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STATE OF FLORIDA  
DEPARTMENT OF EDUCATION  
CHARTER SCHOOL APPEAL COMMISSION HEARING  
  
PHOENIX ACADEMY OF EXCELLENCE  
VS.  
SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

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

DATE: WEDNESDAY, FEBRUARY 24, 2016  
COMMENCED: 8:55 A.M.

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MEMBERS PRESENT :

LOIS TEPPER, CHAIR

JENNA HODGES

CATHY BRUBAKER

SONIA ESPOSITO

OSVALDO GARCIA

OTHER PARTICIPANTS :

DAVID L. JORDAN

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

2 CHAIR TEPPER: Today is February 24th. This  
3 is the Charter School Appeal Commission. We have  
4 three appeals today. We will start with Phoenix  
5 Academy versus Broward County.

6 As I said, Dave Jordan is our counsel, he'll  
7 be here shortly. Adam Miller will be in the room  
8 for part of the day. I don't think he's here  
9 right now. He's the Executive Director of our  
10 Choice Office. Adam Emerson, our Charter Schools  
11 Director, may be in and out today as well.

12 I can see that everybody is here. I'm not  
13 going to go through calling the roll. Could I  
14 have a motion to approve the minutes from the last  
15 meeting, please.

16 MR. GARCIA: I move.

17 CHAIR TEPPER: Second?

18 MS. BRUBAKER: I'll second.

19 CHAIR TEPPER: All in favor.

20 (Chorus of ayes.)

21 CHAIR TEPPER: Thank you.

22 Both of these parties have been before us  
23 before, but for housekeeping, just a reminder,  
24 I'll give each side ten minutes to tell us the  
25 story of your charter school appeal and then I

1 will introduce the first issue. I'll given each  
2 side three minutes on that overall issue. And  
3 Commission Members will ask you questions.

4 Remember that they've had the materials for  
5 over a week. They've read it, they've tabbed it,  
6 it's in their computer, they know exactly what's  
7 left. There may be some issues that have no  
8 questions left. Don't take that as a sign that  
9 they didn't read it or that they don't care about  
10 that issue, it's that they have satisfied  
11 themselves with all of the materials you've given  
12 us.

13 After we go through all of the issues, we'll  
14 take a final vote. That vote is always unanimous  
15 because that's the vote of our Commission and the  
16 recommendation to the State Board.

17 What we do here today is just a  
18 recommendation. You'll appear at the next State  
19 Board meeting, which is tentatively scheduled for  
20 March 29th, but that may change. Jackie will send  
21 you a formal letter when we know when it is and  
22 tell you where you are on the agenda. The agenda  
23 comes out a week before and you'll get to see  
24 exactly how many people are above or below you for  
25 planning purposes. Right now it's scheduled for

1 West Palm, but that may not be the case.

2 The first time you speak, if you could please  
3 say your name, that will help the court reporter.  
4 Remember that she can only hear one voice at a  
5 time. If you speak too fast or you speak over  
6 each other, I'll ask you to stop and repeat so she  
7 can get everything in the record. Our record does  
8 go the State Board and they do read it, so we have  
9 to have a good record.

10 With that, we will start the first appeal.  
11 I'll let the school go first. Mr. Norwood, you  
12 have ten minutes.

13 MR. NORWOOD: Good morning. My name is  
14 Christopher Norwood. I'm representing Phoenix  
15 Academy of Excellence, a not-for-profit group of  
16 members from the South Florida community  
17 representing government, law enforcement,  
18 education in a faith-based community.

19 To the Chair and Members of the Commission,  
20 we thank you for this opportunity to present this  
21 appeal and commend you on your work and diligence  
22 always.

23 I would be remiss if I did not take a moment  
24 to reflect on one of the initial visionaries for  
25 this school, a founding Board Member who is no

1 longer with us, Ms. Matchus, a lifelong educator  
2 who served for over 40 years passed away not long  
3 after the initial submission of this application.  
4 The Board continues this journey in her memory and  
5 honor.

6 Broward County Public Schools, the nation's  
7 fifth largest, represents a population of diverse  
8 students with enormous potential for learning and  
9 lifelong success. However, despite the best  
10 efforts of our School District, there continues to  
11 be countless students that sit on the margins of  
12 the educational system.

13 The student performance data show that they  
14 often fail, they eventually drop out of school,  
15 and sadly, as we see daily in the news media, they  
16 are relegated to a pathway to prison, poverty and  
17 sometimes even an early death. We know and are  
18 acting upon the belief that without strategic,  
19 innovative and local systems of support, such  
20 patterns and pathways will continue to exist, if  
21 not increase.

22 As you may be aware, individuals on this  
23 Board and team, with the exceptions are now  
24 approaching two years preparing this application  
25 as a vehicle to serve this population of students

1 in these underserved communities that too often  
2 attend underperforming schools.

3 The District has little or no options for  
4 this student population and does not have a model  
5 serving average students in grades six through  
6 nine, which our application addresses that  
7 critical period in many communities where kids are  
8 about to enter high school and if they're not  
9 really bumped up tremendously will drop out early  
10 on in their high school career. And that's what  
11 this school is focused on, that six to nine  
12 population.

13 As you can see, despite many of the hurdles  
14 and setbacks that came from the District, the  
15 Board has remained steadfast in its resolve to  
16 pursue a Charter School serving this unique  
17 population for the second consecutive year, we are  
18 here again for your consideration.

19 We are here -- after reviewing the feedback  
20 from last year's application and appeal and  
21 related records, including the transcript and the  
22 related feedback, we have considered both the  
23 Commission's and District's concerns, addressing  
24 each of them in the application before you. We  
25 are here, however, despite having a Model

1 Application pursuant to state statute. The  
2 District seems intent of really, in our view, just  
3 throwing everything at us in this particular  
4 appeal.

5 In its evaluation, they used a criteria that  
6 we believe is arbitrary, if not capricious. It  
7 seems to constantly change from one minute to the  
8 next. This Governing Board that was constituted  
9 for this application is essentially the same one  
10 of a previous application, one which this  
11 Commission overturned their -- did not agree with  
12 their assessment of the application in three out  
13 of four areas.

14 Further, once again, despite preparing the  
15 application in comportment with the statute, they  
16 denied this application without an opportunity for  
17 an interview. Typically School Districts, and  
18 this School District in particular, provides an  
19 interview for Applicants. They did not offer that  
20 to us, nor did they offer it to us the last time,  
21 last year.

22 We are thankful to stand before you today and  
23 embrace the opportunity to address the issues  
24 outlined in the motion sheet and the content  
25 reflected within the four corners of the

1 application submitted to the District. And we  
2 also trust and pray that this Commission will look  
3 to this application and fully reject the  
4 District's speculation and conjecture.

5 We understand that people can have different  
6 opinions on how to address their student  
7 population, and that's well within anybody's  
8 purview. But that doesn't mean that the approach  
9 is not worthy. And to be quite honest, if what we  
10 are proposing seems not probable, then what is the  
11 District currently doing to address this? And  
12 essentially there isn't.

13 Today I have Ms. Kelly, who many of you may  
14 remember from last year was here to present on  
15 behalf of the school and respond to any questions.  
16 For the sake of time and to assure focus, she will  
17 address as needed the issues outlined in the  
18 motion sheet and provide the page number of any  
19 area that was addressed in our document.

20 And for the record, we provided an exhibit  
21 which we call a clarifying statement, I believe it  
22 is Exhibit C, which we took the time to outline  
23 line by line their denial letter and correlate  
24 that to a response. So it is clearly articulated  
25 there as well, but we are glad to have the

1 opportunity to orally present that to you as well.

2 Just to understand a couple of things, and I  
3 just want to reiterate this, last year we came  
4 before you, the Education Plan was denied. Part  
5 of the reason for the denial was because of the  
6 Educational Plan. And you agreed with the  
7 District on that one issue. So we really took the  
8 time to go back and look at your comments during  
9 our appeal last year, as well as the Board of  
10 Education's, as well as the School District's, and  
11 we feel as though we corrected those issues. So  
12 we bring you -- we come here today with a revised  
13 application that essentially was the same with  
14 revisions that we believe address those issues.  
15 And, again, Ms. Kelly will address those things.

16 So with that being said, again, I'm just glad  
17 to be here, always glad to have an opportunity to  
18 fairly assess what we presented to Broward Public  
19 Schools. Thank you.

20 CHAIR TEPPER: Thank you.

21 Mr. Vignola, ten minutes.

22 MR. VIGNOLA: Good morning. I'm Bob Vignola,  
23 Deputy General Counsel for the Broward School  
24 Board. With me today is Jody Perry. She is our  
25 Director for Charter Schools Management and

1 Support, and she's a former school principal.

2 Charter Schools are a vital component of the  
3 Broward School Choice options. We have 103  
4 operating Charter Schools. We have seven 2015  
5 applications were approved for 2016/17, and we  
6 have another ten previously approved Applicants  
7 that deferred opening.

8 The District's Charter School Review  
9 Committee reviewed this application. It found a  
10 number of areas of weaknesses or concern that  
11 prompted our denial. Those areas were in the  
12 general Education Plan, deficiencies in the  
13 proposed ESE Program, the ESOL Program, student  
14 performance, assessment and evaluation plan,  
15 school climate and discipline plan, employment  
16 plan, budget, timeline and contingency plan.

17 I'm going to have Ms. Perry address in  
18 greater detail these deficiencies.

19 MS. PERRY: Good morning, Jody Perry, Broward  
20 County Charter Management and Support.

21 The deficiencies proposed are substantial.  
22 Our concerns are the educational program is not  
23 clear and coherent. The application provides a  
24 list of strategies but they don't give us any  
25 elaboration on how those strategies will be

1 utilized. They list them but that's it. There's  
2 no substance to the response. It doesn't  
3 demonstrate an understanding of how this program  
4 was going to be implemented for student success  
5 all at levels, especially the at risk population.

6 The application doesn't give us an effective  
7 research based educational program design. It  
8 cites the Dropout Prevention Center's position on  
9 alternative education, but it doesn't give us any  
10 research to back up the citations.

11 It provides that there is curriculum that  
12 will be using the District and approved  
13 curriculums, but it doesn't say which curriculum  
14 they're going to be using. It leaves it  
15 completely wide open. So we can't know what  
16 they're planning on doing if it isn't articulated.  
17 There's no evidence of state approved, it just  
18 lists. Again, I'm seeing best practices, but  
19 there's no scientific basis for those practices or  
20 research to substantiate it.

21 They speak of a comprehensive reading plan,  
22 but there's no intervention or program assigned to  
23 it, it's all strategies, which are great. They  
24 say that they're going to utilize the Broward  
25 County grade level content scope and sequence maps

1 and pacing guides. Those are not available to  
2 Charter Schools. That's proprietary. So, again,  
3 they're not bringing us anything to assist us in  
4 making these determinations.

5 They say they're going to use the District's  
6 K12 comprehensive reading plan by utilizing it.  
7 Utilize does not mean adopt with fidelity and to  
8 use with fidelity. They don't confirm that the  
9 research based intervention is going to be  
10 instructive to Level 1's and Level 2's. At risk  
11 commonly sees that. That was there. Again,  
12 strategies, but strategies do not outline a total  
13 plan.

14 The application contains ambiguity and  
15 because of it we didn't see an understanding of  
16 the K12 reading plan as outlined in Broward  
17 County. The school curriculum again mentioned  
18 strategies, but it doesn't identify a curriculum.

19 While we reviewed this multiple times in  
20 multiple areas, it lacked a demonstration of  
21 understanding the requirements necessary to  
22 operate a successful Charter School that will  
23 successfully meet all of the requirements and  
24 support students in attaining Florida Standards,  
25 especially when we're talking about our most

1 fragile population. We need specificity. We need  
2 to understand how these programs are going to help  
3 those children that obviously are very much a  
4 passion point for me.

5 The application did not provide a clear  
6 description of the school's differentiated  
7 curriculum. We know that statutory mandates say  
8 we have to have different curriculums for those  
9 students that are truly struggling in decoding and  
10 content, and that was not delegated anywhere into  
11 this application. It didn't show how this program  
12 would lead to improve student performances at all  
13 of the levels provided.

14 The application failed to correctly identify  
15 the curriculum program materials for English  
16 Language Arts students and intermix that with some  
17 strategies for reading students, the lowest level  
18 reading students.

19 We know that an application must clearly  
20 identify the research based curriculum to be  
21 implemented to each subject area, each course, how  
22 it's going to be implemented and to which  
23 students. This application failed to do so.

24 For example, the course codes listed in the  
25 narrative don't describe the chart that was

1 included. On page 39, the application references  
2 different programs that sometimes contradict each  
3 other in methodology. So which one is going to be  
4 used? That was ambiguous to us.

5 Their schedule is labeled as a sample and it  
6 does not break down the 90-minute block and how it  
7 would actually be used for the different levels of  
8 reading as necessary, nor does it address the  
9 additional half-hour requirement. It references  
10 it, but there was no detail. The application must  
11 include definitive information regarding  
12 instructional time and its use.

13 The extended learning time, again, ambiguous.  
14 It states we're going to have it, we're going to  
15 do it, but how is it going to be used for those  
16 intensive children? And it failed to identify  
17 curriculum program materials for English Language  
18 Arts for intensive reading.

19 The deficiencies, again, in the student  
20 performance areas were vast. It lacked any type  
21 of real understanding of what's necessary in  
22 monitoring. It only showed two administrations,  
23 the FAIR. We're talking about the required  
24 monitoring. We need to take a look at how many  
25 times we should be primary, base level,

1 intermediate and then end-of-year. How do we know  
2 that we're doing what we need to do for these  
3 children?

4 When we looked at the ESE Program, they speak  
5 to a consultive model exclusively. A consultive  
6 model is wonderful, but that's where an ESE  
7 specialist works with the teacher. It didn't  
8 speak to any actual hands-on, pull-out processes  
9 for students. It didn't speak to what types of  
10 programs they were going to employ for those  
11 students recognizing the 80/20 framework. But  
12 some students do need a pull-out model or push-in  
13 model. Straight consultive is not going to help  
14 in that arena.

15 When we look at the certification  
16 requirements and staffing for ESE, there was  
17 nothing involved in the ESE section to speak to  
18 certification. If we have students that are  
19 learning disabled, there should be a learning  
20 disabled teacher. If it's a spectrum child, there  
21 should be somebody available. That wasn't there.  
22 So as we looked at that, we didn't see it.

23 When we then looked into the evaluation of  
24 the programs and how are they going to, again,  
25 look at student performance, they reference a

1 school improvement plan. But there was no data on  
2 implementation, monitoring, or what would be  
3 included in the school improvement plan.

4 So when we looked at this, it all tied  
5 together with the evaluation assessment, there  
6 wasn't enough there for the general education  
7 student, there wasn't enough there for ESE. There  
8 was limited information on a gifted program, what  
9 that would look like, having an at risk  
10 background. I had at risk gifted students. That  
11 was not really elaborated at all.

12 Again, in the ESOL section, the systems  
13 provided for, while the Applicant says they're  
14 going to use the District's plan, they cite the  
15 data -- I'm sorry -- they cite plans and usage  
16 that aren't used in Broward County's agreement  
17 with META Consent Decree. They had issues in it  
18 using different exit criteria than used in  
19 Broward, different criteria that is used in other,  
20 perhaps, Districts for entry criteria. Their  
21 understanding of the certification requirements  
22 for appropriately staffing was not there. The  
23 state rule cited for this speaks to every other  
24 area of criteria other than English. So the one  
25 area I would be looking for, it's not there.

1 Levels of proficient --

2 CHAIR TEPPER: Your time is up.

3 MS. PERRY: Ma'am?

4 CHAIR TEPPER: Your time is up.

5 MS. PERRY: I'm sorry.

6 CHAIR TEPPER: Okay. So that will take us to  
7 Issue One, which is whether the Applicant's  
8 Educational Plan failed to meet any of the  
9 following standards: Mission, guiding principles  
10 and purpose; curriculum plan; student performance  
11 assessment and evaluation; exceptional students;  
12 English language learners; and school climate and  
13 discipline.

14 For the school, you have three minutes on  
15 these topics under Issue One.

16 MS. KELLY: Okay. I'll try to go through  
17 them quickly. My name is Lalelei Kelly and I'm  
18 representing Phoenix. I've worked in education  
19 since '99. I started off with middle school and  
20 then I worked my way up. And I worked on the  
21 District level as well as overseeing the  
22 department for assessment as a coordinator.

23 What I want to speak about first is the  
24 mission. The mission basically is stated on page  
25 one, and it also identifies our population, which

1 we already state is a -- the mission is to nurture  
2 positive personal and academic change in at risk  
3 and underperforming students and will --

4 CHAIR TEPPER: You're going to have to slow  
5 down.

6 MS. KELLY: Oh, I will?

7 CHAIR TEPPER: The court reporter has to get  
8 it all down, okay?

9 MS. KELLY: Okay.

10 CHAIR TEPPER: So you'll have to talk a  
11 little more slowly.

12 MS. KELLY: And will serve those grades six  
13 through nine. The at risk students are identified  
14 as those we will retain with frequently disruptive  
15 behaviors, as well as those who may have failed to  
16 demonstrate learning gains or proficiency on the  
17 state assessment.

18 Now, when we speak about the curriculum in  
19 the educational program, she is actually factual  
20 in stating that we do list strategies. And when  
21 it comes to best practices, the best practices  
22 listed are research based. So when we talk about  
23 whole group, small group, and we talk about  
24 differentiated instruction in the application,  
25 those are research based because they are utilized

1 in traditional and alternative settings, as we  
2 speak right now. So when we talk about research  
3 based, it's kind of loosely used in this instance.

4 We also have -- the core of our program is  
5 student success teams. The school enrolls  
6 students, and what we do is identify the needs of  
7 those students initially, which is -- they also  
8 stated that we do not use data.

9 I'm sorry, am I still too fast?

10 THE COURT REPORTER: A little bit.

11 MS. KELLY: Okay. We do not use data to  
12 guide our instruction in what we're doing. Each  
13 child receives an Educational Plan, which is a  
14 student success plan. We look at what they come  
15 in with, what they're missing, what they don't  
16 have. Also, from that, we build what they will  
17 receive, what they're missing in their schedule.

18 If you look on the schedule on page 21, it  
19 identifies -- they said we did not allot enough  
20 time for literacy. We know this is a fragile  
21 population. If you look at the schedule, the  
22 schedule is an extended day with an additional  
23 literacy period of 45 minutes tacked on to a  
24 90-minute period to address those needs of those  
25 students so when they do come in, they will have

1 the time to address those issues or those things  
2 that they are lacking when it comes to literacy.

3 Additionally, some of the things the school  
4 will utilize research -- I'll go back. Research  
5 based programs and state approved District adopted  
6 resources and materials, that is listed on  
7 page 39, 44, 51, 54 and 57.

8 CHAIR TEPPER: Okay. I'm going to go to the  
9 District now and then you'll have time for  
10 questions.

11 MS. KELLY: I'm sorry?

12 CHAIR TEPPER: Your time is up.

13 MS. KELLY: Oh, no. Okay.

14 CHAIR TEPPER: For the District, three  
15 minutes on the topics under Issue One.

16 MS. PERRY: Thank you, ma'am.

17 I spoke to most of our concerns in my  
18 beginning statement. Again, yes, there is a  
19 schedule there, but it doesn't elaborate how the  
20 literacy components will be utilized, what's going  
21 to be used within that area.

22 The items also of concern, as we said,  
23 curriculum is too loose, we don't know what  
24 they're going to be using. We have no clue what  
25 that's going to look like. ESE student population

1 is not served as needed in this application. The  
2 ESOL section of the application does not speak to  
3 Broward County. We don't know what processes  
4 they're using here.

5 We go on and we look at assessment, the  
6 assessment does not provide a clear picture of how  
7 these children will be assessed, nor do we get any  
8 sense of how the ESE Program in its entirety is  
9 going to be assessed to make sure that the  
10 children in that program are getting what they  
11 need.

12 We go on to look at the school climate and  
13 what was going on with that. They say that the  
14 student is going to be familiar with the  
15 District's conduct. They don't say it's going to  
16 be adhered to in its entirety. It said they're  
17 going to have their own add-ons, but the add-ons  
18 weren't included. We don't know what those are.  
19 We can't determine if the behavioral and learning  
20 expectations are going to be appropriate when it  
21 comes to student discipline. And this particular  
22 population clearly needs something above just a  
23 standard framework for discipline. These are  
24 children that need something more substantive.

25 While there's a discussion in the application

1 about looking at RTI, it's not elaborated. We  
2 don't know what that plan looks like or how it's  
3 going to be used in the general population and  
4 potentially for identification for ESE services.

5 When I looked at the employment procedures,  
6 again, I brought those into the first section  
7 because it speaks specifically to ESE teachers and  
8 ESOL teachers and what's required in a staffing  
9 plan. So in its entirety, the educational program  
10 of this particular setting left us with no option  
11 but to deny it.

12 I just need for everybody to understand that  
13 in Broward, there are 14 within Broward County  
14 School System at risk schools, some of whom have  
15 sixth grade and up, so there is opportunity. It  
16 goes by age, not by grade level in Broward.  
17 That's something, again, that would need to be  
18 looked at in how this is going to really benefit  
19 the students.

20 So in closing on this section, the curriculum  
21 plan was lacking, the specificity wasn't there,  
22 there was no real depth of understanding for ESE  
23 and ESOL students. The assessment section was not  
24 clear and concrete. And, again, the discipline  
25 for this particular population and helping those

1 children along the way was not in any way, shape  
2 to what it needs to be for this population. Thank  
3 you.

4 CHAIR TEPPER: Thank you.

5 So questions from Commission Members on Issue  
6 One?

7 Cathy.

8 MS. BRUBAKER: If you could explain a little  
9 bit more -- I'm looking at your bell schedule. So  
10 you were saying as far as the reading, the  
11 additional reading time, would all of those  
12 students be placed across the school, your whole  
13 population will be placed in a literacy reading  
14 block so they'll stay in that same block?

15 MS. KELLY: Everyone, yes, will receive an  
16 additional 45 minutes. And what it does is from  
17 the student success plan, what is identified  
18 basically, it will be addressed in addition to the  
19 literacy. They already have the 90-minute  
20 uninterrupted block with the additional 45. So  
21 that is to further address those gaps because we  
22 do know these kids who are coming into an  
23 alternative setting, six through nine, come in far  
24 below their grade level and they're not going to  
25 make it up in the set time they have allotted in a

1 regular school day, in a traditional school day.  
2 And the 45 minutes is daily.

3 CHAIR TEPPER: Other questions?

4 MR. GARCIA: So where do you take that from,  
5 because the school day as it is, it's kind of hard  
6 to accommodate all of the core subjects? Are you  
7 extending their school day then?

8 MS. KELLY: The day is extended, yes. And  
9 then if you see on the end is another part of the  
10 success plan where we're addressing other issues  
11 with the students. We have a -- it's a success  
12 life develop block which is listed there. And the  
13 success life development block will also speak to  
14 those -- we offer those elective courses which  
15 help to build the student -- talk about conflict  
16 resolution, things like that, those life skills  
17 that they may not get to help them be successful.

18 And secondary, because we know the kids come  
19 from elementary many times unprepared to attack  
20 the curriculum or the material that is being given  
21 to them in secondary, which is why they fail.  
22 Already you're behind academically as well as  
23 you're not well prepared in the sense of  
24 organization, how to look at your studies and how  
25 to prepare. So we do have that success life

1 development block at the end, which is also a part  
2 of our extended day. And that is daily as well.

3 CHAIR TEPPER: Other questions?

4 (No response.)

5 CHAIR TEPPER: Mr. Vignola.

6 MR. VIGNOLA: We don't have a response.

7 CHAIR TEPPER: None?

8 MR. VIGNOLA: No.

9 CHAIR TEPPER: Okay. Other questions on this  
10 issue?

11 (No response.)

12 CHAIR TEPPER: Then would someone like to  
13 make the motion and choose did or did not?

14 Sonia.

15 MS. ESPOSITO: I move that the Commission  
16 find that the School Board did have competent  
17 substantial evidence to support its denial of the  
18 application based on the Applicant's failure to  
19 meet the standards for the Educational Plan.

20 CHAIR TEPPER: You've heard the motion, that  
21 the Commission find that the School Board did have  
22 competent substantial evidence to deny on this  
23 issue.

24 Is there a second?

25 MR. GARCIA: I'll second.

1 CHAIR TEPPER: Osvaldo.

2 So the motion is the Commission find the  
3 School Board did have competent substantial  
4 evidence to support its denial of the application  
5 based on the Applicant's failure to meet the  
6 standards of the Educational Plan. If you vote  
7 yes, you are voting for the District. If you vote  
8 no, you are voting for the Charter School.

9 Cathy.

10 MS. BRUBAKER: Yes.

11 CHAIR TEPPER: Sonia.

12 MS. ESPOSITO: Yes.

13 CHAIR TEPPER: Osvaldo.

14 MR. GARCIA: Yes.

15 CHAIR TEPPER: Jenna.

16 MS. HODGENS: Yes.

17 CHAIR TEPPER: So you have found that the  
18 School Board did have competent substantial  
19 evidence on this issue. You must now determine  
20 whether that was good cause for denial.

21 Sonia, would you make the motion?

22 MS. ESPOSITO: I move that the Commission  
23 find that the Applicant's failure to meet the  
24 standards of the Educational Plan was statutory  
25 good cause for denial.

1 CHAIR TEPPER: You've heard the motion, that  
2 it was statutory good cause.

3 Is there a second?

4 MR. GARCIA: Second.

5 CHAIR TEPPER: Osvaldo.

6 So the motion is that the Commission find  
7 that the Applicant's failure to meet the standards  
8 for the Educational Plan was good cause for  
9 denial. If you vote yes, you're voting for the  
10 District; if you vote no, you are voting for the  
11 Charter School.

12 Cathy.

13 MS. BRUBAKER: Yes.

14 CHAIR TEPPER: Sonia.

15 MS. ESPOSITO: Yes.

16 CHAIR TEPPER: Osvaldo.

17 MR. GARCIA: Yes.

18 CHAIR TEPPER: Jenna.

19 MS. HODGENS: Yes.

20 CHAIR TEPPER: Okay. So the District  
21 prevails on Issue One.

22 Issue Two is whether the Organizational Plan  
23 failed to meet any of the following standards.  
24 There's just one in this section and that is  
25 management.

1           So the Charter School, you have three minutes  
2 on the issue of the management of the Charter  
3 School.

4           MS. KELLY: The management structure that  
5 included a clear delineation of the roles and  
6 responsibilities was provided for in the  
7 application in a chart. The plan for the  
8 recruitment and selection of a school leader as  
9 well as sought criteria was described. Criteria  
10 for the evaluation of the school leader were also  
11 described in the application.

12           A staffing plan aligned to project student  
13 enrollment over the term of the Charter was also  
14 provided in the application. In order to recruit  
15 and retain qualified and capable staff, the school  
16 indicated in its application beginning on page 145  
17 that it would use teacher and state sponsored  
18 Department of Education teaching Florida websites  
19 to recruit teachers. Coordinate efforts to  
20 partner with postsecondary educational  
21 institutions to serve as host schools for interns  
22 whenever possible and organize other efforts to  
23 attract in-field experts to serve as teachers in  
24 various disciplines that require higher levels of  
25 academic content delivery.

1           The school also stated that it will engage  
2 partners such as Departments of Education of local  
3 colleges and universities, it will also support  
4 and strengthen recruitment efforts. For example,  
5 students that are seeking and requiring field  
6 experiences and teaching internships may be  
7 provided an opportunity to work at the school in  
8 satisfaction of such requirements.

9           CHAIR TEPPER: Can you slow down just a  
10 little bit?

11           MS. KELLY: This will provide the school with  
12 a potential pool of candidates that are  
13 knowledgeable about the school and embrace and  
14 support its mission. Recruitment efforts may also  
15 include advertisements in local newspapers and on  
16 the school's website, presentations and flyers at  
17 local universities, job fairs and via word of  
18 mouth.

19           Lastly, the school indicated that salaries  
20 will be comparable to those outlined in the  
21 teacher salary schedule implemented by the local  
22 public School District and that full-time salaried  
23 employees will be entitled to health insurance.  
24 The school also stated that it would also offer  
25 performance pay pursuant to state law.

1 CHAIR TEPPER: For the District.

2 MS. PERRY: During Issue One I already  
3 outlined the concerns that we had in regard to  
4 appropriately staffing, specific ESE and ESOL.  
5 The other areas of concern were in the area of  
6 administrator and teacher evaluations.

7 The sponsoring School District is required to  
8 review and monitor the systems and plans in place  
9 as outlined in Florida Statute 1012.34.

10 The Applicant states the sponsor's site  
11 managerial exempt performance MEP System would be  
12 used. That system is not used in Broward County.  
13 We don't have any knowledge of it, it's not part  
14 of our system plan.

15 The applicant also says that they're going to  
16 be using the system that the sponsor has for their  
17 teachers. That system is not open to Applicants.  
18 It was purchased through Race to the Top during  
19 2010/2011 and only the schools that opted in at  
20 that point have anything that they can do with  
21 that. So we had no idea what evaluation system is  
22 going to be implemented for either the  
23 administration or for the teachers, therefore that  
24 section had to be denied.

25 CHAIR TEPPER: Thank you.

1           So questions by Commission Members on Issue  
2           Two?

3           Jenna.

4           MS. HODGENS: I just want to ask the school,  
5           can you explain to us the site that this  
6           management system that you refer to that the  
7           sponsor used that they're not aware of? I think  
8           it's the MEP Evaluation System for administrators.

9           MS. KELLY: Yes. What page did you say that  
10          you referred to it?

11          MS. ESPOSITO: It's on 147 of the  
12          application.

13          MR. NORWOOD: Give us one second, please.

14          CHAIR TEPPER: Just below the bullets on 147.

15          MS. KELLY: 147?

16          CHAIR TEPPER: Yes. The paragraph begins  
17          "Administrator evaluation."

18          Is there any information that you could give  
19          Ms. Hodgens about that?

20          MS. KELLY: The only information that I can  
21          give her at this time is that it's used under the  
22          Florida Principal Leadership Standards. And that  
23          is part of their evaluation, they list indicators  
24          which you can use to guide you in developing an  
25          evaluation tool for administrators.

1 MS. HODGENS: Okay. But it's currently not  
2 being used in Broward County, correct?

3 MS. KELLY: No, not that I am aware of.

4 MS. HODGENS: All right. Thank you.

5 CHAIR TEPPER: Mr. Vignola.

6 MR. VIGNOLA: We have nothing further.

7 CHAIR TEPPER: Other questions by Commission  
8 Members?

9 (No response.)

10 CHAIR TEPPER: Then would someone like to  
11 make the motion?

12 Osvaldo.

13 MR. GARCIA: Sure. I move that the  
14 Commission find that the School Board did have  
15 competent substantial evidence to support its  
16 denial of the application based on the Applicant's  
17 failure to meet the standards of the  
18 Organizational Plan.

19 CHAIR TEPPER: You've heard the motion, that  
20 the Commission find that the School Board did have  
21 competent substantial evidence for its denial on  
22 this section.

23 Is there a second?

24 MS. BRUBAKER: I'll second.

25 CHAIR TEPPER: Cathy.

1           So the motion is the Commission find the  
2           School Board did have competent substantial  
3           evidence to support its denial of the application  
4           based on the Applicant's failure to meet the  
5           standards for the Organizational Plan.

6           If you vote yes, you are voting for the  
7           School District. If you vote no, you are voting  
8           for the Charter School.

9           Cathy.

10          MS. BRUBAKER: Yes.

11          CHAIR TEPPER: Sonia.

12          MS. ESPOSITO: Yes.

13          CHAIR TEPPER: Osvaldo.

14          MR. GARCIA: Yes.

15          CHAIR TEPPER: Jenna.

16          MS. HODGENS: Yes.

17          CHAIR TEPPER: So you have found that the  
18          School Board did have competent substantial  
19          evidence for its denial on that issue. You must  
20          now determine whether that was good cause for  
21          denial.

22          Osvaldo, will you make the motion?

23          MR. GARCIA: Sure. I move that the  
24          Commission find that the Applicant's failure to  
25          meet the standards for the Organizational Plan was

1 statutory good cause for denial.

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

5 MS. BRUBAKER: I'll second.

6 CHAIR TEPPER: Cathy.

7 So the motion is the Commission find that the  
8 Applicant's failure to meet the standards for the  
9 Organizational Plan was statutory good cause for  
10 denial. If you vote yes, you are voting for the  
11 District. If you vote no, you are voting for the  
12 Charter School.

13 Cathy.

14 MS. BRUBAKER: Yes.

15 CHAIR TEPPER: Sonia.

16 MS. ESPOSITO: Yes.

17 CHAIR TEPPER: Osvaldo.

18 MR. GARCIA: Yes.

19 CHAIR TEPPER: Jenna.

20 MS. HODGENS: Yes.

21 CHAIR TEPPER: So the District prevails on  
22 Issue Two.

23 Issue Three is whether the Applicant's  
24 Business Plan failed to meet any of the following  
25 standards: Facilities; budget; and the action

1 plan.

2 For the school, you have three minutes on  
3 this issue.

4 MS. KELLY: The business plan, facilities.  
5 The application described the proposed facility  
6 indicated that it would meet all statutory  
7 requirements, described instructional needs,  
8 compliance and stated that once terms on the  
9 proposed site are finalized and an agreement is  
10 reached, every effort will be made to provide the  
11 sponsor with the floor plans that would show the  
12 classroom space to meet the needs of, at least  
13 initially, those that will be enrolled in the  
14 first year the school is in operation. A  
15 certificate of occupancy will be issued by the  
16 appropriate agency no later than 15 days prior to  
17 the school's start.

18 The application provided a budget, they  
19 provided the revenue and resources to fund the  
20 facilities. The school provided budgetary  
21 projections which are consistent with all parts of  
22 the application, including the school's mission,  
23 educational program, staffing plan and facility, a  
24 realistic assessment of the projected resources of  
25 revenue and expenses that ensure the financial

1 viability of the school and a sound plan to  
2 monitor the budget and make adjustments as  
3 necessary.

4 The budget -- the school's budget submitted  
5 shows a positive fund balance of \$44,690 plus a  
6 contingency of 11,136 in year one alone. In year  
7 two, the fund balance is projected to be \$125,953,  
8 plus a contingency of \$16,751. These projected  
9 cash overflows should be enough to cover any  
10 shortfalls that may arise.

11 The school provided a thoughtful and  
12 realistic implementation plan covering major  
13 operational items, a timeline from August 2015 to  
14 August 2016, at which time the new school year  
15 will begin. The major operational items that were  
16 addressed during this period included, but were  
17 not limited to, Board training, contract with a  
18 sponsor, background screening and hiring, contract  
19 with vendors, finance, governance, et cetera,  
20 hiring of staff such as principal, recruitment and  
21 marketing, facilities acquisition, lease execution  
22 and permitting, renovations, if needed,  
23 purchasing, student registration, enrollment,  
24 staff recruitment and hiring teachers and staff,  
25 materials and supply ordering, website, food

1 contracting, transportation contracting, the  
2 school handbook, analysis of student records data  
3 for class and program placement, a master  
4 schedule, staff and student orientation and  
5 professional development.

6 CHAIR TEPPER: And for the District, three  
7 minutes.

8 MS. PERRY: The application did not meet  
9 budget standards. After review of the budget,  
10 there were four areas of concern that we had which  
11 could have led to a \$50,000 deficit in year one.

12 The Applicant states that there's going to be  
13 a startup loan secure for \$30,000 at 5 percent  
14 over four years and repayment will commence in  
15 year two and see attached letter. There was no  
16 attached letter, there was no assurance of that  
17 loan.

18 The calculation for facility rentals did not  
19 meet the standard in Broward County for Charter  
20 Schools that are currently operating or recently  
21 opened in Broward. The estimated cost was far  
22 below the standard within that District.

23 There was also an inconsistency. On one page  
24 they said there's no facility identified. Two  
25 pages later they say that they have a proposed

1 identified site. So we don't know which one is  
2 accurate here.

3 The budgeting also included positions for a  
4 custodian vastly below the standard in Broward  
5 County in Charter Schools on salary and for a  
6 security monitor, again, vastly below. The  
7 expenses incurred were for one month. They show  
8 that this was going to be for one month, but then  
9 their timeline speaks to getting a site sometime  
10 in February or January before the year begins. So  
11 the budgeting just made no sense.

12 And within the proposed timeline, there was a  
13 timeline, but there was no action plan. There was  
14 nothing within it that gave us a plan to handle  
15 unforeseen, unanticipated events that we know  
16 commonly can occur. Where are these children  
17 going to go? What are they going to do? We live  
18 in the Sunshine State and we have hurricanes or  
19 tornadoes commonly at the beginning of a school  
20 year. There was no action plan. So we had no  
21 idea what was going to become of the situation so  
22 those sections were denied. Thank you.

23 CHAIR TEPPER: Thank you.

24 And so questions from Commission Members on  
25 Issue Three?

1 MS. ESPOSITO: I just have a question,  
2 because I was reading the application and it says  
3 the letter is attached. Was that an oversight  
4 that you didn't include that letter? Do you have  
5 evidence of that letter?

6 MS. KELLY: We do have the assurance letter.

7 CHAIR TEPPER: You have to get up and go to  
8 the podium.

9 MS. KELLY: Oh, I'm sorry.

10 The assurance letter was not attached, it is  
11 true. However, we do have an assurance letter for  
12 the loan.

13 MS. HODGENS: It was not part of the  
14 application?

15 CHAIR TEPPER: It was not included in the  
16 application?

17 MS. KELLY: It was not. That was an  
18 oversight, it was not. But it does exist.

19 CHAIR TEPPER: And for the District?

20 MR. VIGNOLA: Nothing further.

21 CHAIR TEPPER: Okay. Other questions from  
22 Commission Members?

23 (No response.)

24 CHAIR TEPPER: Then would someone like to  
25 make the motion, please, on Issue Three?

1 Jenna.

2 MS. HODGENS: Yes. I move that the  
3 Commission find that the School Board did have  
4 competent substantial evidence to support its  
5 denial of the application based on the Applicant's  
6 failure to meet the standards for the Business  
7 Plan.

8 CHAIR TEPPER: You've heard the motion, that  
9 the Commission find that the School Board did have  
10 competent substantial evidence for the denial on  
11 this issue.

12 Is there a second?

13 MS. ESPOSITO: I second.

14 CHAIR TEPPER: Sonia.

15 So the motion is the Commission find the  
16 School Board did have competent substantial  
17 evidence to support its denial of the application  
18 based on the Applicant's failure to meet the  
19 standards for the Business Plan. If you vote yes,  
20 you are voting for the District. If you vote no,  
21 you are voting for the Charter School.

22 Cathy.

23 MS. BRUBAKER: Yes.

24 CHAIR TEPPER: Sonia.

25 MS. ESPOSITO: Yes.

1 CHAIR TEPPER: Osvaldo.

2 MR. GARCIA: Yes.

3 CHAIR TEPPER: Jenna.

4 MS. HODGENS: Yes.

5 CHAIR TEPPER: So you have found that the  
6 School Board did have competent substantial  
7 evidence on this issue. You must now determine  
8 whether that was good cause.

9 Jenna.

10 MS. HODGENS: I move that the Commission find  
11 that the Applicant's failure to meet the standards  
12 for the Business Plan was statutory good cause for  
13 denial.

14 CHAIR TEPPER: You've heard the motion, that  
15 it was statutory good cause for denial.

16 Is there a second?

17 MS. ESPOSITO: I second.

18 CHAIR TEPPER: Sonia.

19 So the motion is the Commission find the  
20 Applicant's failure to meet the standards for the  
21 Business Plan was statutory good cause for denial.  
22 If you vote yes, you are voting for the District.  
23 If you vote no, you are voting for the Charter  
24 School.

25 Cathy.

1 MS. BRUBAKER: Yes.

2 CHAIR TEPPER: Sonia.

3 MS. ESPOSITO: Yes.

4 CHAIR TEPPER: Osvaldo.

5 MR. GARCIA: Yes.

6 CHAIR TEPPER: Jenna.

7 MS. HODGENS: Yes.

8 CHAIR TEPPER: So the District prevails on  
9 Issue Three.

10 Would someone please make the motion to deny  
11 the appeal of the Charter School.

12 MS. ESPOSITO: I'll make the motion.

13 CHAIR TEPPER: Sonia.

14 MS. ESPOSITO: I move the Commission  
15 recommend that the State Board of Education deny  
16 the appeal.

17 CHAIR TEPPER: You've heard the motion, that  
18 the Commission make the recommendation to the  
19 State Board to deny the appeal.

20 Cathy.

21 MS. BRUBAKER: Yes.

22 CHAIR TEPPER: Sonia.

23 MS. ESPOSITO: Yes.

24 CHAIR TEPPER: Osvaldo.

25 MR. GARCIA: Yes.

1 CHAIR TEPPER: Jenna.

2 MS. HODGENS: Yes.

3 CHAIR TEPPER: So the appeal of the Charter  
4 School is denied. This one will be heard at the  
5 next State Board meeting. But at this moment, I  
6 don't know when that will be. Jackie will send  
7 you a letter and then a week out you will be able  
8 to tell where you are on the agenda, okay?

9 MR. NORWOOD: Okay. Thank you very much.

10 MS. ESPOSITO: The motion wasn't seconded.

11 MS. HODGENS: Yeah.

12 CHAIR TEPPER: I skipped that?

13 MS. ESPOSITO: Yes.

14 CHAIR TEPPER: For the record, the motion on  
15 the last one to deny was made by Sonia.

16 Is there a second?

17 MR. GARCIA: I second.

18 CHAIR TEPPER: Osvaldo.

19 And it was a unanimous vote.

20 MS. ESPOSITO: Yes.

21 CHAIR TEPPER: Thank you. We're going to  
22 take a ten-minute break and come back at five  
23 till. Thank you.

24 (Whereupon, proceedings were concluded at  
25 9:45 a.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 44, 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

