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STATE OF FLORIDA  
CHARTER SCHOOL APPEAL COMMISSION

TALLAHASSEE CLASSICAL SCHOOL, INC.

VS.

THE SCHOOL BOARD OF LEON COUNTY

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DATE: Thursday, August 9, 2018

TIME: Commenced at 9:30 a.m.  
Concluded at 12:30 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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10503 CASANOVA DRIVE  
TALLAHASSEE, FLORIDA 32317  
(850)766-5831

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COMMISSION MEMBERS APPEARING:

LOIS TEPPER, CHAIR

JENNA HODGENS

SONIA VAZQUEZ

OSVALDO GARCIA

RICHARD MORENO

TIFFANIE PAULINE

JESSIE JACKSON

OTHER PARTICIPANTS:

AMANDA GAY, ESQUIRE

JUDY BONE, ESQUIRE

\* \* \*

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

2 CHAIR TEPPER: Okay. I think we're ready to  
3 get started. This is a meeting of the Charter  
4 School Appeal Commission. Today is August 9th,  
5 2018. My name is Lois Tepper. I'm the  
6 Commissioner's designee to chair the Charter  
7 School Commission.

8 Also here for the Department are Amanda Gay  
9 and Judy Bone, as counsel. Adam Miller, the  
10 Director of the Choice Office, and that Adam  
11 Emerson, the Charter School Director, are also in  
12 the room.

13 Today our Panel, as required by statute, is  
14 made up of three Members from Charter Schools,  
15 three Members from Districts, so you have a  
16 balanced Panel. I only vote if there's a tie.

17 We do have a court reporter recording our  
18 meeting today. Remember that she can only hear  
19 one voice at a time. If you talk over each other,  
20 I'll stop you and ask you to repeat. Please don't  
21 speak unless you're at the microphone and have  
22 been recognized. And if you're reading a document  
23 and start talking really, really fast, we will  
24 stop you so that she can record everything, okay?

25 I've received comments from both sides

1 regarding the motion sheets and nobody has any  
2 objection, so we'll go with the motion sheet that  
3 was sent out.

4 I've also received a motion to strike from  
5 the Charter School requesting that Exhibits 5, 6,  
6 7 and 8 submitted by the District be stricken.

7 At the time, I'll hear from the parties on  
8 that issue.

9 Mr. Arnold.

10 MR. ARNOLD: Good morning, Ms. Tepper,  
11 Members of the Panel. My name is Shawn Arnold, I  
12 represent Tallahassee Classical School.

13 We filed the motion to strike in this matter  
14 because the District added four exhibits to its  
15 appeal in this matter that were not provided to  
16 the school prior to the April 24th vote in this  
17 matter.

18 As I set forth in my motion, reading from the  
19 transcript, the motion to table the matter on  
20 April 10th by the Leon County School District was  
21 actually made by Board Member Wood, and she  
22 stated, I do not feel like we have a legal basis  
23 at this point to deny it based upon what we've  
24 heard from our attorney. So, again, I'm going to  
25 recommend that we table and leave it up to the

1 Superintendent to when he wants to bring it back.

2 I'm making that as the motion.

3 Subsequent to that period of time, apparently  
4 staff or the Board did some further investigation  
5 and cobbled together some data which we would  
6 argue is irrelevant, and may argue that later  
7 anyway. But the point is, is at this point it  
8 should be stricken because it's not part of the  
9 record. The record is confined to the arguments  
10 that are made below.

11 But part of what is allowed to be included in  
12 the record is data that's actually given to the  
13 Charter School in advance so that it has a  
14 meaningful opportunity to reply. That did not  
15 happen in this instance.

16 There was a presentation made by Mr. Hanna,  
17 as well as, I believe, one other person at the  
18 Board meeting. The Charter Schools made public  
19 comment first. They were never provided the data  
20 ahead of time. They were never given an  
21 opportunity during that meeting to respond at all  
22 to the data.

23 So without getting to the merits of whether  
24 it's relevant, without getting to the merits of  
25 whether it in any way would ever constitute good

1 cause, we believe that it's a violation under the  
2 school's due process rights for data to have been  
3 put in at the end.

4 In reading Mr. Hanna's response, the response  
5 was that all the data was publicly available and  
6 therefore should have been admissible. It missed  
7 the point. The point is that it's not a question  
8 of where did the data come from; it's a question  
9 of whether it was given to the school ahead of  
10 time so they had a meaningful opportunity to  
11 respond, because we would have responded that  
12 under the relevant case law, that data cannot be  
13 considered by the Board. But, no, it wasn't  
14 considered by the Board, but now they're trying to  
15 put it into this.

16 So for multiple reasons we've asked that  
17 Exhibits 5, 6, 7 and 8 be stricken and not  
18 considered by you this morning. Thank you.

19 CHAIR TEPPER: Thank you.

20 Mr. Hanna.

21 SUPERINTENDENT HANNA: Good morning. This is  
22 a first for us. I'm joined with Gillian Gregory,  
23 Assistant Superintendent for Academic Services,  
24 and Giselle Marsh, who oversees Title I and many  
25 of our other federal programs; Justin Williamson,

1 who is our Charter School Coordinator; and  
2 Mr. Chris Petley, who is our Communications  
3 Coordinator.

4 In response, I would just refer you to the  
5 letter that we submitted on August the 1st, the  
6 motion to strike. These conversations were had  
7 during Board meetings about some of the concerns  
8 that were addressed with the Barney Charter  
9 Initiative. These were public websites. These  
10 discussions were had on the first meeting on April  
11 the 10th.

12 And then we had the next meeting once the  
13 item was tabled on April the 24th. And none of  
14 these concerns were brought forward to us at that  
15 time. So we would just ask you to consider the  
16 letter and our response on August the 1st to make  
17 a decision on this motion. Thank you.

18 CHAIR TEPPER: I have a question before you  
19 sit down. On five, six, seven and eight, were  
20 those documents presented at either of the School  
21 Board meetings?

22 MS. GREGORY: Good morning. I'm Gillian  
23 Gregory, Assistant Superintendent.

24 The documents were not presented on the first  
25 Board meeting. They are from the EdStats Tool,

1 which is a public tool. We, as a District, do not  
2 provide guidance to our Charter Schools on what  
3 public documents they should be accessing, so any  
4 statistics that were referred to were the public  
5 documents that are part of Department of  
6 Education's EdStatistics Tool. They were  
7 discussed at a Board meeting in a public hearing,  
8 so there was an intervening period. However, we  
9 did not provide the physical documents, we just  
10 downloaded them from the public domain.

11 CHAIR TEPPER: When were they discussed at a  
12 public meeting? Which public meeting?

13 MS. MARSH: The 24th.

14 CHAIR TEPPER: All of those documents, five,  
15 six, seven and eight, not whether it was the  
16 physical piece of paper, but all the information  
17 in there was discussed at a School Board meeting?

18 MS. MARSH: The content of the documents  
19 refer to the demographic diversity issues, and so  
20 those topics were part, I believe, of the  
21 discussion of the April 10th meeting. They were  
22 certainly part of the Charter School Review  
23 Committee discussion that I was a part of with the  
24 Applicant and Hillsdale College when we did the  
25 review of the application in the face-to-face



1 prior to the Board meeting.

2 So while the specific public domain documents  
3 that we pulled from EdStats were not part of a  
4 document handed to the Applicant previously, all  
5 of the topics and content included, including, you  
6 know, topics related to both economic and racial  
7 diversity, ESE access, those topics were part of  
8 the discussion held between the District and the  
9 Charter Application during the Charter Application  
10 interview process, and then were brought up by our  
11 Board meeting -- in the Board meeting on the  
12 10th -- I'm looking just to confirm -- on the  
13 10th. But then also the documents themselves were  
14 provided on the -- or were discussed by Board  
15 Members on the 24th, if memory serves me.

16 CHAIR TEPPER: Okay. Thank you.

17 In that case, I'm going to allow those  
18 documents to stay in the record.

19 Mr. Arnold, if you would like at the end of  
20 the appeal to put something on the record that you  
21 object to that, I'll allow time for that, okay?

22 MR. ARNOLD: Okay. Thank you.

23 CHAIR TEPPER: So because we have one new  
24 Member today and one Member that has not served as  
25 we use our new process, I'm going to ask our

1 attorney, Amanda Gay, to just do a quick overview  
2 of our appeal process and how it currently works.

3 MS. GAY: Good morning, everyone. I am going  
4 to give a very brief refresher -- hopefully  
5 brief -- on the application and appeals process,  
6 the Commission, its role, and also the procedure  
7 that we will employ today. This is going to  
8 include things that you already know, but I would  
9 like to make sure that we discuss it so that  
10 everyone is on the same page.

11 As you know, the Commission was established  
12 to assist the Commissioner and the State Board of  
13 Education with a fair and impartial review of  
14 appeals. The Commissioner and the State Board  
15 rely on you and your subject matter expertise to  
16 explain your decisions and also in coming to your  
17 result.

18 So to start at the beginning, we know that  
19 when the School Board receives a Charter School  
20 application, it must review the application based  
21 on the evaluation instrument that was adopted by  
22 the State Board. After this review, the School  
23 Board must vote. And if the vote is to deny the  
24 application, the School Board must articulate in  
25 writing the specific reasons it has to support its

1 denial. Those reasons must be based on good  
2 cause. The Courts have interpreted good cause to  
3 mean a legally sufficient reason.

4 So the role of the Commission now is to  
5 objectively review the documents in the record,  
6 including that denial letter, evaluate the  
7 documents, evaluate the statements made today, and  
8 then to provide a fact-based justification or  
9 recommendation to the State Board as to whether  
10 the School Board had good cause based upon  
11 competent, substantial evidence to deny the  
12 application.

13 Now, competent, substantial evidence has a  
14 couple of different definitions. But a great way  
15 to think of it is that it's sufficiently relevant  
16 and material evidence that a reasonable mind would  
17 accept as adequate support for the conclusion, or  
18 in this case the denial.

19 So the process that the Commission has gone  
20 through has evolved over the last few years as a  
21 result of the Fourth District Court of Appeal  
22 opinions. In those cases, the Court acknowledged  
23 the constitutionality of this appeals process.  
24 However, it took issue with some of the  
25 Commission's meeting processes in those particular

1 cases. The Court pointed to a few different  
2 statutory provisions regarding the meeting and the  
3 subsequent recommendation.

4 The Court stated that, quote, "At the  
5 required meeting, the Commission Members failed to  
6 discuss the issue, ask any questions of the  
7 parties, or engage in any fact finding before  
8 their vote." It then pointed to a statutory  
9 provision that requires the Commission to not only  
10 provide a recommendation to the State Board, but  
11 also include a fact-based justification for its  
12 recommendation. So the District Court of Appeal  
13 on those two cases remanded the cases so that the  
14 Commission could make a fact-based justification.

15 So based on those decisions, we've altered  
16 the process to ensure that the Commission does  
17 just what the Court said and include a fact-based  
18 justification.

19 How it will work is that once the parties  
20 have presented their openings, we will address  
21 each issue individually. The parties will provide  
22 their comments on the issue, and then the Chair  
23 will invite the Commission Members to ask  
24 questions, make comments, so that it's clear why  
25 you ultimately make the decision that you make

1 today.

2 Once discussion is closed on the issue, the  
3 Chair will ask for a motion. And if you are  
4 making that motion, we will encourage you to also  
5 provide your reasons for making that motion. And  
6 the other Commission Members can assist with that  
7 as well in making sure that we list all the  
8 reasons that the Commission is making that  
9 decision.

10 So after all three issues have been voted  
11 upon, we will take a break to prepare the draft  
12 recommendation that will include the facts that  
13 come out in this hearing and based on the  
14 application that you discuss today. And before  
15 the recommendation is voted upon, you'll have the  
16 opportunity to review and make changes as  
17 necessary.

18 So all that to say ultimately what we're  
19 encouraging you to do today is that not come to a  
20 final result, but also just to make sure that it's  
21 clear your reasons for reaching that result.

22 Thank you all.

23 CHAIR TEPPER: Okay. So the procedure as we  
24 go forward today will be each side will have ten  
25 minutes to tell the story of their case. After

1 that, I'll read each individually. You'll have  
2 three minutes on each issue and we'll vote on each  
3 issue as we go through.

4 The Charter School must prevail on all three  
5 issues in order to prevail today. The District  
6 only has to prevail on one issue. If they prevail  
7 on one issue, that means they have shown good  
8 cause. At the end, as Amanda said, we'll draft up  
9 a recommendation and then we'll come back and  
10 we'll take a final vote.

11 We always begin with the Charter School, so  
12 you have ten minutes.

13 MR. ARNOLD: Thank you, again, Ms. Tepper.  
14 Good morning, ladies and gentlemen. My name is  
15 Shawn Arnold, and, again, I'm counsel to  
16 Tallahassee Classical School. And I have two  
17 members from the school who would like to  
18 introduce themselves.

19 MS. SAYLER: My name is Jana Sayler. I'm the  
20 Board Chair. I'm a certified public accountant  
21 and one of the authors of the application.

22 MS. CARBANELL: I'm Jaime Carbanell. I am a  
23 Board Member and I'm an educator.

24 MR. ARNOLD: Thank you, ladies.

25 Before you is an application that despite the

1 District Application Review Committee's  
2 overwhelming recommendation for approval was  
3 denied by the District. The denial letter, which  
4 is subject to the review that you have this  
5 morning, contains nothing more than speculation,  
6 generalized comments, and political opinions that  
7 are completely unrelated to the school's specific  
8 application or its individual merit. By ignoring  
9 the parameters of the application process, the  
10 District's denial violates Florida law's  
11 protections granted to a Charter Applicant. None  
12 of the allegations in this letter, even if they  
13 were proven true, amounts to competent and  
14 substantial evidence.

15 As you were just instructed by your  
16 council -- and I agree -- the definition of  
17 competent and substantial evidence has been  
18 consistently defined as evidence that is  
19 sufficiently relevant and material to the ultimate  
20 determination. It is not conclusory or  
21 generalized in nature. The Florida Supreme Court  
22 has stated on numerous occasions that conjecture  
23 and speculation is not competent and substantial  
24 evidence.

25 You will take three votes today. The first

1 section is with regard to equal admission to the  
2 school for children with disabilities. The  
3 question is did the school provide a clear  
4 description of how the school will ensure students  
5 with disabilities will have an equal opportunity  
6 of being selected for enrollment.

7 The school's application meets this standard,  
8 stating that, quote, "Students with disabilities  
9 shall have equal opportunity of selection to the  
10 school." The application process, including a  
11 potential lottery, were all determined by the  
12 staff, and they do in fact meet Florida and  
13 federal law. The denial letter from the District  
14 ironically even admits this. But the District  
15 generalizes the school with what it alleges as  
16 data about existing Classical Charter Schools in  
17 Florida that, quote, "Do not appear to be acting  
18 in good faith relative to meeting statutory and  
19 Charter contract requirements for ESE  
20 populations."

21 What other schools are doing -- assuming  
22 arguendo, in other words, that it's true -- is not  
23 competent and substantial evidence. These schools  
24 are not operated by the school's governing board.  
25 Nothing else is offered as evidence in the denial



1 letter. In short, what you have are conclusory  
2 and generalized information about schools that are  
3 not this school.

4 Moreover, the evidence against the other  
5 Charters isn't even detailed in the denial letter.  
6 In contrast, it presents conclusory statements.  
7 Generalization and conclusory statements are not  
8 competent and substantial evidence. And we'll  
9 point you to the application.

10 The denial letter makes much of the fact that  
11 the school will be coordinating the Barney  
12 Institute as part of Hillsdale College. On page  
13 110 of the record, it says, "This partnership will  
14 include working together to complete the Charter  
15 Application approval process, develop a rigorously  
16 Classical core knowledge curriculum, recruit a  
17 competent staff, identify a faculty, draft a  
18 budget, and other things to assist that the  
19 Charter School may require, including professional  
20 development required to train the school faculty  
21 and model."

22 The Barney Institute in Hillsdale College  
23 does nothing with student recruitment. It does  
24 not do anything with ESE development. It does not  
25 do anything with ESE recruitment. This is just

1 one example, which is going to go through all  
2 three of them, where they don't have specific  
3 evidence against this school. And they try to  
4 lump it together with data that they say is  
5 relevant, which is not, to say that Classical  
6 Schools, as a generalization, just don't meet the  
7 laws in Florida. And that's not part of the  
8 process.

9 And I'm going to talk to you about the second  
10 two portions now. The second section includes  
11 student recruitment. There are three standards  
12 that are set forth on your vote today. The  
13 professional staff, again at the District, voted  
14 that the application met the criteria. The  
15 recruiting plan had specific information and  
16 detailed plans for recruiting a student body that  
17 reflected the community that the Charter School  
18 would serve.

19 There is nothing in the denial letter that  
20 sets forth any evidence, competent or not, that  
21 the school didn't present a clear plan for student  
22 recruitment. Rather, the denial letter, like the  
23 ESE section, makes conclusory statements regarding  
24 other Classical Schools that are not this school.  
25 I stated a moment ago this, again, is not

1 competent or substantial evidence.

2 The third issue regarding transportation, the  
3 school presented a plan that does meet the  
4 standard. They presented a transportation plan  
5 that showed within a reasonable distance  
6 transportation would not be a barrier to its  
7 enrolled students through a carpooling plan.

8 The only Court ever to consider this issue  
9 has ruled in favor of the school. The DOAH  
10 decision in St. Lucie County, cited in our appeal,  
11 involved a case where the school provided only  
12 carpooling support for the parents. The School  
13 District said that you must bus students past two  
14 miles. In that instance, there was not an  
15 agreement that says that they would do so.

16 But importantly, the Court ruled the  
17 Legislature -- and I'm quoting -- "The Legislature  
18 specifically recognized that Charter Schools  
19 should have greater flexibility than traditional  
20 public schools. Parents choose to send their  
21 children to Charter Schools knowing full well they  
22 may reside outside the two mile -- more than  
23 2 miles from the Charter School and that their  
24 traditional school may be located much closer to  
25 the residents than the Charter School."

1           Contrary to the District's assertion, the  
2 reasonable distance can be negotiated. We do it  
3 all the time with Districts. But to say  
4 prospectively that the Legislature, through House  
5 Bill 7069 in approving of the standard contract,  
6 stated that they can no longer negotiate is just  
7 simply fallacies, not correct. The District has  
8 not given, again, any competent, substantial  
9 evidence because it has used what it interrupts  
10 data, which, again, assuming it's correct, which  
11 in many instances those are our clients and the  
12 data is not actually correct or its misleading, I  
13 submit to you that even if the evidence were in  
14 the letter, because of the Court decision in St.  
15 Lucie County, it could not ever be good cause.

16           The Charter Statute sets forth the Charter  
17 Application and review by School Boards, and the  
18 Florida Administrative Code provides the precise  
19 evaluation instruments to be used by the  
20 Districts, and that is what is done.

21           Florida case law also states that a School  
22 District's basis for denial cannot -- or does not  
23 constitute good cause if such denial is not based  
24 on the standards set forth in the Charter Statute  
25 or in the Model Application. Comparing the

1 school's performance to other schools rather than  
2 the standards set forth in the statute and the  
3 evaluation instrument, the District engaged in  
4 impermissible analysis which cannot by law be  
5 considered good cause.

6 Now, oftentimes good cause and competent and  
7 substantial evidence, the lines kind of run into  
8 each other and it's presented to you as two  
9 different questions. It's not competent and  
10 substantial evidence and never could be good  
11 cause.

12 The process calls for an individual  
13 application to be evaluated. As the Fifth DCA  
14 stated in the Osceola vs. UCP case, a good cause  
15 basis for denial of a Charter Application by a  
16 School Board is only legal and sufficient if it's  
17 based upon empirical evidence and not one that's  
18 based upon on unsupported assumptions or  
19 conjecture.

20 All of the District's reasons in this case,  
21 denying based almost exclusively on allegations  
22 against other Charter Schools, not based upon the  
23 evaluation instrument which recommended approval,  
24 not based upon the standard set forth by statute  
25 or case law, but, rather, by generalized and

1           speculative fear that this particular school may  
2           perform as some other schools in the state. Even  
3           if true -- a fact we don't accept -- is  
4           nevertheless never good cause.

5           The denial letter is devoid of any facts  
6           which would allow a reasonable mind to rely upon  
7           it as it relates to schools. It contains no chain  
8           of logic reasoning. It is generalized. It is  
9           conclusory. Simply it is not good cause.

10          The record below also contains what this case  
11          is really about. It was pretextual. It was a  
12          pretextual denial. The District has publically  
13          pronounced that regardless of the merit of any  
14          application, it will not approve of anymore  
15          Charter Schools. They were going to take a stand  
16          by denying all the applications despite  
17          admonishment from their own counsel, despite  
18          admonishment from me at the April 10th meeting  
19          that that was not allowed.

20          In closing, there exists no competent or  
21          substantial evidence anywhere in the record to  
22          support such a finding. The reason why it's  
23          pretextual is relevant is this, is that it  
24          undercuts the merits of the arguments that they  
25          make. Even if by their very nature this evidence

1 was allowed by law, it is prohibited from being  
2 good cause. Accordingly, you should recommend  
3 that the school's appeal be granted. Thank you.

4 CHAIR TEPPER: Thank you.

5 Mr. Hanna, you have ten minutes.

6 SUPERINTENDENT HANNA: Thank you. And,  
7 again, good morning.

8 A little bit about the Leon County School  
9 System. We have between 33 and 34,000 students.  
10 We have 38 traditional brick and mortar schools,  
11 seven special sites, two developmental and  
12 research schools, Florida A&M University and  
13 Florida State. And we currently have four  
14 existing Charter Schools with which we have a very  
15 good working relationship. At the end of the day,  
16 these are all our children here in Leon County.

17 A little more about our demographics. We  
18 also have a 50 percent free and reduced lunch  
19 across the District. On October 7th of 2017, an  
20 article was published in Leon County and other  
21 papers in the state of Florida entitled "Leon  
22 County Schools Among Florida's Most Segregated  
23 Says Report On Economic Divide. Leon Collins  
24 Institute pegs Tallahassee as home to one of the  
25 five most segregated School Districts in the

1 state. It tracked a 30-year trend of affluent  
2 white flight from traditional public schools that  
3 occurred while Florida was implementing school  
4 accountability standards offering private school  
5 vouchers, and encouraging the growth of Charter  
6 Schools managed by for-profit companies."

7 One of the guiding principles set in State  
8 Statute for the establishment of Charter Schools  
9 is to increase the learning opportunities for all  
10 students with special emphasis on low-performing  
11 students in reading. I believe the examples of  
12 other Classical Schools other Classical Charters  
13 absolutely pertain or relate in this situation.

14 The Mason Classical School in Collier County,  
15 as an example, that was created, has a population  
16 70 percent white while the average in Collier  
17 County is 30 percent white. The economically  
18 disadvantaged average in Collier County is 65  
19 percent, while the Mason Classical School is 20  
20 percent. Again, I remind you in Leon County,  
21 we're 42 percent white and 58 percent free and  
22 reduced lunch.

23 Because of these, Board Members had serious  
24 concerns about whether the application adequately  
25 addressed how the school would recruit and serve a



1 population as diversified of that here in Leon  
2 County, as per Section 1002.33(10) of Florida  
3 Statutes, and whether the Applicants had the  
4 intent to fulfill the purpose of increasing  
5 learning opportunities for all children, with a  
6 special emphasis on low-performing students in  
7 reading, as mandated, again, in Florida Statutes.

8 Recently we've also been made aware that  
9 they've had conversations with a developer in  
10 town, looking at property in Northeast Leon  
11 County, which is a very white, very affluent part  
12 of our county, which will only exacerbate this  
13 problem of the resegregations of our schools.

14 The second item I would ask you to consider  
15 this morning which we believe gives good cause for  
16 this denial is the Superintendent of Schools is  
17 mandated under Florida Statutes to approve the  
18 establishment of schools as needed to provide  
19 adequate educational opportunities for all public  
20 students in Leon County.

21 In a letter dated the 9th of September of  
22 2016, when Leon County Schools petitioned the  
23 Department of Education to build the new schools  
24 and add student stations, the Florida Department  
25 of Education communicated to Leon County that

1           until capital outlay full-time equivalent  
2           enrollment for Leon County Schools shows a  
3           projected level of growth that creates a need for  
4           new public student stations paid for by public tax  
5           dollars, the current District facilities will be  
6           adequate and in suitable condition for the  
7           foreseeable future. So when Leon County Schools  
8           attempted to add student stations to create a  
9           magnet school for a special program, we were  
10          denied.

11                 In closing, we believe that these two issues,  
12           the lack of diversity, which will only add to the  
13           already concerning resegregation of the Leon  
14           County School District, coupled with existing  
15           capacity as cited by the Florida Department of  
16           Education, provide you good cause to deny this  
17           appeal. Thank you very much.

18                         CHAIR TEPPER: Thank you.

19                 And so that takes us to the first issue. We  
20           have three issues today found in the letter of  
21           denial. The first one is whether the Applicant's  
22           educational plan failed to meet any of the  
23           following standards. And the one listed is  
24           exceptional students. Whether a clear description  
25           of how the school will ensure students with

1 disabilities will have an equal opportunity of  
2 being selected for enrollment.

3 So questions for Commission Members? And  
4 when you ask your question, if you'll let me know  
5 if it's for the school or for the District, and  
6 we'll give the other side a chance to respond.

7 Jenna.

8 MS. HODGENS: Normally they do their --

9 CHAIR TEPPER: You're right. I forgot.

10 Three minutes -- I'm sorry -- on your --  
11 you're correct.

12 MS. HODGENS: You can't change the procedure.

13 CHAIR TEPPER: You have three minutes on the  
14 issue that I just read.

15 MR. ARNOLD: It's a tradition, Ms. Tepper.  
16 Thank you.

17 As to this issue, as I touched briefly on in  
18 my opening statement -- and it's just as easy as  
19 that -- under Section B of -- under Paragraph B of  
20 Section 6, I'm sure everybody is familiar with the  
21 fact that there is a question asked: "Describe  
22 how the school will ensure that students with  
23 disabilities have an equal opportunity of being  
24 selected for enrollment in a Charter School." The  
25 answer was in accordance with 1002.33(10)(f):

1 "Students with disabilities will have an equal  
2 opportunity for selection for enrollment at  
3 Tallahassee Classical School. The school will not  
4 discriminate on the basis of race, gender,  
5 ethnicity, ethnic origin, or disability in the  
6 admission of students."

7 In addition, the application that was given  
8 out to the students was part of the record. The  
9 application does not ask the person to identify  
10 whether they have an IEP, whether they receive any  
11 ESE services or anything along those lines. And  
12 there is no evidence that is presented in the  
13 District's denial letter other than population of  
14 schools, which are not -- our school -- which are  
15 not governed by our School Board, that they say  
16 fall below the ESE level.

17 Moreover, that particular data is not in the  
18 denial letter. It does not -- even if it were  
19 relevant, even if you could somehow talk about  
20 other schools that are outside this application,  
21 that are outside the statute, that are outside of  
22 the Florida Administrative Code Rule for the  
23 application, even if it were something you could  
24 consider, they didn't put the data in there  
25 anyway. So there's no competent and substantial

1 evidence. And any of the evidence that's there is  
2 not good cause because the data that they cite  
3 that's so important is not even in the denial  
4 letter.

5 You are confined to the record of the denial  
6 letter of the things that are in front of you.  
7 That is all that you may consider. The school, it  
8 is un -- there is no evidence to refute the fact  
9 that the school said that they will not  
10 discriminate in the admission of disabled  
11 students. The professional staff signed off on  
12 it. It's because it is -- it complies with the  
13 law.

14 The denial letter uses -- references other  
15 data, which is not competent and substantial  
16 evidence. And, moreover, it's not good cause  
17 because they didn't actually put the data itself  
18 into the letter. For all of those reasons, we  
19 would ask that you vote in favor of the school on  
20 this matter. Thank you.

21 CHAIR TEPPER: Thank you.

22 Mr. Hanna, three minutes.

23 MS. GREGORY: Good morning. On behalf of  
24 Mr. Hanna, my name is Gillian Stewart Gregory.  
25 I'm the Assistant Superintendent for Academic

1 Services for Leon County, and I have served on our  
2 Charter Review Committee since 2012. I should  
3 also say that I'm not an attorney and so forgive  
4 me.

5 I will say that I think that I was very  
6 interested in what your counsel provided us in  
7 terms of guidance. And I think that the idea of a  
8 reasonable mind lens is one that we used in this  
9 process without really understanding that we were  
10 using a reasonable mind lens. And so I appreciate  
11 that feedback.

12 And I do believe since the Chair has allowed  
13 for our motion -- your motion to allow for the  
14 evidence, we could maybe discuss some of that data  
15 that came from the state. So with that in mind, I  
16 am here before you to respond to the Applicant's  
17 education plan, specifically reference to  
18 1002.33(16)(a)3, exceptional student education.

19 The application under consideration today  
20 certainly outlined a philosophical desire to  
21 enroll ESE students in the broadest terms, but  
22 they did not provide a specific plan by which to  
23 achieve that desire. To begin with, the  
24 enrollment lottery referenced by the Applicant is  
25 a blind lottery. That is to say, anybody can get

1 into the school, should there be a lottery system,  
2 without reference to race, gender, or ESE status.

3 What we do find in practice with a reasonable  
4 mind is that that inherently winds up  
5 discriminating against students. It's essentially  
6 saying that it doesn't matter what anybody has, if  
7 they show up and we have space we will take them,  
8 at the exclusion of those who do have some  
9 exceptionalities that would increase diversity at  
10 the school. So what we can see in those -- at the  
11 other school that was referenced, that in their  
12 county, about 13 percent of their students are  
13 ESE. Less than half of that percentage was the  
14 rate of ESE enrollment at their school site.

15 Continuing, when that school opened in the  
16 other District, they began with about half of the  
17 enrollment rate that the pre -- that the larger  
18 District had, but over time had a decline in ESE  
19 enrollment. So not only were they insufficient in  
20 recruiting, they were insufficient in retaining  
21 students. And what we know, what is best for  
22 children, is a consistent and stable education.  
23 And in our minds, that kind of deficiency in  
24 enrollment and then deficiency in retention is  
25 problematic.

1           When probed during the interview process,  
2           which is outside of the data, neither of the local  
3           school Applicants nor the consultants from  
4           Hillsdale College who they brought in were able to  
5           articulate concrete, actual steps to accomplish  
6           the enrollment of ESE students. During the  
7           interview, the Applicants referred back to the  
8           District to provide direction to them on serving  
9           ESE students.

10           Further, the Applicants discussed the goal of  
11           attracting primarily homeschool parents who may or  
12           may not have an IEP, without any sense of a  
13           compensatory plan to balance enrollment. So  
14           that's to say that if they are going after the  
15           homeschool students and the homeschool students do  
16           not have -- for enrollment purposes -- and the  
17           homeschool students do not have an active IEP or  
18           do not have an IEP, then they would have to have a  
19           strategic plan in place to compensate for that  
20           offset in enrollment of students without IEPs.

21           CHAIR TEPPER: Your time is up.

22           MS. GREGORY: Thank you.

23           CHAIR TEPPER: And now we will go to  
24           questions from Commission Members.

25           Jenna.



1 MS. HODGENS: So I have an overall question  
2 for the District, I guess. You may have just  
3 answered it. But if you could just tell me  
4 exactly what would you have liked to have seen in  
5 the application that would have made you feel  
6 comfortable with their eagerness to enroll ESE  
7 students.

8 MS. GREGORY: So I think enrollment in  
9 particular for Charter Schools is like threading a  
10 needle, it's really difficult because in one hand  
11 you want to be as comprehensive as possible, but  
12 you also need to understand that you need to  
13 stratify your sampling. So the idea is that, yes,  
14 everyone is welcome, but we do need to reserve  
15 seats for children who are minorities. We do need  
16 to reserve seats for children of poverty. We do  
17 need to reserve seats -- and then you randomly  
18 sample within those reserve seats, essentially  
19 that notion of a stratified sample.

20 What we have seen locally in practice is the  
21 best of intentions, that notion of hope, that they  
22 hope to achieve this, is not an effective strategy  
23 to implement statutory requirements. In our  
24 Charter Schools locally, we continue to see a lack  
25 of diversity.

1 MS. HODGENS: Okay.

2 CHAIR TEPPER: Mr. Arnold.

3 MR. ARNOLD: Thank you, Ms. Tepper.

4 Ms. Hodgens, what was just proposed by the  
5 District is flatout illegal. You can't do that.

6 MS. HODGENS: Well, that was kind of my -- so  
7 that was my follow-up question was -- and I guess  
8 it's to you or to the attorneys that help us -- is  
9 it legal to have a lottery system in a Charter  
10 School where you reserve seats for certain  
11 students?

12 CHAIR TEPPER: And I'll let Mr. Arnold answer  
13 first.

14 MS. GREGORY: (Inaudible.)

15 CHAIR TEPPER: Pardon me.

16 MS. GREGORY: Sorry. My mistake.

17 CHAIR TEPPER: Mr. Arnold.

18 MR. ARNOLD: I mean, it's clear that the  
19 County is not operating within what the statute  
20 says. You simply can't do what they're saying.  
21 That's not only based on state law, that's based  
22 on federal law.

23 We had these discussions with USDOE at a  
24 Charter conference recently where I have a school  
25 where it has an underpopulation of ESE and we were

1       like what can we do now that the school is open,  
2       what can we do? And all you can do is market.  
3       And the school presented a marketing plan.

4               And you don't know what your population is  
5       going to look like. I mean, we have professionals  
6       sitting at the table here. We have schools that  
7       look like all kinds of things, and we're one data  
8       point.

9               And that's the thing, is that we're being  
10       held against a standard of the District, who has  
11       dozens and sometimes hundreds of data points. And  
12       it's very difficult. I agree completely that it's  
13       hard to thread a needle. But you can't reserve  
14       seats. You can't do those types of things.

15               There are other states that do that. For  
16       instance, Rhode Island, believe it or not, has a  
17       thriving Charter School community there. They  
18       made a presentation about how their law is  
19       different. Georgia is also different, where you  
20       can do that, where I'm also licensed to practice.  
21       Georgia law is different than Florida law. But  
22       Florida law doesn't allow for this.

23               It would make in some ways -- is it a good  
24       policy? Maybe. But this is the overall thread of  
25       what we're talking about here. Their problem is

1 with the Charter Statute, but they still have to  
2 follow the law. And this is not the forum for  
3 this to occur. And the UPC case talks about that.  
4 You can't talk about political discourse in a  
5 judicial forum, which is in essence what this is.

6 So the simple answer is, is that while that  
7 might be something worth debating or talking  
8 about, that needs to be held over at the  
9 Legislature, not here. What they propose is  
10 simply illegal.

11 CHAIR TEPPER: Amanda, did you have anything  
12 to add to that?

13 Mr. Arnold is correct, that what the District  
14 proposed is not in the Florida Statute. But I'll  
15 let Amanda have the last word.

16 MS. GAY: Do you want me to go ahead?

17 CHAIR TEPPER: Please.

18 MS. GAY: All right. I would refer to the  
19 statute that's under 1002.33(10)(b). And it says,  
20 "The Charter School shall enroll an eligible  
21 student who submits a timely application, unless  
22 the number of applications exceeds the capacity of  
23 the program," and it goes on. So it's for any  
24 eligible student.

25 CHAIR TEPPER: I agree.

1           Okay. So are there other questions by  
2 Commission Members, or did you have a follow-up,  
3 Jenna?

4           MS. HODGENS: No.

5           CHAIR TEPPER: Okay.

6           MR. JACKSON: I have one.

7           CHAIR TEPPER: Yes, sir. Go ahead. For the  
8 school or the District?

9           MR. JACKSON: For the school, question for  
10 the school.

11           And the question is simply what plan do you  
12 have for the recruitment of students in general,  
13 not any specific type of student?

14           MR. ARNOLD: Thank you, Mr. Jackson, for your  
15 question.

16           It's set forth in a few different places.  
17 It's set forth in the recruitment portion of the  
18 statute -- I'm sorry -- of the application, which  
19 if you give me just a moment to thumb through it,  
20 to point to it. It discusses all of the different  
21 ways in which they're going to recruit, in which  
22 they're going to publicize, and which are the  
23 stakeholders in the community that they're going  
24 to meet with, the churches, the schools, where  
25 they're going to go advertise in the media, how

1 they're going to publish it.

2 And those, of course, are always just  
3 conceptual plans because at this point, we don't  
4 know where the school is going to be located, we  
5 don't have a contract that's out there. And so  
6 it's statutorily compliant.

7 Plans that talk about all of the things that  
8 were just discussed, in terms of enrollment  
9 preferences, it talks about the way that they're  
10 going to reach via media, versus social media,  
11 versus networking, versus community meetings and  
12 all of those other types of things, to get their  
13 community. And basically it looks a lot like  
14 every other Charter Application that we've run  
15 through our office. And it's a comprehensive  
16 plan, and it was approved by staff.

17 But, again, the argument continues to come  
18 back to the fact that they don't like the way that  
19 two other Charter -- Classical Charter Schools  
20 look in different counties run by different  
21 boards.

22 CHAIR TEPPER: Before you sit down, I have a  
23 question.

24 MR. ARNOLD: Yes, ma'am.

25 CHAIR TEPPER: Does the application have

1 anything on it about are you a student with a  
2 disability, do you have an IEP?

3 MR. ARNOLD: No, it does not.

4 CHAIR TEPPER: So the Charter School doesn't  
5 know when they choose or by the lottery or  
6 anything, that comes much later; isn't that  
7 correct?

8 MR. ARNOLD: That's correct. And it's only  
9 after they're enrolled and they're determined to  
10 be an eligible student -- or they're an eligible  
11 student so they're allowed to apply. Then after  
12 that, then they are enrolled.

13 And then at that point, they ask -- either  
14 ask the parent or the record shows up when they're  
15 transferred from another school, and that becomes  
16 the first time that they find out. If the school  
17 can't service them, then they would call an IEP  
18 meeting and things like that. If the school can  
19 service them, because they've said that they're  
20 going to provide the same level of service of ESE  
21 that's provided at every District school within  
22 Leon County, if they can service the child, they  
23 service the child.

24 But it is random. It is lottery. It just is  
25 what it is. And we don't have the entire county

1 to do this. At public comment they said that they  
2 want to have a school that reflects the county.  
3 And there's frankly no evidence to say that  
4 they're not going to follow through on their word.  
5 And because there's no evidence, it's not  
6 something that you could uphold a denial on.

7 CHAIR TEPPER: Okay.

8 MR. ARNOLD: Thank you.

9 CHAIR TEPPER: Other questions?

10 (No response.)

11 CHAIR TEPPER: Then is someone ready to take  
12 a stab at making the first motion? And, of  
13 course, we'll all pitch in and flesh it out  
14 according to what we've heard so far this morning.

15 Jenna.

16 MS. HODGENS: Okay. I move that the  
17 Commission find that the School Board did not have  
18 competent, substantial evidence to support its  
19 denial of the application based on the Applicant's  
20 failure to meet the standards for the education  
21 plan because there is a clear marketing plan  
22 within the application that adheres to the Florida  
23 Statute in relation to enrolling all eligible  
24 students through a lottery system.

25 CHAIR TEPPER: Okay. Anybody want to add to



1           that?

2           MR. MORENO: I will second it. I think it's  
3           pretty clear.

4           MS. HODGENS: I said it clear?

5           MR. MORENO: Yes.

6           CHAIR TEPPER: The only thing that I would  
7           add is that the application does not have a line  
8           on it that identifies a student with a disability.

9           MS. HODGENS: The enrollment application?

10          CHAIR TEPPER: The application, right.

11          MS. HODGENS: For the students?

12          CHAIR TEPPER: Right.

13          Okay. So you've heard the motion, that the  
14          Commission find that the School Board did not 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 educational  
18          plan because of the reasons Jenna set out.

19          Is there a second?

20          MR. MORENO: I will second that.

21          CHAIR TEPPER: Richard.

22          So the motion is the School Board did not  
23          have competent, substantial evidence on this  
24          issue. If you vote yes, you are voting for the  
25          Charter School. If you vote no, you are voting

1 for the School District.

2 Jackie.

3 MS. HITCHCOCK: Jenna Hodgens.

4 MS. HODGENS: Yes.

5 MS. HITCHCOCK: Richard Moreno.

6 MR. MORENO: Yes.

7 MS. HITCHCOCK: Osvaldo Garcia.

8 MR. GARCIA: Yes.

9 MS. HITCHCOCK: Jessie Jackson.

10 MR. JACKSON: Yes.

11 MS. HITCHCOCK: Tiffanie Pauline.

12 MS. PAULINE: Yes.

13 MS. HITCHCOCK: Sonia Vazquez.

14 MS. VAZQUEZ: Yes.

15 CHAIR TEPPER: So the Charter School prevails  
16 on the first issue. We don't need to do the  
17 second part of that because we did not find in  
18 favor of the District on the first part.

19 So that brings us to Issue Number 2, which is  
20 whether the Applicant's organizational plan failed  
21 to meet any of the following standards: A student  
22 recruitment plan that will enable the school to  
23 attract its targeted population; an enrollment and  
24 admissions process that is open, fair, and in  
25 accordance with applicable law; and a plan and

1 process that will likely result in the school  
2 meeting its enrollment projections.

3 Mr. Arnold, you have three minutes.

4 MR. ARNOLD: Thank you, Ms. Tepper, ladies  
5 and gentlemen of the Commission.

6 This argument is going to sound a lot like  
7 the last one just did because we ended up going  
8 over into Section 2 and discussing this based upon  
9 the District's comments in their argument here.

10 If you look at -- and this is on page 41 of  
11 the record as it relates to our appeal. This is  
12 Section 2, which is the target population and the  
13 student body. The target population is K through  
14 12 and will be done in accordance with 1002.33,  
15 Subsection 10, which is the applicable section  
16 that talks about target population and student  
17 enrollment. It says that the goal of Tallahassee  
18 Classical is to provide a unique opportunity for a  
19 Classical model. And it's not known in the public  
20 portion of the education system in Leon County.  
21 There are private schools in Leon County and  
22 public schools.

23 They discuss the fact that they're going to  
24 seek families who want to have part of their  
25 Classical application model for their children.

1 They talk about the fact that families for public,  
2 private, local Charter Schools, homeschools, who  
3 desire a strong liberal arts education will be  
4 recruited. They discuss the ways in which they're  
5 going to do it. They discuss enrollment processes  
6 will be done, again pursuant to 1002.33,  
7 Subsection 10. They provide a target population  
8 and they lay out the growth in which they plan on  
9 doing it.

10 They talk about the fact that they're going  
11 to comply with things such as Florida Class Size  
12 Amendment and all these other items that are  
13 there. And they talk about the reason why they  
14 think that they can reach the enrollment levels,  
15 because of strong demand within the community.  
16 And at the public meeting that was held on  
17 April 10th, they had a lot of people show up to  
18 actually say that they want this in their  
19 community.

20 In other words, this is the compliance  
21 section. This is just like every other section  
22 that you would expect to see. The professional  
23 staff evaluated this section and said that it's  
24 compliant. They recognize the fact that there's a  
25 strong community -- that there is strong desire to

1 have this type of education, and they discuss the  
2 fact that a couple of the Classical Charter  
3 Schools that they use potentially as models have  
4 significant academic growth. The Mason Charter  
5 Classical in Collier County, I believe the  
6 principal was telling me was in the top 50,  
7 period, of all Florida public schools. Their test  
8 scores are amazing, and that they do a great job.

9 So in other words, student recruitment is  
10 evaluated by professional staff. It's compliant  
11 with the statute. There's no reason to do -- and,  
12 moreover, the reason that they say that it doesn't  
13 comply, again, is looking at other Charter  
14 Schools, which is outside of the standard  
15 application and doesn't constitute good cause.

16 Thank you.

17 CHAIR TEPPER: Thank you.

18 Mr. Hanna.

19 SUPERINTENDENT HANNA: I'm going to bring  
20 Ms. Marsh up here. We can do that, right?

21 CHAIR TEPPER: Of course.

22 SUPERINTENDENT HANNA: Okay. But I would  
23 just like to go back to my reference of what  
24 counsel just said about the Mason Classical School  
25 and remind you of what Collier County looks like

1 when he said it's one of the top performing  
2 schools in the state and the country. Yeah, for  
3 good reason, because that school does not look  
4 anything like Collier County. And for him to --  
5 now he can point out, oh, it makes sense now, we  
6 don't want to compare the two, this is not a  
7 separate -- this is a separate issue, different  
8 Board. Well, it wasn't a different Board just  
9 then.

10 And that's the same fear we have here in Leon  
11 County, that this school will only add to the  
12 segregation problem we have. They're in  
13 conversations, again, with developers in the  
14 northeast, which is very white, very affluent,  
15 nowhere near low-performing schools.

16 MS. MARSH: Good morning. I'm Giselle Marsh.  
17 I'm the Director of Assessment, Accountability and  
18 Federal Programs for Leon County Schools.

19 And just to clarify, are we addressing only  
20 Issue A? Are the issues separated, A, B and C so  
21 we're only addressing Issue A at this time?

22 CHAIR TEPPER: You're addressing all of Issue  
23 2.

24 MS. MARSH: All of Issue 2?

25 CHAIR TEPPER: Right.

1 MS. MARSH: Okay. Thank you so much. I  
2 appreciate that.

3 The application has a desire to achieve a  
4 racial balance that is reflective of the  
5 Tallahassee community. When reviewing the data  
6 that compares the current Barney Charter School's  
7 community, much like the Superintendent mentioned,  
8 there are areas in the realm of economic status  
9 that vary greatly from the Sponsor District, areas  
10 that reflect the Barney Charter Schools with  
11 considerably less economically disadvantaged  
12 students than the Sponsor District.

13 The application also does have a desire to  
14 ensure that enrollment and admissions process is  
15 open, fair, and in accordance of the law. While a  
16 direct mail campaign would result in the need for  
17 a lottery, allowable by statute, the true  
18 intention of the lottery is altered because of the  
19 lack of options for transportation provides a  
20 barrier for families in the low socioeconomic  
21 subgroups that we have here in Leon County.

22 When considering the Leon County Schools' bus  
23 ridership in relationship to those students who  
24 are free and reduced lunch and captured in that  
25 minority subgroup, we noticed that the subgroup

1 may be eliminated as the Charter Application does  
2 not provide adequate opportunities --  
3 opportunities or options for families that may  
4 need that option for transportation.

5 While reviewing enrollment projections stated  
6 in this Charter Application, we go back to what  
7 this enrollment will actually represent. We're  
8 looking at a potential 458 students who represent  
9 the Charter Board, live in close proximity to the  
10 school, or are able to provide their own  
11 transportation. So these 458 students do not  
12 actually represent Leon County Schools. The  
13 enrollment may not be racially balanced or  
14 reflective of our Leon County Schools' community.

15 CHAIR TEPPER: Thank you. Your time's up.

16 So Commission Members, do we have questions  
17 regarding the student enrollment and recruitment  
18 plan that was in the application?

19 MS. PAULINE: I do.

20 CHAIR TEPPER: Tiffanie.

21 MS. PAULINE: I have a procedural question  
22 first. Can I ask questions on a prior section  
23 that relates to this?

24 CHAIR TEPPER: If it's about this section.

25 MS. PAULINE: Okay. This is for the school.



1           So I'm very unclear on understanding the target  
2           population which is discussed in Section 2 which  
3           is the basis for your recruitment, because you're  
4           recruiting to whatever you determine to be your  
5           target population.

6           So in Section 2, at one point you talk about  
7           kind of generally serving all students that are  
8           eligible, and then there's a part in there that  
9           speaks to homeschool, private school, Charter  
10          Schools, and other things. And then you go on to  
11          hone in on the projection section where you  
12          specifically speak to the fact that you utilized,  
13          I guess information from other schools, other  
14          Classical Schools to develop your projections.

15          I'm just very unclear on -- I guess the first  
16          question for me is what is your target population,  
17          because it seems to be all over the place?

18          MS. SAYLER: My name is Jana Sayler and I'm  
19          the Board Chair of Tallahassee Classical School.

20          Our target population is anyone and everyone  
21          who is interested in a Classical education for  
22          their children. And as you see, our application  
23          is -- because that's a very broad population,  
24          therefore, the description of that group is broad.

25          We do know of a number of people in

1 Tallahassee who are interested in Classical  
2 education in a public setting and we have received  
3 a number of additional letters of interest since  
4 this application was submitted to Leon County. We  
5 have now over 300 students on our letter of  
6 interest, and we are confident that a number of --  
7 that there are families, such as the authors of  
8 the application and those that are on our letter  
9 of interest list, who are aware of Classical  
10 education but are unable to participate in the  
11 current offerings that are available in Leon  
12 County or that when they learn what Classical  
13 education is through our recruitment plan, that  
14 they will be interested in and will sign up their  
15 students to attend this school in order to receive  
16 this type of incredible education.

17 The final thing I wanted to mention --  
18 forgive me. Thank you.

19 CHAIR TEPPER: Does that answer your  
20 question?

21 MS. PAULINE: No. Can I just maybe -- let me  
22 read what I'm referring to.

23 CHAIR TEPPER: Okay.

24 MS. PAULINE: On page 11, I think is what it  
25 said. As it references to the location that

1           you're seeking, it says that it is seeking a  
2           location that is comprised of students that are  
3           currently homeschooled, business locations to  
4           which parents travel for work where there are  
5           students that can benefit from a Classical  
6           education option, which kind of contradicts some  
7           of the other stuff.

8           MS. SAYLER: In terms of there are ways in  
9           which this intersects with facility location  
10          questions, is that what you're asking?

11          MS. PAULINE: Well, they kind of all go  
12          together, right?

13          MS. SAYLER: Sure.

14          MS. PAULINE: So if you're talking about  
15          you're going to be located -- I mean, you're going  
16          to be county-wide but, you know, there are going  
17          to be kids in that area. If you're talking about  
18          how you develop your projections, that still goes  
19          back to your target population, right?

20          MS. SAYLER: Uh-huh.

21          MS. PAULINE: If you talk about just in  
22          general, you know, the process, it still goes back  
23          to your target population. So it just seems like  
24          at every step there's a little bit of  
25          inconsistency. But I guess the common thread that

1 I'm seeing is homeschool. So I'm trying to  
2 understand.

3 MS. SAYLER: Well, Classical education is a  
4 thriving option in the homeschool community here  
5 in Tallahassee. There are at least seven  
6 Classical education co-ops in Leon County, and  
7 there are additional Classical education  
8 homeschooling options.

9 For example, there's a Catholic co-op in the  
10 homeschooling world here in Tallahassee. And we  
11 know that a number of those are full and they're  
12 having to turn students away from being able to  
13 participate in that option because the locations  
14 where those homeschooling co-ops meet are full,  
15 they don't have room for more students. So  
16 there's a demand for and interest in Classical  
17 education here in Leon County.

18 So we are -- in terms of that sentence, we  
19 are looking for a -- a geographic area in which  
20 the Applicant intends to serve. We are  
21 considering a variety of options as far as where  
22 to locate within Tallahassee, and some of the  
23 things to take into consideration are locations  
24 where parents work. So it would be convenient for  
25 parents to drop off of their children on their way

1 to work.

2 Another consideration would be if we do have  
3 a significant population of homeschooled students,  
4 where do those students already reside. And then  
5 where there are concentrations of students who  
6 could benefit from the Classical education option.  
7 I understand that that is general, but there are  
8 students all over Leon County who could benefit  
9 from that. I don't suppose that that has as a  
10 specific geographical reference. That applies to  
11 everyone in Leon County.

12 CHAIR TEPPER: Okay. Other questions?

13 MS. VAZQUEZ: I have one.

14 MS. HODGENS: Go ahead, Sonia.

15 MS. VAZQUEZ: I have a question for the  
16 District.

17 CHAIR TEPPER: Okay. Mr. Hanna.

18 MS. VAZQUEZ: I just would like some  
19 clarification, because when I look at the  
20 evaluation, there's seven members of your  
21 committee, six of them in that particular section  
22 quoted that the application meets the standard,  
23 one partially meets the standard. There's nobody  
24 there that decided that it did not meet the  
25 standard.

1           So what I wanted to ask is what would you  
2           have wanted to see in that section that you will  
3           then say, yes, they 100 percent meet the standards  
4           because it's exactly what we were looking for?

5           SUPERINTENDENT HANNA: I think the Board  
6           Members were very concerned about the location.  
7           And, again, I go back to we received word they're  
8           been in negotiations with people that have  
9           developments in Northeastern Tallahassee, which,  
10          again, is very white and very affluent. So, you  
11          know, the target of homeschool, the population --  
12          I would be interested to see the 300 applicants  
13          that they have to their school. What does that  
14          look like? How many of those kids are minorities?  
15          How many of those kids are from socioeconomic  
16          backgrounds?

17          So the Board has serious concerns, again,  
18          about this article that was already an  
19          embarrassment to our community about the  
20          resegregation of our schools. And it's not --  
21          this is not personal, but we are very concerned  
22          about that and concerned about the location. And  
23          the location is a big deal because the kids -- and  
24          I go back to the point of -- the purpose of these  
25          schools was to improve reading for low-performing

1 students. In that part of -- the geographic  
2 location in our county, that's not the case. All  
3 the schools in that area are A schools.

4 So, again, I challenge the location of this  
5 school is of vital importance. And without  
6 knowing that -- and the transportation issue in  
7 and of itself was very concerning to School Board  
8 Members.

9 CHAIR TEPPER: Jenna.

10 MS. HODGENS: Okay. I have a question for  
11 the school.

12 MR. ARNOLD: Ms. Tepper, can I --

13 CHAIR TEPPER: You can have a moment and then  
14 we'll go to Jenna. Go ahead.

15 MR. ARNOLD: Okay. And, actually, I think  
16 that I'm going to have Ms. Saylor come up.

17 MS. SAYLER: Mr. Hanna keeps referring to the  
18 fact that we have been looking at areas in  
19 Northeast Leon County. I did want to address that  
20 and mention that the specific area that we have  
21 been looking in is not affluent, it is not, not  
22 affluent either. It's a middle class area. And  
23 it is not an A school zone.

24 MS. HODGENS: Okay. Stay there because I  
25 want to ask you another question. So Classical

1 education is good for all students. I think you  
2 made that clear in the application, anyone can  
3 benefit from this exceptional education program.

4 MS. SAYLER: Absolutely.

5 MS. HODGENS: So would you be willing to work  
6 with the District to place your school in a  
7 location that makes them feel comfortable that  
8 you're not going to go into an affluent, all white  
9 area, that you're going to go into an area because  
10 it's a great education for everyone and those  
11 affluent parents would be able to transport more  
12 easily -- would you work with the District to  
13 place your school in an area that suits your needs  
14 and their needs so that students in poverty and  
15 the students with ESE needs and those kind of  
16 students have access to the school?

17 MS. SAYLER: Yes. Absolutely. And we are  
18 considering areas elsewhere in Leon County, not  
19 just in that particular area. That was an area  
20 that we had been looking at.

21 But we are still in the appeal process. We  
22 don't have a signed contract. It's very difficult  
23 to proceed with anything regarding a facility. So  
24 at this point, all of this is discussion.

25 But, yes, we are looking at a number of areas



1 around Leon County, and not just in that area,  
2 including areas that do not match an affluent,  
3 white neighbor, A school area.

4 MS. HODGENS: Okay.

5 CHAIR TEPPER: Mr. Jackson.

6 MR. JACKSON: I have a couple of questions.  
7 One for the school. How many proposed students  
8 for your school?

9 MS. SAYLER: Our first year enrollment  
10 projection is 458 students.

11 MR. JACKSON: Okay. And then I have one for  
12 Leon County. The total population at Leon County  
13 Schools separate from the Charter School would be  
14 what, or is what?

15 SUPERINTENDENT HANNA: Just north of 30,000,  
16 between 30 and 31,000.

17 MR. JACKSON: And then the two existing  
18 Charter Schools?

19 MS. HODGENS: Four.

20 MS. VAZQUEZ: Four.

21 SUPERINTENDENT HANNA: So we have four  
22 existing.

23 MR. JACKSON: I'm sorry, four.

24 SUPERINTENDENT HANNA: One represents our  
25 District, I will say, but the others do not. The

1 total population, I would say probably about 2,000  
2 people, Mr. Jackson, 2,000 students.

3 MR. JACKSON: 2,000?

4 SUPERINTENDENT HANNA: Yes, sir.

5 CHAIR TEPPER: Okay. Tiffanie.

6 MS. PAULINE: Yeah. This is for the school,  
7 for the Applicant, I'm sorry. In Section 14, the  
8 first question, which is A, it speaks to "Include  
9 strategies for reaching the school's targeted  
10 population and those that might otherwise not have  
11 easy access to information on available education  
12 options, including, but not limited to." And  
13 those examples are families in poverty,  
14 academically low-achieving students, students with  
15 disabilities, and English language learners.

16 So if I could kind of focus on the English  
17 language learners and the academically low-achieving  
18 students. And I think, Mr. Arnold, you said in  
19 your presentation that, you know, this language is  
20 pretty similar to what you've seen in most  
21 applications. I beg to differ.

22 But where in the application do you speak to  
23 how you are going to differentiate if it is open  
24 to all -- for those folks that are non English  
25 speaking and folks that are -- where are you going

1 to go to identify that pool of candidates for  
2 students that are low academically achieving? Did  
3 I miss something in -- maybe I missed it in the  
4 application somewhere.

5 MR. ARNOLD: May we two part that, two  
6 answers?

7 CHAIR TEPPER: Certainly.

8 MR. ARNOLD: Okay. Great.

9 Ms. Pauline, I would ask that you just look  
10 down under Paragraph B, the second paragraph, that  
11 says, "Our working materials will clearly state  
12 that the school does not discriminate and that it  
13 would include ESE and ELL" so that's the portion  
14 of it that -- where it talks about it in the  
15 application.

16 In terms of the specifics of the community,  
17 I'm going to let Ms. Saylor answer that question,  
18 or Ms. Carbanell.

19 MS. CARBANELL: Hi. I'm Jaime Carbanell.  
20 I'm a Board Member.

21 In terms of our ESE student population, ELLs,  
22 as well as students who may have different  
23 barriers to access, we do plan on reaching out  
24 into the community to do information sessions in a  
25 variety of locations, including libraries, all of

1 the branches in town. We do also plan on reaching  
2 out to different organizations within town that  
3 specifically target those populations so we can  
4 ensure that there is as limited barriers to access  
5 as possible.

6 MS. PAULINE: May I follow up?

7 CHAIR TEPPER: Go ahead.

8 MS. PAULINE: So let's focus in on English  
9 language learners, all right. So pretty much what  
10 you gave me is what's in here. So if you were  
11 marketing to a constituency of nonspeaking  
12 parents, let's say Spanish speaking parents --

13 MS. CARBANELL: Okay.

14 MS. PAULINE: -- how do you differentiate  
15 this plan? I mean, usually in marketing, a  
16 strategic plan, you identify location, zip codes,  
17 communities, local organizations where these  
18 harder-to-serve folks would be sought out, right?

19 MS. CARBANELL: Okay.

20 MS. PAULINE: Or you identify languages that  
21 need to be relayed, you know, so that folks feel  
22 welcome and understand what you're offering. Did  
23 I miss some of that somewhere in the application?

24 MS. CARBANELL: Well, some of the things that  
25 we will be doing, obviously we'll be sending out

1 the home language survey, and also some of our  
2 paperwork and our forms we're going to make sure  
3 are in languages catering to the different  
4 communities in town that we would be serving.

5 We would also reach out to different  
6 organizations in town that would help us ensure  
7 that we are reaching those people and providing  
8 the services necessary.

9 MS. PAULINE: So I think what was lacking is  
10 those specifics.

11 MS. CARBANELL: Okay.

12 MS. PAULINE: So you're speaking in general  
13 terms that you plan.

14 MS. CARBANELL: Okay.

15 MS. PAULINE: Just to give an example, I  
16 would say I'm going to reach out to the Urban  
17 League and focus on that community to help raise  
18 the gap or I'm going to reach out to a Spanish  
19 church or --

20 MS. CARBANELL: Yes. We definitely will do  
21 that.

22 MS. PAULINE: -- I'm going to put my  
23 applications in Spanish or multiple languages.

24 MS. CARBANELL: Yes.

25 MS. PAULINE: That I did not see anywhere

1 here. Did I miss that?

2 MS. CARBANELL: That is definitely something  
3 we plan on doing.

4 MS. PAULINE: But is it in the application is  
5 my question?

6 MS. CARBANELL: Is it in the application?

7 MS. PAULINE: Yes.

8 MS. CARBANELL: No. We have a home language  
9 survey in there, in the application.

10 MS. PAULINE: That usually happens after  
11 enrollment, right?

12 MS. CARBANELL: Hold on one second.

13 CHAIR TEPPER: Is there an assurance in the  
14 application that indeed you will do all of the  
15 things that you just said, that you will reach out  
16 to ELLs?

17 MS. CARBANELL: Yes, we absolutely will.

18 CHAIR TEPPER: And it's in the application?

19 MS. CARBANELL: You know, a measure of a good  
20 school is how you serve these populations, and  
21 that is something we want stellar marks on in  
22 terms of our school. You know, that is something  
23 we do not take lightly and we do give you our word  
24 that we will make sure that we are reaching out to  
25 Hispanic organizations, the NAACP, local churches,

1 all different sorts of organizations to ensure  
2 that our school is reflective of the community at  
3 large. We don't want it specified to one zip code  
4 or one group of people.

5 CHAIR TEPPER: Okay. Other questions?

6 MR. JACKSON: Yes.

7 CHAIR TEPPER: Mr. Jackson.

8 MR. JACKSON: So I almost heard a dismissive  
9 attitude about northeast in terms of students that  
10 achieve and students that don't achieve. But  
11 actually up in that area, you have an area called  
12 Miccosukee, some people call it Coon Bottom, and  
13 those kids are kids on the outlying area that  
14 might not even have transportation, or a car ride  
15 into town or into wherever. So for kids like  
16 that, that live out in the trailer area that don't  
17 have transportation, how would they carpool?

18 CHAIR TEPPER: Can we save that for the  
19 transportation section?

20 MR. JACKSON: Okay.

21 CHAIR TEPPER: Okay. We'll save that  
22 question for the next one.

23 Let's go back to your recruiting plan. Other  
24 questions on just that?

25 MS. PAULINE: I just have a question for

1 legal.

2 CHAIR TEPPER: Okay.

3 MS. PAULINE: When you spoke in the beginning  
4 about competent and substantial evidence and there  
5 was a conversation about good cause, if something  
6 is common knowledge or reasonably assumed because  
7 it just exists, does it still have to rise to the  
8 level of competent and substantial or does it rise  
9 to the level?

10 MS. BONE: I'm going to say I believe I'm  
11 going to have to ask you to ask that question with  
12 more specifics. When it's that general, I don't  
13 think that I can give you a good answer.

14 MS. PAULINE: Okay.

15 MS. BONE: Because I believe what's hidden in  
16 that question is a great deal. And unless you  
17 articulate it, I am hesitant to answer anything  
18 other than what I just told you.

19 MS. PAULINE: Okay. Let me just finish with  
20 my questions.

21 MS. BONE: Sure.

22 MS. PAULINE: Can I go back to the targeted  
23 population. So in one section you kind of --  
24 again, open for all. Another section you included  
25 homeschool, private school, Charter School,



1 traditional school, and I think there may have  
2 been one more. And then in another section, you  
3 specifically talked about homeschool and private  
4 school.

5 So for me to evaluate this section, I'm still  
6 not clear on what your focus is, even in -- and I  
7 think it was Addendum FF1 you provided  
8 demographics or some level -- no, I think it was  
9 just the number of kids in a certain number of  
10 Classical Schools.

11 MS. SAYLER: Okay.

12 MS. PAULINE: I think that's what it was.  
13 Yeah, that's what you used to build your  
14 projections, all right. So I'm trying to  
15 understand. It seems like the common theme again  
16 is homeschooling, right --

17 MS. SAYLER: Huh-uh.

18 MS. PAULINE: -- in all of the examples that  
19 you've given. So some have fallen off, some have  
20 stayed on, but homeschool and private schools seem  
21 to be the common focus of what you've described in  
22 your target population. And I guess my concern  
23 is, it is common knowledge that there is -- there  
24 lacks diversity in homeschools, right?

25 MS. SAYLER: (Nodding head affirmatively.)

1 MS. PAULINE: So without knowing in your  
2 recruitment plan that you have differentiated  
3 strategies beyond this to reach those  
4 hard-to-reach communities or students or families,  
5 I'm just unclear how you will achieve an ethnic  
6 and racial balance that is required by the law.

7 MS. SAYLER: Regarding the question about  
8 other languages, the ELL population in Leon County  
9 has historically been about 2 percent. So of the  
10 458 students that we project for our first year,  
11 that could come out to about seven students that  
12 would speak a different language.

13 We have -- amongst our team, we have been  
14 identifying different organizations and groups  
15 within Tallahassee and within Leon County to reach  
16 out to. Those specific plans had not been  
17 detailed by the time that we submitted this  
18 application, but we are working on plans to reach  
19 out to a number of different groups, such as the  
20 NAACP, various churches, Mosques. There's a  
21 Korean church. I believe there are populations  
22 here that speak Swahili. There are a number of  
23 organizations -- and that's just an example of a  
24 few -- that we are planning to reach out to in  
25 order to work together with those groups and ask

1           what is the best way to recruit students and young  
2           children, young people from your community who  
3           might be interested in learning about this form of  
4           education, who would be able to benefit from it.

5           CHAIR TEPPER: And, again, remember what  
6           we're looking at, which is did the District have  
7           competent and substantial evidence to deny it.

8           Would someone like to make the motion?

9           MS. VAZQUEZ: I have a question.

10          CHAIR TEPPER: Oh, question. Go ahead. I'm  
11          sorry.

12          MS. VAZQUEZ: And it was just clarification,  
13          because I want to make sure that I'm clear. And  
14          this is for the school.

15          The way I understood is you identify an  
16          interest in Leon County for Classical education,  
17          and that shows by the private school, the  
18          homeschool and some other groups. But then when  
19          you go in to target, you're going to target  
20          everybody?

21          MS. CARBANELL: Yes.

22          MS. VAZQUEZ: And you're going to market to  
23          everybody?

24          MS. CARBANELL: Yes.

25          MS. VAZQUEZ: So you are trying to identify

1 the interest, but then you are going to market to  
2 everybody?

3 MS. CARBANELL: Yes.

4 MS. VAZQUEZ: Regardless of where they are?

5 MS. CARBANELL: Exactly.

6 MS. VAZQUEZ: I just wanted to clarify that.

7 CHAIR TEPPER: Osvaldo, are you ready to make  
8 the motion?

9 MR. GARCIA: Sure.

10 CHAIR TEPPER: Okay.

11 MR. GARCIA: I move that the Commission find  
12 that the school did not -- the School Board did  
13 not have competent, substantial evidence to  
14 support its denial of the application based on the  
15 Applicant's failure to meet the standards of an  
16 organizational plan because the application  
17 reflects the desire to comply with statutory  
18 requirements related to student enrollment.

19 CHAIR TEPPER: Any additions to that?

20 (No response.)

21 CHAIR TEPPER: Okay. Is there a second?

22 MR. MORENO: I'll second it.

23 CHAIR TEPPER: Richard.

24 So you've heard the motion, that the  
25 Commission find that the School Board did not have

1 competent, substantial evidence to support its  
2 denial of the application based on the Applicant's  
3 failure to meet the standards of the  
4 organizational plan because of the reasons that  
5 Osvaldo set out. If you vote yes, you are voting  
6 for the Charter School. If you vote no, you are  
7 voting for the School District.

8 Jackie.

9 MS. HITCHCOCK: Osvaldo Garcia.

10 MR. GARCIA: Yes.

11 MS. HITCHCOCK: Richard Moreno.

12 MR. MORENO: Yes.

13 MS. HITCHCOCK: Jenna Hodgens.

14 MS. HODGENS: Yes.

15 MS. HITCHCOCK: Jessie Jackson.

16 MR. JACKSON: Yes.

17 MS. HITCHCOCK: Tiffanie Pauline.

18 MS. PAULINE: Yes.

19 MS. HITCHCOCK: Sonia Vazquez.

20 MS. VAZQUEZ: Yes.

21 CHAIR TEPPER: So the school prevails on that  
22 issue. We do not need to do Section 2.

23 Section 3, whether the Applicant's business  
24 plan failed to meet the following standard, which  
25 is transportation, an outline of a reasonable

1 transportation plan that serves all eligible  
2 students and will not be a barrier to access for  
3 students residing within a reasonable distance of  
4 the school.

5 Mr. Arnold, you have three minutes.

6 MR. ARNOLD: Thank you, Ms. Tepper.

7 Again, this transportation plan that was set  
8 forth by the school was accepted by the  
9 professional staff review and the Review  
10 Committee. And the application evaluated it. It  
11 is a common application and proposal for a Charter  
12 School that it would be carpooling.

13 I think perhaps what is at issue in this  
14 instance and where the District said that they  
15 denied the application and the denial letter --  
16 and I would like to just caution and remember that  
17 we're focused solely on what is in the four  
18 corners of that denial letter. So if you would  
19 have written the denial separate -- differently,  
20 that's not part of the analysis of what's  
21 happening here this morning.

22 The location of the school has not been  
23 determined yet. There are some ideas of where  
24 they would, but there are multiple locations at  
25 which they're going to be. And as you probably

1 know, nobody will close on a school until they  
2 know that the Charter Application has actually  
3 been approved and that that is where the school is  
4 going to actually occur.

5 The changes in House Bill 7069 -- and we  
6 talked about the adoption of the standard contract  
7 and the litigation that's ongoing. There is still  
8 room for the District to negotiate the reasonable  
9 distance. There is negotiation ability to say  
10 that you can talk about transportation.

11 Moreover, one of the frustrating things about  
12 this section is that it's prospective, but then  
13 it's also retrospective because once your students  
14 are actually enrolled, then if they come forward,  
15 Mr. Jackson, and say, I can't attend your school  
16 because I don't have transportation, I can't get  
17 there, then the question is are they within that  
18 distance.

19 But then, moreover, this question was  
20 actually asked during the discussion on April 10th  
21 from one of the Board Members out to the school.  
22 And it was, I think, Ms. Tepper and Dr. Vazquez  
23 that both addressed this issue, which is will you  
24 work with us on transportation. And the answer  
25 was yes. It was yes in the conversation from --

1 in public comment, and it was yes when it was  
2 actually just said *sua sponte*.

3 And there was a response back from -- and  
4 when the record was actually being created, I made  
5 sure that I talked to the person that was making  
6 it to make sure that they put down they answered  
7 yes, because I was sitting next to the person who  
8 said it.

9 So the point is, is that, again, the  
10 competent and substantial is the four corners of  
11 what's in this letter, and it just doesn't exist.  
12 The carpooling plan that is in here has been  
13 evaluated by a Court and said that it is  
14 competent -- that it is compliant with the law.

15 Charter Schools are allowed more flexibility  
16 with transportation. And it can be frustrating,  
17 and I understand that argument, and I understand  
18 the things that go along with it. But what is in  
19 the four corners of the denial letter is not good  
20 cause, nor is there competent and substantial  
21 evidence to say that the school will -- that  
22 transportation will not be a barrier. The school  
23 said, we will not make it a barrier.

24 And there's no evidence in the denial letter  
25 to contradict that statement, therefore it stands



1 unrebutted. Therefore, there's no competent and  
2 substantial evidence, there's no good cause, and  
3 we would ask that you vote to say that they did  
4 not have competent and substantial evidence.

5 CHAIR TEPPER: Thank you.

6 Mr. Hanna.

7 MS. GREGORY: Good morning again. Just to  
8 make a point, while professional staff reviewed  
9 the document, the document is provided to us by  
10 the state with very specific parameters. There  
11 were significant comments made on our documents.  
12 And so while there were votes, there were comments  
13 that provided feedback on the Charter School  
14 Review Committee from the District to the  
15 Applicants.

16 The school has said it does not provide --  
17 does not anticipate providing busing services to  
18 the students. And as to the point regarding the  
19 carpooling, while legally meeting the  
20 requirements, we understand that certainly when it  
21 comes to the reality of socioeconomic status, that  
22 we know that only parents who have flexibility in  
23 the afternoon can actively participate in carpool  
24 pickup and so that excludes a portion of students  
25 who are working moms.

1           So, for example, anyone who is a working  
2 parent will be excluded from participating if they  
3 are not shift workers who do not have access to  
4 afternoon flexibility to pick up their students as  
5 part of the carpool pickup.

6           We are concerned about the vagary and lack of  
7 specificity in their application. And then all of  
8 which during the application review, as well as  
9 the interview, lead us to believe that there is a  
10 clear lack of understanding regarding  
11 transportation as a lever by which enrollment  
12 goals can be met, including meeting racial  
13 economic goals, as well as making sure that they  
14 actually fulfill the mission of their school.

15           It is clear that there's not necessarily an  
16 understanding of safety-to-life issues in and  
17 around placement of a school, and inclusive of  
18 locating a school, whether in the northeast  
19 quadrant. And certainly I've heard the comments  
20 and it may be located on this road or that road.  
21 But what I have not heard is that any placement or  
22 any conversation, even informally, of a location  
23 that would be on US 27 or on South Monroe, which  
24 is where our students who have -- who are  
25 impoverished live.

1           And so even though they're talking about  
2           locating in multiple areas, in areas that are C --  
3           or, I'm sorry, are B areas or non-A areas, there  
4           have not been conversations, at least that I've  
5           heard in the community or through my work, that  
6           would indicate that in fact that met the  
7           transportation desire to move students who are  
8           lower SES students into their enrollment patterns.

9           CHAIR TEPPER: Thank you.

10          MS. GREGORY: Thank you.

11          CHAIR TEPPER: Okay. Commission Members,  
12          questions regarding the transportation plan of the  
13          Charter School?

14          Richard.

15          MR. MORENO: I have one for the School  
16          District. In looking at the review, on the review  
17          notes here, at the time of the interview and at  
18          the time of the application, it showed that met  
19          the standards you had seven individuals do that.

20          What has changed or were any of these  
21          concerns communicated to the District, because  
22          when we look at it, we're seeing the facts, and  
23          you dig into it much deeper and you had the  
24          conversations with the school? And at that point,  
25          staff, and even the Superintendent acknowledged

1           that it met the criteria.

2           MS. GREGORY: So I think that -- and thank  
3           you for the question. I think it's kind of a  
4           larger conversation.

5           The application is very specific, and so many  
6           times a staff -- and I was there and my staff were  
7           there -- we feel very hemmed in as to the  
8           evaluation of the application on this particular  
9           item. However, we were very -- we had multiple  
10          conversations with the Applicants during the  
11          interview period that brought forward these  
12          things. And what became evident to us in that  
13          interview process was that there was not a  
14          concrete actionable plan.

15          And so I certainly understand -- I mean, the  
16          application, when you read it, seems to me to  
17          speak to philosophy, to wishes, to hopes, to  
18          dreams. But when we're talking about opening a  
19          school with students, we're talking about  
20          actionable items that are able to be reportable  
21          that we can measure that we have a sense of this  
22          can be achieved.

23          So in the interview process, we asked those  
24          kinds of questions, can you dive deeper into this,  
25          translate a large -- you know, a vision to what it

1 looks likes in terms of transportation and in  
2 terms of all the other issues we've talked about  
3 today. And, unfortunately, where we came to from  
4 that review process was we have to -- do they  
5 address it, which I think is what the rubric says?  
6 Is it addressed? Yes, it's addressed. And is it  
7 partially addressed, fully addressed, or not  
8 addressed at all? So, yes, they've addressed it,  
9 but it doesn't necessarily meet a standard of  
10 actionable items that we have confidence could  
11 result in inappropriate outcome.

12 CHAIR TEPPER: Mr. Arnold, and then I'll come  
13 to you. Go ahead.

14 SUPERINTENDENT HANNA: Can I add something  
15 to --

16 CHAIR TEPPER: No, I'm going to go to  
17 Mr. Arnold.

18 SUPERINTENDENT HANNA: Okay. Thank you.  
19 Yes, ma'am.

20 MR. ARNOLD: Thank you, Ms. Tepper.

21 Again, comments from the District was that  
22 legally when you look at it, it's sufficient. I  
23 think that that's really kind of the point here.

24 Moreover, again, you look at the four corners  
25 of the document, and they said that it would

1 create -- that rather in funding busing would  
2 create barriers to access to the proposed Charter  
3 School for these populations. Again, there's no  
4 empirical data, there's no analysis, there's not  
5 any of the things that would be needed to say that  
6 that would happen.

7 For instance, Mr. Jackson's question would be  
8 an excellent one, or other things like that. If  
9 that work wasn't done by the District, then the  
10 denial letter is what it is. And if you might  
11 have substituted your judgment if you work at a  
12 District or asked other questions, that's not  
13 what's before you. The question before you is, is  
14 there competent, substantial evidence in the  
15 denial letter.

16 The point is that they presented a  
17 comprehensive plan that is legally sufficient,  
18 that has been upheld by the only Court ever to  
19 decide this issue, and that they actually -- this  
20 contract hasn't even been negotiated. In essence,  
21 their concerns are something that happens, I  
22 think, frankly, post this process. This is part  
23 of the process of the negotiation.

24 So if we're in an area of -- and we don't  
25 know what that population is -- again, we could

1           have 2,000 applicants, we could have 200  
2           applicants. We don't know any of these things.  
3           And so when that school -- when we know a  
4           location, when we know all of those other  
5           things -- the way that the application process  
6           works and the way that Florida law works is that  
7           this is a negotiation and a conversation we said  
8           we would have with the District. But the time and  
9           place to have that is after the Charter has been  
10          approved.

11                 And we're willing to do that, and we said we  
12           would be willing to do that, even though we didn't  
13           really have to answer that question. We want to  
14           do it because they want to be good members of the  
15           community, and they want to spread this model into  
16           areas that are not just the white affluent area.  
17           They want to have it for other areas.

18                 And this model has worked, you know, it has a  
19           Latin emphasis. In areas where you have a large  
20           ELL population, it's a very good thing, where you  
21           have Spanish speaking, it's a very good thing to  
22           discuss, okay.

23                 And so the point is, is that we can -- when  
24           the economics of a facility, when all of those  
25           things have been determined, and we can add that,

1 this is always something that they can do. And if  
2 they have a reasonable request for transportation,  
3 there's a mediation process, there's a process to  
4 make it to DOAH, to do all of these kinds of  
5 things. But we've already assured them that we'll  
6 work with them. I don't know what else we can do  
7 in this case.

8 CHAIR TEPPER: Other questions?

9 (No response.)

10 CHAIR TEPPER: Mr. Jackson, did your question  
11 from before get answered?

12 MR. JACKSON: I think so.

13 CHAIR TEPPER: Okay.

14 MR. JACKSON: Thank you very much.

15 MS. HODGENS: I just have a question about  
16 the rubrics.

17 CHAIR TEPPER: Okay.

18 MS. HODGENS: It's for the District. The  
19 rubrics that you have in here don't include the  
20 information that you received from the interview?  
21 That's what I think I just heard.

22 SUPERINTENDENT HANNA: That's correct. And I  
23 would like to add -- and I agree with counsel, a  
24 lot of these concerns -- I've been Superintendent  
25 now for 20 months, right, and all these people,



1 the committee, all of this process is all new to  
2 us, right? But a lot of these concerns bubbled up  
3 once we went through the process. And just  
4 because the committee recommend to me and to the  
5 Board to approve the application, these were  
6 legitimate concerns, and they still are.

7 And in hindsight, yeah, we need to have  
8 better assurances. I don't remember seeing any  
9 assurance agreement that we were assured in  
10 writing that our demographics would be replicated  
11 in this school. I don't remember seeing any of  
12 that. I heard a lot of yeses, yes. Will you work  
13 with us? Yes. Will you do this? Yes. Well,  
14 everybody is going say yes right now, they want to  
15 be approved, and I get that.

16 But in hindsight, I think it's a learning  
17 process for us that we at Committee time is the  
18 time to hold their feet to the fire, and I  
19 completely agree with that. But these are  
20 legitimate concerns. And at the end of the day if  
21 you all approve this group -- and I've told them  
22 before, they're our children, and we're going to  
23 work to do whatever we can to help our children,  
24 but we want assurances more because the only  
25 conversations I've heard in the community about

1 negotiating a contract and a building is that one  
2 area. I haven't heard any discussions with any  
3 other builders in this community or developers in  
4 this community about anything other than that one  
5 spot. And that's a concern. And if they're  
6 willing to work with us, we are absolutely willing  
7 to work with them, but I think we need that  
8 assurance before it gets to this point. That's  
9 all I would add.

10 CHAIR TEPPER: Okay. Mr. Hanna, just one  
11 thing. At this level, where we are today is  
12 whether the application had a reasonable  
13 transportation plan. The things you are talking  
14 about will be worked at the contract phase, if you  
15 get there. Right now this is just the application  
16 is what's before us.

17 SUPERINTENDENT HANNA: Yes, ma'am. And I  
18 just felt like I needed to say that. Thank you.

19 CHAIR TEPPER: Okay. Would someone like to  
20 make the motion regarding the transportation plan?

21 MS. HODGENS: I'll do it.

22 CHAIR TEPPER: Jenna.

23 MS. HODGENS: I move that the Commission find  
24 that the School Board did not have competent,  
25 substantial evidence to support its denial of the

1 application based on the Applicant's failure to  
2 meet the standards for the business plan because a  
3 reasonable transportation plan was presented in  
4 the application, period.

5 CHAIR TEPPER: Anything else?

6 MS. PAULINE: As aligned with the law.

7 CHAIR TEPPER: And was aligned with --

8 MS. PAULINE: With the law.

9 MR. GARCIA: And approved by the Review  
10 Committee.

11 CHAIR TEPPER: Aligned with the statute and  
12 approved by the Review Committee?

13 MR. GARCIA: Yes.

14 CHAIR TEPPER: Amanda, was there something  
15 else that you were looking for in this one?

16 MS. GAY: I think our concern is to make sure  
17 that we have enough -- more specifics, why you  
18 find this plan is reasonable.

19 CHAIR TEPPER: Because it meets what's set  
20 out in the statute. And then we can cite that,  
21 okay?

22 MS. VAZQUEZ: Which is it will not hinder  
23 students.

24 CHAIR TEPPER: Will not hinder access.

25 MS. VAZQUEZ: Access of students to the

1 school.

2 CHAIR TEPPER: And not be a barrier.

3 MS. VAZQUEZ: Yeah.

4 MS. HODGENS: Do you want me to say that?

5 MS. GAY: I think that's good.

6 CHAIR TEPPER: We're good. Okay. We'll cite  
7 the statute when we go downstairs and type.

8 Is there a second?

9 MS. PAULINE: I'll second it.

10 CHAIR TEPPER: Tiffanie.

11 So you've heard the motion, the Commission  
12 finds the School Board did not have competent,  
13 substantial evidence to support its denial of the  
14 application based on the Applicant's failure to  
15 meet the standards for the business plan for the  
16 reasons we set out. If you vote yes, you are  
17 voting for the Charter School. If you vote no,  
18 you are voting for the School District.

19 Jackie.

20 MS. HITCHCOCK: Jenna Hodgens.

21 MS. HODGENS: Yes.

22 MS. HITCHCOCK: Tiffanie Pauline.

23 MS. PAULINE: Yes.

24 MS. HITCHCOCK: Osvaldo Garcia.

25 MR. GARCIA: Yes.

1 MS. HITCHCOCK: Jessie Jackson.

2 MR. JACKSON: Yes.

3 MS. HITCHCOCK: Sonia Vazquez.

4 MS. VAZQUEZ: Yes.

5 MS. HITCHCOCK: Sorry, Richard Moreno.

6 MR. MORENO: Yes. That's okay. Ladies  
7 first.

8 CHAIR TEPPER: So we do not need to do the  
9 second portion.

10 It is five minutes after 11:00. We'll come  
11 back at 12:00. We'll have a draft of a  
12 recommendation to the State Board. Both of the  
13 parties will get a chance to look at it, as will  
14 the Commission Members. Then we'll take a final  
15 vote at that time. So if you would be back at  
16 noon.

17 (Whereupon, a recess was taken.)

18 CHAIR TEPPER: I'm going to start with the  
19 attorneys.

20 Mr. Arnold, do you have any changes, edits,  
21 objections to the recommendation?

22 MR. ARNOLD: Not from the school.

23 CHAIR TEPPER: Okay. And, Mr. Hanna?

24 SUPERINTENDENT HANNA: No, ma'am.

25 CHAIR TEPPER: Thank you. So I'll entertain

1 a motion.

2 Oh, I'm sorry, Members, is there anything in  
3 there that you see that you would like to have  
4 changed other than scrivener's errors and  
5 misspellings or whatever?

6 MS. HODGENS: I was going to say I'm not as  
7 fast a reader as you all. I'm like still on page  
8 4. Sorry.

9 CHAIR TEPPER: Okay. So do any Commission  
10 Members have corrections, changes, edits?

11 MS. PAULINE: Yes.

12 CHAIR TEPPER: Yes, ma'am.

13 MS. PAULINE: On page 4 -- and it may be  
14 appropriate -- but in the paragraph that it speaks  
15 to that the school -- the Applicant stated that it  
16 already received 300 letters of interest, is it  
17 necessary to put that in, because it's just  
18 hearsay? Everybody said a lot of things.

19 CHAIR TEPPER: That's the testimony that they  
20 gave today.

21 MS. PAULINE: Okay.

22 CHAIR TEPPER: Okay.

23 MS. PAULINE: I guess my question is there  
24 was some testimony made on the District's side as  
25 well that was not included.

1 CHAIR TEPPER: Correct.

2 MS. PAULINE: Does it have to be there?

3 CHAIR TEPPER: Well, we'll look at that,  
4 okay, when we make our corrections?

5 MS. PAULINE: Okay.

6 CHAIR TEPPER: Any others that we need to  
7 take a second look at?

8 (No response.)

9 CHAIR TEPPER: Okay. Then I'll entertain a  
10 motion to allow DOE staff to make any grammatical  
11 spellings, scrivener's error corrections.

12 MS. HODGENS: I'll make that motion.

13 CHAIR TEPPER: Second?

14 MS. VAZQUEZ: I second.

15 CHAIR TEPPER: All in favor.

16 (Chorus of ayes.)

17 CHAIR TEPPER: Thank you.

18 So then would someone like to make the motion  
19 to grant the appeal of the Charter School?

20 Osvaldo.

21 MR. GARCIA: I move the Commission recommend  
22 that the State Board of Education grant the  
23 appeal.

24 CHAIR TEPPER: Second?

25 MS. VAZQUEZ: I second.

1 CHAIR TEPPER: Sonia.

2 Jackie.

3 MS. HITCHCOCK: Osvaldo Garcia.

4 MR. GARCIA: Yes.

5 MS. HITCHCOCK: Sonia Vazquez.

6 MS. VAZQUEZ: Yes.

7 MS. HITCHCOCK: Jenna Hodgens.

8 MS. HODGENS: Yes.

9 MS. HITCHCOCK: Jessie Jackson.

10 MR. JACKSON: Yes.

11 MS. HITCHCOCK: Richard Moreno.

12 MR. MORENO: Yes.

13 MS. HITCHCOCK: Tiffanie Pauline.

14 MS. PAULINE: Yes.

15 CHAIR TEPPER: So this recommendation will  
16 now go to the State Board. This will be heard at  
17 the September 14th State Board meeting in Naples.

18 Jackie will send you the information when it  
19 becomes available, and you will be able to tell  
20 kind of where you are on the agenda to judge your  
21 time.

22 Before the State Board, you have five minutes  
23 each to present your case. And then they may or  
24 may not have questions for you. They make the  
25 final decision. This is just a recommendation.



1                   Anything else?

2                   (No response.)

3                   CHAIR TEPPER: Then we're adjourned. Thank  
4 you very much. I appreciate it.

5                   (Whereupon, proceedings were concluded at  
6 12:30 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 89, 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 21st day of August, 2018.



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

Tallahassee Classical School, Inc. vs. The School Board of Leon County

Educational Plan – Issue One

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

<b>1. Exceptional Students:</b> Statutory Reference(s): s. 1002.33(16)(a)3., Florida Statutes	
<b>A.</b> A clear description of how the school will ensure students with disabilities will have an equal opportunity of being selected for enrollment.	

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:

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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 \_\_\_\_\_

Tallahassee Classical School, Inc. vs. The School Board of Leon County

Organizational Plan – Issue Two

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

<b>2. Student Recruitment and Enrollment:</b> Statutory Reference(s): s. 1002.33(7)(a)7; s. 1002.33.(7)(a)8.; s. 1002.33(10), Florida Statutes	
<b>A.</b> A student recruitment plan that will enable the school to attract its targeted population.	
<b>B.</b> An enrollment and admissions process that is open, fair, and in accordance with applicable law.	
<b>C.</b> 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:

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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 \_\_\_\_\_

Tallahassee Classical School, Inc. vs. The School Board of Leon County

Business Plan – Issue Three

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

<b>3. Transportation:</b> Statutory Reference(s): s. 1002.33(20), Florida Statutes	
<b>A.</b> An outline of a reasonable transportation plan that serves all eligible students and will not be a barrier to access for students residing within a reasonable distance of the school.	

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:

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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 \_\_\_\_\_

**Tallahassee Classical School, Inc. vs. The School Board of Leon 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 \_\_\_\_\_