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STATE OF FLORIDA
CHARTER SCHOOL APPEAL COMMISSION

RENAISSANCE CHARTER HIGH SCHOOL OF PALM BEACH
VS.
THE SCHOOL BOARD OF PALM BEACH COUNTY

DATE: Wednesday, June 13, 2018
TIME: Commenced at 11:15 a.m.
Concluded at 1:55 p.m.
LOCATION: 325 West Gaines Street
Tallahassee, Florida
REPORTED BY: MICHELLE SUBIA, RPR, CCR
Court Reporter and Notary
Public in and for the
State of Florida at Large

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COMMISSION MEMBERS APPEARING :

LOIS TEPPER, CHAIR

JENNA HODGENS

SONIA ESPOSITO

OSVALDO GARCIA

RICHARD MORENO

* * *

CERTIFICATE OF REPORTER

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P R O C E E D I N G S

1
2 So that takes us to the second appeal that
3 we're going to hear this morning, which is
4 Renaissance Charter High School of Palm Beach vs.
5 the School Board of Palm Beach County. And as we
6 did before, ten minutes on each side. And we
7 always start with the Charter School.

8 MS. ALEXANDER: I'm Stephanie Alexander, and
9 I represent the Applicant and the governing board
10 and Renaissance Charter School, Inc., and
11 Renaissance Charter High School of Palm Beach.

12 To start we would like to have our governing
13 board members speak for a few minutes and then
14 I'll follow up. Thank you.

15 CHAIR TEPPER: Thank you.

16 MR. HAIKO: Good morning. My is name Ken
17 Haiko, and I'm the Chairman of Renaissance Charter
18 Schools, the Applicant for the Charter. I've been
19 Chairman for approximately 16 years, and most of
20 our Board members have been with us almost as
21 long. And currently we operate 38 schools in
22 eight counties and have over 35 students -- 35,000
23 students enrolled.

24 We're here today because Palm Beach County
25 School District has denied our application for a

1 Charter School mainly on the basis that we're not
2 innovative enough. Yet this assumption was
3 disputed by one of their own Board members.

4 At that School Board meeting, the room was
5 packed with parents who came to speak on behalf of
6 our proposed school. Many extolling the
7 innovative practices employed at our schools.
8 Some of their stories had everyone in the room in
9 tears, telling how the environment at the
10 Renaissance Schools that will feed into the high
11 school literally saved their children from certain
12 failure, and they needed that environment going
13 forward. But their pleas were ignored, even while
14 some School Board members acknowledged from the
15 dais that our innovative programs were something
16 that should be employed by District Schools.

17 School Board member Karen Brill commented --
18 after she voted to deny our application, she
19 stated that this application was very innovative.
20 And I quote here, "I think that what really struck
21 me was about personal learning plan, the daily
22 report to parents. I think that's the things that
23 we are getting. Yes, we do need to do better in
24 our District as well." Again, that's from a
25 School Board member.

1 As to innovation, I was in front of this
2 panel two years ago and I explained our personal
3 learning plans, that we offer a longer school day,
4 that we have a unique grading philosophy that only
5 reflects mastery of the student standards taught,
6 and we offer a blended learning that provides
7 direct teacher instruction and online programming.
8 These are but a very few of the impactful
9 innovations that we employ in our schools that are
10 not found in the District Schools. I also have a
11 list of additional innovative practices that we
12 use at the District present.

13 The Palm Beach District has demonstrated its
14 contempt for Charter Schools in general and
15 Renaissance Charter Schools specifically through
16 their acts of civil disobedience and disregard for
17 the willed parents, to say nothing of their
18 disrespect for the taxpayers of Palm Beach County.

19 The parents of Palm Beach County have clearly
20 shown they want to continue in a secure
21 environment that the Renaissance Charter Schools
22 provide. Quite frankly, it's a little frustrating
23 to have to drag all of these people up here away
24 from their jobs benefiting students, pay
25 transportation costs and attorney fees to come up

1 here and fight for our students. Yet we are here
2 again. While they don't seem to care about
3 wasting taxpayer dollars, Ladies and Gentlemen, I
4 do.

5 You overturned the last attempt by this
6 District to disregard Florida law, thwart the will
7 of parents and stand in the way of choice. I ask
8 that you stand with the students and parents again
9 today and allow us to finish what we started in
10 grades K through eight. Let us build them a high
11 school. Thank you.

12 CHAIR TEPPER: Thank you.

13 MS. ALEXANDER: As you know from Mr. Haiko
14 and from the briefs and the previous appeal in
15 this matter, Renaissance Charter Schools has a
16 long and successful tenure as an experienced
17 Charter School operator. Indeed they operate 38
18 schools in eight counties, as Mr. Haiko just
19 testified. In fact, it currently operates six
20 Charter Schools in Palm Beach County. And had
21 promised its parents after many requests that it
22 would open a new charter high school in Palm Beach
23 County so that its students could continue their
24 education in the same academy model provided by
25 Renaissance in their earlier years.

1 The Palm Beach County School Board, as noted
2 in the previous appeal, has already approved
3 charter applications from Renaissance seven times
4 previously, and those applications were
5 substantively identical to the Charter application
6 it denied here. Moreover, this Board, the Charter
7 School Appeal Commission itself, reversed the
8 School Board's denial of basically the same
9 Charter application during previous appeals and,
10 in fact, it previously reversed this one, as did
11 the State Board of Education.

12 We all know what's going on here. The School
13 Board, tired of losing so many of its students and
14 the money that went with them, to Charter Schools,
15 suddenly decided that it was going to deny all
16 charter applications for Charter Schools that were
17 going to compete directly with the School Board.
18 This is proven by the fact that during the last
19 application cycle, the School Board received 22
20 charter applications -- the Charter School
21 application cycle where the FCEF appeal was
22 heard -- it received 22 charter applications and
23 denied every single one.

24 This application cycle, the one at this --
25 concerning this appeal, which was the following

1 year, the School Board did much the same, only
2 approving a few new Charter Schools that did not
3 directly compete with it, with its own schools;
4 that is, they were different areas or they had a
5 different student clientele.

6 A plain review of the application and its
7 attachments reveal, as the seven or eight times
8 previously, that the applications here contained
9 all statutorily required information and proposed
10 a compliant Charter School that would serve the
11 needs and provide choice to the students and the
12 parents of Palm Beach County that wanted a high
13 school in the same model that they were already
14 being educated in. The fact that a nearly
15 identical application to the one filed here has
16 been approved seven times by the very same School
17 Board previously, something clearly calls into
18 question the legitimacy of the denial since this
19 application had already been approved basically in
20 form and substance.

21 Even in the last cycle with respect to the
22 innovation issue, it found that the other
23 categories which it partially denied here, it
24 found them to be completely compliant. That is,
25 the appeal that you just heard, they found all of

1 those areas to be compliant here. They suddenly
2 found innovation lacking and some of the areas
3 partially deficient, even though basically the
4 applications were the same.

5 As we noted in the previous appeal, the
6 Administrative Law Judge, in the case of
7 Renaissance Charter School vs. the School Board of
8 Palm Beach County specifically held that School
9 Board Policy 2.57 which ingrafted their own
10 limiting and illegal definition of innovative
11 learning methods or innovation on to the charter
12 application was illegal. As such, if it was
13 illegal, they could not have used it then, they
14 cannot rely upon it now in urging that this
15 application be denied. And, in fact, since you
16 just held that virtually the same model to be
17 innovative in the previous appeal, the same result
18 would be demanded here for consistency sake and
19 also as a matter of res judicata collateral
20 estoppel, meaning the issue has already been
21 resolved.

22 So for all of those reasons, we urge that the
23 same result as the last time you were here
24 happened, and that we win our appeal for the
25 Charter School High School of Palm Beach County.

1 Thank you.

2 CHAIR TEPPER: Thank you.

3 And for the School District.

4 MR. FAHEY: Good morning again,
5 Commissioners. I'm Sean Fahey, Associate Attorney
6 with the Office of General Counsel for the School
7 Board. I have with me still Denise Sagerholm,
8 another attorney from our office, Jim Pegg,
9 Director of Charter School for our District, and
10 Heather Knust, Budget Director for our District.

11 As the Applicants indicated, this appeal
12 concerns an operator of several K8 Charter Schools
13 in our District that opened -- applied to open a
14 Charter School, and the School Board, acting upon
15 the recommendation of the District staff and the
16 Superintendent, denied the application.

17 And really I want to use this introductory
18 time to kind of -- I outlined several guiding
19 principles for my remarks today because the
20 Applicants have kind of tried to make this appeal
21 about a lot of other things. But really it's
22 pretty simple, this application was adjudged to be
23 deficient in five sections by our District staff
24 and the School Board adopted the recommendation of
25 the Superintendent and denied the application.

1 And the question for the Commission is are
2 the reasons for denial in that letter of denial
3 supported by competent substantial evidence and
4 are they good cause for denying the application.

5 The Applicants have heavily attacked the
6 School Board's motives in its review of this
7 application. They have alleged that the School
8 Board is tired of competition, et cetera, et
9 cetera. They also continue to insist that
10 basically the same application had been approved
11 several times in the past. And that's simply not
12 the case. This was an application for a high
13 school. It's common sense that a high school is
14 not a K8 school. It is a different application.
15 It is for a different school.

16 So aside from the fact that every application
17 is judged on its merits anyway, that argument
18 especially doesn't apply here because this was an
19 application for a different kind of school.

20 You also heard Mr. Haiko remark that the
21 Board member Karen Brill, a member of our School
22 Board, conceded that this application was
23 innovative. That's simply not correct. There
24 were three Board members that talked about this
25 application at this meeting. It's true that

1 Dr. Robinson and Karen Brill did indicate --
2 Dr. Robinson said we have to do better. Karen
3 Brill never said this application was innovative,
4 but she said I think the things that you're
5 getting, yes, we need to do better in our District
6 as well. But that was not a concession in any way
7 that this application was in fact innovative.

8 These Board members had just heard parents
9 complain about why their children aren't in
10 District Schools. So there's obviously some kind
11 of communication issues going on if those parents
12 think the only place they can get some of these
13 practices is a Renaissance School. And that's all
14 these Board members were acknowledging.

15 I think it's important to look at Erica
16 Whitfield's -- a School Board member -- comments,
17 directing these parents to contact the School
18 District's Choice Office and, in fact, find a
19 school that fits what they're looking for if
20 they're dissatisfied with what they have been
21 getting from the District Schools. So there's no
22 concession by any of these Board members that this
23 application was innovative.

24 So the remaining points I would like to make
25 with these introductory comments are just --

1 there's three. What does it mean to say that an
2 application section only partially meets the
3 standard? What is the evidence that the School
4 Board can rely upon in reviewing this application?
5 And then finally, the School Board Policy 2.57.

6 So the first issue quickly, the Applicants
7 have argued in this appeal that if a section of
8 the application is adjudged as only partially
9 meeting the standard, that that cannot provide
10 good cause for denying the application. And
11 that's simply incorrect and it defeats the entire
12 purpose of rating a section as only partially
13 meeting the standard. Here we have four sections
14 that were adjudged to only partially meeting the
15 standard that we're relying upon in this appeal
16 and one that was rated does not meeting the
17 standard.

18 And if you look at the definition in the
19 model evaluation instrument of what it means to
20 partially meet the standard, it means the response
21 addresses most of the criteria but that the
22 responses lack meaningful detail and require
23 important additional information. So by that very
24 definition, that means that response is deficient,
25 and that the School Board should absolutely be

1 entitled to rely upon that, particularly when
2 there are multiple sections of the application
3 that only partially meet the standard as good
4 cause to deny the application.

5 Second, when we talk about the evidence that
6 the School Board can rely upon, there's an
7 argument in this appeal by the Applicants that
8 essentially some of the critical issues relating
9 to budget in particular, these were disagreements
10 over what numbers should be used. But that's
11 simply not true.

12 The crucial application sections, as we'll
13 talk about more when we get to those issues,
14 require the Applicant to do more than simply plug
15 in a number. They require the Applicant to engage
16 in an exercise to find a realistic projection of
17 its revenues and expenditures.

18 So our District staff relied upon real facts
19 and real data about our District in reviewing that
20 application. This was not simply a disagreement
21 over numbers or it wasn't simply some hypothetical
22 esoteric exercise. This was an actual evaluation
23 that adhered to those criteria in the model
24 evaluation instrument.

25 And I'll use a little bit more of my time in

1 these introductory comments to talk about this
2 ALJ's ruling. As we stated in the appeal, we have
3 no problem with the Commission taking official
4 recognition of it. You can find it on Westlaw.
5 It is a decision. As we noted earlier, it is
6 nonbinding on this Commission.

7 And I just want to take a moment to talk
8 about what the ALJ ruled about our School Board
9 Policy 2.57, which sets forth the definition of
10 the term "innovative" as it is used in that
11 Charter School Statute, and provides a rubric for
12 the District staff to use when evaluating
13 innovation in a Charter School application. And
14 the ALJ found that it was invalid because first
15 she did not think that this Charter School Statute
16 mandates an innovation standard. She relied on
17 the word "encourages" in the statutory purposes
18 section of this statute. And, second, she did not
19 believe that the School Board could validly
20 require a Charter School Applicant to demonstrate
21 that it would improve upon the status quo.

22 And the reason we have appealed that ruling
23 is because that has to be wrong. So the first
24 question, does it mandate a standard, you've heard
25 me make this argument earlier today. The Charter

1 School Applicant is unquestionably required to
2 demonstrate in its application how its school will
3 encourage the use of innovative learning methods.
4 And that is more than just how it might
5 hypothetically encourage innovation in some sense.
6 It actually requires the Applicant to demonstrate
7 how its school will be innovative.

8 And, again, the reason we say that is because
9 the sponsor also has the duty to ensure that the
10 ultimate Charter, whether it's the Charter
11 contract that outlines the educational model of
12 the School and incorporates the application, but
13 that the actual Charter is innovative.

14 The second point, to suggest that our
15 definition is invalid because it requires a
16 Charter School Applicant to demonstrate how they
17 will improve upon the status quo, that has to be
18 wrong because of course a Charter School has to
19 improve upon the status quo. Why on earth would a
20 School Board approve a Charter School application
21 if the proposed Charter School is not going to
22 improve upon the status quo in the District in
23 some manner?

24 And you've heard talk today from these
25 Applicants about how there were some parents who

1 came to the School Board meeting and said they
2 wanted this high school. But respectfully, it's
3 the School Board's decision about what is best for
4 the School District of Palm Beach County and
5 whether a proposed Charter School is going to
6 fulfill the purposes of the Charter School Statute
7 and be a lawful, valid Charter School under the
8 statute. That's not for the parents to make that
9 call, it's for the School Board.

10 How much time do I have left?

11 CHAIR TEPPER: Three minutes.

12 MR. FAHEY: I concede three minutes of my
13 time to Mr. Pegg to discuss his evaluation on the
14 innovation component of this application briefly.
15 Thank you.

16 MR. PEGG: Hi, I'm Jim Pegg. I'm the
17 Director of the Department of Charter Schools for
18 the School District of Palm Beach County.

19 In the review of this application, the rubric
20 that Mr. Fahey has referred to as a part of School
21 Board Policy 2.57 was utilized. And as the
22 reviewers of the application review team look at
23 it, they look at it in a way that they compare
24 innovation to what is in place in the School
25 District of Palm Beach County to that which is

1 being presented in the application itself.

2 And one of the things that Mr. Haiko shared
3 with us, he talked about the personalized learning
4 plan. The student academic learning plan, also
5 known as SALP, in the School District of Palm
6 Beach County has been in place since the late
7 1990s. So looking at a personalized learning plan
8 for students wouldn't be considered innovative if
9 it's something that has been in place for quite a
10 few years in the School District.

11 Likewise, when we talk about the blended
12 learning, the blended learning perspectives that
13 were provided in the application did not measure
14 up to the blended learning opportunities that are
15 provided for students in high schools of the
16 School District of Palm Beach County. The School
17 District high schools are highly technical.

18 CHAIR TEPPER: Can you slow down.

19 MR. PEGG: Oh, I'm sorry. I have three
20 minutes.

21 CHAIR TEPPER: She has to type it.

22 MR. PEGG: The technology and the blended
23 learning opportunities for students of the
24 District operated high schools are many, mostly
25 because we not only include blending learning

1 opportunities but full video or, I want to say,
2 technology, instructional opportunities in the
3 classroom. So that, too, did not appear to be
4 innovative as it looked in comparison to the
5 District high schools.

6 So those are some of the issues that were
7 used to compare for opportunities for innovation.
8 And that is why we used that rubric, where the
9 rubric has standards that say it is innovative,
10 partially innovative, or is not innovative. So we
11 used the same kind of standards that we would use
12 as we rate others meets, partially, or does not
13 meet in reviewing the various opportunities that
14 are provided in the application.

15 CHAIR TEPPER: Thank you.

16 So that takes us to Issue 1, which is the
17 educational plan. And the specific sections are
18 mission, guiding principles and purpose;
19 exceptional students; and English Language
20 Learners.

21 For the School, three minutes.

22 MS. ALEXANDER: I want to point out again
23 with respect to the innovative issues, Mr. Pegg
24 just talked about the rubric that they adopted
25 that requires all of this innovation and Charter

1 Schools to be different than the District Schools.
2 That rubric, along with their self-created and
3 limiting definition of innovation was also held to
4 be invalid by the same Administrative Law Judge
5 because in fact it included standards that do not
6 exist in the statute.

7 That being said, more detail with respect to
8 the innovation issue, you all have just held that
9 the basic model here used in this application that
10 was used in the previous case to be innovative.
11 And our argument is, well, of course it was, and
12 it still is in this one. In fact, even though
13 it's a high school, it had the same qualities, you
14 know, individual learning plans and things like
15 that. But it also had certain other attributes
16 that I would like Mr. Kelmanson and others to
17 speak to.

18 But the truth being said is, again, they
19 don't want Charter Schools. They didn't want our
20 high school. And so that's why they denied it.
21 That's why several of these suddenly partially,
22 only partially met the standard when in fact the
23 previous application those very same application
24 sections had met the standard. It's all basically
25 a game of Three-Card Monte here.

1 But that being said, I would like someone to
2 speak to how the high school is different or adds
3 to the innovation that we discussed in our
4 previous --

5 MR. KELMANSON: Ask how much time you have
6 left.

7 CHAIR TEPPER: You have two minutes.

8 MS. EVANS: Two minutes?

9 CHAIR TEPPER: Uh-huh.

10 MS. EVANS: I'm Jodi Evans, Lead Principal.

11 A couple of things for our education plan.
12 We do have research-based instructional strategies
13 but we also have the technology integration within
14 our high school that includes production rooms.

15 Also, on, I believe it's page 44 of the
16 application, the School has access to an
17 innovation team that constantly does research and
18 will supply any kind of new and upcoming programs
19 to the high school for students, especially in the
20 21st Century they're always changing skills and
21 trying to update programs for students to get them
22 ready for their job field.

23 We also will include a restorative justice
24 program. So in junction with the School District
25 of Palm Beach County, we're going to have

1 restorative justice, which will promote student
2 advocacy, empathy, empowerment, and positive
3 decision-making skills which are essential for
4 adolescent development.

5 Personalized learning plans for our freshmen
6 will contain high school graduation goals built
7 upon intermediate goals and action steps on how to
8 get the students to that graduation goal. And the
9 freshman academy, those students will also get a
10 teacher adviser for each student. They will have
11 student-to-student discussions. Once the School
12 is full with seniors, the juniors and seniors will
13 discuss with freshmen what they would do
14 differently if they went back to their freshman
15 year. We also have incorporated self-awareness
16 studies and in-depth studies of life after high
17 school, including what kind of college choices
18 they would like to make.

19 Also, our career academies, which we have
20 examples of in our application, obviously will be
21 based on student needs and interests of the
22 community of Palm Beach. But we do a label in
23 Table 3.4 what those college and career academies
24 may look like.

25 We will also offer the Cambridge program that

1 you can find on page 31 and 47. That is a program
2 to support academic rigor throughout the
3 programming of the School. It will provide an
4 international pre-university curriculum, and an
5 examination for students who will benefit from the
6 rigorous academic program.

7 Cambridge courses combine the content of
8 honors curriculum with the content students must
9 learn to write the Cambridge papers successfully.
10 So we believe that Cambridge students will have
11 high academic expectations and be self-motivated
12 and have good study habits. Also, the senior
13 project, which will be a combination activity for
14 students who are seniors to demonstrate what
15 they've learned in their high school tenure.

16 CHAIR TEPPER: Your time is up.

17 MS. EVANS: Okay. Thank you.

18 CHAIR TEPPER: We will have questions.

19 MS. EVANS: Okay. Perfect.

20 CHAIR TEPPER: And for the District, I let
21 her go over and I'll afford you the same.

22 MR. FAHEY: Okay. Sean Fahey again for the
23 School Board.

24 I think it's important to reiterate that
25 Issue 1 has three sections of the application that

1 were at issue, so I'm just going to briefly talk
2 about Section 6 and 7, and then I'll turn it over
3 to Mr. Pegg to conclude his response to what the
4 Applicants have outlined to the Commission.

5 So Section 6 was rated as partially meets the
6 standard. The crucial criterion that was found to
7 be lacking here is paragraph 2F on the
8 Commission's motion sheet, a realistic enrollment
9 projection and a staffing plan that aligns with
10 the projections. As explained by the District
11 reviewer that the School Board -- who has reviewed
12 the School Board, adopted.

13 Here the School under-projected by several
14 percentage points the likely population of
15 students with disabilities in its proposed Charter
16 School. And the reason this is important to the
17 School Board is that the School Board needs
18 assurance that a proposed Charter School will meet
19 the needs of those students and is prepared to
20 meet the needs of those students. And schools
21 that under-project on these points inevitably have
22 issues and require more extensive monitoring by
23 the School Board in that regard.

24 At Section 7, a similar issue. This is for
25 English Language Learners. And the relevant

1 criterion on the Commission's motion sheet,
2 paragraph 3D, has the School demonstrated the
3 capacity to meet the School's obligations under
4 state and federal law. And one of the things the
5 Applicants are required to do, they're on notice
6 about it, as reflected in the interview they had
7 with the District staff, is to reference
8 compliance with the resolution agreement between
9 the United States Department of Justice and the
10 School District relating to the admission and the
11 discipline of students who are English Language
12 Learners.

13 But by failing to discuss that in their
14 application, they failed to demonstrate their
15 capacity to meet the School's obligations under
16 federal law. So for those two reasons, those
17 sections were appropriately rated as only
18 partially meeting the standard and provide good
19 cause for denial of the application.

20 And I'll save the remainder of my time on
21 Issue 1 to Mr. Pegg to talk about that section.
22 Thank you.

23 MR. PEGG: Again, I would like to address the
24 innovative, I'll say measurement of the
25 application. In regards to the fact that as we

1 look at the District operated high schools of the
2 School District of Palm Beach County, that it's a
3 nationally awarded or nationally recognized career
4 education programs and choice programs in the --
5 not in just the state of Florida, but throughout
6 the country. And we have some of the greatest
7 choices demographically and geographically for
8 students in Palm Beach County.

9 If the premise of Charter Schools is to
10 provide choice for parents, we are of the position
11 that we provide opportunity of choice throughout
12 the District for different career academies, and
13 we don't just put them in one part of the county.
14 They are throughout the county and available.

15 All high schools in the School District of
16 Palm Beach County have Cambridge programs. So the
17 choice of Cambridge Academic Learning is available
18 to them. Likewise, we have, I believe, five high
19 schools that have international Baccalaureate
20 programs that are operating in the School District
21 of Palm Beach County at this time. So the
22 opportunity for choice already exists.

23 As we measure innovation, we're looking to
24 see if there are choices available for parents and
25 students that will provide them those

1 opportunities that perhaps a Charter School could
2 give an opportunity that we don't provide. And
3 this Charter School application did not offer any
4 opportunities that the School District of Palm
5 Beach County had not already provided.

6 CHAIR TEPPER: Okay. So for Commission
7 members on Issue 1, questions regarding mission,
8 guiding principles and purpose, Section F
9 regarding exceptional students, and Section D
10 regarding English Language Learners.

11 Questions.

12 MS. HODGENS: I think my first question is
13 for the District. And this might sound like a
14 broad question, but we've talked so much about
15 innovation. Can you tell me what innovation would
16 look like in a charter application?

17 MR. PEGG: The School Board and School
18 District staff have worked together to develop
19 what we will say a picture of what innovation
20 would look like. First, we would like to see
21 academic and career programs that are offered for
22 students that are not offered by other schools in
23 the District, primarily District operated schools.

24 Secondly, we would like programs that are
25 going to provide opportunities for students to go

1 into, especially with -- speaking of high schools
2 now -- high school opportunities of choice by a
3 Charter School that will prepare students for the
4 21st Century workplace. And we're looking for
5 those things that are evidenced in the Charter
6 School application that would be there.

7 The third thing that we would look at is that
8 which would be, you know, basically what is it --
9 you know, I heard someone say earlier today that
10 innovation is improving on the situation. And
11 that is exactly what we want to be able to do,
12 look at something that's going to improve on the
13 current status of public education in the School
14 District of Palm Beach County for the opportunity
15 to provide additional options and choices for
16 parents in the School District of Palm Beach
17 County.

18 We have approved Charter applications since
19 it was mentioned at that point that have gone
20 through the cycle and have addressed the
21 innovation rubric that we have in place, and they
22 have been successful in addressing that and are
23 now implementing that as active Charter Schools in
24 the School District. So to say that we have not
25 approved them, that is just not true. We have

1 used a rubric, we have enacted the rubric, and
2 applications have been approved in addressing
3 innovation.

4 CHAIR TEPPER: Okay. Further questions?

5 MS. ESPOSITO: Can I still ask?

6 CHAIR TEPPER: Go ahead. For the District?

7 MS. ESPOSITO: For the District. Mr. Pegg,
8 just a little bit more because Jenna asked you and
9 you said, well, you know, a program that offers
10 academic and career programs not present in some
11 school. I'm thinking what other programs are out
12 there that are research based that you have the
13 certification that you can go ahead and implement
14 and then programs of the 21st Century. Well, for
15 some schools implementing a program that is for
16 the 21st Century and that is innovative in itself.

17 But for the District, can you share like a
18 global, general -- can you give me like specific
19 examples of what kind of programs you see out
20 there that truly meet that definition that is not
21 what they say or probably some examples of the
22 ones that you said you guys approved?

23 MR. PEGG: That's what I'm looking at.

24 MS. ESPOSITO: Tell me.

25 MR. PEGG: Without naming those high schools,

1 one of the high schools that was approved and one
2 that will open, actually, within the next few
3 weeks is promoting a new way of working with
4 students so that they can be prepared to go out
5 into the workforce, to the sports management field
6 and to the arts field so that they can address how
7 they can provide career opportunities for students
8 in the arts and also in sports leadership. And
9 that was approved since this application had been
10 submitted and denied, so that application was
11 approved.

12 We also had one that was based on
13 international studies, which was international
14 languages. That one is not yet ready to open, and
15 they open as soon as August. But they're looking
16 for a deferment at this time.

17 But when they open, they're going to be
18 addressing the use of international languages such
19 as Japanese, Chinese, and I'm recalling off the
20 top of my head, but they're using international
21 languages, which would be different than we would
22 offer in our District operated schools, giving
23 them opportunities for those.

24 And finally, that which is going to provide
25 not what we would call dual language instruction,

1 but we'll call language immersion, so there would
2 be more than one language. The core instructions
3 being offered and those students are able to
4 learn -- become strong -- become what we call
5 bilingual, and they will be able to be more -- I'm
6 looking for the word.

7 MS. ESPOSITO: It's biliterate.

8 MR. PEGG: Yeah, biliterate. Thank you,
9 Sonia, that's the word I was looking for.

10 So that they would be biliterate as they
11 exited that Charter School.

12 CHAIR TEPPER: I'm going to let the School
13 respond.

14 MS. ALEXANDER: Thank you.

15 Mr. Pegg just proves my point, right. So in
16 the previous appeal they argued that they get to
17 define innovation. The ALJ has said, no, you
18 don't. The statute defines what's required. They
19 basically are saying we get to deny all Charter
20 applications that we think will compete with us.
21 So someone wants to do sports management and we're
22 not doing sports management, then they can do it.
23 The examples that they used in the lower appeal or
24 the previous appeal in this matter was, well, a
25 school was dedicated to cooking or a school was

1 dedicated to autistic students. I think that was
2 the other example. I apologize if I'm
3 misremembering.

4 So basically what they're saying is we're
5 going to define innovation so that we can
6 eliminate direct competition and only allow the
7 schools that we want. If we feel like we want
8 sports management, we're going to allow that.
9 That is the kind of lawlessness that the ALJ
10 rejected. They cannot impose their own standards
11 of what is innovative and what a Charter School
12 should be. That's the Charter School's choice.
13 If they meet the legal standards, they should be
14 allowed to open. The fact that some of these
15 suddenly are partially deficient, I don't think
16 that they failed the standard. In fact, it says,
17 partially meets the standard. That's not a
18 failure.

19 But putting that aside, again, like all
20 Charter high schools, or all high schools -- I'm
21 sorry -- have some kind of foreign language. So
22 the stuff that he's described, which isn't in
23 evidence actually and should not be, actually
24 accorded deference by this tribunal, it's not
25 relevant and in fact it's not anything different

1 than what most schools do.

2 But the fact remains is they are not allowed
3 to narrow the box of what a permissible Charter
4 School is. The ALJ has said that and the law says
5 that. They are only allowed to look for the
6 standards according to the statute and apply
7 those. They concede that they used their own
8 standard, they used their own rubric, both of
9 which have been held to be illegal. That should
10 be enough. This case should be over on the
11 innovation side. Thank you.

12 MR. FAHEY: Can I say one thing very briefly?

13 CHAIR TEPPER: Certainly.

14 MR. FAHEY: Okay. I just want to make this
15 point clear so that it doesn't -- I agree, those
16 are the applications that have been approved,
17 those are the examples we have. But it isn't just
18 that a school has to be a cooking school or offer
19 some far out curriculum to be innovative.
20 Although, we welcome enriching the choices
21 available to students and parents of Palm Beach
22 County as much as possible, and that's certainly a
23 part of the review process.

24 I think what's important to reemphasize here
25 or reiterate as much as I can is that this is not

1 a high performing replication. This was not some
2 outstanding Charter School model. And I'm not
3 saying it with any disrespect to the people here
4 that represent these Charter Schools -- this
5 Charter School today, this proposed Charter
6 School. I'm simply saying that there's more to
7 innovation than just being different. There's
8 also -- you can do the same things we're doing.
9 Are you improving upon the status quo, which is
10 why we said at the beginning it's absurd to think
11 that can't be part of our review process? Are you
12 improving upon the status quo? And part of the
13 concern here is that this school, this proposed
14 school, does not do that. Thank you.

15 CHAIR TEPPER: Other questions from
16 Commission members?

17 MS. HODGENS: We're doing ESE and ELL also,
18 correct?

19 CHAIR TEPPER: Yes, ma'am.

20 MS. HODGENS: Okay. So I guess it's kind of
21 to do with all of these issues, but there's other
22 schools operating in the District that are
23 Renaissance schools and so these issues are coming
24 up in this application -- tell me if I'm off
25 course here, you can stop me -- but I want to know

1 if this is a big deal in this application -- and
2 that's probably not the right way to say it so I
3 apologize -- but if this is something that's
4 causing the School District to deny this
5 application, are these -- and I'm talking about
6 all three now because you talk about the ESE
7 percentages and you talk about the ELL -- I want
8 to know if there's issues with the ELL in the
9 other schools. But if the other schools are
10 operating and there's no action being taken
11 against them, is the application that's being
12 presented to you -- is it going to be a school
13 that's going to be -- I guess I'm not articulating
14 well, but I'm trying to get to if innovation is
15 that important in Palm Beach County and you can
16 deny an application based on it's not innovative
17 because it's your statutory -- not right, but your
18 statutory requirement to make sure they are
19 innovative -- are the other Renaissance schools in
20 the District innovative?

21 I'm just trying to wrap my head around -- and
22 I'm sorry, I'm not being very articulate at all,
23 but I'm just trying to understand with the other
24 schools operating -- I understand that an
25 application is something that needs to be

1 submitted and reviewed. I get it because I work
2 for a School District, too. But I'm just trying
3 to understand what's happening in the schools that
4 are already there and if they are operating that
5 poorly has action been taken against them in these
6 areas? Is that --

7 CHAIR TEPPER: That's fine.

8 MS. HODGENS: Okay.

9 CHAIR TEPPER: District.

10 MR. FAHEY: So I think there were two
11 questions there. And here is how I understand
12 your questions.

13 MS. HODGENS: Sorry.

14 MR. FAHEY: This is Sean Fahey for the School
15 Board.

16 And I say this to make sure I answer them.
17 So I hear two questions. Does the School Board
18 believe the other Renaissance schools are
19 innovative? The second question for the ESE and
20 ELL issues, are there issues with the schools that
21 are currently operating with those sections?

22 MS. HODGENS: Yes.

23 MR. FAHEY: So the first one I would make to
24 that is each application should be evaluated on
25 its own merits.

1 MS. HODGENS: Okay.

2 MR. FAHEY: So since the time that this
3 application was submitted, the state's model
4 instrument has added an applicant history
5 evaluation section where you also look at the
6 portfolio of the Charter School operator and its
7 ESP, and you evaluate the performance. And that's
8 a separate criteria. And that is something that
9 we considered and we discussed in the last appeal.

10 Can I say that there are documented issues in
11 ELL for these Renaissance Charter Schools? No.
12 For ESE there have been a few. Whether they have
13 risen to full-blown corrective action plans or
14 issues like that, I don't believe they have.

15 I'll let Jim Pegg talk about what he's
16 experienced a little bit with those schools.

17 So I hope that answers your second question.

18 MS. HODGENS: Uh-huh.

19 MR. FAHEY: The first question, does the
20 School Board consider the other Renaissance
21 Charter Schools to be innovative, I think there
22 are two points to that. The first is when the
23 School Board adopted this policy criteria and
24 essentially grandfathered in its existing
25 operating schools. So long as their educational

1 plans haven't changed from what they were when
2 they applied materially, then they will not
3 essentially apply that definition of them going
4 forward. It only applies to applicants and
5 schools that are drastically changing their
6 educational plans.

7 So I don't have an answer to whether the
8 School Board would have judged the Renaissance
9 schools that exist there now to be innovative or
10 might have at the time those applications were
11 approved several years ago. I don't have an
12 answer to that question.

13 But perhaps Mr. Pegg could answer the
14 question. I mean, certainly all the reasons we've
15 provided today we would say probably not, right?
16 But I also don't think it's relevant to whether
17 the School Board was entitled to evaluate that
18 criteria as this school tries to expand its
19 educational presence in the District.

20 MS. HODGENS: So let me ask a follow-up
21 question real quick. So prior to the worksheet
22 that was added to the application, the School
23 District did not use -- did not consider operating
24 schools or capacity based on other schools that
25 they operated around the state or in their own

1 District, they did not use that to evaluate an
2 application?

3 MR. FAHEY: No, actually, there is language
4 in the School Board's Policy regarding Charter
5 School applications, that it was already doing
6 that essentially.

7 MS. HODGENS: Okay. That's what I thought so
8 I wanted to just make it clear.

9 MR. FAHEY: Right.

10 MS. HODGENS: So that's why I'm -- I guess
11 that's where I'm trying to wrap my head around
12 these other schools that are operating -- and I
13 agree with you, believe me, I'm a School District
14 and I deal with this every year, too, with
15 Applicants -- you were evaluating that
16 application. And I've had those hard
17 conversations with Applicants before, but I also
18 think that when -- if there's schools operating
19 within that District, my District, or within
20 Districts around me, I always do my due diligence
21 to see what is going on there.

22 So it's hard for me if there's so many
23 schools there already that these issues are coming
24 up if there's not issues within those schools,
25 too, that that was considered or not.

1 MR. FAHEY: And I want to make one final
2 point that I didn't make before to that, which was
3 that this was an application for a high school,
4 which presents different operational and
5 educational challenges than the K8 schools the
6 operator already operates. So that's the second
7 reason why I would -- I don't think it's
8 irrelevant whether they've had issues or
9 demonstrated the capacity to do what they are
10 required to do under the law for the ESE students
11 or English Language Learner students, but I do
12 think we're more than entitled to look at this
13 application on its merits whether they have
14 demonstrated that in this application for a high
15 school, which is different from what they're
16 operating in our District currently.

17 MS. HODGENS: Thank you.

18 MR. FAHEY: I'll let Mr. Pegg --

19 MS. ALEXANDER: No, can I --

20 CHAIR TEPPER: Just a second.

21 MS. ALEXANDER: I'm sorry.

22 CHAIR TEPPER: I'm going to let the School
23 answer and then we'll come back. Go ahead.

24 Again, the court reporter can only hear one
25 of you at a time.

1 MS. ALEXANDER: Mr. Fahey has basically
2 conceded that there aren't any significant issues
3 with the ELL or the ESE programs at the other
4 schools run by Renaissance in the District. We
5 object to any further specifics raised by Mr. Pegg
6 because that would be outside the scope.

7 The School Board hasn't justified any of its
8 partially meets the standards, especially on ELL
9 or ESE in any way by explaining how a high school
10 is different. The undisputed record shows that in
11 the application the percentages of ESE students
12 was projected based upon Renaissance's current
13 portfolio schools and what their percentages were.

14 Moreover, as you know, a Charter School can't
15 predict who is coming and who is not, and the
16 percentages that they get at any given school are
17 whoever applies. And there isn't any assertion
18 anywhere that somehow we don't meet the needs of
19 their ESE students or whatever. So that's our
20 argument on that. And like I said, it's getting
21 too far afield to allow in a lot of additional
22 evidence.

23 CHAIR TEPPER: I want you to stay there
24 because I have just a couple of specific questions
25 about what was in the letter of denial.

1 MS. ALEXANDER: Sure.

2 CHAIR TEPPER: Again, the same question I
3 asked you before, is it in your application and is
4 it specific that the School will encourage the use
5 of innovative learning methods and deliver an
6 educational and best practices to students and
7 their schools as required by the statute?

8 MS. ALEXANDER: Yes.

9 CHAIR TEPPER: Okay. And there are specific
10 examples, like the young lady that spoke earlier
11 talked about 21st Century workplace and other
12 things.

13 MS. ALEXANDER: Right. Academy model.

14 CHAIR TEPPER: On exceptional ed --

15 MS. ALEXANDER: I would defer to -- so you're
16 asking for --

17 CHAIR TEPPER: I haven't asked yet.

18 MS. ALEXANDER: Oh, I'm sorry. I was trying
19 to get --

20 CHAIR TEPPER: They're saying that you needed
21 to have a realistic projection for the students
22 with disabilities you might get. And I would like
23 to hear how you based -- what you based your
24 numbers on. Was it your experience? Was it other
25 schools? How did you come up with your plan? Is

1 it realistic?

2 MR. KELMANSON: Could you please repeat the
3 question?

4 CHAIR TEPPER: Certainly. One of the reasons
5 for denial was the section which is a realistic
6 enrollment projection of students with
7 disabilities. And the District said your numbers
8 were different than theirs. So I want to know
9 what you based your projections on and why is that
10 realistic for your school?

11 MR. KELMANSON: As Ms. Alexander just
12 reiterated, that it is found in the application
13 that we estimated 10 percent of ESE students
14 enrolling in this school. How was that derived?
15 It was derived from the existing schools that
16 operate in the District. That's about their
17 average. We have some schools in the District
18 that have over 17 percent ESE. But when you
19 average them all out, it comes out to be
20 10 percent.

21 CHAIR TEPPER: Okay. Another question on
22 English Language Learners. Somewhere along the
23 way did the School not agree in a Board meeting or
24 an interview to comply with the resolution
25 agreement?

1 MR. KELMANSON: No, not in any form or
2 fashion. The records actually show in the
3 previous hearing that we had that it was a
4 misunderstanding, that the reviewer that reviewed
5 that section thought that a Renaissance school,
6 which was not us, it was another Renaissance
7 school, was not complying with the DOJ order in
8 Palm Beach County. In fact, all the schools that
9 we operate in Palm Beach follow the District's
10 English Language Learners Plan and are compliant
11 with the DOJ order.

12 CHAIR TEPPER: And presumably that will be
13 part of your charter?

14 MS. ALEXANDER: Yes.

15 MR. KELMANSON: Yes, it would be in -- yes,
16 it would follow just like all the other schools
17 do.

18 CHAIR TEPPER: Okay. After all those
19 questions, I'm going to give the District a moment
20 on those three.

21 Gentlemen, if you're going to speak, you have
22 to be at the microphone. This is a public
23 meeting, she has to record. We can't have the
24 sidebar.

25 MR. FAHEY: Okay. So I'll have Jim Pegg

1 complete the answer to Ms. Hodgens' question about
2 ESE issues in the schools they operate in our
3 District. Thank you.

4 MS. ALEXANDER: And we've raised a previous
5 objection.

6 CHAIR TEPPER: I understand.

7 MS. ALEXANDER: Okay.

8 MR. PEGG: When we look at the percentage of
9 students that are enrolled in Renaissance Charter
10 Schools for ESE, yes, it is lower than it is for
11 the District average. But we do have -- some
12 sites are a little bit higher. As far as the
13 provision of services, we did have some concerns
14 earlier. And I've been with the School District
15 of Palm Beach County in the role that I serve
16 right now for the past five years.

17 Earlier in my tenure working with Renaissance
18 Charter Schools, we did have concerns that were
19 noted and provided to the management company in
20 regards to the ESE interventions. One of the
21 things that we've done as a District to be
22 proactive is to provide resource teachers that
23 monitor compliance for Charter Schools on a very
24 frequent basis. And that provides both for the
25 Charter Schools and the students meeting those

1 services.

2 CHAIR TEPPER: Okay.

3 MR. FAHEY: And if I could have our Budget
4 Director, Heather Knust, explain the 20 percent
5 figure that we require of Applicants briefly.

6 MS. ALEXANDER: Are we discussing the budget
7 part yet?

8 CHAIR TEPPER: We're not on budget. What 20
9 percent?

10 MS. KNUST: ESE.

11 MR. FAHEY: For ESE projections.

12 CHAIR TEPPER: Okay.

13 MS. KNUST: Heather Knust, Budget Director
14 for the School District.

15 So we look at their School District average
16 for ESE, and it averages 20 percent District-wide.

17 But I guess going back to what Mr. --
18 Derek --

19 MS. ALEXANDER: Kelmanson.

20 MS. KNUST: I'm sorry, I don't know how to
21 pronounce his last name.

22 Yes, they do have a range for their feeder
23 schools that would average out to 10 percent. But
24 I think the question is really which are the
25 primary feeder schools that would be feeding into

1 this school. And if it is the ones with the
2 higher ESE population, which he admitted is over
3 17 percent, then it would be a much more
4 significant enrollment of ESE students within the
5 School. And we all know that DOE doesn't fund us
6 adequately when it comes to ESE, so the revenue
7 that we're getting and generating for those ESE
8 students is not sufficient to cover the actual
9 expenses and costs associated with them.

10 CHAIR TEPPER: For the School, is there a
11 plan in place if your projections are incorrect,
12 either too high or too low?

13 MR. KELMANSON: On page 100 of the charter
14 application, it states -- I don't know if you want
15 to follow along with me, this is already in the
16 record -- but on page 100 in Section E, as
17 indicated in the application, Section 6H, which is
18 the ESE section -- based on the enrollment of
19 students with disabilities, the School will hire
20 and train the appropriate number of teachers to
21 ensure all necessary IEP services are being
22 implemented.

23 CHAIR TEPPER: Perfect. Thank you.

24 MR. KELMANSON: So essentially we will adjust
25 the staffing as required to the number of students

1 that are enrolled based on the percentage. And
2 there is not a question about any of our ESE staff
3 being certified.

4 CHAIR TEPPER: Okay. Other questions from
5 Commission members?

6 MR. MORENO: I just had one clarification
7 because I've been going through, you know, because
8 a lot of things we're voting on this component of
9 it as we go through these things.

10 CHAIR TEPPER: That's right.

11 MR. MORENO: And I'm going through the notes
12 of the evaluation. This is for the District. In
13 going through there, one of the components it does
14 not meet is the innovation. And it's interesting
15 that in the review, it was never brought up.

16 So the question is that I think on the ESE
17 and the ESOL, there was a good back and forth and
18 I think some things were cleared up there. But on
19 the innovation part, was that something that came
20 after this, because it was never brought up in the
21 capacity interview? If I'm mistaken -- I've been
22 looking for it, but I didn't find that portion.

23 MR. FAHEY: I agree it's not discussed at the
24 interview.

25 Do you have anything to offer, Jim, about

1 whether it was discussed with the Applicants at
2 any point?

3 MR. PEGG: No, I don't.

4 MR. FAHEY: Okay. We'll rest on what's in
5 the record.

6 CHAIR TEPPER: Thank you.

7 Other questions, Osvaldo?

8 MR. GARCIA: No.

9 CHAIR TEPPER: Okay. Then would someone like
10 to make the motion on Issue 1, which is the
11 educational plan, and choose did or did not?

12 Jenna.

13 MS. HODGENS: I thought you were going to
14 call on me.

15 I would move that the Commission find that
16 the School Board did not have competent
17 substantial evidence to support its denial of the
18 application based on the Applicant's failure to
19 meet the standard for the educational plan
20 because --

21 CHAIR TEPPER: You start and then we will
22 help you fill in.

23 MS. HODGENS: Okay. Because the Applicant
24 addressed innovative learning methods within the
25 application and --

1 MR. GARCIA: Compliance with ELL.

2 MS. HODGENS: Say that again.

3 MR. GARCIA: Compliance with ELL.

4 MS. ESPOSITO: Yeah, and ESE.

5 MR. MORENO: Correct.

6 CHAIR TEPPER: What about compliance with
7 ELL?

8 MR. MORENO: I would say in the capacity in
9 the interview, the discussion was sufficient to
10 meet the criteria.

11 CHAIR TEPPER: Okay. Got it.
12 What about ESE?

13 MS. HODGENS: And ESE projected -- the
14 student enrollment projections were based on
15 historical data from schools that would be feeding
16 the high school, but there was evidence that
17 adjustments could be made based on the --

18 MS. ESPOSITO: As enrollment changes.

19 MS. HODGENS: As enrollment changes based on
20 the application.

21 MS. ESPOSITO: Perfect.

22 CHAIR TEPPER: I would like to add one thing,
23 which was that the Charter School has agreed to
24 abide by the resolution agreement.

25 MS. ESPOSITO: Yeah. That's for ELL?

1 CHAIR TEPPER: For ELL, right.

2 Okay. So the motion is the Commission find
3 the School Board did not have competent
4 substantial evidence to support its denial of the
5 application based on the Applicant's failure to
6 meet the standards for the educational plan
7 because of the reasons just stated by all the
8 Commission members which we will reduce to
9 writing.

10 So I have a motion by Jenna. Is there a
11 second?

12 MS. ESPOSITO: I'll second it.

13 CHAIR TEPPER: Sonia.

14 So you've heard the motion. If you vote yes,
15 you are voting for the Charter School. If you
16 vote no, you are voting for the School District.

17 Jackie.

18 MS. HITCHCOCK: Jenna Hodgens.

19 MS. HODGENS: Yes.

20 MS. HITCHCOCK: Sonia Esposito.

21 MS. ESPOSITO: Yes.

22 MS. HITCHCOCK: Osvaldo Garcia.

23 MR. GARCIA: Yes.

24 MS. HITCHCOCK: And Richard Moreno.

25 MR. MORENO: Yes.

1 CHAIR TEPPER: Okay. We don't need to do
2 part two.

3 That takes us to Issue 2, which is the
4 organizational plan, whether the Applicant's
5 organizational plan failed to meet the standards
6 listed on the motion sheet.

7 So I'll give three minutes to the Charter
8 School.

9 MR. KELMANSON: This is regarding the motion
10 for student recruitment and enrollment?

11 CHAIR TEPPER: Yes.

12 MR. KELMANSON: And the issue that was raised
13 is it partially meets, I believe. And you can
14 look at the transcripts from the previous meeting,
15 there was a lot of talk about how the parent
16 volunteer hours are enforced at the School. And
17 we made statements and had principals from Palm
18 Beach at that time and we have principals here
19 that can attest to the fact that no student has
20 not been allowed recommitment based on the fact
21 that the parents did not complete their volunteer
22 hours, which was their issue. Thank you.

23 CHAIR TEPPER: Thank you. And for the
24 District.

25 MR. FAHEY: Yes. Sean Fahey again.

1 We can be brief on this one. The application
2 contains a minimum volunteer hour requirement. We
3 don't take issue with that. The issue, however,
4 is that the model application requires the
5 Applicant to explain, quote, "If and how the
6 School would enforce such contracts."

7 The Applicants did not explain this in the
8 application. They conceded at their interview
9 that they did not explain it in the application.
10 It was not clarified at the interview what would
11 be done with these parent contracts; although,
12 there was a lengthy discussion about it. So
13 that's the competent substantial evidence for this
14 basis. It's not in the application and it wasn't
15 clarified in the capacity interview.

16 The reason it's good cause is important, it's
17 one of the criteria of the evaluation instrument
18 is that the School's enrollment process as a whole
19 is open, fair and in accordance with applicable
20 law.

21 So the School Board's primary concern, if the
22 School is not going to be definitive about how
23 it's going to enforce the parent volunteer
24 contracts is that its enrollment process will be
25 unfair. And that's all I have to say. Thank you.

1 CHAIR TEPPER: Questions by Commission
2 members?

3 MS. ALEXANDER: Can we respond briefly?

4 CHAIR TEPPER: Certainly.

5 MS. ALEXANDER: They have raised no issue
6 that our enrollment somehow is unfair. We take
7 all students that apply until it's up to capacity.
8 So that's really another red herring in our view.
9 Thank you.

10 CHAIR TEPPER: Commission members.

11 MS. ESPOSITO: Yeah, I just had a question
12 for the District. I understand that this is a
13 high school and the other ones are probably K8,
14 but have you had any experience or any kind of
15 noncompliance issues with regards to those parent
16 contracts or issues raised by parents from the
17 other schools, because I'm thinking they would
18 follow the same practice?

19 MR. FAHEY: I do not believe we have unless
20 I'm going to be clarified at all by Mr. Pegg here.

21 MR. PEGG: I don't have evidence of that.

22 MR. FAHEY: We'll say not on this record.

23 MS. ESPOSITO: Thank you.

24 CHAIR TEPPER: So I have just a couple of
25 questions for the School. Do you have a process

1 in place for assisting parents in fulfilling these
2 hours and is it contained in your application?

3 MS. EVANS: Hi, Jodi Evans, lead principal.

4 Yes. When parents enroll, they go through an
5 enrollment process and we have conversations with
6 them regarding the parent contracts and the
7 volunteer hours and how we believe as a school we
8 want families in our schools to help support that.
9 We work with -- we provide all kinds of different
10 volunteer hours. If they have come to after
11 school meetings, if they're on the PTC committee,
12 if they come to staff meetings, if they come to
13 any kind of sporting events. A lot of times at
14 testing time they'll send pencils home for them to
15 sharpen, anything. If they can't come into the
16 School, then we also send things home for them to
17 do or any time that they spend going to get
18 supplies, we give them hours for, so we're very
19 flexible and upfront with that.

20 In our informational sessions before they
21 enroll, we talk about different opportunities and
22 just to have that open communication with the
23 administration and the teachers and the parents to
24 ensure that we make those hours open to them. But
25 the overall idea is that we have everybody working

1 together to educate the child and be a part of the
2 School.

3 CHAIR TEPPER: Okay. Other questions
4 regarding student recruitment and enrollment,
5 specifically the volunteer hour plan?

6 (No response.)

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

9 Jenna, why don't you just continue. She's on
10 a roll.

11 MS. HODGENS: I have to come up with the
12 words. I move that the Commission find that the
13 School Board did not have competent substantial
14 evidence to support its denial of the application
15 based on the Applicant's failure to meet the
16 standards for the organizational plan because the
17 application includes a plan for parents to
18 volunteer hours and explains many ways that these
19 volunteer hours can be met.

20 CHAIR TEPPER: Additions?

21 MS. ESPOSITO: Can we also add that the
22 enrollment process is explained to the parents at
23 enrollment and in the application?

24 CHAIR TEPPER: Right. The enrollment process
25 is explained in the app.

1 Okay. You've heard the motion, that the
2 Commission find the School Board did not have
3 competent substantial evidence to support its
4 denial of the application based on the Applicant's
5 failure to meet the standards in the
6 organizational plan. You've heard the proposed
7 reason. The motion was by Jenna.

8 Is there a second?

9 MR. GARCIA: Second.

10 CHAIR TEPPER: Osvaldo.

11 So the motion is the School Board did not
12 have competent substantial evidence to deny on
13 this issue. If you vote yes, you are voting for
14 the Charter School. If you vote no, you are
15 voting for the School District.

16 Jackie.

17 MS. HITCHCOCK: Jenna Hogens.

18 MS. HODGENS: Yes.

19 MS. HITCHCOCK: Osvaldo Garcia.

20 MR. GARCIA: Yes.

21 MS. HITCHCOCK: Sonia Esposito.

22 MS. ESPOSITO: Yes.

23 MS. HITCHCOCK: And Richard Moreno.

24 MR. MORENO: Yes.

25 CHAIR TEPPER: So we don't need to do

1 Section 2. That takes us to the third issue,
2 which is the business plan, whether the
3 Applicant's business plan failed to meet any of
4 the following standards. And the only one under
5 that section is the budget.

6 For the Charter School, you have three
7 minutes.

8 MS. ALEXANDER: I just want to make the point
9 I think as we were here the last time, the largest
10 issue had been teacher salaries. And with respect
11 to teacher salaries, what we testified to before
12 was that teachers are started at the certain
13 level, which may be a little bit lower than the
14 District, but accelerated quickly as soon as they
15 proved to be good teachers and fit within our
16 model.

17 I also want to point out that with respect to
18 the last application that we heard, the FCEF,
19 there had been some budget issues and that there
20 had been some back and forth providing additional
21 information. And then the budget category was
22 moved to -- was confirmed to be compliant.

23 The same thing happened here, they had some
24 budget issues. We modified some of our
25 projections based on their concerns. But even

1 when we did that, they still didn't say that our
2 budget was sufficient, which is different than
3 what they had done in the past.

4 I would also like to point out that they have
5 a budget template and things like that that
6 schools are supposed to comply with. However, in
7 the rule challenge that we filed, that Renaissance
8 filed against them, the ALJ -- they specifically
9 told the ALJ that the budget template and the
10 budget worksheet were not actually required and
11 that no Charter School would be penalized if for
12 some reason they didn't use it or they didn't use
13 it correctly. So we believe that they need to be
14 held to that standard. But we can talk about more
15 specifics about the budget questions as you have
16 them. Thank you.

17 CHAIR TEPPER: For the District.

18 MR. FAHEY: Yes. Sean Fahey again.

19 So the issue here why this section of the
20 application was rated as only partially meeting
21 the standard, the two criteria at issue here were
22 whether the budgetary projections were consistent
23 with and supported all key aspects of the
24 application. And second, whether they contained a
25 realistic assessment of projected sources of

1 revenue and expenses that ensure the financial
2 viability of the School.

3 And we discussed ESE projections earlier so
4 I'll focus on teacher salaries. Ms. Alexander
5 alluded how they pay their teachers once they're
6 there. The concern in assessing whether there's a
7 realistic assessment here for purposes of this
8 budget criterion is whether they're going to be
9 able to actually hire teachers for the high school
10 they're projecting they're going to have. And
11 I'll have Ms. Knust explain that a little more in
12 a second. I just want to address the budget
13 template issue that Ms. Alexander brought up.

14 It is true, there was an unadopted rule
15 challenge to the charter support unit and budget
16 template that the District requires Applicants to
17 use. And we explained in the course of those
18 proceedings that we don't penalize applicants who
19 don't use the budget template. That is not what
20 we're talking about here.

21 What we're talking about here is whether the
22 Applicant's budget satisfied these two evaluation
23 criterion. And that's irrespective of whether
24 they used the template that the District uses.
25 That's not a -- they're just two totally different

1 issues so I don't see that as applying at all.

2 And I'll turn it over to Ms. Knust.

3 MS. KNUST: Heather Knust, Budget Director.

4 I wanted to just correct a few items. When
5 we were going through and reviewing the realistic
6 budget assessment, we compared this Charter School
7 to the average salary that they're paying their
8 existing employees at the elementary Charter
9 Schools in Palm Beach County. We did not compare
10 them to the average salary of the District School,
11 which is significantly higher, probably \$12,000
12 higher than the average salary of the School,
13 which was proposed at \$37,000.

14 Again, we compared it to the average salary
15 of existing, operating Charter Schools USA
16 schools. And elementary schools are very
17 different and have much more complex -- high
18 schools have much more complexity than an
19 elementary school, and you would expect that the
20 average salary for a high school would be higher
21 than an elementary school. So they were not
22 realistic in the average salary they've been
23 using. It was not consistent with the schools and
24 the salaries that they're paying within the
25 existing schools. And I think that's my main

1 concerns.

2 CHAIR TEPPER: Okay.

3 MS. ALEXANDER: Can we respond?

4 CHAIR TEPPER: Yes, ma'am.

5 MR. KELMANSON: I think the real question is
6 can we hire teachers, fully staff a school, and do
7 they want to work with us at our Charter Schools?
8 And I think historically in our District and
9 across the state that has not been a problem.

10 So what we pay our teachers in this budget,
11 this budget was based on the average salaries that
12 were paid to Charter School teachers in the
13 District. That's how we came up with that budget
14 figure.

15 This application was submitted in 2015 and
16 this is not exactly what would be happening today.
17 New budgets would be produced based on current
18 rates, based on new revenues. I don't know that
19 that brings itself into this discussion, but
20 things have changed.

21 CHAIR TEPPER: Okay. Questions from
22 Commission members?

23 Osvaldo.

24 MR. GARCIA: For the School. So the \$38,000
25 salary is a base salary?

1 MR. KELMANSON: Correct.

2 MR. GARCIA: And can you tell me a little bit
3 more about the benefits that these teachers would
4 have in their package, benefit package.

5 MR. KELMANSON: Jodi.

6 MS. EVANS: The benefit packages would be
7 medical, dental, vision, 401-K, short-term,
8 long-term disability, basically whatever the
9 employee signs up for. But all of those are
10 offered to our teachers.

11 MR. GARCIA: Does the School pay for any of
12 those benefits?

13 MS. EVANS: Portions of the insurance plan,
14 yes, they do contribute.

15 MR. GARCIA: Okay.

16 MS. EVANS: And the 401-K.

17 MR. GARCIA: So when you add the benefit
18 package, the portion that you pay for, then, of
19 course, that changes or adds to the base salary.
20 Can anyone tell me how much that would be?

21 MS. EVANS: I'm not sure of that figure.

22 MS. ALEXANDER: I don't know that we've ever
23 calculated it that way.

24 MS. KNUST: Yeah.

25 MR. GARCIA: Okay.

1 MS. ALEXANDER: It didn't come up.

2 CHAIR TEPPER: Okay. Other questions by
3 Commission members regarding the budget?

4 (No response.)

5 MS. ALEXANDER: May I --

6 CHAIR TEPPER: Wait. I have a couple of
7 questions for the School.

8 One of the things in the denial letter was
9 about a donation in the planning year and a loan
10 in the first year and whether there were plans
11 made for how those would be addressed as the
12 School progressed. Can you just talk about that a
13 little bit?

14 MR. KELMANSON: Are you referring to
15 transcripts from a previous hearing or something
16 that's written in the charter application?

17 CHAIR TEPPER: I think it was in the letter
18 of denial. It might have been in the argument.

19 Did either of those come up in your interview
20 as an issue?

21 MR. KELMANSON: You know, I don't believe so.
22 It's hard to recall without looking at the actual
23 transcript of the interviews. I'll just reiterate
24 what was a process that I recall.

25 The Budget Director did review the budget

1 section of the charter application through an
2 electronic portal called Charter Tools. She then
3 posted a letter with about eight points there that
4 said these are the issues that need to be
5 addressed. Subsequent material was then submitted
6 to her, which moved her rating from a does not
7 meet to a partially meets.

8 As far as directly answering her question,
9 what's stated in the charter application on page
10 61 where it talks about the School's startup
11 budget, quote, it says, "The overall planning
12 costs for the School will be incorporated into and
13 paid for as a component of the overall School's
14 development plan by the ESP. Cost of planning and
15 development of the School will be recovered by the
16 ESP through the management fees it collects in
17 future years."

18 CHAIR TEPPER: Okay.

19 MR. KELMANSON: And then on page 39, it
20 says -- 139, excuse me -- relating to those
21 management fees -- "CSUSA may reduce its fees as a
22 contribution to the School budget to ensure the
23 School's overall financial liability in the event
24 a full management fee cannot be paid. In such
25 cases, the reduced fees do not create any

1 liability or obligation to the governing board to
2 repay CSUSA in the future."

3 CHAIR TEPPER: Okay. I'm going to let the
4 District respond, if you would like to, on those
5 questions.

6 MS. KNUST: I did want to clarify the \$38,000
7 is what they were paying their -- it was over
8 \$38,000 is what they were paying their existing
9 elementary schools in Palm Beach County.

10 High schools, again, are more complex.
11 They're teaching six out of seven periods.
12 Anybody familiar with that, you know that you're
13 going to have to pay the teachers more than you're
14 going to pay an elementary school student -- an
15 elementary teacher, because of the additional
16 preps and whatnot that are involved with that.

17 There was a question about the benefits. The
18 benefits is actually 17.7 percent of the salary,
19 and it actually goes down. That was in year one.
20 And in subsequent years it goes down to
21 17 percent. So once you take out FICA, that
22 doesn't leave a lot to cover health benefits and
23 all the other benefits that they mentioned. They
24 may not have -- they may have access to them, but
25 they're not truly being funded.

1 So that is something that we look at as well.
2 If there's a lower salary, we would expect to see
3 a higher benefit package and whatnot to balance it
4 out. So we do make sure when we're doing our
5 review that we're consistent, and we look at the
6 total benefit, the total salary package, including
7 benefits. So both are extremely low.

8 MS. HODGENS: Can she stay there for a
9 minute?

10 CHAIR TEPPER: Yes.

11 MS. HODGENS: So it does talk in the denial
12 letter about a donation in the planning year and
13 there was no support provided for the donation,
14 and it also talks about no support provided for a
15 loan for FF&E and capital purchases in the first
16 year, and those amounts were deducted from the
17 budget based on no support.

18 MS. KNUST: That was the initial review. And
19 as was stated, they provided additional
20 information after the first interview, so those
21 were removed. So the only issues that were
22 remaining were the ESE and the salary.

23 CHAIR TEPPER: Okay.

24 MS. KNUST: And taking into the components of
25 just taking the assessment of the salary, that

1 does put them operating in a deficit. And the
2 fact that the management company is willing to
3 provide loans to the School, that doesn't negate
4 the fact they didn't provide a budget that really
5 had a realistic assessment of revenues and
6 expenditures of that School site. They can't use
7 that management fee or the reduction of the
8 management fee or the advance in loans provided by
9 the management company as a way to say, oh, well,
10 I messed up on that and I didn't put that in the
11 budget correctly, but don't worry, we're going to
12 cover it with whatever advance or a loan we're
13 going to provide from the management company.
14 That's not the purpose of that. I mean, that is
15 really to cover any uncertainties or unknowns such
16 as enrollment being lower than what was expected.

17 But they should be providing -- and what we
18 expect in Palm Beach County is they provide a
19 budget that's complete and accurate and truly
20 represents what they are stating within the
21 application. We take a lot of time to review the
22 application and make sure that the budget
23 represents each of the sections that that
24 Applicant has put within their application.

25 MS. HODGENS: Okay. And I'm reading from the

1 denial letter, I just want you to know.

2 MR. FAHEY: Can I clarify something?

3 MS. HODGENS: So I don't know about -- I'm
4 sorry?

5 MR. FAHEY: Can I clarify something to
6 respond to that question?

7 MS. HODGENS: Yeah, if you don't mind.

8 MR. FAHEY: I'm sorry. So to put this more
9 clearly, the denial letter that went to the School
10 Board references here about two and a half pages
11 of issues. That fails to account for the points
12 that would clarify the interview.

13 The evaluation instrument that went to the
14 School Board that the School Board voted on is
15 Exhibit 2 to their Notice of Appeal. And if you
16 look at Section 17 of that evaluation instrument,
17 it identifies these two issues that we've been
18 discussing today, the ESE and the teacher salary
19 and benefits. And those are the ones we relied
20 upon in our written arguments as good cause.

21 MS. HODGENS: Okay. Thank you.

22 MR. FAHEY: Thank you.

23 MS. ALEXANDER: May I respond?

24 CHAIR TEPPER: For the School, go ahead.

25 MS. ALEXANDER: Sure. We've already resolved

1 the ESE issue by a previous vote so we think that
2 that's a nonstarter in terms of the budget.

3 With respect to the teacher salaries, there
4 hasn't been any allegation beyond conjecture that
5 Charter Schools USA or Renaissance has had any
6 trouble recruiting qualified or highly qualified
7 teachers. And, in fact, there's no evidence to
8 the contrary.

9 So ultimately it's a business decision what
10 they start their teachers at. And the fact that
11 there is some room in the budget for, as Ms. Knust
12 said, for uncertainties, means that there will be
13 plenty here. And, in fact, none of the RCS rules
14 across the state, and especially in Palm Beach
15 County, have ever had any financial issues at all.
16 So it would just be conjunction at this point and
17 just a reason to try to deny the application.

18 CHAIR TEPPER: Osvaldo, did you have a
19 question?

20 MR. GARCIA: Yes. I know Heather had
21 mentioned about their ability to hire teachers at
22 that salary rate. So my question is just within
23 Palm Beach County, how many teachers do you guys
24 currently have employed?

25 MR. KELMANSON: I don't know that answer off

1 the top of my head.

2 CHAIR TEPPER: Let me ask it this way. Do
3 the schools that you currently have have all the
4 complement of teachers that are required to be
5 there and do you have a problem getting and
6 retaining staff?

7 MR. KELMANSON: At any given time, there is
8 teacher turnover in schools, correct, people move.
9 Florida is very transient.

10 CHAIR TEPPER: Right.

11 MR. KELMANSON: But typically I would say
12 it's a higher percentage of fully staffed schools
13 across the state, including Palm Beach County.

14 CHAIR TEPPER: Okay. Richard, go ahead.

15 MR. MORENO: One of the things you mentioned,
16 and I just wanted to confirm that, earlier you
17 were talking about the management fee. I know you
18 had the loan, it's basically forgiven,
19 incorporated in the management fee. Any other --
20 was that the application or is that in the
21 management agreement or is that --

22 MR. KELMANSON: It was in -- I read that
23 directly from the charter application.

24 MR. MORENO: Okay. So that is in here?

25 MR. KELMANSON: It's in the charter

1 application.

2 CHAIR TEPPER: Okay. Anything further?

3 MS. ESPOSITO: Yes.

4 CHAIR TEPPER: Sonia.

5 MS. ESPOSITO: Just for the District. My
6 previous question, do you have any issues with
7 teacher certification and financial issues with
8 the Charter Schools that they actually operate?

9 MS. KNUST: Can I just clarify? We're not
10 questioning how much the Charter School -- what
11 their starting salary is. That's not what we're
12 questioning. And I'm not questioning that they
13 can't hire people. I mean, the question is why
14 are they -- is that an actual realistic salary for
15 them to hire a teacher. And it's not consistent
16 with their own Charter Schools, what they were
17 paying their Charter Schools back in 2015 when we
18 did this review, and how likely is it that you're
19 going to hire all 100 percent brand-new teachers
20 right out of school that are willing to take
21 \$37,000 a year?

22 First of all, it's not consistent. And then
23 secondly, really how likely would it be that you
24 would actually hire -- have a complete, full
25 staff, which is first-year students -- I mean,

1 first-year teachers.

2 MS. ESPOSITO: I'm sorry, my question was not
3 answered.

4 MS. KNUST: Well, no, but I wanted to correct
5 that. And then, also, there is no -- if I can
6 correct -- am I allowed to correct something else
7 that was said?

8 CHAIR TEPPER: Go ahead.

9 MS. KNUST: There is no set-aside for
10 reserves within the budget so there is no reserve
11 other than what's in the management agreement
12 saying they will cover any deficits, so there is
13 no reserves set aside.

14 CHAIR TEPPER: Jenna.

15 MS. HODGENS: Well, does she want her
16 question answered?

17 CHAIR TEPPER: Do you want to ask your
18 question again, Sonia?

19 MS. ESPOSITO: My question was simple. The
20 operating schools, has there been an issue with
21 noncertified teachers and if any of the schools
22 are in a state of financial emergency or there's
23 any issue with the budgets?

24 MR. PEGG: I can speak to the certification.
25 There are a significant number of perminant

1 substitutes that are loaded into the system each
2 year, which reflects the certification issue. So
3 I usually use an idea of like 5 to 6 percent I
4 think is a high number of uncertified teachers.
5 It exceeds that amount.

6 MS. ESPOSITO: In all their schools?

7 MR. PEGG: Yes.

8 MS. ESPOSITO: What about the financial?

9 MR. PEGG: And we report that to them.

10 MS. ESPOSITO: What about the -- is any one
11 of them in any financial circumstances?

12 MR. PEGG: That would be a Heather answer.

13 MS. ESPOSITO: Thank you.

14 MS. KNUST: Heather Knust. I would have to
15 go back over the past because this is going back
16 to 2015, how many letters I've sent out, if any.
17 I would have to go back and research that. I
18 can't say there weren't, but I cannot answer that.

19 CHAIR TEPPE: I'm going to give the School
20 the last word on that.

21 MS. ALEXANDER: I've done a lot of work for
22 Renaissance over the years and we've never had a
23 financial emergency that I'm aware of for all of
24 our schools. So it's just conjecture that we
25 won't be able to attract the teachers or whatever.

1 That's our business decision. And the reserves
2 are built in with respect to the management fees.
3 And it's a model that's worked, and there's no
4 reason to suspect that it wouldn't now since there
5 are already six operating schools by Renaissance
6 in Palm Beach. Thank you.

7 MS. HODGENS: So that's one of my questions.

8 CHAIR TEPPER: Go ahead.

9 MS. HODGENS: So I have a question for the
10 School, and I asked it earlier about the ESE and
11 you said that you utilized the ESE population
12 percentages that you had at your current schools
13 in order to come up with 10 percent even though
14 it's significantly lower than the District's.

15 But why would you not have used your current
16 school's salaries to come up with a salary here,
17 because it is lower because I think it was like
18 \$39,100 was the average salary in your other
19 schools that you have there? And you're assuming
20 you're going to hire for \$2,100 less than that in
21 this new school.

22 MR. KELMANSON: Yeah. As I said earlier,
23 that salary average was based on Charter School
24 teachers in the District. So the whole Charter
25 School, not just our schools.

1 MS. HODGENS: What is the average salary for
2 your schools in the District?

3 MR. KELMANSON: As the record stated, I
4 believe you said it was -- I mean, today or back
5 then?

6 MS. HODGENS: \$39,100 back then.

7 MR. KELMANSON: Yeah.

8 MS. HODGENS: So why would you have put in
9 your budget \$37,000 when in other areas of the
10 application you stated that you've used your
11 schools' averages in order to put information into
12 this application?

13 MR. KELMANSON: So we expanded it and we used
14 the entire charter -- all the Charter Schools in
15 the District, not just our schools.

16 MS. HODGENS: Okay. So I'm confused on why
17 it would be different for this than it would have
18 been for ESE or for anything else that you did in
19 the application. Because you've spoken so much
20 about using your schools to come up with an
21 amount, but this doesn't align with that at all.

22 So you used every school in -- every Charter
23 School in the District to come up with your
24 average of \$37,000?

25 MR. KELMANSON: At that time, that is

1 correct.

2 MS. HODGENS: Okay.

3 MR. KELMANSON: That's how we arrived at that
4 assumption for the budget.

5 MS. HODGENS: All right.

6 CHAIR TEPPER: Okay. Other questions?

7 (No response.)

8 CHAIR TEPPER: All right. Then would someone
9 like to make the motion regarding the budget and
10 choose did or did not?

11 Jenna, you're on a roll, why don't you make
12 it.

13 MS. HODGENS: Okay. 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 for the business
18 plan because the budget was underestimated on
19 teacher salaries and did not include reserves to
20 cover this if teachers could not be hired at the
21 average salary that was already offered with the
22 Charter Schools in Palm Beach County, in the
23 Renaissance Charter Schools in Palm Beach County.

24 CHAIR TEPPER: Any other additions to that?

25 MR. GARCIA: I'm trying to understand the

1 recommendation due to the fact that they presented
2 a valid budget at the time. We're talking about
3 2015. So how would that justify -- how can we
4 justify the recommendation of back then if they
5 had a balanced budget presented?

6 CHAIR TEPPER: Well, what will happen is no
7 one will second it and we'll offer a different
8 recommendation and go from there.

9 So Jenna has offered a motion that the School
10 Board did have competent substantial evidence.

11 Is there a second?

12 (No response.)

13 CHAIR TEPPER: So that motion fails.

14 Osvaldo, would you like to make a motion?

15 MR. GARCIA: Yes. I move that the Commission
16 find that the School Board did not have competent
17 substantial evidence to support the denial of the
18 application based on the Applicant's failure to
19 meet the standards of the business plan because
20 the School provided a balanced budget as stated in
21 their application.

22 CHAIR TEPPER: I think we should make a
23 reference to at --

24 MR. GARCIA: At the time.

25 CHAIR TEPPER: -- the time in 2015.

1 MR. GARCIA: I'm confident that if we were
2 reviewing an application that was just submitted,
3 the salary would be different than it was back
4 then.

5 CHAIR TEPPER: And Mr. Kelmanson said that
6 earlier, that when we get down to this, if this
7 Charter School opens, the budget will be very
8 different because it's going to be four years
9 later.

10 MR. GARCIA: Correct.

11 CHAIR TEPPER: Anything else in this section
12 regarding their estimates for ESE or any
13 discrepancies?

14 MR. MORENO: I would second it, but also add
15 that there would be sufficient reserves -- there
16 are sufficient reserves in the budget, along with
17 what's stated in the application -- that's why it
18 was important to me that it was stated in the
19 application -- that the management team would be
20 reduced without any recourse coming back to it if
21 they needed to make adjustments.

22 CHAIR TEPPER: Okay. Any others?

23 (No response.)

24 CHAIR TEPPER: So you have heard Osvaldo's
25 motion, that the School Board did not have

1 competent substantial evidence based on the
2 reasons givens by the Commission members.

3 Is there a second to that motion?

4 MR. MORENO: Yes, I would second it.

5 CHAIR TEPPER: Okay, Richard. Thank you.

6 So the motion is that the School Board did
7 not have competent substantial evidence for its
8 denial on the issue of the budget. If you vote
9 yes, you are voting for the Charter School. If
10 you vote no, you are voting for the School
11 District.

12 Jackie.

13 MS. HITCHCOCK: Osvaldo Garcia.

14 MR. GARCIA: Yes.

15 MS. HITCHCOCK: Richard Moreno.

16 MR. MORENO: Yes.

17 MS. HITCHCOCK: Sonia Esposito.

18 MS. ESPOSITO: Yes.

19 MS. HITCHCOCK: Jenna Hodges.

20 MS. HODGENS: No.

21 CHAIR TEPPER: So the School prevails on that
22 issue. So the final motion will be to grant the
23 appeal.

24 But at this time, we're going to take what
25 I'm going to call a lunch break. So come back at

1 1:30. And we will type furiously and go over that
2 and make any changes as we take the final vote and
3 do some housekeeping.

4 So, again, there should be a security guard
5 out there. Please, to the best of your ability,
6 stay with the security guard within our building,
7 and we'll meet back here at 1:30. Thank you.

8 (Whereupon, a luncheon recess was taken.)

9 CHAIR TEPPER: I'm going to start with
10 Commission members, and then I'll ask each of the
11 parties to give us edits to our recommendation.

12 Richard.

13 MR. MORENO: I'm good with what's here.

14 CHAIR TEPPER: Okay. Sonia.

15 MS. ESPOSITO: I'm good.

16 CHAIR TEPPER: Jenna.

17 MS. HODGENS: It's all good for me.

18 CHAIR TEPPER: Osvaldo.

19 MR. GARCIA: It's okay with me.

20 CHAIR TEPPER: For the School.

21 MS. ALEXANDER: We're good.

22 CHAIR TEPPER: For the District.

23 MR. FAHEY: If I could have like two more
24 minutes.

25 CHAIR TEPPER: Okay.

1 MR. FAHEY: I'm sorry, I'm still conferring.

2 CHAIR TEPPER: Do you want to go page by
3 page?

4 MR. FAHEY: The same issues we raised in the
5 last one.

6 CHAIR TEPPER: Charter School, Board, not
7 District.

8 MR. FAHEY: Charter School and Board instead
9 of School District.

10 CHAIR TEPPER: We'll do a search and fix all
11 those.

12 MR. FAHEY: Okay. And then we'll just state
13 for Issue 3 -- and this may not even be an
14 appropriate time to say it, but I'll just say
15 it -- we object that the findings are not
16 consistent with the evidence in the record. And
17 we're good with that.

18 MS. SAGERHOLM: Well, you know, I think we
19 need to be a little more specific.

20 MR. FAHEY: Okay.

21 MS. SAGERHOLM: And why don't we talk about
22 the section and why we think it's not aligned
23 and --

24 CHAIR TEPPER: Can you just go to the
25 microphone so we can have it on the record?

1 MS. SAGERHOLM: Yes.

2 CHAIR TEPPER: Instead of talking to each
3 other.

4 MS. ALEXANDER: Are you just trying to
5 reargue?

6 MS. SAGERHOLM: No. We are clarifying why we
7 are objecting. We're not rearguing. We're
8 clarifying what we're objecting to.

9 CHAIR TEPPER: Excuse me. If you want to
10 tell us what you object to, I'll take notes, okay.

11 MR. FAHEY: Hang on one second.

12 So just quickly, page 7 -- and I'll read from
13 it -- "Based on the application, including the
14 fact that the application provided a balanced
15 budget at the time --

16 THE COURT REPORTER: Can he slow down.

17 MS. HITCHCOCK: Slow down. Slow down.

18 MR. FAHEY: So sorry. I'll start over.

19 "Based on the application, including the fact
20 that the application provided a balanced budget at
21 the time of the application and sufficient
22 reserves, and information presented in response to
23 questions by members of the Appeal Commission, the
24 Charter School met the criteria for the business
25 plan section of the evaluation instrument."

1 We object that that is not supported by the
2 evidence in the record and that was presented at
3 the hearing today.

4 CHAIR TEPPER: Okay. That's all?

5 MR. FAHEY: Yes.

6 CHAIR TEPPER: Okay. And the overall changes
7 that we agreed to at the beginning?

8 MR. FAHEY: Yes.

9 CHAIR TEPPER: Okay. So would someone like
10 to make the final motion to grant the appeal of
11 the Charter School?

12 Oswaldo.

13 MR. GARCIA: I move the Commission recommend
14 that the State Board of Education grant the
15 appeal.

16 CHAIR TEPPER: You've heard the motion. Is
17 there a second?

18 MR. MORENO: I'll second.

19 CHAIR TEPPER: Richard.

20 Jackie.

21 MS. HITCHCOCK: Hold on just a second.

22 Oswaldo Garcia.

23 MR. GARCIA: Yes.

24 MS. HITCHCOCK: Richard Moreno.

25 MR. MORENO: Yes.

1 MS. HITCHCOCK: Sonia Esposito.

2 MS. ESPOSITO: Yes.

3 MS. HITCHCOCK: And Jenna Hodgens.

4 MS. HODGENS: Yes.

5 CHAIR TEPPER: So this appeal will be heard
6 with the other one on July 18th in Orlando.
7 Again, you'll get information from Jackie and you
8 can sort of tell from the agenda where you fall
9 and how early you have to be there.

10 For Commission members, if you could, again,
11 make a motion to allow staff to correct
12 scrivener's errors. I know I misspelled at least
13 one word in the first one for this one.

14 MR. GARCIA: So moved.

15 CHAIR TEPPER: Thank you, Osvaldo.

16 Second.

17 MS. ESPOSITO: I'll second.

18 CHAIR TEPPER: All in favor.

19 (Chorus of ayes.)

20 CHAIR TEPPER: Thank you. That will be
21 changing dates and making incomplete sentences
22 complete or whatever we need to do.

23 Commission members, is there anything else
24 before we adjourn?

25 (Negative response.)

1 CHAIR TEPPER: Oh, for the record, Section 19
2 was in the letter of denial and then it was
3 resolved. And we make reference to that in this
4 recommendation, but we forgot to say it today.
5 That's why Section 19 is not anywhere else.

6 Anything else?

7 (No response.)

8 CHAIR TEPPER: Okay. Then we're adjourned.
9 Thank you.

10 (Whereupon, proceedings were concluded at
11 1:55 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 86, 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 24th day of June, 2018.



MICHELLE SUBIA, CCR, RPR
NOTARY PUBLIC
COMMISSION #GG224273
EXPIRES JUNE 7, 2022

Renaissance Charter High School of Palm Beach vs. The School Board of Palm Beach County

Educational Plan – Issue One

Whether the Applicant's Educational Plan failed to meet any of the following standards:

<p>1. Mission, Guiding Principles and Purpose: Statutory Reference(s): s. 1002.33(2)(a); s. 1002.33(2)(b); s. 1002.33(2)(c); s. 1002.33(6)(a)1.; s. 1002.33(7)(a)1., Florida Statutes.</p>	
<p>A. A clear and compelling mission and vision statement that defines the guiding principles and values of the school.</p>	
<p>B. Adequate references to evidence that the application fulfills the statutory guiding principles and purposes for charter schools. (Note: the substance of each addressed principle and purpose will be evaluated within appropriate application sections.)</p>	
<p>2. Exceptional Students: Statutory Reference(s): s. 1002.33(16)(a)3., Florida Statutes</p>	
<p>A. A clear description of the programs, strategies and supports the school will provide to students with disabilities that will ensure appropriate access for students with disabilities and that the school will not discriminate based on disability.</p>	
<p>B. A clear description of how the school will ensure students with disabilities will have an equal opportunity of being selected for enrollment.</p>	
<p>C. A comprehensive and compelling plan for appropriate identification of students with special needs to ensure they are served in the least restrictive environment possible, have appropriate access to the general education curriculum and schoolwide educational, extra-curricular, and culture-building activities in the same manner as non-disabled students, receive required and appropriate support services as outlined in their Individual Education Plans and 504 plans, and participate in standardized testing.</p>	
<p>D. An understanding and commitment to collaborating with the sponsor to ensure that placement decisions for students with disabilities will be made based on each student's unique needs through the IEP process.</p>	
<p>E. An appropriate plan for evaluating the school's effectiveness in serving exceptional students, including gifted.</p>	
<p>F. A realistic enrollment projection (SWD) and a staffing plan that aligns with the projections.</p>	

Renaissance Charter High School of Palm Beach vs. The School Board of Palm Beach County

Educational Plan – Issue One

3. English Language Learners: Statutory Reference(s): s. 1002.33(10)(f), Florida Statutes	
A. Demonstrated understanding of legal obligations regarding the education of English Language Learners.	
B. A comprehensive and compelling plan for educating English Language Learner students that reflect the full range of programs and services required to provide all students with a high-quality education.	
C. A clear plan for monitoring and evaluating the progress of ELL students, including exiting students from ELL services.	
D. Demonstrated capacity to meet the school’s obligations under state and federal law regarding the education of English Language Learners.	
E. A realistic enrollment projection (ELL) and a staffing plan that aligns with the projections.	

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant’s failure to meet the standards for the Educational Plan because:

Motion:

Seconded:

Vote Yes _____

No _____

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Commission find that the Applicant’s failure to meet the standards for the Educational Plan, **was** or **was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote Yes _____

No _____

Renaissance Charter High School of Palm Beach vs. The School Board of Palm Beach County

Organizational Plan – Issue Two

Whether the Applicant's Organizational Plan failed to meet any of the following standards:

4. Student Recruitment and Enrollment:	
Statutory Reference(s): s. 1002.33(7)(a)7; s. 1002.33.(7)(a)8.; s. 1002.33(10), Florida Statutes	
A. A student recruitment plan that will enable the school to attract its targeted population.	
B. An enrollment and admissions process that is open, fair, and in accordance with applicable law.	
C. A plan and process that will likely result in the school meeting its enrollment projections.	

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Organizational Plan because:

Motion:

Seconded:

Vote Yes _____

No _____

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Commission find that the Applicant's failure to meet the standards for the Organizational Plan, **was or was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote Yes _____

No _____

Renaissance Charter High School of Palm Beach vs. The School Board of Palm Beach County

Business Plan – Issue Three

Whether the Applicant's Business Plan failed to meet any of the following standards:

5. Budget: Statutory Reference(s): s. 1002.33(6)(a)5.; s. 1002.33(6)(b)2., Florida Statutes	
A. Budgetary projections that are consistent with and support all key aspects of the application, including the school's mission, educational program, staffing plan, and facility	
B. A realistic assessment of projected sources of revenue and expenses that ensure the financial viability of the school	
C. A sound plan to adjust the budget should revenues not materialize as planned.	

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Business Plan because:

Motion:

Seconded:

Vote Yes _____

No _____

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Commission find that the Applicant's failure to meet the standards for the Business Plan, **was** or **was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote Yes _____

No _____

Renaissance Charter High School of Palm Beach vs. The School Board of Palm Beach County

Final Motion

I move the Commission recommend that the State Board of Education **grant** or **deny** [pick one] the appeal.

Motion:

Seconded:

Vote

Yes _____

No _____