

**STATE OF FLORIDA
CHARTER SCHOOL APPEAL COMMISSION**

RED HILLS ACADEMY, INC.,

Appellant/Applicant,

v.

DOE No. 2021-4004

SCHOOL BOARD OF LEON COUNTY,
FLORIDA,

Appellee/School Board.

RECOMMENDATION OF THE CHARTER SCHOOL APPEAL COMMISSION

The Charter School Appeal Commission (“Commission”) is directed to assist the Commissioner and State Board of Education with an impartial review of appeals from applicants whose charter applications have been denied. § 1002.33(6)(e)1., Fla. Stat. Red Hills Academy, Inc. (“Red Hills” or “Applicant”) filed an application to open a new charter school that was denied by the School Board of Leon County (“School Board”). The Applicant appealed. The Commission held a hearing on August 31, 2021, and reviewed the Application, the appeal filed by the Applicant, the response filed by the School Board, and other documents submitted by the parties. Based on the hearing and review of the record, the Commission recommends overturning the School Board’s denial of the Applicant’s charter school application.

I. Standard of Review

Section 1002.33(6)(b)3.a., Fla. Stat., provides that if a school board denies a charter school application, the school board “shall . . . articulate in writing the specific reasons, based upon good cause, supporting its denial of the application.” The specific reasons for denial must be based upon the statutory requirements for charter school applications, Sch. Bd. of Osceola County v. UCP of Central Fla., 905 So. 2d 909 (Fla. 5th DCA 2005), and must constitute good cause for denial. Sch. Bd. of Volusia County v. Academies of Excellence, Inc., 974 So. 2d 1186 (Fla. 5th DCA 2008).

When an application for a new charter school is denied, the applicant can appeal the decision of the school board to the State Board of Education (“State Board”). The Commission conducts an impartial review of the appeal and provides a recommendation to the State Board, which makes the final decision to uphold or overturn the decision of the School Board. The decision of the State Board, and this recommendation by the Commission, must be based upon competent, substantial evidence. Imhotep-Nguzo Saba Charter Sch. v. Dept. of Ed., 947 So. 2d 1279 (Fla. 4th DCA 2007). The Commission is not limited to documents contained in the record on appeal, and may consider additional information and can ask clarifying questions in making its decision. School Bd. of Volusia County v. Florida East Coast Charter School, 312 So. 3d 158 (Fla. 5th DCA 2021). The Commission must include a fact-based justification in the recommendation to the State Board. Sch. Bd. of Palm Beach County v. Fla. Charter Ed. Found., Inc., 213 So. 3d 356 (Fla. 4th DCA 2017).

II. Background

Charter schools may be created when an individual, group of parents or teachers, a municipality, or legal entity submits an application to a school district. § 1002.33(3)(a), Fla. Stat. The Model Florida Charter School Application (“Model Application”) contains descriptions of the applicant’s educational, operational and financial plans. See Fla. Admin. Code R. 6A-6.0786. After the application is filed, the school board can request applicants participate in a capacity interview, where applicants can explain their plan, demonstrate their capacity to open and maintain a high-quality charter school, and answer questions about their proposal.

A school board must review all charter school applications using the Evaluation Instrument developed by the Department of Education and adopted by the State Board. See Fla. Admin. Code R. 6A-6.0786. The Evaluation Instrument incorporates the statutory requirements for a charter school application and provides three main issues for evaluation of a charter school application: Education Plan, Organizational Plan, and Business Plan. Once the Evaluation Instrument is complete, the school board must vote to approve or deny the application. If approved, the school district and the applicant execute a charter agreement, which functions as a contract between the charter school governing board and the district (sponsor). This agreement details the terms and conditions for the school’s operation. § 1002.33(7), Fla. Stat. If denied, the school district must articulate in writing the specific reasons, based upon good cause, for the denial and provide a copy to the applicant and the Department along with the supporting documentation.

In this case, Red Hills Academy, Inc., timely submitted its Application on February 1, 2021. The School District designated a Charter Application Review Committee (“Committee”) to review the Application and make a recommendation to the Superintendent. The Committee included Assistant Superintendent Dr. Michelle Gayle and experts from several disciplines, including academics, labor relations, school management, finance, transportation, safety and security, and maintenance. In addition, the Committee included an outside evaluator, Dr. Jeff McCullers.

Following a capacity interview, the Committee recommended approval of the Red Hills Application and found that the Application met or partially met the standard in 16 areas, and did not meet the standard in three areas.

The School Board held a workshop on April 26, 2021, to discuss the Application and the Committee’s recommendation. A review of the transcript of the workshop indicates that School Board members received materials related to the charter school application for the first time at the workshop or shortly beforehand. Moreover, the School Board members noted that their review of the matter was compromised due to the failure to provide the School Board all materials related to the charter school Application. The Applicant was not present at the workshop and explained at the Commission meeting that it was not provided notice of the workshop.

At the workshop, the Superintendent recommended that the Application be denied. The following day, April 27, 2021, the School Board voted to deny the Application based on the Superintendent’s recommendation. The School Board detailed its decision in a letter dated May 7, 2021. The Applicant then timely filed this appeal.

III. Fact Finding and Analysis

A. Due Process and Procedural Issues

The failure to provide School Board members relevant materials, to provide those materials far enough in advance of the workshop to allow School Board members time to review and digest the materials, and the failure to provide notice to the Applicant of the workshop compromised the ability of the School Board to review the Application consistent with the law. The Superintendent acknowledged the need to modify procedures so that School Board members will have improved opportunities to review charter school applications.

B. Issue One: Educational Plan

i. Educational Program Design

The School District's Committee found that the Applicant met the standard in this area and noted that the Applicant provided enough information in the interview to demonstrate capacity in this area.

However, the School Board's denial letter states that the Applicant failed to cite any research base for its practices. The School Board also states that while there is "some research base" to support the concepts, constructs and practices outlined in the Application, there was no evidence that the Applicant had conducted a meaningful review of that research or intended to construct the education program in response to specific findings.

The Model Application asks applicants to describe the research base used to design the educational program. The evaluation criteria include an educational program design that is "based on effective, experience or research-based educational practices and teaching methods, and high standards for student learning."

Here, the Applicant provided all required information and adequately described a curriculum that is research-based, is state approved, and is well known to Ms. Shannon Paasch, who is expected to serve as principal of Red Hills Academy. Ms. Paasch explained the Savvas Curriculum and its components to the Commission and detailed the success her third graders have had using this curriculum in another district. She also described the various resources and interventions that would be used with Tier 2 and Tier 3 students.

In addition, the School Board's denial letter took issue with the Applicant's proposed daily schedule, stating that there was no evidence that the proposed recess periods would have adequate supervision, safety, and meaningful free play.

As noted by the School District in the denial letter, charter schools are not required to provide recess under § 1003.455, Fla. Stat. If a charter school chooses to provide recess, the Model Application and Evaluation Instrument do not require an explanation of how it would be structured or how supervision would be provided. The Commission found that the Applicant's proposed schedule meets or exceeds the number of instructional minutes required by law.

Based on the foregoing, including the statements made in the Application and at the Appeal regarding the educational program, selected curriculum, and proposed daily schedule, the School Board did not have competent, substantial evidence to deny the Application based on the “Educational Program Design” section of the Evaluation Instrument.

ii. Curriculum and Instructional Design

The School District’s Committee found that the Applicant partially met the standard for Curriculum and Instructional Design, noting that more specificity was needed throughout the Application. The Committee also had questions concerning interventions for tier 2 and tier 3 students and other interventions that would be used at the school.

The School Board’s denial letter states that the Applicant failed to provide a clear and coherent framework for teaching and learning. Specifically, the School Board noted that while the Application states that students will receive English Language Arts (ELA) instruction for 90 minutes and will have an additional 30 minutes of reading, the schedules provided in Attachment B to the Application provide for an additional 20 minutes of reading, and an additional 30 minutes for Tier 2 students only.

At the Commission meeting, the Applicant acknowledged a scrivener’s error and clarified that 30 minutes of extra reading intervention would be provided. Because the Applicant addressed the concern regarding additional reading time, the School Board did not have competent, substantial evidence to deny the Application based on the “Curriculum and Instructional Design” section of the Evaluation Instrument.

iii. Student Performance, Assessment and Evaluation

The School District’s Committee found that the Applicant met the standard in this area, noting that the explanation provided during the interview demonstrated an understanding of the elements required by this section.

The School Board’s denial letter listed the following reasons for denial under this section:

- The performance goals are arbitrary;
- There are no goals related to closing achievement gaps or related to at-risk or special populations;
- There is no rationale for why the selected curricula and strategies will yield the projected results;
- There is no explanation for how goals and strategies will be adjusted based on achievement data;
- There is no method of arriving at goal setting in collaborating with the Sponsor;
- The means of communication with parents are not adequately described;
- There is no discussion of measuring the outcome of parent conferences; and
- There are no alternatives discussed if parents cannot attend conferences.

The criteria in the Evaluation Instrument requires the Applicant to provide “measurable goals” for student academic growth and achievement and to show “high expectations” for student academic performance. The Applicant met this standard and provided measurable goals of a 5% increase over the district average and a 3% increase each year after. The Applicant also recognized that these goals will be revisited once enrollment data and previous years’ test scores are available and that the targets may be adjusted up or down based on that analysis. The Applicant also provided sufficient information, bolstered by the Applicant’s interview, concerning the use of achievement data and keeping students and parents informed about student progress through multiple channels of communication.

Based on the foregoing, including the statements made in the Application and during the appeal, the School Board did not have competent, substantial evidence to deny the Application based on the issue of “Student Performance, Assessment, and Evaluation.”

iv. Exceptional Students

The School District’s Committee found that the Applicant partially met the standard in this area, but still had questions concerning how the school would provide a continuum of services or serve all students with varying needs. The Committee also had concerns with enrollment projections for students with disabilities and the proposed staffing plan that aligns to those projections.

The School Board’s denial letter states that:

- The Applicant failed to state that the school would not reject the Application or withdraw a student identified as disabled based on a finding that the student needs a service or delivery model not being used at the school;
- The assurance to implement all Individualized Education Plans (IEPs) is contradicted by the school’s “80/20” model, as some students may need more than 20% of instructional time away from non-disabled peers; and
- The Applicant did not provide a realistic enrollment projection for students with disabilities or a staffing plan that aligns with that projection.

The Application is clear that the school is committed to serving all students, regardless of disability and that the school will ensure enrollment of special education students without discrimination. At the Commission meeting, Ms. Paasch explained that the IEP Team would meet to determine if students’ needs could be met by the 80/20 model and that the IEP Team would guide those decisions. And, Ms. Paasch also recognized that not every school is the right fit for every student, but that they would make every effort to provide the services and resources each student needs.

While the School District correctly identified a clerical error in projected enrollment numbers, there has been no evidence to show that the Applicant was given the opportunity to explain or correct that discrepancy prior to the denial letter being issued, which is required by § 1002.33(6)(b), Fla. Stat. As the enrollment projections for students with disabilities mirror those seen in Leon County schools at 15%, the Commission finds that to be a reasonable estimate. With

respect to staffing levels, the Applicant provides that its staffing plan will conform to actual enrollment levels, which is sufficient for the Application.

Based on the foregoing, including the statements made in the Application and during the appeal, the School Board did not have competent, substantial evidence to deny the Application based on the “Exceptional Students” section of the Evaluation Instrument.

v. English Language Learners

The School District’s Committee found that the Applicant met the standard for English Language Learners (ELLs), with the notes stating that the interview showed that the Applicant has an understanding of the legal requirements concerning ELL students. The School Board’s denial letter, without elaboration, states that the Application fails to present a clear understanding of the FLDOE Consent Decree and that the student registration form failed to include the home language survey questions.

The Applicant demonstrated an understanding of the legal obligations regarding the education of ELL students and showed that it has capacity to meet those obligations to the satisfaction of the Commission. The Application clearly states that all families will be required to complete a Home Language Survey at the beginning of the school year. There is no requirement that the Survey be included on the registration form. In addition, the Application as well as Ms. Paasch’s comments at the Commission meeting demonstrate an understanding of the League of United Latin American Citizens (LULAC) Consent Decree and the legal requirements for educating ELL students, including the WIDA assessment, ELL plans, and special strategies and accommodations.

Based on the foregoing, including the statements made in the Application and during the appeal demonstrating that the Applicant had sufficient understanding of the requirements for educating ELL students, the School Board did not have competent, substantial evidence to deny the Application based on the “English Language Learners” section of the Evaluation Instrument.

vi. School Culture and Discipline

The School District’s Committee found that the Applicant partially met the standard for School Culture and Discipline. The School Board’s denial letter states that the Applicant did not describe the roles of administrators, teachers, staff, and the governing board regarding discipline policy. In addition, while the Applicant is going to use the School District’s code of conduct, there was no discussion of “how the code of conduct will be put to use in the charter school.”

The Evaluation Instrument requires the Applicant to describe appropriate and clear roles of school administrators, teachers, staff, and the governing board regarding discipline policy implementation. The Applicant satisfied this standard, in most cases, by adopting district policies and procedures related to discipline.

Based on the foregoing, the School Board did not have competent, substantial evidence to deny the Application based on the “School Culture and Discipline” section of the Evaluation Instrument.

C. Issue Two: Organizational Plan

i. Governance

The School District’s Committee found that the Applicant partially met the standard for Governance, but had concerns related to the articles of incorporation, the bylaws, and the terms of dissolution.

The School Board’s denial letter states that the Application does not include a provision consistent with § 1002.33(8)(d), Fla. Stat., concerning distribution of assets and funds upon dissolution. In addition, the School Board found that the Articles of Incorporation do not include a provision ensuring the debts of the charter school will not be assumed by the district, consistent with § 1002.33(8)(e), Fla. Stat.

Nothing in Florida law requires the provisions cited by the School Board to be included in the Articles of Incorporation or the Bylaws in order for a charter school Application to be approved. Nevertheless, it is noted that the Applicant’s Bylaws do state that if the organization is ever dissolved, property that does not belong to the charter school will revert back to the district.

Based on the foregoing, the School Board did not have competent, substantial evidence to deny the Application based on the “Governance” section of the Evaluation Instrument.

ii. Management and Staffing

The School District’s Committee found that the Applicant partially met the standard in this area and noted that that the staffing plan had teachers wearing many hats, which could make recruitment challenging. In addition, the Committee had concerns about the evaluation process, with one administrator responsible for evaluations of instructional and non-instructional staff.

The School Board’s denial letter states that:

- The staffing plan provided a single job description for multiple positions;
- The description of the application process lacked sufficient detail regarding compensation and evaluation of applicants who guest-teach before being hired; and
- Guest teaching as part of the application process is contrary to § 1012.32, Fla. Stat.

Here, the Applicant has presented a viable staffing plan to recruit and retain high-quality teachers. The Model Application requires applicants to provide the “proposed job description and qualification requirements” for the school’s teachers, and the general job description is sufficient at this early stage. With respect to guest teaching, the process described meets the requirements of Florida law. The Applicant clarified that guest teaching will be for one lesson with the regular

classroom teacher present. Parents will be provided notice beforehand, and the guest teacher will have their ID run through the RAPTOR visitor access system.

Based on the foregoing, including statements made in the Application and at the appeal, the School Board did not have competent, substantial evidence to deny the Application based on the “Management and Staffing” section of the Evaluation Instrument.

iii. Human Resources and Employment

The School District’s Committee found that the Applicant partially met the standard for Human Resources and Employment.

The School Board’s denial letter states that the Applicant failed to present a description or outline of evaluation plans for teachers and school leaders that aligns with the Student Success Act, as defined by state law. In addition, the School Board states that the Application was not responsive in the areas of a compensation and benefits plan, policies and procedures for staff, and a plan to address leadership or staff turnover.

The Model Application does not require the level of detail required by the School District with respect to evaluations and only requires, at a minimum, a general outline of the performance evaluation plan, consistent with the requirements of § 1012.34, Fla. Stat. and states that a “final, detailed outline will be required after application approval.” Here, the Application states it will adopt and use Leon County Schools’ evaluations and processes until it can develop its own, which will be submitted to the School District for approval.

Contrary to the School Board’s finding, the Applicant outlined a proposed compensation structure for teachers and staff at the school, and explained how competitive pay and other incentives will help to retain talented staff. A general outline is all that is required by the Model Application, and the Applicant satisfied this standard. Similarly, the Applicant set forth a timeline to develop personnel policies prior to beginning recruitment in January 2022. If the policies are not developed at the time of application, a timeline is a sufficient response, as provided in the Model Application. Finally, the Applicant provided a response outlining how it will deal with unsatisfactory leadership, teacher or staff performance, as well as leadership or teacher turnover.

Based on the foregoing, including statements made in the Application, including the fact that the Applicant did respond to the issues the School Board deemed “unresponsive,” the School Board did not have competent, substantial evidence to deny the Application based on the “Human Resources and Employment” section of the Evaluation Instrument.

iv. Professional Development

Professional Development was not rated by the School District’s Committee. The School Board’s denial letter states that the Application fails to present time scheduled for common planning or collaboration and how such time will typically be used. In addition, the School Board states that it will not be able to provide professional development related to the Applicant’s curriculum.

The Applicant's professional development system describes numerous development opportunities, including monthly staff meetings, weekly Professional Learning Community (PLC) meetings, refresher seminars, and professional development opportunities on Teacher Planning Days throughout the school year.

Based on the foregoing, including the statements made in the Application and the fact that the Applicant described a robust professional development plan for its school, the School Board did not have competent, substantial evidence to deny the Application based on the "Professional Development" section of the Evaluation Instrument.

v. Student Recruitment and Enrollment

The School District's Committee found that the Applicant did not meet the standard in the area of Student Recruitment and Enrollment because there was not a sufficient plan in place if the school does not meet their enrollment projections.

The School Board's denial letter states that the Application lacked sufficient detail, including what ZIP codes would be targeted for marketing efforts, how the ZIP codes would be selected, and how the Applicant would reach populations that may have difficulty accessing information concerning educational options. In addition, the School Board found that the Application did not describe how the school will ensure its enrollment processes do not exclude homeless students. The School Board also found the Application to be unresponsive on the issue of a plan and process that will likely result in meeting enrollment projections.

The Model Application requires applicants to describe a plan for recruiting students and to include strategies for reaching a targeted population and those that may not have an easy time accessing information. The Application outlined a plan that is attainable for student recruitment and enrollment. In addition, at the Commission meeting, Ms. Laura Joanos, Red Hills Board President, explained that since submitting the Application, the school began working with a local marketing company, set up a website, and will be using social media to garner interest.

Based on the foregoing, including the statements made in the Application and at the appeal and the fact that the school outlined an attainable plan for recruitment, the School Board did not have competent, substantial evidence to deny the Application based on the "Student Recruitment" section of the Evaluation Instrument.

D. Issue Three: Business Plan

i. Facilities

The School District's Committee found the Applicant did not meet the standard for Facilities because there was no backup plan provided for the leased property. The School Board's denial letter states that the Applicant failed to provide a layout of the school, which is required to determine if the facility can meet class size requirements. In addition, the School Board states that the Application was unresponsive on the issue of a backup plan.

The Model Application asks applicants to “describe the proposed facility, including location, size and layout of space.” The Applicant met the standard, describing the proposed building, grounds, classrooms, lunch facilities, and staff facilities. There is no requirement to attach a diagram or schematic of the layout of the school. Further, School District staff visited the site and had the opportunity to view the layout firsthand, and noted no deficiencies other than one outlet cover being broken. Notably, the facility chosen for Red Hills Academy recently housed a charter school. Although not required, the Applicant explained in its brief that the facility floor plan was inadvertently omitted from the package submitted to the School Board and was provided with the appellant’s exhibits. Because providing a floor plan is not required, it cannot serve as a basis for denial.

The Applicant has a lease that will go into effect once the charter school is approved with a “firm commitment” from the landlord. However, the Applicant has examined other locations and states it will return to those options if needed. The Commission found that explanation to be sufficient.

Based on the foregoing, including the statements made in the Application and the fact that the Applicant already has a lease and a commitment from the landlord, the School Board did not have competent, substantial evidence to deny the Application based on the “Facilities” section of the Evaluation Instrument.

ii. Transportation Service

The School District’s Committee found that the Applicant did not meet the standard for this area because the school would be relying on parents to provide transportation. The School Board noted the same grounds for denial in its letter, stating that it poses a barrier to most students.

Charter schools may provide transportation through an agreement with the district, a private provider, or parents. § 1002.33(20)(c), Fla. Stat. Here, the Applicant states it will primarily rely on parents for transportation, but will also help to organize carpools, offer before- and after-care programs, and will provide transportation at no charge to families if it is ever needed. The Commission determined that the plan for transportation was sufficient under Florida law.

Based on the foregoing, including the statements made in the Application and at the appeal, including that the transportation plan aligns with Florida law, the School Board did not have competent, substantial evidence to deny the Application based on the “Transportation” section of the Evaluation Instrument.

iii. Food Service

The School District’s Committee found that the Applicant met the standard for Food Service, although they had concerns that proposed meal prices were not realistic. The School Board similarly noted that projected prices were higher than other schools in the district.

The evaluation criteria include a food service plan that will serve all students and makes provision for students who qualify for free or reduced lunch. The Applicant intends to become a

National School Lunch Provider and to work with Leon County Schools to ensure that students' health and nutritional needs are met. The participation rate provided by the school is an estimate that will be adjusted once the school has enrollment data. With respect to pricing, the Applicant recognized that its prices are higher due to the small size of the student population and that any additional funding for food service will come from general revenue. Accordingly, the Applicant has met the standard and provided a plan for food service.

Based on the foregoing, including the statements made in the Application and at the appeal, including that any increased costs for food service were part of their budget projections, the School Board did not have competent, substantial evidence to deny the Application based on the "Food Service" section of the Evaluation Instrument.

iv. School Safety and Security

The School District's Committee found that the Applicant partially met the standard for Safety and Security, noting that there were several areas that needed additional detail in the Application. The School Board found that the Application was unresponsive in the following areas: provision of a safe-school officer; active assailant plans; active assailant training; establishment of a threat assessment team; and, compliance with SESIR reporting.

Plans for safety and security are not required to be fully set out at the time of application, and the evaluation criteria state that a fully developed plan will be completed after approval. The Applicant provided an outline for its plan to reasonably ensure the safety of students and staff, as required by the Model Application. The outline included details such as the single point of entry, visitor screening policies, procedures for contractors and vendors, public-address and radio communication, communication with parents, and use of the FortifyFL application.

The Application states that the school will work with district safety partners in developing a crisis response plan. The Applicant also states it will be proactive in the prevention of any violent activity, in compliance with § 1006.07(6), Fla. Stat., which requires the establishment of safety policies and procedures and the assessment and intervention with those whose behavior poses a threat to the school community. Thus, it is clear that the Applicant intends to provide for active assailant training and the threat assessment team. Ms. Paasch also demonstrated that she understood the requirement for a threat assessment team at the Commission meeting.

Based on the foregoing, including the statements made in the Application and at the appeal, the School Board did not have competent, substantial evidence to deny the Application based on the "School Safety" section of the Evaluation Instrument.

v. Budget

The School District's Committee found that the Applicant partially met the standard for Budget, with the notes questioning whether enrollment projections and contingency plans were realistic.

The School Board's denial letter provides:

- Itemized titles for instructional software and services did not match the software programs and services listed throughout the Application that will be used at the school;
- Itemized titles do not include licenses or costs for several items that appear to require a license fee;
- Textbooks are not itemized in the Application;
- The Application does not provide adequate funding sources and relies on 75% projected enrollment, 70% student participation in food service, private donors, and grants.

The Evaluation Instrument requires projections that are consistent with and support all key aspects of the application, and a realistic assessment of projected sources of revenue and expenses that ensure the financial viability of the school.

Here, the Applicant provided a schedule of furniture, technology equipment, textbooks and software broken down by grade level. The Applicant clarified in its brief that many of the items listed in the denial letter are supplemental materials that are not required, but will be paid for if needed. The Applicant provided the required information and listed all projected sources of revenue, which are reasonable.

Based on the foregoing, including the statements made in the Application and at the appeal, the School Board did not have competent, substantial evidence to deny the Application based on the “Budget” section of the Evaluation Instrument.

vi. Start-Up Plan

The School District’s Committee found that the Applicant met the standard for the Start-Up Plan. The School Board’s denial letter states that the Applicant failed to provide for flexibility in the budget for unplanned needs or incidents.

The evaluation criteria include an action plan that provides a thoughtful and realistic implementation plan that covers major operational items and provides flexibility for addressing unanticipated incidents.

The Applicant provided a reasonable projected timetable for the school’s start-up and included the key activities described in the Model Application. The projected budget is conservative and includes the required 3% contingency required by law. The plan is sufficient; it includes a detailed timeline prior to opening.

Based on the foregoing, including the statements made in the Application and at the appeal, the School Board did not have competent, substantial evidence to deny the Application based on the “Start-Up Plan” section of the Evaluation Instrument.

IV. Recommendation

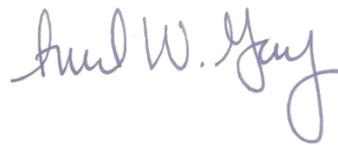
Based on the factual justifications provided above, the Commission recommends that the State Board of Education find that:

1. The School Board did not have competent, substantial evidence to support its denial of the Application based on the Applicant's alleged failure to meet the standards for the Educational Plan;
2. The School Board did not have competent, substantial evidence to support its denial of the Application based on the Applicant's alleged failure to meet the standards for the Organizational Plan; and
3. The School Board did not have competent, substantial evidence to support its denial of the Application based on the Applicant's alleged failure to meet the standards for the Business Plan.

V. Overall Recommendation

Based on the foregoing, the Charter School Appeal Commission recommends that the State Board of Education issue a final order overturning the School Board's denial of the Application by granting the appeal of Red Hills Academy, Inc.

September 30, 2021

A handwritten signature in blue ink that reads "Amanda W. Gay". The signature is written in a cursive style and is contained within a light blue rectangular box.

Amanda Gay, Chair
Charter School Appeal Commission