIONAL REPORTER

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1 MEMBERS PRESENT:

2 LOIS TEPPER, CHAIR

3 JENNA HODGES

4 CATHY BRUBAKER

5 SONIA ESPOSITO

6 OSVALDO GARCIA

7

8 OTHER PARTICIPANTS:

9 DAVID L. JORDAN

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1 P R O C E E D I N G S

2 CHAIR TEPPER: We're ready to begin. This is
3 the Charter School Appeal Commission. The third
4 appeal is Palm Beach Collegiate Charter School
5 versus the School Board of Palm Beach County.

6 As before, I'll give each side ten minutes to
7 tell me the overall story. We'll start with the
8 Charter School and then go to the District. Then
9 we'll go through the issues one by one. There's
10 three minutes for each side on an overview and
11 then answer any questions the Commission may have.

12 I don't know if you came in in time to hear
13 me say this morning, the Commission Members get
14 all the materials you and the District submit.
15 They go through those materials and tab them and
16 have all of their questions ready, if they have
17 any. If they don't have a question, it just means
18 that their questions have been answered in the
19 materials that we have.

20 Okay. So the Charter School has ten minutes.
21 And if you'll introduce yourself the first time,
22 that will help.

23 MS. PINCUS: I would like to make a
24 preliminary motion before we start.

25 CHAIR TEPPER: Go ahead.

1 MS. PINCUS: We received the motion sheets
2 and were given until Friday to state our
3 objection. We've not received a formal response,
4 but I'm assuming, based on the fact that the
5 motion sheet is the same as was previously sent,
6 our objection has been denied. I would like to
7 state it for the record, however.

8 As you're aware, the Charter School Appeals
9 Commission is charged today with making a
10 recommendation to the State Board of Education
11 pursuant to Florida Statute 1002.33(6)(e)5. This
12 Commission is statutorily required to include the
13 reasons for the recommendation and a fact-finding
14 justification for the recommendation.

15 With the issues framed as whole parts rather
16 than individual areas of deficiency, your vote
17 today will not adequately identify whether each of
18 the eight sections that we found deficient were or
19 were not supported by substantial competent
20 evidence. Without this information, there is
21 insufficient information provided to the State
22 Board of Education and in turn insufficient
23 information for the School Board to exercise its
24 appeal rights, should it be necessary.

25 The motion sheet as drafted also completely

1 omits language from the Charter Model Application,
2 as well as School Board Policy 2.57, which
3 contains relevant and valid criteria. Finally,
4 the motion sheet completely ignores its
5 constitutional -- the School District's
6 constitutional objection even though it is clearly
7 outlined in the written argument submitted. At a
8 minimum, we respectfully ask this Commission to
9 acknowledge this issue in its written
10 recommendation to the State Board of Education and
11 provide an explanation as to why it will not be
12 making a recommendation on this issue. Thank you.

13 CHAIR TEPPER: Thank you. And I will state
14 for the record that the Charter School did have an
15 opportunity to respond and their response was that
16 they had no objection to the motion sheet.

17 DR. BALLIRAM: Yes.

18 CHAIR TEPPER: And we will go with the motion
19 sheet as it was originally submitted with the
20 three issues and the subissues that were outlined
21 in the letter of denial.

22 MS. PINCUS: Thank you.

23 CHAIR TEPPER: So to the school, you have ten
24 minutes to tell us the story of your Charter
25 School.

1 DR. BALLIRAM: My name is Dr. Deokee
2 Balliram. I'm the Applicant of Palm Beach
3 Collegiate Charter School.

4 I did apply for this Charter School last year
5 and I got denied based on three sections, one of
6 which was did not meet the standards. That was
7 the budget. And the other two sections that
8 partially met were Section 4 and Section 15.

9 I was advised by the Director of Charter
10 Schools that this application was going for denial
11 or I can withdraw it and reapply this year with
12 corrections. I went with the second option, I
13 withdrew the application and I corrected those
14 sections and I reapplied.

15 When I got the response from the Charter
16 School based on the corrections I did, I found out
17 that four sections that met the standards last
18 year did not meet the standards this year. And
19 three of the four sections that it was partial
20 this year had met the standards previously. And
21 based on that, I believe that if they are using
22 the same application and reading the same section
23 for the same content that I had there and coming
24 up with different results, then there is some
25 inconsistency in the evaluators at the District

1 level because if there are no changes, I was
2 hoping that there would be no changes. And that's
3 how I consider this is a reliable section and it
4 was valid. But I was surprised to see this many
5 sections did not.

6 I had the opportunity to look at the issues
7 that you sent me and I noticed that there were
8 three issues consisting of eight topics and 27
9 subtopics. I went through my application page by
10 page and I found each one of those issues and I
11 addressed those issues. I have compiled the
12 response to every one of those issues and I can
13 point out where in the application, which page
14 that issue is located.

15 And you said that you read it, and I'm pretty
16 sure you did, I know you have all that information
17 there, so it's just a matter of making references
18 to it.

19 With that said, I'm not going to go into the
20 sections unless you request that. But if you ask
21 me now to clarify the compelling mission
22 statement, I can say, yes, that is located on
23 page eight and the values are on page nine. And
24 if I have to go into the application and read
25 that, I am willing to do that also.

1 CHAIR TEPPER: It's up to you how you use
2 your time.

3 DR. BALLIRAM: Okay. Issue Number One asked
4 if I had a compelling mission statement. Yes, I
5 do have a compelling mission statement. It
6 defines the purpose and values of the school. It
7 creates opportunities for parents and for their
8 children who are looking for an alternative to the
9 regular public school system.

10 Because the purpose and the values that are
11 embedded in the mission statements, parents and
12 students will be motivated and attracted to this
13 Charter School. That compelling statement would
14 voluntarily force the students to come to this
15 school because this is the only school in Palm
16 Beach County that is offering our career program,
17 our Choice Program.

18 There are 39 Choice Programs in the state
19 DOE. Of those, one hundred and forty something
20 are offered in the school (inaudible), but none is
21 offering this Choice Program so, yes, the parents
22 do have a choice. If they want another choice,
23 then obviously there are other schools. But if
24 they are looking for this choice, it could not be
25 found anywhere except at this school. The

1 priorities are listed on page eight and nine. The
2 other issue was the target population and the
3 student body. You wanted to know if I have an
4 understanding of the students the Charter School
5 intends to serve. Yes, we do have an
6 understanding of that population. The Charter
7 School is designed for eighth grade to 12th grade.

8 The students that I'm targeting are from
9 program 102, which is basic eighth grade students,
10 program 112, basic eighth grade students with ESE
11 services, and similarly for the other grade
12 levels. I have that here if you need further
13 clarification for the sake of time.

14 Is the educational program clear and
15 coherent? Yes, it is. It is clear in the sense
16 that it has an academic component and it has a
17 career component. The academic component is on
18 page 21 and 39 to 44 of the application describing
19 at this grade level what courses are going to be
20 offered. And on page 44 it has the career program
21 and which of the subsections of the career
22 programs students will be able to select by grade
23 level.

24 You asked if it is research based. Yes, it
25 is research based. All of the courses that's I'm

1 going to be using that are on the Florida DOE
2 website are research based courses or I know you
3 would not put them there. I'm using the Reading
4 Plus Program. I already have a code for the cost
5 of that. That program is research based. It's on
6 page 44. That research was done by Rachel Pasure
7 (phonetic) and (inaudible.) I'm using the FCI
8 model, that is also research based, it's on
9 page 25. I'm using an eight-step instructional
10 process, which is on pages 25 and 26. Instruction
11 strategies are research based. That research is
12 stated on page 26. Supported learning is research
13 based, it's on page 27. And strategy supported
14 teaching is on page 27 of the application also.

15 You wanted to know if this mission statement
16 aligns with the needs of the target population.
17 Yes. The mission statement said I'm going to
18 serve eighth grade to 12th grade. The educational
19 program specifies those grade levels and the
20 programs that will be used. You wanted to know if
21 it is clear and coherent framework for teaching
22 and learning. Yes. And it has the academic
23 component very clearly stated on page 32 and so
24 does the career component. Is it research based?
25 Yes, the research is listed on pages 32 to 36 and

1 page 44.

2 Is it consistent with the school's mission,
3 educational philosophy and instructional approach?
4 Yes. That's on page 27 and 28. The instructional
5 approach is data driven instruction, page 65. The
6 rotational model, page 65. And I have Access
7 Points for students that have learning
8 disabilities, that's listed on page 67.

9 Will this enable students to attain the
10 Sunshine State Common Core Standards and probably
11 the Florida Standards now? Yes, on page 28,
12 page 39 to 44. On page 35, I have goals for
13 struggling readers, intervention based. Research
14 for ineffective intervention is on page 35 and 36.
15 I do have the response to intervention and I have
16 the grade level promotions, which was also asked.

17 The grade level promotions is going to be
18 coming from the School District's progression
19 plan, which Mr. Pegg advised me to stick closely
20 to because that has everything in it. This was
21 during our meeting before this Charter School.

22 Are these goals measurable? Yes, they are,
23 on pages 79, measurable educational goals as
24 stated, and the education objectives for high
25 standards are also stated on page 79. Promotion

1 standards, that's about the school's progression
2 plan, which I have permission from Mr. Pegg to
3 use.

4 Is there evidence that a range of valid and
5 reliable assessments will be used? Yes. In the
6 application, page 91 it says that we will be using
7 teacher made assessments at the school level. We
8 said we'll be using all of the required
9 assessments that the District requires us to make
10 at the District level. If the state has any
11 requirements like the EOC and any other courses,
12 we will be using those also. And at the national
13 level, we will be testing students on the ACT,
14 SAT, the PERT and probably the ASVAB testing for
15 the military.

16 CHAIR TEPPER: Your time is up.

17 DR. BALLIRAM: Thank you.

18 CHAIR TEPPER: For the District, you have ten
19 minutes.

20 MS. PINCUS: Good morning. My name is Laura
21 Pincus, and I have the privilege of representing
22 the School Board of Palm Beach County here this
23 morning. Today with me are my colleagues, Denise
24 Sagerholm, who is the Assistant General Counsel,
25 and Sean Fahey, who is an associate attorney with

1 our office, as well as Jim Pegg, who is the
2 Director of Charter Schools.

3 Palm Beach County is home to 50 Charter
4 Schools currently operating, with another six that
5 are scheduled to open in August. The latest
6 application submitted by the Ballirams is
7 deficient in so many ways and presents a textbook
8 example of no matter how well intentioned, not
9 every individual is capable of running a Charter
10 School. This is the Ballirams' third try in Palm
11 Beach County, in addition to one in Broward over
12 the last five years, yet they still don't have it
13 right.

14 The standard for the Commission today is
15 whether the School Board of Palm Beach County had
16 competent substantial evidence that is good cause
17 to deny the Charter application. The School Board
18 needed only one reason in a deficient section in
19 the application to constitute good cause and
20 support its decision to deny the application.
21 Clearly the overwhelming deficiencies found in the
22 total of eight sections of the application
23 submitted constitutes good cause for the School
24 Board's denial. Taken as a whole, it becomes
25 crystal clear that the Applicant is wholly

1 unprepared and unqualified to operate a Charter
2 School.

3 One very concerning example is the
4 Applicant's response to a concern about the
5 inherent challenges of operating a school that has
6 both eighth grade and high school. The Applicant
7 responded, but that's what we are here for, to
8 face challenges and overcome them. This very
9 response demonstrates the overall attitude and
10 lack of detailed planning that must go in to
11 operating a successful Charter School.

12 As one delves into each of the eight
13 deficient sections, it is easy to see that any one
14 of the Applicant's deficiencies constitutes good
15 cause for this School Board's denial. In a
16 nutshell, Palm Beach Collegiate has no viable
17 Education, Organization or Business Plan and
18 therefore the School Board had competent
19 substantial evidence to deny the application.

20 In appearing before the Commission today, the
21 School Board does not waive its right to challenge
22 the constitutionality of the Charter School
23 Statute.

24 The Charter appeal process deprives School
25 Boards of due process. It exceeds the State

1 Board's constitutional authority and infringes
2 upon local School Board's power to establish,
3 authorize and operate public schools pursuant to
4 Article 9, Section 4(b) of the Florida
5 Constitution.

6 And I will be prepared to address each issue
7 in turn as it comes up. Thank you.

8 CHAIR TEPPER: Thank you.

9 So that brings us to Issue One, which is
10 whether the Applicant's Educational Plan failed to
11 meet any of the following standards: Mission,
12 guiding principles and purpose; target population
13 and student body; educational program design;
14 curriculum plan; and student performance,
15 assessment and evaluation.

16 Dr. Balliram, you have three minutes just to
17 talk about that section and then we'll have
18 questions after the District responds.

19 DR. BALLIRAM: Not only do I know, do I
20 believe, but I know that this application have met
21 all those standards because this application met
22 those standards last year. They have not been
23 changed, they have just been read over to see if
24 anything was wrong. So, yes, we do have those
25 standards in our application.

1 To imply that I do not have knowledge also
2 about this application or the education system, I
3 do have a Doctorate in education and leadership.
4 I do have a specialist degree in education and
5 leadership. I have a Master's degree in ESOL. I
6 have a reading certification. I have ESOL
7 endorsement. I have ESE endorsement. I have math
8 certification in high school. I have worked as an
9 administrator in the Charter School where I was
10 responsible for testing as one of my duties. I
11 honestly believe that I am qualified to run a
12 Charter School, contrary to the views and opinions
13 of the School Board.

14 CHAIR TEPPER: Thank you.

15 And for the District.

16 MS. PINCUS: First I would like to point out
17 that last year's application is not at issue. It
18 was withdraw, it was not appealed. This
19 Commission never heard about the application nor
20 did the State Board of Education and it is not
21 before the Commission today.

22 The Education Plan as presented in the
23 application is flawed for several reasons. In
24 fact, the application amounts to no more than an
25 overly abstract and insufficiently detailed

1 vision. The School Board of Palm Beach County is
2 committed to ensuring its Charter Schools comply
3 with the statutory guiding principles, including
4 meeting high standards of student achievement
5 while providing parents' flexibility to choose
6 among diverse educational opportunities.

7 The School Board is equally committed to
8 ensuring its Charter Schools meet the prescribed
9 purpose, including the encouragement of innovative
10 learning methods. To that end, School Board
11 Policy 2.57 was amended actually since last year's
12 application. It was amended. And within the
13 policy, it actually goes on to define innovation.
14 It actually states that the School Board defines
15 innovative as introducing or using new ideas or
16 methods or having new ideas about how learning
17 methods can be performed in this School District.

18 Being innovative is about looking beyond what
19 is currently done well, identifying the great
20 ideas of yesterday and/or tomorrow and putting
21 them into practice. True innovative learning
22 methods are those products, processes, strategies
23 and approaches that improve significantly upon the
24 status quo within this geographical area of the
25 School District and results in high-end qualities

1 of outcomes of teaching and learning.

2 In this case, Palm Beach Collegiate's overly
3 vague description of an eight through 12 school
4 offering includes some interesting buzzwords such
5 as agriculture, food and natural resources, mixed
6 in with career technical education, science
7 technology, engineering and math. It's almost as
8 we picked certain terms that sounds really good,
9 put them in an application to see if they fly.

10 However, there's no information on how these
11 programs would interconnect or how they would be
12 implemented. In other words, there's no
13 information on how these programs would be
14 implemented or how they would positively impact
15 student achievement, which is required in an
16 application. There is simply no sufficient
17 details whatsoever that would explain this
18 program's true instructional focus or how it is in
19 any way innovative.

20 Absent a clear, coherent educational design
21 that is based on effective research based
22 practices that align with the school's mission and
23 will lead to improve student performance, the
24 School Board had good cause to deny the
25 application.

1 There are other rationale within this same
2 section. We had to condense based on the motion
3 sheet. I ask for sufficient time to address the
4 other areas of deficiency with the Educational
5 Plan.

6 CHAIR TEPPER: We'll move on to questions.

7 MS. PINCUS: Okay.

8 CHAIR TEPPER: So do we have questions from
9 Commission Members on Issue One, the Educational
10 Plan?

11 MS. ESPOSITO: I have a question for the
12 school.

13 CHAIR TEPPER: Okay.

14 MS. ESPOSITO: Can you describe to me how the
15 school -- because I'm trying to vision this -- is
16 going to deliver instruction in the different
17 programs of STEM -- I think we have STEM,
18 agriculture, food and natural resources within a
19 four-day schedule -- and still provide assistance
20 for the low level reading, MTSS, ESOL students and
21 ESE? I know there's a lot in there, but if you
22 can address it. I'm just trying to envision what
23 you're trying to explain.

24 DR. BALLIRAM: Okay. Several high schools do
25 have Choice Programs. I have the Choice Program I

1 selected. It's not buzzwords. It is specifically
2 stated in the DOE website. It is STEM, meaning
3 science, technology, engineering and math. There
4 are course selections there, a program I picked
5 specifically. It's the agriculture, food and
6 natural resources. There's a career pathway and
7 this is a career program.

8 This program consists of five subsections.
9 You have choice of which branch you want to go to.
10 And it clearly states here in ninth grade this is
11 your choice, you pick the foundation courses and
12 you decide which one of the branches you want to
13 go to. Do you want to go to agriculture? Do you
14 want to go to forestry? Do you want to go to
15 natural resources? It's a choice for you to go to
16 which branch you want. And that is clearly stated
17 here. And every word that I use here are valid
18 words from the DOE website, they are not
19 buzzwords.

20 MS. ESPOSITO: Can I ask another question?

21 CHAIR TEPPER: Sure.

22 MS. ESPOSITO: Because I'm also intrigued
23 about you're going to serve eight to 12.

24 DR. BALLIRAM: Yes.

25 MS. ESPOSITO: So at what grade level are

1 they going to select their choice?

2 DR. BALLIRAM: The choice starts at nine.

3 MS. ESPOSITO: Okay. So what is going to be
4 your focus in the eighth grade?

5 DR. BALLIRAM: In the eighth grade, I do have
6 the eighth grade curriculum, the course. On
7 page 39, it tells you which math courses they are
8 going to do, which language arts courses, it's all
9 here in detail. It is like a course selection
10 sheet, and this is what the eighth grade students
11 will be doing.

12 MS. ESPOSITO: So all the students have to
13 come up with a certain number, because the
14 curriculum in eighth grade, in middle school is a
15 little bit different from the one in high school?

16 DR. BALLIRAM: Yes.

17 MS. ESPOSITO: So what you're trying to say
18 is that every eighth grader that comes to your
19 school will have to select those sources in order
20 to move on to the ninth grade?

21 DR. BALLIRAM: To the ninth grade, yes.

22 MS. ESPOSITO: And then my other question,
23 students are going to be in all those different
24 programs in all those different areas. How are
25 you going to address interventions for students?

1 How are you going to address the MTSS and how are
2 you going to address the ESOL and the ESE?

3 DR. BALLIRAM: The ESE students in my school
4 are based on the choice that I made where
5 80 percent of their needs will be met in the
6 regular classroom. In my application I said if an
7 Applicant should come to the school, apply to the
8 school needing more than that 80 percent, I will
9 consult with the School District as to how to deal
10 with that student. And that is part of what is
11 required on the application there. So that part
12 will be done that way.

13 MS. ESPOSITO: So you will serve an
14 80/20 percent?

15 DR. BALLIRAM: Yes.

16 MS. ESPOSITO: Okay.

17 DR. BALLIRAM: In terms of how will I meet
18 the needs of these students if they have to do
19 something else, my bell schedule and the course
20 outline says that they are able to do 32 courses
21 in this four years. That is apart from the ninth
22 graders from the eighth graders.

23 If you have 32 courses available to you and
24 you only need 24 to graduate high school, the
25 other courses, that space, is if you are on track

1 with everything, you will have 32 courses. But if
2 for some reason you fail algebra 1, then you can
3 repeat algebra 1 and you will not get 32 courses,
4 you may get 31, but you will have far in excess of
5 the 24.

6 So in terms of accommodating all of the
7 students to meet the high school graduation
8 requirement, there is no problem with the
9 application and the bell schedule that I have
10 there.

11 MS. ESPOSITO: What about a student that
12 fails more than the number of classes that will
13 not be within the span of those 32, how are you
14 going to address those? Are there students that
15 are coming in behind credits? How are you going
16 to address those students or students that need
17 intervention, that need to have that remediation?
18 How are you going to address those within that
19 schedule?

20 DR. BALLIRAM: Intervention, say like reading
21 intervention or something like that, I don't see a
22 student coming up short with eight courses if we
23 are having those students from eighth grade all
24 the way up because if we remediate the reading at
25 one level, hopefully from there on they will be at

1 level. And if they need support, we will give
2 them that.

3 MS. ESPOSITO: So what you're saying is that
4 you're going to give students -- I'm sorry I'm
5 taking so long, but I'm trying to --

6 CHAIR TEPPER: Go ahead. Please do.

7 MS. ESPOSITO: So you are going to get
8 students that are in grade eight and then you're
9 going to work. So that means you are not going to
10 be accepting students that are in ninth grade
11 level?

12 DR. BALLIRAM: No. It says on the thing
13 there that --

14 MS. ESPOSITO: Because my concern is what
15 happens with those ninth graders that come in and
16 they need remediation? Where is the time
17 allocated to provide them with that?

18 DR. BALLIRAM: I do have in the student
19 population by year how many eighth graders, how
20 many ninth, tenth, 11th and 12th I will have. The
21 first year is 385 students. They are not all
22 eighth graders. The second year, it's the same
23 number. It goes to 410 and it stays at 410 for
24 the rest of the year.

25 MS. ESPOSITO: Yeah. But my question is if

1 you're going to get those ninth graders and those
2 ninth graders are coming from another school and
3 they are behind either in credits or they need
4 intervention because of reading, how are you going
5 to address those students in ninth grade?

6 DR. BALLIRAM: Well, that's what we have the
7 extra credit for. They can sign up for a reading
8 course again. And reading is the Reading Plus,
9 which is a computer based course that self-adjusts
10 itself. Like I don't have to say, okay, you
11 scored this therefore you need this intervention.
12 That program automatically adjusts at the
13 student's level.

14 MS. ESPOSITO: So what are you going to do
15 for math if they need intervention in math as
16 well?

17 DR. BALLIRAM: Well, if they fail the course,
18 they can repeat the course. And if at the start
19 the teacher thinks the student is falling back, we
20 do have tutoring we can provide for that
21 situation.

22 MS. ESPOSITO: Okay.

23 CHAIR TEPPER: I'm going to let the District
24 respond.

25 MS. PINCUS: Your questions go directly to

1 what my next point would have been had I had the
2 sufficient time to bring it out. But in overall,
3 one remediation program was identified in the
4 application, it was Reading Plus. It's computer
5 based. It does not -- while it's good for some
6 kids, it does not identify what would happen --
7 the application in no way identifies what would
8 happen with students who are not receptive to
9 that, to the Reading Plus Program to the computer
10 based program.

11 In addition, I don't know if you all caught
12 it, but during the opening statement, there was a
13 statement that students with learning disabilities
14 would be placed on Access Points. And that is a
15 huge concern in terms of the understanding of how
16 we meet the needs of our special students. We
17 still don't have an answer regarding ELL, but we
18 did know that the Business Plan does not include
19 sufficient staffing for ESE -- I mean for ELL. So
20 I don't think that there is a plan. And, again,
21 that's part of the main reason why we believe the
22 Education Plan is deficient.

23 CHAIR TEPPER: Other questions?

24 DR. BALLIRAM: Could I make one response to a
25 misinterpretation?

1 CHAIR TEPPER: No, we're going to go ahead
2 with other questions. Thank you.

3 DR. BALLIRAM: Sorry.

4 CHAIR TEPPER: Other questions?

5 Osvaldo.

6 MR. GARCIA: I do want to hear from the
7 school in regards to the Access Point. How do you
8 intend to use it?

9 DR. BALLIRAM: There are courses on the
10 Florida DOE website that we teach these students.
11 Students that has a learning disability in the
12 school, in the state website, there is a thing
13 called Access Point, meaning that you can go into
14 those points at which those students with
15 disabilities will learn.

16 In other words, I'm not going to give you the
17 highest performance level, but it is required that
18 the students will still graduate with a regular
19 high school diploma but they will be starting at
20 those Access Points. And that's where the Access
21 Points are in the FLDOE website.

22 CHAIR TEPPER: Ms. Pincus.

23 DR. BALLIRAM: And that's what I want to use.

24 MS. PINCUS: I think for those who understand
25 Access Points and educating students with

1 disabilities, we understand that. That is a
2 primary concern if we're going to be taking
3 students with learning disabilities and sticking
4 them into classes intended for students with
5 Access Points, which is our lowest 1 percent of
6 our population. Thank you.

7 CHAIR TEPPER: Thank you.

8 MS. HODGENS: Ms. Tepper, I don't see ESE as
9 an area for the denial so am I -- I mean, I just
10 want to make sure I'm not lost here.

11 CHAIR TEPPER: No. ESE is not one of the
12 things that was in the letter of denial.

13 MS. HODGENS: Okay.

14 DR. BALLIRAM: Nor was ESOL.

15 CHAIR TEPPER: Other questions?

16 MS. ESPOSITO: It was curriculum.

17 CHAIR TEPPER: So would someone like to make
18 the motion on Issue One and choose did or did not,
19 please?

20 MR. GARCIA: I'll do it.

21 CHAIR TEPPER: Osvaldo.

22 MR. GARCIA: I move that the Commission find
23 that the School Board did have competent
24 substantial evidence to support its denial of the
25 application based on the Applicant's failure to

1 meet the standards for the Educational Plan.

2 CHAIR TEPPER: You've heard the motion, that
3 the Commission find that the School Board did have
4 competent substantial evidence for its denial on
5 this issue.

6 Is there a second?

7 MS. HODGENS: I'll second it.

8 CHAIR TEPPER: Jenna.

9 So the motion is the Commission find the
10 School Board did have competent substantial
11 evidence to support its denial of the application
12 based on the Applicant's failure to meet the
13 standards for the Educational Plan. If you vote
14 yes, you are voting for the District. If you vote
15 no, you are voting for the Charter School.

16 Cathy.

17 MS. BRUBAKER: Yes.

18 CHAIR TEPPER: Sonia.

19 MS. ESPOSITO: Yes.

20 CHAIR TEPPER: Osvaldo.

21 MR. GARCIA: Yes.

22 CHAIR TEPPER: Jenna.

23 MS. HODGENS: Yes.

24 CHAIR TEPPER: So you have found that the
25 School Board did have competent substantial

1 evidence for its denial. You must now determine
2 whether that was statutory good cause.

3 Osvaldo, would you make the motion?

4 MR. GARCIA: Sure. I move that the
5 Commission find that the Applicant's failure to
6 meet the standards for the Educational Plan was
7 statutory good cause for denial.

8 CHAIR TEPPER: You heard the motion, that it
9 was statutory good cause for denial.

10 Is there a second?

11 MS. HODGENS: I'll second.

12 CHAIR TEPPER: Jenna.

13 So the motion is the Commission find the
14 Applicant's failure to meet the standards for the
15 Educational Plan was statutory good cause for
16 denial. If you vote yes, you are voting for the
17 District. If you vote no, you are voting for the
18 Charter School.

19 Cathy.

20 MS. BRUBAKER: Yes.

21 CHAIR TEPPER: Sonia.

22 MS. ESPOSITO: Yes.

23 CHAIR TEPPER: Osvaldo.

24 MR. GARCIA: Yes.

25 CHAIR TEPPER: Jenna.

1 MS. HODGENS: Yes.

2 CHAIR TEPPER: So the District prevails on
3 Issue One. That will take us to Issue Two, which
4 is whether the Organizational Plan failed to meet
5 any of the following standards: Management;
6 employment. And those are the only two.

7 So, Dr. Balliram, you have three minutes to
8 talk to us about your Organization Plan.

9 DR. BALLIRAM: The school does have an
10 Organizational Plan, it's located on page 214 of
11 the Charter School application. And this is the
12 Organizational Plan here, it's the flowchart of
13 it. And it states every position here, the arrow
14 is pointing to who is responsible for that. This
15 is how it is organized.

16 The management structure?

17 CHAIR TEPPER: Go ahead.

18 DR. BALLIRAM: That was the management
19 structure in the Organizational Plan. Page 213
20 had a narrative of the Organizational Plan and
21 then that was the chart, the flowchart for it.

22 The other question, there was a sound plan
23 for recruitment and selection, that's on page 224
24 to 227, it explains how this school is going to
25 recruit and select a school leader. It also has a

1 rubric for how that school leader will be
2 evaluated.

3 CHAIR TEPPER: Okay. And for the District.

4 MS. PINCUS: The Applicant's Organization
5 Plan also fails to meet the requisite standards.
6 From the application we do not know the minimum
7 qualifications of staff. This is exacerbated by
8 the fact that the school is looking to staff for
9 eighth grade as well as ninth through 12th.

10 There's no mention of an ELL teacher and no
11 information on how its guidance counselor would be
12 evaluated. The Applicant does not seem to have a
13 coherent plan on how decisions would be made to
14 retain existing staff. In its application, the
15 Applicant states that reappointment
16 recommendations would be the decision of the
17 academic director, who is also charged with
18 recruiting, interviewing, hiring and terminating
19 staff.

20 Without any clear information in the
21 application, the question was asked during the
22 subsequent interview. At that time, a definition
23 of reappointment was offered. It refers only to
24 employees who are terminated or leave for personal
25 reasons. And in only those cases would the

1 Governing Board be required to vote on the
2 academic director's recommendation.

3 So it remains unclear as to who would handle
4 the decision of which staff would be retained and
5 how that decision would be made from year to year.

6 With regard to personnel policies, the
7 Applicant was required to either have developed
8 proposed personnel policies and procedures or
9 provide a timeline as to when such policies and
10 procedures would be developed and approved by the
11 Governing Board.

12 Palm Beach Collegiate did neither. They
13 simply stated there would be an employee handbook
14 and it would contain policies and procedures. But
15 that's nowhere close to the same as developing the
16 actual policies and procedures or coming up with a
17 timeline. Once again, the lack of any detailed
18 plan demonstrates the inability of Palm Beach
19 Collegiate to operate a Charter School.

20 CHAIR TEPPER: Thank you.

21 So that brings us to questions from
22 Commission Members on the Organizational Plan.

23 MS. BRUBAKER: Repeatedly it's saying that
24 you don't have any room for an ELL teacher. Can
25 you show me where you have that in your

1 application?

2 DR. BALLIRAM: No, I don't have one for ELL
3 teachers, but I have one for ESE teachers. No, I
4 don't have one for ELL teachers.

5 CHAIR TEPPER: Other questions?

6 (No response.)

7 CHAIR TEPPER: Then would someone please make
8 the motion on Issue Two and choose did or did not.
9 Cathy.

10 MS. BRUBAKER: I find that the School Board
11 did have competent substantial evidence to support
12 its denial of the application based on the
13 Applicant's failure to meet the standards for the
14 Organizational Plan.

15 CHAIR TEPPER: You've heard the motion, that
16 the Commission find that the School Board did have
17 competent substantial evidence for its denial on
18 this issue.

19 Is there a second?

20 MS. ESPOSITO: I second.

21 CHAIR TEPPER: Sonia.

22 So the issue is that the Commission find --
23 the motion is the Commission find that the School
24 Board did have competent substantial evidence to
25 support its denial of the application based on the

1 Applicant's failure to meet the standards of the
2 Organizational Plan. If you vote yes, you are
3 voting for the District. If you vote no, you are
4 voting for the Charter School.

5 Cathy.

6 MS. BRUBAKER: Yes.

7 CHAIR TEPPER: Sonia.

8 MS. ESPOSITO: Yes.

9 CHAIR TEPPER: Osvaldo.

10 MR. GARCIA: Yes.

11 CHAIR TEPPER: Jenna.

12 MS. HODGENS: Yes.

13 CHAIR TEPPER: So you have found that the
14 School Board did have competent substantial
15 evidence. You must determine whether that was
16 good cause.

17 Cathy, would you make the motion?

18 MS. BRUBAKER: I move that the Commission
19 find the Applicant's failure to meet the standards
20 for the Organization Plan was statutory good cause
21 for denial.

22 CHAIR TEPPER: You've heard the motion, that
23 it was statutory good cause for denial. Do I have
24 a second?

25 MR. GARCIA: Second.

1 CHAIR TEPPER: Osvaldo.

2 So the motion is the Commission find the
3 Applicant's failure to meet the standards for the
4 Organizational Plan was statutory good cause for
5 denial. If you vote yes, you are voting for the
6 District. If you vote no, you are voting for the
7 Charter School.

8 Cathy.

9 MS. BRUBAKER: Yes.

10 CHAIR TEPPER: Sonia.

11 MS. ESPOSITO: Yes.

12 CHAIR TEPPER: Osvaldo.

13 MR. GARCIA: Yes.

14 CHAIR TEPPER: Jenna.

15 MS. HODGENS: Yes.

16 CHAIR TEPPER: So the District prevails on
17 Issue Two. Issue Three is whether the Applicant's
18 Business Plan failed to meet the following
19 standard: Financial management and oversight.

20 Dr. Balliram, you have three minutes to talk
21 to us about your Business Plan.

22 DR. BALLIRAM: The Business Plan is stated
23 clearly on page 195 and the description of
24 internal controls is on pages 277 to 79.

25 My misconception here is that why are you

1 telling me one time this meets our standards and
2 tomorrow you are telling me it did not meet the
3 standard. What I'm seeing here automatically
4 becomes irrelevant to the decision that is going
5 to be made, and that's what I don't understand.
6 But it details out on page 277 to 279.

7 CHAIR TEPPER: Thank you.

8 DR. BALLIRAM: You're welcome.

9 CHAIR TEPPER: For the District.

10 MS. PINCUS: Again, the only application
11 that's before the Commission today is the one that
12 was submitted this year, which fails to offer a
13 viable Business Plan. Of concern is the lack of
14 authority described in Section 18 of the
15 application given to the Governing Board to retain
16 ultimate control over the school's finances.
17 Instead, according to the application, the sole
18 responsibility to monitor the finances is an
19 outside entity called Buchanan's Accounting & Tax
20 Services.

21 Inconsistent information from other sections
22 of the application does not cure the Applicant's
23 failure to provide assurances about the ultimate
24 role of the Governing Board and how that would
25 play in the ultimate financial responsibility, and

1 that is a major concern of the School District and
2 a reason, again, for denial. Thank you.

3 CHAIR TEPPER: Questions from Commission
4 Members regarding the school's Business Plan?

5 (No response.)

6 CHAIR TEPPER: Then would someone please make
7 a motion and choose did or did not on Issue Three?

8 MS. HODGENS: I'll do it.

9 CHAIR TEPPER: Okay. Jenna.

10 MS. HODGENS: I move that the Commission find
11 that the School Board did have competent
12 substantial evidence to support its denial of the
13 application based on the Applicant's failure to
14 meet the standards of the Business Plan.

15 CHAIR TEPPER: You've heard the motion, the
16 Commission find the School Board did have
17 competent substantial evidence for its denial on
18 this issue.

19 Is there a second?

20 MR. GARCIA: Second.

21 CHAIR TEPPER: Osvaldo.

22 So the motion is the Commission find the
23 School Board did have competent substantial
24 evidence to support its denial of the application
25 based on the Applicant's failure to meet the

1 standards for the Business Plan. If you vote yes,
2 you are voting for the School District. If you
3 vote no, you are voting for the Charter School.

4 Cathy.

5 MS. BRUBAKER: Yes.

6 CHAIR TEPPER: Sonia.

7 MS. ESPOSITO: Yes.

8 CHAIR TEPPER: Osvaldo.

9 MR. GARCIA: Yes.

10 CHAIR TEPPER: Jenna.

11 MS. HODGENS: Yes.

12 CHAIR TEPPER: So you have found that the
13 School Board did have competent substantial
14 evidence on this issue. You must now determine
15 whether that was good cause for denial.

16 Jenna, would you make the motion?

17 MS. HODGENS: I move that the Commission find
18 that the Applicant's failure to meet the standards
19 for the Business Plan was statutory good cause for
20 denial.

21 CHAIR TEPPER: You've heard the motion, that
22 it was statutory good cause for denial. Is there
23 a second?

24 MR. GARCIA: Second.

25 CHAIR TEPPER: Osvaldo.

1 So the motion is the Commission find the
2 Applicant's failure to meet the standards for the
3 Business Plan was statutory good cause for denial.
4 If you vote yes, you are voting for the District.
5 If you vote no, you are voting for the Charter
6 School.

7 Cathy.

8 MS. BRUBAKER: Yes.

9 CHAIR TEPPER: Sonia.

10 MS. ESPOSITO: Yes.

11 CHAIR TEPPER: Osvaldo.

12 MR. GARCIA: Yes.

13 CHAIR TEPPER: Jenna.

14 MS. HODGENS: Yes.

15 CHAIR TEPPER: So the District prevails on
16 Issue Three.

17 Would someone please make the final motion?

18 MS. ESPOSITO: I'll make it.

19 CHAIR TEPPER: Sonia.

20 MS. ESPOSITO: I move the Commission
21 recommend that the State Board of Education deny
22 the appeal.

23 CHAIR TEPPER: You've heard the motion. Is
24 there a second?

25 MR. GARCIA: Second.

1 CHAIR TEPPER: Osvaldo.

2 Cathy.

3 MS. BRUBAKER: Yes.

4 CHAIR TEPPER: Sonia.

5 MS. ESPOSITO: Yes.

6 CHAIR TEPPER: Osvaldo.

7 MR. GARCIA: Yes.

8 CHAIR TEPPER: Jenna.

9 MS. HODGENS: Yes.

10 CHAIR TEPPER: So the appeal of the Charter
11 School is denied.

12 You'll have an opportunity to argue your
13 appeal before the State Board at their next
14 meeting currently scheduled for March 29th, but
15 that may change. Jackie Hitchcock will be in
16 touch with you to let you know when it's scheduled
17 and when you should appear.

18 You'll have five minutes before the State
19 Board. They may or may not have questions for
20 you. They'll have all of the materials that we
21 have and they'll have a transcript of what we've
22 done here today for their review and they'll have
23 time to ask our staff questions, if they have one,
24 before the appeal, but they still may have
25 questions for you.

1 Thank you. If there's nothing else, we're
2 adjourned.

3 (Whereupon, proceedings were concluded at
4 12:05 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, MICHELLE SUBIA, Registered Professional Reporter, certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages, numbered 3 through 42, are a true and correct record of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 7th day of March, 2016.



MICHELLE SUBIA, CCR, RPR
NOTARY PUBLIC
COMMISSION #FF127508
EXPIRES JUNE 7, 2018

