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CHARTER SCHOOL APPEAL COMMISSION
FLORIDA DEPARTMENT OF EDUCATION

DATE: Tuesday, August 31st, 2021

TIME: Commenced at 9:00 a.m.
Concluded at 12:42 p.m.

LOCATION: 325 West Gaines Street
Room 1721/25
Tallahassee, Florida

REPORTED BY: MICHELLE SUBIA, RPR, CCR
Court Reporter and Notary
Public in and for the
State of Florida at Large

* * *

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COMMISSION MEMBERS APPEARING:

AMANDA GAY, CHAIR

KIA SWEENEY SCOTT

SHANA RAFAISKI

OSVALDO GARCIA

RICHARD MORENO

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

2 CHAIRMAN GAY: Good morning everyone. We can
3 begin. It's 9:00.

4 I appreciate everyone being here today and
5 the time and attention that the parties and the
6 members have given to this issue.

7 This is a meeting of the Charter School
8 Appeal Commission. Today is August 31st, 2021.
9 My name is Amanda Gay, and I am the Commissioner's
10 designee to Chair the Commission.

11 Also here for the department are Jamie Braun,
12 the Counsel for the Commission, Adam Emerson, our
13 Charter School Director. Oh, there he is. And
14 then we also have Karen Hines-Henry, our
15 Commission Executive Assistant.

16 As required by statute, our panel today is
17 made up of two members representing school
18 districts and two members representing charter
19 schools, so you have a balanced panel. I will
20 only vote if there is a tie.

21 Karen, could you call the roll of the
22 Commission members, please.

23 MS. HINES-HENRY: Osvaldo Garcia?

24 MR. GARCIA: Here.

25 MS. HINES-HENRY: Richard Moreno?

1 MR. MORENO: Here.

2 MS. HINES-HENRY: Shana Rafalski?

3 MS. RAFALSKI: Here.

4 MS. HINES-HENRY: Kia Scott?

5 MS. SCOTT: Here.

6 CHAIRMAN GAY: All right. We also have a
7 court reporter here today, and she is recording
8 our meeting. She can only hear and record one
9 voice at a time. So if you talk over one another,
10 speak too quickly, or maybe cannot be heard, I
11 might ask that you stop and repeat.

12 The court reporter has also asked that each
13 time you come to the microphone, if you'll please
14 state your name again so that she knows who is
15 speaking. One of the best ways to ensure that
16 she's able to properly record us is when a
17 question has been asked, if you'll please come to
18 the microphone. It's easier for us to all hear
19 you that way.

20 Before we get into the actual appeal at hand
21 here, I did want to ask our Counsel, Jamie Braun,
22 to give a quick refresher of the Commission and
23 its role and some recent case law that has come
24 out, just so we're all on the same page. It's
25 been a while since we've had an appeal.

1 MS. BRAUN: Again, Jamie Braun, from the
2 department. I'm serving as Counsel for the
3 Commission today. I'm going to give a brief
4 refresher for our returning members and a tutorial
5 for our new members about the Charter School
6 Appeal Commission and your role in reviewing Red
7 Hills' application that's before you today.

8 So for our returning members, this may
9 include information that you've already heard
10 before, but, as Amanda said, it's been a while
11 since we've all done this. So I hope this will be
12 beneficial for everyone.

13 So as we all know, when a person or entity
14 wants to open a charter school, they are required
15 to complete a standardized application that will
16 be evaluated by the local school board. The
17 application form and the evaluation instrument
18 that is used to complete that review is or was
19 adopted by the State Board of Education and it's
20 incorporated into an administrative rule.

21 The evaluation process can also include
22 what's called a capacity interview -- and I'm sure
23 you all saw one was done in this case -- where the
24 applicant can present their plan, demonstrate
25 their capacity to open and maintain their school.

1 They can answer questions and clarify information
2 as needed by the reviewing team. Those responses
3 can also be considered by the sponsor or the
4 school district in making their decision.

5 So once the evaluation is completed, the
6 school board must then vote on the application.
7 If the vote is to deny the application, Florida
8 law requires that the school board articulate in
9 writing the specific reasons that it has to
10 support the denial. Those reasons must be based
11 on good cause, which courts have interpreted to
12 mean a legally sufficient reason. Another court
13 has stated that the school board must have a legal
14 basis or good cause for the denial.

15 Generally these reasons for denial are
16 commonly referred to as the denial letter. And
17 after that denial letter is issued to the
18 applicant charter school, the applicant can then
19 appeal to the Charter School Appeal Commission for
20 further review, which is how the case of the Red
21 Hills Charter Academy is before you today. So the
22 review by the Charter School Appeal Commission is
23 the next step in the process.

24 And the Commission was established by statute
25 to assist the Commissioner of Education and the

1 State Board of Education with a fair and impartial
2 review of charter school appeals. The
3 Commissioner and State Board will rely on you and
4 your expertise to review the application and the
5 related materials to reach a decision at the
6 meeting here today and to explain the basis for
7 that decision.

8 Once you've made your decision, you, the
9 Commission, will provide a recommendation to the
10 Commissioner of Education and to the State Board
11 with your reasons for the recommendation that you
12 are offering.

13 The State Board will then hear from the
14 parties at a State Board meeting, which I believe
15 is going to be in October. And the State Board
16 will then vote on the issue.

17 The State Board's role in this process is to
18 determine whether the local school board --
19 whether the local school board's determination to,
20 in this case, deny the charter school application
21 was supported by competent substantial evidence
22 that meets the good cause standard that we
23 discussed earlier. The State Board is required to
24 consider but is not bound by the recommendation
25 made by the Charter School Appeal Commission.

1 So now I'm going to talk a little more in
2 detail about the role of the Commission and your
3 review today.

4 The Commission is tasked with objectively
5 reviewing the documents and the records, including
6 the application, the denial letter, any
7 transcripts, and other attachments that all of you
8 have been provided with. You will then evaluate
9 those documents, the statements made here today,
10 and then you are required to make a fact-based
11 justification or recommendation to the
12 Commissioner of Education and the State Board as
13 to whether or not the local school board had good
14 cause based on competent substantial evidence to
15 deny the application.

16 I've used that term a couple of times now so
17 I'm going to define what competent substantial
18 evidence means. It's got a couple of different
19 definitions in the different case law, but
20 generally it means that evidence is sufficiently
21 material and relative that a reasonable person
22 would accept it to support the conclusion being
23 reached, which in this case is denying the charter
24 school application.

25 So there are two additional points I want to

1 make sure everybody understands concerning your
2 review today. First, this may be new even to our
3 returning members. Earlier this year in, I think,
4 either January or February of 2021, the District
5 Court of Appeal issued a new opinion in the
6 Florida East Coast Charter School case. It came
7 out of Volusia County. Returning members may
8 remember that case.

9 And what the Court confirmed in that case is
10 that Florida law allows the Charter School Appeal
11 Commission to consider information outside the
12 record on appeal in making its decision. They
13 quoted the charter school statute, I believe it's
14 Section 1002.33 Subsection (6)(e)(2), which
15 states, quote, the Commission may receive copies
16 of the appeal documents forwarded to the State
17 Board of Education, review the documents, gather
18 other applicable information regarding the appeal,
19 and make a written recommendation to the
20 Commissioner, end quote.

21 The Charter School Appeal statute goes on to
22 state at Subsection (6)(3)(5) that, quote,
23 Commission members shall thoroughly review the
24 materials presented to them from the appellant and
25 the sponsor and may request information to clarify

1 the documentation presented to it, end quote.

2 What the DCA, the District Court of Appeal,
3 held is that that means that you are not limited
4 to only a review of the written materials that
5 you've already been provided, but you can ask
6 questions and get clarifying information at
7 today's meeting and take that into consideration
8 when you make your decision.

9 Second -- and this may be a refresher for our
10 returning members -- it's important to remember
11 that the Commission does not just have to provide
12 a conclusion or recommendation to the Commissioner
13 and the State Board, but you have to provide a
14 factual basis for reaching that decision.

15 And we had two older cases from the Fourth
16 District Court of Appeal, which, again, our
17 returning members may remember, where the
18 constitutionality of the Charter School Appeal
19 process as a whole was upheld by the Court. But
20 the Court took issue with some of the Commission's
21 practices at the time.

22 And specifically the Court stated, quote, at
23 the required meeting, the Commission members
24 failed to discuss the issues before them, to ask
25 any questions of the parties, or to engage in any

1 fact finding before their vote, end quote.

2 So, again, as noted by the Fourth DCA in
3 those two cases arising out of Palm Beach County,
4 the requirement is to provide a fact-based
5 justification or recommendation to the State
6 Board. That language is required by statute. In
7 those cases, the Commission did not do that and
8 the case was sent back down or remanded to be
9 reconsidered.

10 So to ensure that the Commission engages in
11 adequate fact finding today, the process which
12 Amanda, our Chair, will go into in greater detail
13 in a minute, the process will be that each side
14 will present their opening statements and then we
15 will address each issue individually.

16 The parties will provide their comments on
17 the issue, and the Chair will invite Commission
18 members to ask questions and to make comments so
19 that it's clear in the record why you're making
20 the decision that you're making today. Once
21 discussion is closed on an issue, the Chair will
22 ask you for a motion.

23 If you are the one making the motion, we
24 would encourage you to also provide your reasons
25 for making that motion while you're making it.

1 Other Commission members can also assist with that
2 to ensure that we have all reasons and
3 justifications clear in the record.

4 Essentially what we're encouraging everyone
5 to do today is to not just make a final decision,
6 but to make sure that the record reflects the
7 reasons and factors taken into consideration in
8 reaching that result.

9 Finally, we had one legal question earlier
10 this week that I thought would benefit everyone to
11 hear this morning. One of the members asked what
12 version of the law controls in your review today.

13 Considering that a lot of new laws and
14 statutes went into effect July 1 of this year,
15 there may be new requirements that would be
16 required of the new charter schools, should they
17 move forward, that were not a requirement at the
18 time they submitted their application. So our
19 recommendation is that you would review and
20 evaluate the application based on the requirements
21 in effect at the time the school made the
22 application.

23 That being said, if something substantive has
24 changed in the law since then, you are welcome to
25 ask the school how they would address that new

1 requirement today. But their response should not
2 be used as a reason to deny the application, as it
3 was not a requirement at that time when the
4 application was originally submitted and evaluated
5 by the local school board.

6 Remember, the Commission's role is to
7 determine whether the school board had good cause
8 to deny the application. That a change in law is
9 not addressed in the initial application does not
10 mean that the school would not ultimately have to
11 comply with the new requirement.

12 The application and the review process is the
13 first step in what is a multi-phased process in
14 getting to a full charter that is open for
15 business. And many issues and changes in the law
16 can be worked out during the contracting phase and
17 the new charter school would be expected to comply
18 with all laws as they are at that time.

19 So with that being said, I will turn things
20 back over to our Chair.

21 CHAIRMAN GAY: All right. Thank you, Jamie.

22 Now I'll go into the procedure of how today's
23 appeal process is going to work. We previously
24 transmitted motion sheets to the parties for
25 comment. And having received no comments, we can

1 proceed on the ones that we transmitted earlier,
2 unless the parties have otherwise agreed to remove
3 any issues.

4 It doesn't look like there's been any
5 agreement to remove any issues so we will work
6 from the motion sheet as transmitted to the
7 parties.

8 When we start, I will permit each side,
9 beginning with the charter school, ten minutes to
10 present the overall story of their case. I want
11 you to know I have my phone as my timer. So if
12 I'm looking at my phone, it's just for the time.
13 In hindsight, I wish I had my own timer. But just
14 so you know, that's what that is there for.

15 Then we will go through each issue. And each
16 issue will have the same procedure. So here we
17 have three different overarching issues that each
18 will follow. Each side will be given three
19 minutes to address the issue, again, starting with
20 the charter school, and then we'll follow with the
21 school board. And then we will take questions
22 from the Commission members on that particular
23 issue.

24 After questions and comments, the members
25 will work together to draft a motion on the

1 particular issue, specifically detailing, as Jamie
2 mentioned, the reasons why the motion is being
3 made and the basis upon which that's made. And
4 then a vote will be taken on each particular
5 issue. Again, that pattern will follow for every
6 issue following the first one.

7 Based on the proceedings today, we will then
8 prepare a written recommendation for the State
9 Board. We will schedule a phone conference with
10 the parties to -- we'll transmit the
11 recommendation to the parties and we'll have a
12 phone conference with the parties and the
13 Commission members to approve the final version of
14 the recommendation.

15 And the recommendation will be going before
16 the State Board at the October 20th meeting, and
17 that will be in Orlando, Florida. And I believe
18 each side will be permitted five minutes to speak
19 before the State Board. They may ask questions of
20 you at that time and require additional detail.

21 All right. If everyone is ready to begin,
22 then we can go ahead and have the charter school
23 begin. They have ten minutes to present to the
24 Appeal Commission.

25 And, again, when you come to the microphone,

1 please make sure to introduce yourself.

2 MR. LEVESQUE: Good morning. My name is
3 George Levesque with the GrayRobinson Law Firm.
4 I'm here on behalf of Red Hills Academy,
5 Incorporated.

6 With me today is Laura Joanos, the Board
7 President; Shannon Paasch, who will be the
8 Principal at the charter school, should we be
9 granted our application; and then, also, is Keith
10 Spence; Amanda Eldridge; and Desirae Kennemur from
11 School Financial Services. They will be
12 performing the back office accounting services for
13 Red Hills Academy. And all were involved with the
14 completion of the application.

15 Red Hills Academy is a 501(c)(3) organization
16 that was specifically organized to bring a charter
17 school to Tallahassee here in Leon County,
18 Florida. Specifically, Red Hills, as it explains
19 in its application, is seeking to form a K through
20 5 charter school that will address not just STEM
21 and language arts curriculum, but also incorporate
22 a second language curriculum into its educational
23 program.

24 The organizers want to create a school that
25 will give parents the opportunity to choose a

1 small, family-oriented school that provides a
2 nurturing learning environment for the children.
3 There is no program that is like this in
4 Tallahassee.

5 On February 1st, Red Hills timely submitted
6 its application. In its application, it presented
7 an educational plan and an organizational plan and
8 a business plan that met the requirements of the
9 evaluation instrument.

10 On March 24th, Red Hills interviewed with the
11 Charter Application Review Committee that was
12 created by Leon County School Board. The review
13 committee itself was made up of employees selected
14 by Superintendent Hanna, all but one of which was
15 an employee of the Leon County School Board. The
16 lone member who was not employed by the Leon
17 County School Board was Dr. Jeff McCullers, an
18 outside evaluator that was brought in especially
19 for his experience.

20 It's our understanding that Dr. Jeff
21 McCullers was the charter school liaison for Leon
22 County for -- I'm sorry, Lee County -- for 20
23 years and is affiliated with the Florida
24 Association of Sponsors and Charter School
25 Authorizers.

1 For that meeting, the school board compiled a
2 list of questions for the capacity interview.
3 Although they compiled this massive list of
4 questions, they didn't provide any of the
5 questions in writing to Red Hills in advance.
6 After a grueling three and a half hour capacity
7 interview, the review committee held a healthy
8 discussion, and a majority of that committee
9 recommended approving Red Hills' application.

10 On April 26th, the Leon County School Board
11 held a workshop on Red Hills' application to
12 consider the application and the Superintendent's
13 recommendations. At that time, Red Hills had
14 received no notice that its application would be
15 considered at that meeting. And, in fact, it's
16 our understanding that the application was added
17 to the meeting agenda after the meeting had
18 started.

19 Also, at that time, the Superintendent's
20 recommendation had not been publicly released, but
21 it was clearly available to the board members who
22 were at the meeting. And despite having assembled
23 a team of experts from the district, the only
24 person at the meeting, the workshop, to speak on
25 the application was Dr. Jeff McCullers, who was in

1 the minority voting against approving the
2 application.

3 The following night, the school board held
4 its regularly scheduled meeting on April 27th. An
5 hour before the meeting was supposed to start, the
6 school board added the Superintendent's
7 recommendation and Red Hills Academy's application
8 to its agenda.

9 To give that perspective, they scheduled the
10 capacity weeks in advance. But when it came time
11 to consider the application, they never gave any
12 advance notice to Red Hills Academy in scheduling
13 its consideration.

14 In the workshop, Dr. McCullers represented in
15 his opinion there were three fatal flaws. He
16 quibbled with some parts of the application, but
17 he said there are really three reasons why this
18 application should be denied. The first one
19 related to governance. In it he claimed that
20 there was a conflict between the bylaws and the
21 articles of incorporation.

22 And what I can tell you, that is a red
23 herring argument. The bylaws serve a particular
24 purpose, and the articles of incorporation serve a
25 particular purpose. They serve different

1 purposes.

2 The bylaws expressly complied with the
3 statutory requirements that said that if the
4 organization is ever dissolved, property that
5 doesn't belong to the charter school will revert
6 back to the school district. There's a provision
7 in the bylaws that guarantees that will occur.

8 Dr. McCullers, without citing any legal
9 authority, wants that to be included in the
10 articles of incorporation. The articles of
11 incorporation only control what is in the
12 corporation's property possession.

13 The second issue that they had was the backup
14 facility plan. Dr. McCullers took issue with the
15 fact that they didn't have a backup facility lined
16 up if their current facility fell through. And
17 the reason for that is simple. They have a lease
18 that will go into effect once they obtain this
19 charter school. They don't need a concrete plan.
20 If something happens, they have done a survey of
21 the area, they know where they can look to if they
22 need to. But right now they've got a bird in the
23 hand.

24 The last area was transportation.

25 Dr. McCullers felt the application was

1 insufficient because they were relying primarily
2 on parental involvement for transportation. He
3 recognized that the statutes give some leeway
4 there but still found that to be insufficient.
5 Those were the three fatal flaws from
6 Dr. McCullers.

7 Turning to the Superintendent's
8 recommendation, the Superintendent found 33
9 different -- well, 30 different and three -- the
10 same three that Dr. McCullers found, 30 other
11 reasons why the school district should be -- the
12 charter school's application should be denied.

13 What the Superintendent did with his
14 recommendations, he completely ignored the good
15 work of his Commission -- his committee that
16 reviewed the committee (sic), threw it aside and
17 basically threw every conceivable objection
18 against the wall to see what was going to stick.
19 The day after the workshop, the school board
20 essentially rubber stamped the Superintendent's
21 recommendation, voting to adopt it on a
22 three-to-two vote.

23 It was clear from that meeting that the
24 recommendation had only been in the school board's
25 hands for less than -- or a little over 24 hours.

1 And, in fact, some of the members had just found
2 out the day before that there was actually a
3 charter school application.

4 It's not exactly a secret that Superintendent
5 Hanna and the local school board do not like
6 charter schools. They have gotten better about
7 tempering their remarks, but their comments still
8 belie and reveal their visceral opposition to what
9 is the law in Florida.

10 For example, one of the school board
11 commissioners voting against the application
12 stated that the only way he would vote for a
13 charter school is if it was grassroots born and
14 provided a brand-new paradigm of instruction that
15 will benefit his children.

16 Well, those may be laudable reasons to vote
17 for a charter school application. They are not
18 the requirements by which one should evaluate a
19 charter school application. The standard requires
20 that the school board must have good cause and
21 provide notice with supporting documentation.

22 Good cause contemplates a legally sufficient
23 reason. Unsupported assumptions, conjecture and
24 speculation are insufficient to establish good
25 cause. It's not enough to say that we don't think

1 you met the requirements, you're going -- or we
2 don't think you're going to hit your target, you
3 have to present evidence that demonstrate that to
4 be true.

5 The board was obligated to present empirical
6 evidence demonstrating what it's saying. Here the
7 board presented no evidence, no documents, no
8 spreadsheets, no studies in support of its
9 objections, only denials.

10 In the response denying the application, the
11 school board provided mostly tersely statements --
12 terse statements and conclusory assertions that
13 Red Hills did not satisfy the requirements. In
14 one particular instance --

15 How much time do I have?

16 CHAIRMAN GAY: You have about 40 seconds.

17 MR. LEVESQUE: I will save some of the
18 discussion on those for the give and take when
19 we're talking about the issues.

20 But Red Hills has submitted a valid, legally
21 sufficient application. We've got our folks here,
22 the experts, and they would love to talk to you
23 about the school that they would like to open. So
24 with that, I will close.

25 CHAIRMAN GAY: Thank you, Mr. Levesque.

1 All right. And the school board now has ten
2 minutes to present.

3 MR. SPILLIAS: Madam Chair, Commission
4 members, Will Spillias, General Counsel, for the
5 Leon County School District.

6 I'm here with our Superintendent Rocky Hanna
7 and a number of other school district staff
8 members, Assistant Superintendents, who will be
9 free to answer any questions you all have after
10 the summary I give. And the summary, again, will
11 be an overview as the rules of procedure allow
12 for.

13 What I want to do is I want to hit -- there's
14 probably going to be four or five areas that I
15 highlight as areas that we feel is submitted by
16 substantial competent evidence and shows a
17 deficient flaw in this application.

18 Mr. Levesque stated something to the effect
19 of the school district did not present any
20 evidence. We would submit that the evidence is
21 the application itself and that the flaws and
22 omissions within the application show a common
23 theme throughout the application that many of
24 these standards have not been met. Some of them
25 have been partially met. Some of them have been

1 met, the standards that are set forth in the
2 Florida Administrative Code state statutes, the
3 model charter school application.

4 However, those standards that have not been
5 met and those partially met, we feel indicate a
6 substantial flaw within the application as a hole
7 and, thus, your decision should be to uphold the
8 denial of Red Hills' charter school application.

9 So the areas I'm going to touch on are within
10 the application and give you a general overview.
11 I might get into some little details, but I think
12 the subject-matter experts will be better able to
13 speak to those details with any questions that you
14 may have.

15 The budget, the obligations under state and
16 federal law regarding ESE and ELL students, school
17 culture and discipline, government and -- or
18 governance and student recruitment and enrollment,
19 transportation and facilities, and closing with
20 safety and security.

21 Regarding the budget, there's requirements
22 within the application that budgetary projections
23 that are consistent with and support all the key
24 aspects of the application, including the school's
25 mission, educational program, staffing, and

1 facility, a realistic assessment of projected
2 sources of revenue and expenses that ensure that
3 financial viability of the school and a sound plan
4 to adjust the budget should revenues not
5 materialize as planned.

6 We feel that within the application itself
7 and the charter school's own words set forth in
8 the application, what we have and what we saw are
9 lower salaries that the charter school is
10 advancing, smaller retirement for their teachers,
11 and much higher health care costs. And we feel
12 that those taken all together indicate a barrier
13 to and difficulty in recruiting and retaining
14 highly qualified staff.

15 The staffing plan in the application, it does
16 not include technology support administration,
17 does not include building maintenance, does not
18 include nurse clinic staff. These are all areas
19 that are necessary to run a school. And we just
20 feel that the evidence shows within the
21 application itself inflated revenues for both food
22 service, FEFP funds, and they're inaccurately
23 inflating the ending fund balance as well as
24 depicting a distorted picture of whether the plan
25 expenditures are actually feasible.

1 Food service plans show unrealistic
2 participation rates, inflated revenues. If you
3 look at the meal participation rates within the
4 application, they are much higher than what the
5 participation rates are in Leon County as a whole
6 and within the charter school community of Leon
7 County.

8 And then if you look at the meal prices
9 within the application, much higher than the free
10 student meals that are set forth. But, also, even
11 when student meals were charged, so to speak, the
12 student meal prices advanced by Red Hills in their
13 application are much higher and thus we feel they
14 will not get as much and, thus, we feel they will
15 not get as much participation and thus lower
16 revenues will result.

17 Regarding the SE prong of it, Red Hills did
18 not effectively describe the methods the school
19 will use to identify students with disabilities
20 that have not yet been identified.

21 CHAIRMAN GAY: Can you slow down just a
22 little.

23 MR. SPILLIAS: Okay.

24 CHAIRMAN GAY: Sorry.

25 MR. SPILLIAS: I know. I only have ten

1 minutes.

2 Would you be able to tell me like if I have
3 two minutes left?

4 CHAIRMAN GAY: I can do that.

5 MR. SPILLIAS: I really appreciate that.

6 Red Hills did not address the intensity and
7 frequency component of a Tier 3 intervention.
8 They indicated Tier 3 interventions would be
9 provided only two or three times a week. When
10 asked about supplemental programming, they
11 reference progress -- a progress monitoring tool
12 but not intervention tools.

13 They did not effectively describe the
14 programs, strategies and supports that the school
15 will provide, including supplemental reports and
16 services and modifications and accommodations to
17 ensure the academic success of students with
18 disabilities, that education needs can be met in a
19 regular classroom.

20 They've only projected to hire a halftime ESE
21 teacher. The average hourly contract rate in this
22 county is \$70 an hour. So for a student receiving
23 contracted services for just one hour a week, that
24 would cost \$2,520.

25 Red Hills stated that they are not planning

1 for students who take ACCESS. It's not a resource
2 we have at this time. We don't do self-contained.
3 This does not indicate a commitment to serve all
4 students is our position.

5 And then we go to the English language
6 learners. They address this on page 41 of their
7 application. We feel that they conveyed only a
8 superficial understanding of the requirements
9 related to the consent decree for the provision of
10 education to students who speak English as a
11 second language.

12 The applicant indicates that a home language
13 survey will be administered to families. Then
14 indicates that they will communicate this
15 information to the district for the district to
16 schedule administration speaking and listening
17 assessments.

18 The applicant then articulates that staff
19 will be encouraged to use pictures with English
20 words when labeling items in the classroom to
21 promote an understanding of English language
22 vocabulary for ELL students. This clearly fails
23 to demonstrate the legal obligations related to
24 the provisions outlined in the charter school
25 model application and the applications evaluation

1 instrument regarding educational services to
2 students and families, including initial placement
3 testing, creation and implementation of an ELL
4 parent committee as required, procedures for
5 reporting FTE, a comprehensive and compelling
6 range of services to provide a high quality
7 education, assessments that monitor and evaluate
8 the progress of ELL students, and also describing
9 how all teachers serving ELL students will hold
10 ESOL endorsement or will complete the required
11 training and a realistic projection of enrollment.

12 Governance, again, we feel that there is not
13 a dissolution provision consistent with Chapter
14 1002.33(8)(d), as well as a provision ensuring
15 that the debts of the charter school will not be
16 assumed by the school district and consistent with
17 1002.32(a)(e).

18 Student recruitment and enrollment, they
19 failed to present a student recruitment plan that
20 will enable the school to attract its targeted
21 population. There is no description of which --

22 CHAIRMAN GAY: You have about two minutes.

23 MR. SPILLIAS: I got two minutes?

24 CHAIRMAN GAY: Yes.

25 MR. SPILLIAS: So we can get into the details

1 more on that. But school culture and discipline
2 is another one. They don't specifically address a
3 plan for school culture and discipline. The
4 statements are very vague. They're very short.
5 They're very brief. There is no plan.

6 Transportation facilities, we feel that that
7 is a glaring omission in here.

8 And then I just want to close with, and
9 probably most importantly, safety and security.

10 In Florida Statutes, safe schools requires
11 assessments on active assailant, also threat
12 assessment. These are clearly established
13 evaluation criteria.

14 Red Hills' charter school application
15 provides no response to either active assailant or
16 threat assessment. And quite frankly, you know, I
17 think we all understand and all realize that
18 besides educating our children and keeping them
19 safe and keeping them healthy and out of harm's
20 way is probably the most important vital mission
21 of the school district and of everyone here.

22 And this failure and this omission to have a
23 plan on or any -- speak in any way to active
24 assailant and threat assessment we believe is on
25 its own clearly substantial competent evidence to

1 uphold the school district's denial of the
2 application. Thank you.

3 CHAIRMAN GAY: Thank you.

4 All right. So that brings us to the first
5 issue, which is whether the applicant education
6 plan failed to meet any of the following
7 standards: Education program design, curriculum
8 and instructional design, student performance,
9 assessment and evaluation, exceptional students,
10 English language learners, school culture and
11 discipline.

12 With that, I will begin with the charter
13 school. You have three minutes to present on
14 those issues.

15 MR. LEVESQUE: This will be a little
16 challenging. What I would like to do is I would
17 like to have Shannon Paasch come up.

18 There were quite a wide variety of things
19 that were identified. As I mentioned, the
20 Superintendent had 33 different issues, so I will
21 ask Shannon Paasch to come up and say a few words.
22 And certainly if the Commission members have any
23 questions, we can provide responses to those.

24 MS. PAASCH: Good morning. My name is
25 Shannon Paasch.

1 So in regards to Issue 1, the education plan,
2 I'll say my passion is kids. My passion is
3 education. And I might not articulate myself the
4 best in an application that I've never filled out
5 before. But that's where my heart is. And I will
6 do everything in my power to make sure that those
7 babies are educated. And especially when it comes
8 to, you know, our ESE kiddos and our ESOL kiddos.

9 Yes, I know a home language survey, you know
10 is completed. I know that the school district had
11 an issue with that not being in our application.
12 I can only go off of the experiences that I have.

13 In the county that I currently work in, they
14 provide us with all of their required
15 documentation that us as a charter school need to
16 have filled out. And the home education plan is
17 one of their paperworks that we have. So, yes, it
18 absolutely gets filled out. It gets reviewed.

19 I sit down with the ESOL CRT. Our students
20 take the WIDA assessment. All of their
21 accommodations are tracked on lesson plans. All
22 of their strategies that the teachers use
23 throughout the entire school year are also tracked
24 and can be looked at at any time.

25 Parent involvement, yes, absolutely.

1 Whenever we have our ESOL committee meetings, the
2 school psychologist is there. The parents are
3 there. Their teacher is there. I as the
4 Assistant Principal am there. And we discuss
5 their progress in school, their grades, their WIDA
6 scores and really what accommodations are helping
7 them and what do they need.

8 And as far as our ESE kiddos, I understand
9 that not every school, whether it's private,
10 charter or traditional public school, are going to
11 always provide a self-contained unit. The school
12 I currently work at, we work off an 80/20 model.
13 It is very important to us that our kiddos are in
14 the classroom as much of the day as they can.
15 They need that interaction.

16 The county I currently work in doesn't offer
17 any pull-out. Everything is push-in with every
18 single school and every single class. My charter
19 school, we're still offering that pull-out. So
20 we're still making sure that we're addressing
21 those needs. Tier 2, Tier 3 very important.

22 CHAIRMAN GAY: Thank you. I'm sorry, we
23 reached our three minute.

24 MS. PAASCH: No problem. It's okay.

25 CHAIRMAN GAY: Thank you.

1 And for the school board, three minutes.

2 MS. GREGORY: My name is Gillian Gregory.

3 I'm the Assistant Superintendent in Leon County
4 Schools Academic Services and Teaching and
5 Learning.

6 I certainly appreciate the applicant's
7 passion for children. We all have that passion.
8 However, I would argue that her application fails
9 to capture any of the comments that she has made
10 today.

11 While she references what happens in her
12 current district, that model is not actually the
13 model that's employed in Leon County Schools. We
14 do not provide testing for the IPT, nor do we
15 provide any kind of services that support
16 mechanisms for our charter schools.

17 Not only that, the application fails to meet
18 requirements of Section 1002.33(6)(a)(4), which
19 requires the application to describe the reading
20 curriculum and differentiate strategies that will
21 be used for students reading at grade level or
22 higher and a separate curriculum for students who
23 are reading below grade level.

24 This same section specifically and
25 unambiguously requires the sponsor to deny an

1 application if the school does not possess --
2 propose a reading curriculum that is consistent
3 with effective teaching strategies that are
4 grounded and scientifically-based reading
5 research.

6 The application fails to reference
7 scientifically-based reading research as the
8 framework for which the reading curriculum is
9 being implemented.

10 MS. SHIELDS: Cathy Shields.

11 So I can appreciate also the thrust towards
12 that and looking at -- and inclusive environment
13 and looking at servicing students in the least
14 restrictive environment. There's a state goal of
15 85 percent of students being served -- with
16 disabilities being served in the general
17 curriculum. And that is our school as well.

18 However, the provision of services are
19 determined by the IEP team. And so I'm not
20 hearing that language presented here or that
21 understanding, that there needs to be a continuum
22 of services offered that is determined by that IEP
23 team.

24 And, additionally, not having an
25 understanding of the ACCESS standards. And the

1 statement about ACCESS standards are in a
2 self-contained classroom, that is not always true.
3 And, again, that does not indicate a full
4 understanding of providing a continuum of services
5 for students with disabilities.

6 Additionally, I am concerned, they do
7 reference that they want to have a one-to-20 ratio
8 for students with disabilities for teaching staff.
9 And based on their percentage proposal or
10 projections, this would indicate 32 students being
11 served by a halftime teaching unit. So that is
12 concerning, again, in providing those provisions
13 of services. Thank you.

14 CHAIRMAN GAY: Thank you.

15 Questions from the Commission members on
16 Issue 1? You can direct your question to the
17 school or the school board, whichever your
18 preference is.

19 MS. RAFALSKI: I have a question for the
20 school.

21 Specific to the type of research-based
22 practices that were described either in the
23 application or during the interview specific to
24 programs or research-based methodologies,
25 pedagogical, can you address that?

1 MS. PAASCH: Shannon Paasch.

2 In regards to the curriculum or our --

3 MS. RAFALSKI: Either. Some specific
4 examples of either the curriculum or the
5 pedagogical strategies that will be used.

6 MS. PAASCH: Sure.

7 So the curriculum that we have identified is
8 the Savvas Curriculum, so the ReadyGEN, enVision,
9 elevateScience. This is a curriculum that I am
10 currently using and I have been using for several
11 years at my current school. And we have seen some
12 amazing progress and growth with a lot of our
13 kiddos.

14 Just last year's FSA and the year of the
15 Pandemic, my third graders had 82 percent passing
16 with this curriculum. They worked really hard and
17 I'm really proud of them.

18 So, you know, it is a research-based
19 curriculum. It is approved by the state. I know
20 several counties that do use it. So within that
21 curriculum, a lot of that differentiation is built
22 in in providing that small group instruction.

23 We are currently looking at using Istation to
24 assist with the Tier 2 within the classroom, to
25 also help with those different lessons that are

1 provided through Istation, and then the progress
2 monitoring.

3 And then for Tier 3, a lot of different
4 resources that we are currently using, ReadWorks,
5 the FCRR, IXL, Think Through Math. So a lot of
6 those different resources that we can use. And
7 easyCBM for progress monitoring, so a lot of
8 different resources.

9 And one thing that I really respect about my
10 teachers is it's their classroom. They're the
11 expert in that classroom. So we provide that
12 curriculum as a base. But they know their kiddos
13 best.

14 And so really being able to provide the
15 autonomy to the teachers to say, hey, I really
16 want to do this type of activity or, you know,
17 this Nearpod activity online is amazing, I really
18 want to pull this in. So really being able to
19 provide them the autonomy to teach their students
20 the standards the way that they best see fit,
21 that's going to reach all of their kiddos at all
22 age and grade levels.

23 CHAIRMAN GAY: Would the school district like
24 to --

25 MS. GREGORY: Again, Gillian Gregory,

1 Assistant Superintendent.

2 I certainly respect and am thrilled about the
3 progress of third graders in a school. However,
4 scientific research is really clear. There has to
5 be an outside evaluation of the progress of
6 students. The application lacked any
7 scientifically-based research other than those
8 provided by the publishers of the content.

9 So in our industry, we look at what works.
10 We look at IES as our guidepost for research. Not
11 only did we see a complete lack of external
12 evidence of the works that are identified through
13 the adopted instruction materials of the
14 applicant, but also the shift from scientifically
15 based to evidence based is occurring in our
16 industry as we speak, and that threshold is not
17 yet met either. So we do retain concerns
18 regarding the selection of materials.

19 Differentiation is not just what occurs with
20 the adopted instruction material. It occurs in
21 small groups. It occurs at teacher table. And it
22 requires a variety of resources, not just that
23 provided by a publisher.

24 So, again, on that research question, I would
25 argue that the provision of research from a

1 publisher who you are going to purchase
2 instructional materials from is not an external
3 evaluation determining the worth of a program.
4 And the district felt compelled to identify that
5 as the reason it's in the application.

6 CHAIRMAN GAY: Additional questions from the
7 members?

8 MR. GARCIA: For the district.

9 You guys mentioned that you consulted with
10 Jeff McCullers and he expressed three concerns
11 basically with governance, backup facility plan,
12 and transportation, and those were his main
13 concerns. He did not express concerns with
14 curriculum.

15 Your committee who evaluated the application
16 voted in favor, 11 in favor, eight against. But
17 the conditions were to go ahead and proceed with
18 the approval of the application with three
19 conditions.

20 Were the conditions the same as Jeff
21 McCullers?

22 SUPERINTENDENT HANNA: Good Morning. Rocky
23 Hanna, Superintendent of Leon County Schools.

24 I put a lot of faith in Mr. McCullers', or
25 Dr. McCullers' recommendation to deny this

1 application. My team, they don't do this for a
2 living. They don't review charter school
3 applications. This was something outside of their
4 normal scope of work of running a school district.

5 Dr. McCullers has evaluated over 100 charter
6 school applications. These may have been three
7 issues, but there were a number of other issues
8 that he identified as what he considered material
9 weaknesses. Yet, at the end of the day, the group
10 that was assembled of my staff saw that some of
11 these met -- some of these conditions were met,
12 some of the standards were met, some of the
13 standards were partially met, some were not met at
14 all.

15 But after having a long conversation with
16 Dr. McCullers, it was in my recommendation to the
17 school board to deny the application. We feel
18 like we have just cause to do that.

19 So it wasn't just in these three areas of Dr.
20 McCullers, safety and security, the budget issues.
21 There were a number of other issues that he
22 raised. So it wasn't simply based on the three
23 that you have before you.

24 MR. GARCIA: Okay. The committee made their
25 recommendation to go ahead and proceed with the

1 approval with three conditions.

2 Can you speak specifically to the three
3 conditions?

4 SUPERINTENDENT HANNA: No, sir. In my
5 conversation with Dr. McCullers, he raised a
6 number of issues.

7 MR. GARCIA: I'm speaking with regards to the
8 committee, your own committee recommendation with
9 three conditions.

10 What were the three conditions?

11 SUPERINTENDENT HANNA: I would need to get my
12 team back up here to go through the three
13 conditions. This happened months ago. There's
14 been a lot going on in all of our lives, all of
15 our worlds, so I would need for them to speak to
16 that.

17 I can have Dr. Michelle Gayle come up and
18 talk to the application itself. I was just
19 speaking simply to the fact that you raised that
20 Dr. McCullers only had these three issues. We had
21 a number of other issue as well.

22 MR. GARCIA: Well, that's what your attorney
23 consented, that he had three main reasons for
24 denial, or to recommend denial. And your attorney
25 mentioned governance, the backup facility plan,

1 and transportation.

2 SUPERINTENDENT HANNA: He mentioned a number
3 of other issues as well. He mentioned school
4 safety. He mentioned the budget. He mentioned
5 concerns with students with exceptionalities. I
6 mean, there were a number of issues that were
7 raised.

8 MR. GARCIA: He did. But when he referred to
9 Dr. Jeff McCullers' reasons for denial, for
10 recommending denial, his concerns were governance,
11 again, facility plan, and transportation. He
12 didn't mention anything else. The other things
13 that he mentioned was based your recommendations
14 or your concerns.

15 SUPERINTENDENT HANNA: Well, in his
16 presentation and talks to the school board, I'm
17 not sure exactly. Again, I would have to go back
18 and look at the transcript and the minutes from
19 that presentation. But I think there were a
20 number of other issues raised as well. Those may
21 have been three, but there were a number of other
22 issues raised.

23 MR. GARCIA: I have no other questions.

24 MS. SCOTT: I have a question for the
25 district.

1 At what point were the recommendations
2 provided to the school board, the conditions,
3 because it did mention, again, that the
4 application was going to be approved with
5 conditions, but we never saw what the conditions
6 were?

7 MR. GARCIA: Yes.

8 MS. SCOTT: And at what point, also, was
9 there is a change in the, quote, unquote, agenda
10 item? I'm hearing now that it was not on the
11 initial agenda. So at what point was the
12 change -- the decision made to not approve with
13 conditions?

14 DR. GAYLE: Good morning. Michelle Gayle,
15 Assistant Superintendent with Professional and
16 Community Services.

17 On April the 27th, 2021, our school board
18 agenda did include an item that the Superintendent
19 wanted brought before the board regarding
20 approving option one, which was to deny the
21 charter school application. Within that agenda
22 item were all of the reasons that were listed to
23 deny the application. And there were upward of 17
24 reasons that were listed.

25 It is true that during the agenda review,

1 Dr. McCullers did bring up three major points, but
2 he also brought up other points as well, as did
3 the entire Charter School Evaluation Committee.

4 CHAIRMAN GAY: Would the school like the
5 opportunity to respond?

6 MR. LEVESQUE: Just briefly. It is true that
7 the Superintendent's recommendation was added to
8 the agenda. It was added to the agenda one hour
9 before the meeting occurred.

10 At that time, we could see online that was
11 added. We were having difficulty working from our
12 phones at the time to access what those precise
13 recommendations were.

14 The recommendations were apparently discussed
15 the day before at the workshop, but they weren't
16 posted online, our only source to get those
17 recommendations at the time.

18 At that workshop, Dr. McCullers went through
19 a number of critiques of the application. He
20 identified -- he said, I can quibble with this,
21 and we heard from them on this. But he expressly
22 identified what he described as three fatal flaws,
23 the governance, the transportation, and I
24 completely blanked on the third one.

25 MR. GARCIA: Facilities.

1 MR. LEVESQUE: The facilities. Thank you.

2 But that was a clear recommendation from him
3 saying the other stuff you could probably live
4 with, but these are the three fatal flaws.

5 CHAIRMAN GAY: Do you have follow-up on that?

6 MS. SCOTT: I do. Also to the district.

7 I understand that you went through Florida
8 Association of Charter School Authorizers to
9 receive an outside evaluator. They do not
10 recommend evaluators. They just provide.

11 But at what point does an outside evaluator
12 take precedence over what the school board's team
13 recommends or has input on, because it seems, just
14 based on the conversation today, a lot of the
15 discussion is, well, Dr. McCullers said,
16 Dr. McCullers said, which he did say? But at what
17 point does that override what your committee has
18 recommended?

19 SUPERINTENDENT HANNA: Well, at the end of
20 the day, I take in the totality of all of the
21 circumstances and listen to feedback from them,
22 and it's ultimately my recommendation.

23 MS. SCOTT: Correct.

24 SUPERINTENDENT HANNA: So after consulting
25 with my team and my people about the unique issues

1 to each subject -- or each area of the
2 application, I made that determination to
3 recommend denial.

4 MS. SCOTT: At what point -- and this was the
5 question I initially asked. At what point was
6 there a change in the recommendation, because
7 based upon everything in the documents, the
8 recommendation was going forward as approval with
9 conditions? But we still don't know what the
10 conditions are.

11 And then all of the sudden at the board
12 meeting, there was a decision to -- or excuse
13 me -- the meeting before the board meeting,
14 there's a decision to make a change in the
15 recommendation.

16 So I'm just trying to figure out and clarify
17 when did the change come, you know, at what point?

18 SUPERINTENDENT HANNA: I don't think I really
19 understand the question. When did the change come
20 from the recommendation to accept with --

21 MS. SCOTT: When did the recommendation
22 change?

23 SUPERINTENDENT HANNA: Between when that was
24 submitted to me from her committee until I
25 presented to the school board.

1 MR. GARCIA: And how long was that period?

2 SUPERINTENDENT HANNA: I don't know. I think
3 we received the application on February 1st. We
4 have a 90-day window to get all of this done, to
5 review the application, to interview the proposed
6 school administration to talk through issues, and
7 then to get a board item approved. So we were up
8 against a deadline. He mentioned something about
9 it came on an hour before the thing.

10 In addition, we're dealing with a number of
11 other things, in case you haven't -- I mean, we're
12 dealing with a lot of other stuff going on in our
13 schools right now. And not that this wasn't a
14 priority. It's certainly a priority. We had an
15 entire team committed to working on this.

16 And to Counsel's comments earlier about my
17 personal beliefs of charter and charter expansions
18 in school districts, to me that's irrelevant. If
19 there is a school that can demonstrate through the
20 course of this process that there's legitimate
21 need and reason to open a facility, open a school
22 in Tallahassee and Leon County whether we have
23 capacity issues or not, that should be granted by
24 you all.

25 But from the time they made the

1 recommendation up until the time of that workshop,
2 or the time of the 27th of April, is when I made
3 the decision to deny the application or to
4 recommend the denial of the application to the
5 school board. So we had a 90-day window from
6 February 1st to April the 27th that all this
7 happened.

8 MR. MORENO: After the interview with the
9 school when they had the 11 to eight, was the
10 school aware of the vote at that point?

11 SUPERINTENDENT HANNA: I believe that it --
12 he mentioned they were aware of it, so I guess
13 it -- I assume that they were involved and they
14 were on the call, yes.

15 MR. MORENO: Okay. And then when the -- when
16 it went to the workshop, did the school have any
17 opportunity to discuss if there was issues brought
18 up at that workshop that might have been an issue
19 with the board members?

20 At that point, the board members were not
21 exposed to the application until the workshop; is
22 that correct?

23 SUPERINTENDENT HANNA: That's when -- right.
24 We went through the workshop on the application on
25 the 27th because we were up against a deadline.

1 And that was the only school board meeting before
2 the deadline of whatever of -- of April the 30th.

3 MR. MORENO: So was any notice given to the
4 school to participate on that, or at least be able
5 to talk in that workshop?

6 DR. GAYLE: Michelle Gayle, Leon County
7 School District.

8 Notice was given to the school, to the
9 president of the -- I guess their board, Laura
10 Joanos, that this is when we're taking it to the
11 board. And they did have representation at the
12 workshop and at the board meeting.

13 CHAIRMAN GAY: Would the school like to
14 respond?

15 MR. LEVESQUE: Ms. Joanos had been in active
16 communications with the school district for about
17 two weeks to find out what the school district was
18 going to do with its application. What she was
19 being told initially was we don't know.

20 On the Friday afternoon before the Tuesday of
21 the school board meeting that they would -- that
22 was their scheduled board meeting, she was
23 informed by Dr. Mitchell that -- and if I get this
24 wrong, Ms. Joanos, let me know. She was informed
25 that it would likely be on the agenda, but it's

1 not there yet.

2 We had no idea about the workshop meeting.
3 We never received any written notice, no email
4 notice. If I did, I wouldn't be making the
5 argument.

6 We received word -- I received word from one
7 of our board members at around 3:45 saying that
8 the 3:00 meeting had started and we were on the
9 agenda and they were discussing it. So I was not
10 in a position where I could drop everything and
11 run down to where the workshop was being held.
12 That was the first time that I saw it.

13 And then we had been periodically checking
14 the notices. It was checked that morning. That
15 item was not on the agenda. When I checked around
16 4:00, it was on the agenda, just as an agenda
17 item, no details as to the Superintendent's
18 recommendation.

19 MS. SCOTT: I have a question for the school.

20 After your interview -- I was reading the
21 transcript of the actual application interview.
22 And from what I gathered, questions were asked.
23 The school was off the call, and then the district
24 team met to, I guess, finalize the evaluation tool
25 to determine, you know, what's partially met,

1 what's met, and so forth.

2 And I got the impression that the school was
3 supposed to be notified afterwards, after that
4 particular meeting right then and there what the
5 recommendation was going to be.

6 Did that happen?

7 MR. LEVESQUE: We were able to actually
8 observe -- I didn't personally, but Ms. Paasch and
9 Ms. Joanos observed the deliberations and observed
10 the vote and the outcome.

11 MS. SCOTT: And what were you told
12 afterwards, because that piece wasn't in the
13 transcript? It stopped after, you know, you
14 decided -- the district decided which pieces met
15 and didn't meet. But the transcript stops so we
16 never know what happened after that meeting.

17 MS. PAASCH: Shannon Paasch.

18 We were called back into the room after their
19 discussion and we were told that they were going
20 to be recommending approval with conditions.

21 We asked what those conditions were, and we
22 were told we don't really know yet. We need to
23 discuss, you know, with the team and with the
24 Superintendent, but you will be notified. We were
25 never given what the actual conditions were.

1 I know that, you know, we were provided the
2 areas of concern that the district had, but there
3 was never a communication that said your
4 conditions for approval are A, B, C, D. It was
5 just, well, here is all of our concerns. So
6 that's how it was presented to us.

7 MS. SCOTT: But you were under the impression
8 that it was going to be recommended approval?

9 MS. PAASCH: Yes.

10 MS. SCOTT: Okay.

11 MS. RAFALSKI: I've got a follow-up question
12 for either side.

13 When the school dropped off their
14 application, was there a waiver of the 90-day
15 notice signed?

16 MR. LEVESQUE: No. We didn't waive the
17 90-day notice.

18 MS. RAFALSKI: Thank you.

19 CHAIRMAN GAY: Do we have additional
20 questions on the educational plan?

21 MR. GARCIA: Either for the school or the
22 district.

23 At what point were you informed that the
24 application was going to be presented before the
25 board for denial?

1 MS. PAASCH: It was about an hour before,
2 because we were checking online. We were checking
3 the agenda. I don't live in Tallahassee currently
4 and so I knew that the board meeting was
5 happening. I drove up for it keeping my fingers
6 crossed that we would be on the agenda.

7 Mrs. Joanos and I, we were at dinner just
8 waiting for the meeting to start. And we were
9 constantly just refreshing our phones, looking at
10 the agenda. And it was about an hour before it
11 started it finally was on the agenda.

12 MR. GARCIA: And were you aware of what the
13 recommendation was going to be at that moment?

14 MS. PAASCH: No, I don't think so.

15 MR. LEVESQUE: I believe the notice is
16 included in our materials. The notice itself
17 identifies that the Superintendent's
18 recommendation was for denial.

19 You would have had to have been able to click
20 through from several links to get to the full
21 list, but you could at least tell from the title
22 that the recommendation was for denial.

23 CHAIRMAN GAY: Do we have any additional
24 questions on the educational plan specific to
25 exceptional students or ELL? Any questions on

1 that, Commission members?

2 MR. GARCIA: I have concerns on two
3 processes. I didn't see that included anywhere
4 here, but that is something that concerns me,
5 because the school should be afforded that
6 opportunity to express themselves, to show
7 evidence. And I know that for minute things that
8 I know, I've seen that could have been changed
9 without afforded the opportunity, so that really
10 concerns me.

11 MS. SCOTT: I just have a question about --
12 and this is for the district -- the capacity
13 interview.

14 What is your purpose for having that capacity
15 interview?

16 DR. GAYLE: Michelle Gayle.

17 The purpose of the capacity interview is to
18 -- it's part of the process. It's part of the
19 statute as well. It's also a part of our
20 policy -- excuse me -- our district policy to have
21 that capacity interview.

22 As the Superintendent said, content area
23 experts were a part of the committee for the
24 capacity interview. They had an opportunity to
25 review the application that was provided on

1 February 1st by Red Hills.

2 MS. SCOTT: Do you take the responses from
3 that capacity interview into consideration as you
4 compile your evaluation tool?

5 CHAIRMAN GAY: Absolutely.

6 MS. SCOTT: And did you have a final
7 evaluation tool? I didn't see one in the packet.
8 I saw the one where the comments were made, I
9 guess when you were doing the interview, after you
10 all discussed the interview, but I never saw the
11 final evaluation tool that would coincide with the
12 denial or approval.

13 DR. GAYLE: Actually, part of that -- great
14 question. Part of that is within the school board
15 agenda item. That's what we used within the
16 school board agenda item on August -- excuse me --
17 on April the 22nd.

18 MS. SCOTT: Because it wasn't here.

19 MR. GARCIA: Is it included in there?

20 DR. GAYLE: I'm not sure what you have. I'm
21 sorry, I can't answer that.

22 MS. RAFALSKI: Is there a way that we can get
23 a copy of that?

24 CHAIRMAN GAY: Let me ask for --

25 MS. SCOTT: We saw the one where they had

1 notes. But other than that, it wasn't the
2 official. It had statutory references and things
3 of that nature.

4 CHAIRMAN GAY: Dr. Gayle, do you all have
5 access where we could make -- you could email it
6 to one of us and get it printed out?

7 DR. GAYLE: A copy of the agenda item, is
8 that what you're asking me?

9 CHAIRMAN GAY: If that incorporates the final
10 evaluation instrument, then that would be what
11 we --

12 DR. GAYLE: It incorporated the points that
13 the committee that interviewed the school, the
14 capacity committee, that they brought to mind,
15 yes, we do.

16 CHAIRMAN GAY: Okay. So I guess the most
17 final version of the evaluation instrument that
18 you all have is the one that's dated April --
19 well, it says April -- it says 4/121 -- so I'm
20 assuming April of 2021 -- by Lisa Urban.

21 DR. GAYLE: Yes.

22 CHAIRMAN GAY: That's the most final version
23 we have of the evaluation instrument?

24 DR. GAYLE: I take it if that's what
25 you're -- yes, ma'am, if that's what you're

1 looking at.

2 CHAIRMAN GAY: I'm asking you the question.

3 I don't know.

4 DR. GAYLE: Yes, ma'am. But we do what -- I
5 was answering. We do have a copy of the agenda
6 item, if you would like to provide copies for your
7 team.

8 MR. GARCIA: I'm more interested in seeing
9 the entry on the agenda item.

10 MS. SCOTT: Is it online?

11 CHAIRMAN GAY: If we could take a quick --
12 let's see. It's 10:07. If we could take a quick
13 ten-minute break to 10:12, a little less than ten
14 minutes, 10:15, we can go see what we can pull, I
15 guess.

16 MS. SCOTT: I'm looking for it right now.

17 DR. GAYLE: Are you looking for the agenda
18 item on our board docs? I have it printed right
19 here.

20 MS. SCOTT: Well, we have the agenda item. I
21 think we were looking for the evaluation, the
22 final evaluation tool.

23 MR. GARCIA: The final evaluation instrument.

24 DR. GAYLE: Okay. I think we have the latest
25 copy of that.

1 MR. LEVESQUE: I think that as I understand
2 it, the only instrument that I've seen after a
3 public records request is Exhibit 7 in our appeal
4 materials.

5 And the only other thing that we saw that had
6 the recommendations that -- what I guess they're
7 relying on is their final evaluation would be
8 Exhibit 12. And that's the detailed
9 Superintendent recommendation.

10 CHAIRMAN GAY: Okay. So we have Exhibit 7,
11 which is that evaluation instrument dated
12 April 2021 by Lisa Urban, and then Exhibit 12,
13 which is the agenda item and the details under the
14 action requested in the item summary.

15 That's the most final that we have, that's
16 correct?

17 MR. LEVESQUE: That's my understanding.

18 MR. GARCIA: I think it's page --

19 CHAIRMAN GAY: The evaluation instrument
20 starts at RHA Appeal 000804, if that helps.

21 MR. GARCIA: We don't have that.

22 MR. MORENO: Which attachment was it?

23 CHAIRMAN GAY: It is attachment seven.

24 I'm going to say let's go ahead and take that
25 ten-minute break -- it will be to 10:20 -- so that

1 the Commission members have the opportunity to
2 look at those documents again. And we can start
3 again at 10:20.

4 (Whereupon, a recess was taken.)

5 CHAIRMAN GAY: I appreciate everyone's
6 patience. So I guess the discussions before we
7 had a quick break were around the due process and
8 notice issue. So I'm going to ask if any of the
9 members have a motion that they would like to add?

10 MR. SPILLIAS: Can I respond to that, because
11 it had gone back and forth and then there were
12 some fact witnesses that came up?

13 CHAIRMAN GAY: Absolutely. I would rather
14 make sure we hear from both sides.

15 MR. SPILLIAS: Okay. We would just assert,
16 you know, there is no due process issue here. The
17 meeting was noticed properly. And, you know, due
18 process is -- it's specifically set forth that you
19 have notice and an opportunity to be heard.

20 And this whole process, the notice and the
21 opportunity to be heard was the application
22 process. It was the application, the interview.
23 The meeting itself was consideration by the school
24 board of the item. There was not -- it was not a
25 hearing, so to speak. And that's where, you know,

1 due process comes in.

2 The only role -- and, again, I think we've
3 all been to meetings and there's agendas and then
4 at the last minute there could be hand-carried
5 items on the agenda.

6 And the school district -- and I don't know
7 if the County Commission or the City Commission
8 informs specifically every party that may be
9 interested in an item one on one, so to speak.
10 They post the agenda or they publish it and they
11 go through their proper channels.

12 In this case, you know, if Red Hills had been
13 present, they would have been able to speak as
14 part of public comment. It would not have been a
15 hearing, so to speak, where evidence would have
16 been taken, arguments would have been set forth.
17 And that's what procedural due process envisions.

18 So we would assert that everything was done
19 properly, every notice, every procedural aspect of
20 our process to have items on a school board
21 meeting agenda was done properly and it did not
22 prejudice, so to speak, Red Hills.

23 CHAIRMAN GAY: Would the school like to offer
24 any comments?

25 MR. LEVESQUE: Please. I think the

1 principles of due process -- I don't disagree with
2 the idea that it requires notice in a hearing.

3 Yes, they noticed a meeting of the school board.

4 That meeting -- the notice of that meeting
5 did not -- when it was noticed originally did not
6 detail anything having to do with Red Hills. We
7 were talking to the district for two weeks before
8 then saying what are you going to do with our
9 application? When is it going to be up? And we
10 were being told we don't know.

11 There's a provision in the statutes that if
12 they don't take action, it is deemed denied. And
13 we figured that might be what the district is
14 going to do. They're not going to take a position
15 on our application, they're just not going to take
16 action, at which point then we could come before
17 this institution without them ever having to take
18 action on it.

19 That is not actually what occurred. What
20 occurred was an hour before the meeting, they walk
21 in with this agenda item and add it to the agenda.
22 That agenda item had a recommendation that was
23 contrary to what was recommended by the
24 Commission.

25 We were able to speak for three minutes, the

1 three of us, each three minutes, in the public
2 notice portion on that particular agenda item. We
3 weren't able to address any of the misconceptions
4 or the erroneous statements that were being made
5 by the board members or the staff who were
6 presenting about it.

7 There was things that we vehemently disagreed
8 with, but we already said our piece in the three
9 minutes of public comment and weren't aware of
10 these misconceptions as that was going forward.

11 So at least in terms of due process, the
12 right to be heard needs to be meaningful. In this
13 case, we were responding to objections that we
14 never had notice of.

15 CHAIRMAN GAY: Go ahead.

16 MR. SPILLIAS: Thank you.

17 And that right to be heard is right here
18 before this Commission, this Committee. So
19 because, as your General Counsel has so eloquently
20 stated in the introduction to the meeting, I mean,
21 you're looking at all of the facts, you can gather
22 facts here.

23 So, yeah, we submit that you should be
24 looking at the application itself and the facts
25 surrounding the substantive aspects and the

1 substantive merits of the application. We don't
2 think you can rule against the school district's
3 position here based on any type of procedural due
4 process. That's all I'm saying.

5 You know, you're here as the Commission to
6 look at the facts, so to speak, and any procedural
7 aspects. Again, we still submit that
8 procedurally, you know, we're on solid ground.
9 But if there was any procedural problem, you know,
10 or lack of procedural due process, there may have
11 been other avenues that, perhaps, Red Hills could
12 have taken.

13 But in terms of, you know, following the
14 statute that authorizes you to sit as, you know,
15 the Appeals Commission and make recommendations,
16 we would assert that it would be on the
17 substantive aspects of the application itself and
18 not on some procedural technicality, so to speak.

19 And I hate to use that word because
20 procedural due process is a heavy, weighty legal
21 concept, but we don't think it's an issue here
22 before this Commission. Thank you.

23 CHAIRMAN GAY: I got a note just to remind
24 speakers to introduces themselves again before
25 speaking.

1 Jamie, did you have anything to add to
2 Counsel?

3 MS. BRAUN: Just that generally -- and I
4 think both parties already addressed this -- that
5 generally due process does require the proper
6 notice and the opportunity to be heard.

7 And while in the administrative process, it
8 really is more flexible than maybe in some other
9 arenas. Generally that would require the ability
10 to provide meaningful input on the issue being
11 considered.

12 CHAIRMAN GAY: Okay. So our options here are
13 if a Commission member wants to make a motion or
14 we can continue on to our evaluation of
15 educational plan.

16 MR. GARCIA: I say we continue with the
17 evaluation.

18 CHAIRMAN GAY: Okay. So let's go back to
19 Issue 1, which both parties have already presented
20 their three minutes on each side.

21 So Commission members, do we have any
22 additional questions to ask specific to those
23 education plan standards?

24 MS. RAFALSKI: I do.

25 CHAIRMAN GAY: Go ahead, Shana.

1 This is for the district.

2 Under education program design, there was a
3 concern about the proposed daily schedule and
4 annual calendar that complies with statutory
5 requirements.

6 In the evaluation instrument, there were no
7 concerns that were brought up during the capacity
8 interview, no concerns that the team brought up.

9 Can you just provide some additional
10 information about what the basis for those
11 concerns were?

12 MS. GREGORY: Gillian Gregory, Assistant
13 Superintendent for Leon County Schools.

14 The concern that was brought up at the time,
15 the way our Committee works in Leon County Schools
16 is we have subject-matter experts who have roles
17 within the school because of their expertise,
18 right? So as an Academic Services Assistant
19 Superintendent, I'm not really looking at the
20 budgetary side of it.

21 Included in our Committee review, we have
22 staff to look at the calendar. And when they
23 reviewed that calendar, they provided -- we
24 received feedback that the proposed daily schedule
25 did not meet the requirements that we have, and so

1 that is where the concerns lie.

2 MS. RAFALSKI: Can you provide some
3 additional information of the requirements that
4 you all had?

5 MS. GREGORY: I'll defer to Dr. Gayle.

6 Dr. Gayle, the calendaring question.

7 DR. GAYLE: What is it?

8 MS. GREGORY: So I think there was a concern
9 about the practices, the numbers of minutes in
10 their day in the application versus the number of
11 minutes that were required under that statute.

12 DR. GAYLE: Yes. I think, as I recall, they
13 said that they were going to follow the same
14 calendar that we have. But I think our question
15 or point of confusion was in, I think it was 40
16 additional minutes each day for developmental play
17 and such like that and with that being in place
18 how were they going to meet the required number of
19 minutes for reading, mathematics, different things
20 of that nature, and also the teacher contract.

21 But as far as the yearlong calendar, I do
22 recall that they said that they were going to
23 follow the Leon County School District calendar.

24 CHAIRMAN GAY: Would the school like to
25 provide clarification on the 40 minute and -- I'm

1 sorry, I forgot the terms that we used.

2 MS. PAASCH: Shannon Paasch.

3 So I'm not 100 percent sure what the
4 40-minute developmental play that Dr. Gayle just
5 discussed, but we are suggesting that we will have
6 an additional 30 minutes a day for the Spanish
7 language. But our students will still receive
8 their 90-minute uninterrupted reading block, their
9 hourlong math block.

10 We're also suggesting an additional 30-minute
11 ELA block that we can, you know, have our Tier 2,
12 our enrichment, things like that, as well as
13 additional 30-minute math block. So they'll
14 provide that as well. And then the additional 30
15 minutes for the Spanish language every day.

16 MS. RAFALSKI: Just for clarification, does
17 the school meet the minimum of the 720 hours or
18 900 hours for secondary students that is required
19 in federal law?

20 MS. PAASCH: Yeah. Our day is just a little
21 bit longer, so we'll, you know, have more than
22 enough minutes, yes, to cover that.

23 MS. RAFALSKI: Okay. Thank you.

24 CHAIRMAN GAY: Additional questions?

25 Oh, I'm sorry, it looks like the district has

1 something to add.

2 MS. GREGORY: Gillian Gregory, Assistant
3 Superintendent.

4 I think the concern was the number of
5 activities within the schoolday with the required
6 90-minute intervention block, plus the 30 minutes,
7 plus the recess, plus the elective.

8 So I think the concern was that within the
9 day, how it was divided up was not feasible to
10 meet all of the different pieces and parts,
11 particularly as it relates to the intervention
12 groups for students.

13 Tier 3 intervention requires a certain number
14 of minutes per week or a certain number of days
15 per week. And Tier 2 similarly.

16 And when you take that in totality with the
17 application provision of minutes per day with the
18 addition of Spanish, it didn't add up. I think
19 that was the concern.

20 MS. SCOTT: Was that a question during the
21 interview process?

22 MS. GREGORY: I'm sorry, I don't remember.
23 It was back in March.

24 DR. GAYLE: Michelle Gayle, Leon County
25 Schools.

1 I can't recall with confidence. I'm not
2 saying yes or no. It was months ago. I do
3 apologize.

4 CHAIRMAN GAY: Any additional questions from
5 the members?

6 (No response.)

7 CHAIRMAN GAY: I actually did have a
8 question. And I guess this would likely be for
9 the school board.

10 For the student performance and assessment
11 evaluation, that's one that we've listed in the
12 denial letter as being a reason for the denial.

13 But I'm having a hard time getting from where
14 the review committee clearly found that it met the
15 standards. So how it went from meeting the
16 standard to this is the reason for denial.

17 MS. GREGORY: Gillian Gregory, Assistant
18 Superintendent for Leon County Schools.

19 So the assessment program and school
20 improvement plans outlined in the application
21 provides a framework that allows for a meeting
22 that essentially is a state assessments
23 requirement, right. It has to do with FSA, the
24 WIDA, all of those kind of things.

25 However, when you dive deeper into the

1 application, you really talk about the meaningful
2 progress monitoring of students who were in need
3 of interventional services, those Tier 3 students,
4 those Tier 2 students. The progress monitoring
5 aligned with that was not very clearly articulated
6 with a sense of that there was a plan in place.

7 So for -- you know, we have decision trees
8 for students who are in certain percentiles. If
9 you're between zero and the 11th percentile, you
10 get assessed these number of weeks on our
11 instruments. And you get these certain kind of
12 interventions based on your needs.

13 The application was very general and vague in
14 terms of they talked about assessing based on the
15 state assessment requirements. But when you dive
16 deeper into that assessment piece, when you're
17 talking about progress monitoring student
18 learning, the application is weak.

19 CHAIRMAN GAY: Okay. Are there any
20 additional questions?

21 (No response.)

22 CHAIRMAN GAY: Okay. Do I have a member that
23 would like to make a motion on Issue 1, the
24 educational plan?

25 And if you wind up finding another question

1 you have, now is a good time.

2 MR. GARCIA: I have a question in regards to
3 the instrument. The format is different than what
4 we've used before because we would look each for
5 the categories and then make a motion on that.

6 But it seems here that we are looking at all
7 of these points here from one to six to make our
8 motion or are we going to separately vote for each
9 of them, because if that's the case, then it's
10 totally different?

11 CHAIRMAN GAY: Correct me if I'm wrong,
12 Jamie, but the way that the motion sheet is laid
13 out, is the motion for Issue 1 includes one, two,
14 three, four, five and six.

15 MR. GARCIA: Okay.

16 CHAIRMAN GAY: Now, if we wanted to, we could
17 break it down, but we already have three issues.

18 MR. GARCIA: Okay. So what you're asking us
19 to do is to provide an evidence-based
20 recommendation on each of them so that we can make
21 the motion? Am I understanding that correct?

22 CHAIRMAN GAY: We can discuss it before
23 making the motion. We can have comments on each
24 item before the motion. If that's easier and
25 clearer, we can do that. And then we can make the

1 motion based on the comments.

2 Is that correct, Jamie?

3 MS. BRAUN: Yes.

4 MR. GARCIA: I guess for the future, if I may
5 make a suggestion to the school district, when
6 utilizing the evaluation instrument, it would
7 actually benefit us if the comments on the
8 evaluation instruments pertained specifically to
9 the item in question, because it looks like it's a
10 cut and paste from the discussions, and they do
11 not necessarily match what the item is.

12 So if you look at the evaluation criteria and
13 you read the comments, that should have been
14 specifically for that category particularly. In
15 this case, the educational program, it doesn't
16 make a whole lot of sense because it looks like a
17 cut and paste from the discussion and not
18 necessarily evidence or comments specifically to
19 that area.

20 So in looking at this based on the evaluation
21 and the recommendations from the experts that you
22 had, I lean towards saying that the school
23 district did not have competent substantial
24 evidence to deny because they said that they met
25 the standard.

1 CHAIRMAN GAY: For the -- just for
2 clarification.

3 MR. GARCIA: For the educational plan.

4 CHAIRMAN GAY: Educational plan.

5 MR. GARCIA: The education program. I'm
6 sorry.

7 MR. MORENO: And I would second that because
8 in reading through the transcript and then looking
9 at the evaluation instrument, it looked like a lot
10 of the concerns that were being brought up today
11 were not brought up at that time. And when they
12 had discussions with the school, there was enough
13 clarification to actually move up.

14 If you look through the notes there, a lot of
15 the items were moved up once the school basically
16 had an opportunity to explain their position. A
17 lot of it wasn't a material deficiency in the
18 application. It was more a clarification of the
19 items in the application.

20 MR. GARCIA: Right.

21 MR. MORENO: So with that, I second.

22 MS. RAFALSKI: For further clarification,
23 while I feel like there wasn't the specificity of
24 the pedagogical strategies, the curriculum that
25 was chosen is accepted, you know, approved by the

1 state, so as far as that choice.

2 In the capacity interview, in the notes, I
3 did find a condition. The condition was for the
4 school to clarify Tier 2 and Tier 3 intervention
5 as one of those interventions. So just for the
6 record, it did state that. The Committee, after
7 the capacity interview, did deliberate and decide
8 that it met the criteria.

9 As far as for B and the concern on the time,
10 just 990 instructional minutes, even if you take
11 out the recess is what -- at least what my
12 calculation is -- which exceeds the state
13 requirements.

14 I think that as a condition or as part of the
15 contract, perhaps some discussion about where
16 those minutes are distributed for instructional
17 minutes, that could be part of the discussion.
18 But as far as a calculation of instructional
19 minutes, it does meet the requirement as far as I
20 see it.

21 CHAIRMAN GAY: Any additional comments or are
22 we ready to make the motion based on the reasons
23 just stated?

24 MS. BRAUN: Are we just doing Sub-Issue No.
25 1, educational program design, or are we doing the

1 whole Issue No. 1?

2 MR. MORENO: I think we have to do the whole
3 one through six.

4 MR. GARCIA: That's what it looks like.

5 CHAIRMAN GAY: So we can move on to Issue No.
6 2.

7 And since the parties already did their three
8 minute on the overarching issue, it's just now
9 open for questions or comments.

10 MR. MORENO: I can make a motion or we can --

11 MR. GARCIA: Well, I think that we -- not so
12 much to make a motion, but just to add supporting
13 comments that we have to make the motion on all
14 six items.

15 Is that right?

16 CHAIRMAN GAY: I'm sorry, I can be more clear
17 and make sure that everyone knows what's going on.

18 MR. GARCIA: Okay.

19 CHAIRMAN GAY: We're going through the Issues
20 1 through 6, the Sub-Issues 1 through 6, and giving
21 the Commission members comments on each of the
22 items so that when a motion is made, the reasons
23 either -- the reasons supporting that motion are
24 already laid out in the record.

25 So we are now on the Sub-Issue No. 2 for

1 comments.

2 MR. GARCIA: I believe there was evidence
3 that the school would provide emphasis in reading,
4 complying with the state required 90 minutes of
5 reading instruction. And they also provide 30
6 minutes of intervention. So that's supporting
7 evidence for me; therefore, it complies.

8 MS. RAFALSKI: Can I ask a question of the
9 school?

10 It did say -- the application did say -- and
11 I believe that you stated that you were going to
12 have the extra 30 minutes. But in the Attachment
13 B, it only has 20 minutes of additional reading
14 instruction. So it did have the 90-minute reading
15 block and then it had a 20-minute reading --

16 MS. PAASCH: I apologize. That must have
17 just been a mistake on my part.

18 MR. GARCIA: In the actual application, it
19 says 30 minutes.

20 MS. RAFALSKI: The application, but the
21 attachment on the application said 20.

22 MS. PAASCH: That was my mistake. I
23 apologize.

24 MS. RAFALSKI: So is it 30 or --

25 MS. PAASCH: It's 30.

1 CHAIRMAN GAY: I'm sorry, what did you say?

2 MS. PAASCH: It's 30.

3 CHAIRMAN GAY: Okay. If there are no other
4 comments on Sub-Issue 2, we'll move on to
5 Sub-Issue 3, student performance, assessment and
6 evaluation.

7 MR. GARCIA: On this one, the evaluation
8 tool, the school district determined that they met
9 the standard.

10 MR. MORENO: They actually moved it up from
11 partially to meet.

12 MR. GARCIA: Yeah, to meet.

13 MR. MORENO: After discussion with the
14 school.

15 CHAIRMAN GAY: Okay. Any additional comments
16 on No. 3? I want to make sure I'm not going too
17 quickly.

18 (No response.)

19 CHAIRMAN GAY: All right. Sub-Issue 4 is
20 exceptional students. Any comments on exceptional
21 students?

22 MS. RAFALSKI: I actually did have a question
23 about that. So once a student is accepted, what
24 happens next if the student has an IEP, an EP, or
25 a 504 plan?

1 MS. PAASCH: Shannon Paasch.

2 So once a student is accepted, then we would
3 ask them for all of those documents, right. We've
4 accepted them. We're so excited. And then we
5 would review that documentation.

6 If we do have a student, which I have had
7 happen in the past, who comes in that has an IEP
8 that is different from the 80/20 model that we are
9 going to be following, then it's a meeting right
10 away with the family, right, exactly. And really
11 review that IEP, talking to our ESE teacher. You
12 know, what is it exactly that this baby is
13 needing? You know, is there a different way,
14 right, that we could? Maybe they really would
15 benefit from more push-in minutes instead of those
16 pull-out minutes, and kind of review that and look
17 and see.

18 I will say in the past I have had a student
19 that came in, they were accepted. And then
20 reviewing the IEP, it was found that they were
21 InD. So, you know, really talking with the
22 family, talking with our CRT, you know, the
23 district, really kind of honing in on exactly what
24 does this baby need. Our choice school, are we
25 really the best choice for them? And having to

1 have that conversation.

2 You know, sometimes we do make amendments for
3 that IEP that everyone agrees on, that we really
4 do feel like it's in the best interest of the
5 child. Sometimes we do have to have this hard
6 conversation saying, you know, this might not be
7 the best fit for your baby.

8 And that's okay to have those conversations.
9 You know, our goal is to always make sure that
10 every child is getting the education that they
11 need. And being a choice school, it might not be
12 the best fit for everyone.

13 And it's hard, you know, it's hard losing
14 those kiddos. We love them. But, absolutely, if
15 a meeting needs to happen, you know, it will.

16 MS. RAFALSKI: Who's invited and who attends
17 those meetings?

18 MS. PAASCH: So I think it depends on exactly
19 what the disability is. But currently it is
20 myself, the Principal. I'm the Assistant
21 Principal at my school. So myself, our Principal,
22 parents, teacher, the ESE teacher, and our
23 compliance resource teacher from the county that
24 we were assigned. And sometimes the social worker
25 or the school psychologist. It's just depending

1 on the needs.

2 To clarify, it would just be the IEP team for
3 the student?

4 MS. PAASCH: Yes.

5 You know, and being a K to five school,
6 right, like the students don't have to be
7 involved. But as they are getting older,
8 especially in fifth grade, depending on what's
9 going to be discussed at that meeting, you know,
10 we might invite the student to partake too.
11 They're their own best advocate, too, and being
12 able to hear from them is really important.

13 MS. RAFALSKI: Could we possibly hear from
14 the district if that conforms with the policies,
15 processes, procedures?

16 MS. SHIELDS: Cathy Shields, ESE Director,
17 Leon County Schools.

18 What I'm hearing is optimally and fully that
19 it is an IEP team decision. What concerns me is
20 what I'm hearing is these students would be
21 entering this school with an IEP that was already
22 met on by a committee that looked at provision of
23 services that the student needs and upon
24 enrollment they may convene another IEP meeting to
25 adjust the IEP based on the possibility -- the

1 possible services that they are committing to.

2 And that would be the 80/20.

3 I'm also hearing verbiage about -- talking
4 about specific disabilities, an example of InD,
5 that we don't make placement decisions and
6 services decisions primarily based on the category
7 of disability.

8 MS. SCOTT: I have a question for the
9 district. I'm sorry.

10 With the other charter schools you have here
11 in Leon County, as the LEA, do you provide ESE
12 support by way of a resource teacher or district
13 staff and specialists to the school?

14 MS. SHIELDS: Yes. We provide district
15 staffing specialists to all of our charter
16 schools. ESE teachers are provided through
17 staffing services through the FTE generated, so
18 those schools hire their own ESE support teachers.

19 Our district does provide for the allocation
20 of a proportionate share of IDEA funds to support
21 and supplement those services as well.

22 MS. SCOTT: So would those particular staff
23 members be in a meeting where the child has
24 applied and accepted, the IEP is reviewed, would
25 they be on that team where it discusses whether

1 that is an appropriate placement?

2 MS. SHIELDS: Yes. Our ESE specialist
3 assigned to the school would be in attendance.

4 MR. GARCIA: I have a question. When you
5 have a particular student, InD as an example, at a
6 school -- and I know for a fact because in my
7 district not every school provides all programs
8 and there might be times when I know the district
9 would recommend that a student participates in
10 that program at another school that has those
11 resources.

12 So I assume that's the case also here in Leon
13 County?

14 MS. SHIELDS: Correct. If you're talking
15 about like our feeder patterns --

16 MR. GARCIA: Of course.

17 MS. SHIELDS: -- for students that have
18 significantly different needs, we do that within
19 our district. Again, that's an IEP team decision.

20 And I always counsel our schools that are
21 charters for our -- in district proper schools,
22 that we exhaust all resources before making those
23 decisions for looking at a more limited
24 educational experience.

25 So, again, looking at how we take all of our

1 resources of ESE instruction of support services
2 like assistive technology, all those things are
3 taken into consideration before an IEP team would
4 look for a more restrictive placement.

5 So, yes, there are certain students that we
6 have schools that are not equipped for all those
7 resources, but we do have all of our schools are
8 equipped to support students who are identified
9 with a cognitive disability and InD.

10 MR. GARCIA: I would like to hear from the
11 school in response to that.

12 MS. PAASCH: I'm sorry, I didn't hear the
13 full question.

14 MR. GARCIA: So you're not saying that you
15 would change the student's disability label?

16 MS. PAASCH: No.

17 MR. GARCIA: For lack of better words.

18 MS. PAASCH: Shannon Paasch.

19 Absolutely not, no. And, yes, absolutely we
20 would want to exhaust all options, right. What
21 can we offer?

22 We are going to be a small school. Everyone
23 is going to wear multiple hats. That's what I
24 currently do at my school now. So sometimes we
25 just might not be able to provide exactly what

1 that baby needs.

2 If we can, absolutely, yes. Like we're all
3 in. We're here to support you. But it's going to
4 depend on the child and what is in their best
5 interest at the end of the day. That's what it's
6 always about, their best interest.

7 CHAIRMAN GAY: Shana, did you have an
8 additional question?

9 MS. RAFALSKI: Yes, I do. But, actually,
10 it's for the district.

11 What's the percentage of students with
12 disabilities in Leon County?

13 MS. SHIELDS: The percentage is 15 percent.

14 MS. RAFALSKI: Okay. So it looks like that
15 matches with their --

16 MS. SHIELDS: Projections, yes.

17 MS. RAFALSKI: Okay. So my other question is
18 during the capacity interview, why was the
19 original rating of partially meets moved to meets
20 the standard?

21 MS. SHIELDS: It was because there are things
22 that could be addressed, so it was approved with
23 conditions.

24 Is that what you're asking?

25 MS. RAFALSKI: I didn't find the conditions.

1 Do you know what the conditions were?

2 MS. SHIELDS: Well, the conditions are what
3 we've been referencing is really ultimately the
4 identification and looking at the MTSS process,
5 specifically Tier 3 interventions, and looking at
6 the intensity and frequency of those services and
7 what supplementary materials are going to be used
8 to provide those services.

9 And then also looking at then the hierarchy
10 of need of students and how to best support them
11 in that facility, providing that continuum of
12 service to the students.

13 MS. RAFALSKI: Thank you.

14 MR. MORENO: I have a question. When I
15 review the response from the district to the
16 school, mainly on this point, for example, that
17 response doesn't bring in a lot of issues that
18 they're bringing in now. And then I look at the
19 response here for the ESE students and then, you
20 know, the record from the interview and at the
21 same time their evaluation instrument, those
22 issues had been addressed.

23 So do we look at something that's beyond the
24 response now or --

25 CHAIRMAN GAY: I first would like to hear

1 from Counsel on this issue, and then I'll give
2 Jamie the opportunity.

3 My take is that we're limited to what the
4 denial letter stated, but I would like to give
5 them the opportunity to provide an answer as well.

6 MR. LEVESQUE: I think the statute makes
7 reference to the idea that at the time the school
8 board issues the denial letter, it is supposed to
9 have -- state all of the reasons and attach all of
10 the documents that support that denial. And that
11 essentially locks in the pleadings.

12 I do litigation in other context. When
13 somebody files a complaint, the pleadings have a
14 purpose. And when they file the complaint, that
15 sets the framework for the pleadings, whether it's
16 in civil litigation or criminal charges in a
17 criminal context. You can't swap out things at
18 the last minute where people don't have the
19 ability to respond.

20 And in this instance, when the school board
21 issued its notice and attached whatever documents
22 that they attached -- in this case, nothing -- the
23 sum total of their denial was that's what you look
24 at for the basis for their denial. And I think
25 it's limited to that.

1 CHAIRMAN GAY: The district.

2 MR. SPILLIAS: Will Spillias.

3 Could you repeat the exact question again?

4 MR. MORENO: In the response that the
5 district has, the response to the charter school
6 appeal, there's language in there that you have --
7 I don't know how many points, maybe 12 points that
8 are addressed in there for reasons for denial.
9 And as I look through them, and specifically as
10 I'm looking through this issue here, there's a
11 couple of points that are brought up that are
12 addressed that there's additional points being
13 brought in.

14 So my question is, is do I stay within the
15 realms of what the response is or are we looking
16 at other reasons for the denial?

17 MR. SPILLIAS: Okay. Thank you.

18 And Mr. Levesque is exactly correct when it
19 comes to like a civil complaint or criminal
20 information or indictment. But I believe you had
21 received counsel from your General Counsel
22 regarding the Fourth DCA case and all that.

23 I mean, the thrust of our reasoning and all
24 is in our response. That's correct. But the
25 purpose of this meeting is for you all to ask

1 questions and to try to garner some more details,
2 perhaps, where all the responses are fleshed out,
3 so to speak.

4 But then, again, I think your Counsel would
5 probably guide you in terms of the scope of what
6 you can determine. And based on that Florida East
7 Coast Charter School case, I think that kind of
8 gives you some guidance. So I would hate to give
9 you all -- that's not my job to give you guidance.

10 CHAIRMAN GAY: Jamie.

11 MS. BRAUN: The school district is required
12 by the Charter School Statute to provide the
13 specific reasons for their denial in the denial
14 letter. And the Commission's role today is really
15 to determine whether the school district had
16 competent substantial evidence to make that
17 determination. So I tend to agree that we need to
18 focus on what they articulated as their reasons
19 for denial.

20 CHAIRMAN GAY: Does that answer?

21 MR. MORENO: Yes. Thank you. Thanks for the
22 clarification.

23 CHAIRMAN GAY: I did have one question, I
24 guess for the school.

25 Is there anything in your student enrollment

1 application that asks about an IEP or is that only
2 once they're enrolled that you ask the question?

3 MS. PAASCH: Shannon Paasch.

4 That is strictly once they have been offered
5 the seat and the seat was accepted, then we would
6 ask for those documents.

7 CHAIRMAN GAY: Thank you.

8 MS. SCOTT: I just want to clarify, do you
9 have an application and then a separate enrollment
10 package?

11 MS. PAASCH: Yes.

12 MS. SCOTT: Okay.

13 MS. PAASCH: Yes, we will.

14 MS. SCOTT: Okay. So will the enrollment
15 packet include the ESE information and the ELL
16 information and things like that?

17 MS. PAASCH: Correct. Yes. You know, if
18 they have an IEP, if they have an EP, if they have
19 a 504, if there's an FBA, a behavior plan, if
20 there's a medical plan, you know, any kind of
21 those immediate items because, you know, getting a
22 cumulative folder from a school sometimes can take
23 some time. So anything that the parents can, you
24 know, immediately provide us just so we know,
25 okay, we're going to hit the ground running. This

1 is what this baby needs.

2 MS. SCOTT: The only reason I ask that
3 question in particular is because the attachment
4 is an application, not an enrollment package.

5 MS. PAASCH: Correct.

6 MS. SCOTT: Okay. And it was mentioned in I
7 guess one of the comments that, you know,
8 especially with ELL, if the home language survey
9 wasn't included in it. But that was just the
10 application?

11 MS. PAASCH: Correct. That would be included
12 in the enrollment packet.

13 CHAIRMAN GAY: Do we have comments on
14 Sub-Issue No. 4, which is exceptional students?
15 And this is our comments to support the motion.

16 MR. GARCIA: Based on the information
17 provided and also for clarification, I think the
18 school has some school year guidelines that would
19 ensure enrollment of special education students
20 without any discrimination.

21 CHAIRMAN GAY: Any additional comments or we
22 can move on to Issue No. 5, English language
23 learners?

24 MR. GARCIA: Well, she asked a question in
25 regards to the percentage of ESE students. It's

1 something that could be provided on the
2 exceptional student section, that it matches what
3 the school district has as an average of ESE
4 students. So that also shows evidence that
5 they're not trying to keep ESE students out of
6 their campus.

7 MS. RAFALSKI: I want to say that I think
8 that the district did raise some valid concerns
9 about some of the processes. I wish that they had
10 been outlined in the capacity interview and the
11 final determination.

12 So even in here it asks the question are
13 there any conditions for moving from partially to
14 meets, and there's nothing listed. So just as an
15 observation.

16 It would move to meets. I think that there's
17 probably still some questions that are outstanding
18 about IEP meetings and certain -- if a student
19 doesn't fit into the 80/20 model.

20 CHAIRMAN GAY: Anything additional?

21 (No response.)

22 CHAIRMAN GAY: All right. Let's move on to
23 Issue 5, which is English language learners. Do
24 we have any questions or comments?

25 MR. GARCIA: The evaluation instrument states

1 that they meet the standard.

2 CHAIRMAN GAY: Right.

3 Richard, do you have something?

4 MR. MORENO: Yes. I just had a question
5 because on the response, it articulates the
6 consent agreement. I just wanted to see how that
7 flows in for the school, because I didn't see it
8 anywhere in the actual capacity interview or the
9 notes. So I don't know if that's relevant or not
10 that they're bringing that up in their response.

11 CHAIRMAN GAY: Would you like to ask the
12 school to clarify their understanding of the
13 consent decree?

14 MR. MORENO: Yes, we can do that because the
15 district is bringing that up, and I didn't see it
16 anywhere else in the notes. I don't know if I
17 missed it or not.

18 CHAIRMAN GAY: Whenever you're ready.

19 MS. PAASCH: Sorry.

20 CHAIRMAN GAY: Take your time.

21 MS. PAASCH: I'm Shannon Paasch.

22 I was just getting some clarification just to
23 make sure that I understand. So just making sure
24 that with our English language learner students
25 that we are also providing information home that

1 parent will understand, correct? I'm sorry.

2 MR. MORENO: No. I think it's associated
3 with I believe the district is going to be on the
4 consent decree.

5 MS. GREGORY: Gillian Gregory, Assistant
6 Superintendent of Academic Services.

7 As educational practitioners, we're aware
8 that we have entered into a consent decree to
9 assure the delivery of educational opportunities
10 for children who speak English as a second
11 language.

12 The applicant identified the Home Language
13 Survey, which is one piece of the obligations we
14 have as a public entity under the consent decree
15 to provide for educational opportunity for
16 children that speak English as a second language.

17 So essentially what that means is that while
18 there are obligations that identify multiple
19 things that we have to achieve as a public entity,
20 the charter school application lists one of those
21 multiple things.

22 Exclusives of that application included
23 concrete examples of initial placement testing,
24 training for the IPT, or whatever the initial
25 placement testing they choose, the ELL parent

1 committee as required, procedures for reporting
2 FTE for ELL students, a comprehensive and
3 compelling range of services for those students to
4 receive a high quality educational opportunity,
5 assessment that monitor and evaluate the progress
6 of those individual ELL students.

7 The WIDA is a summative assessment. These
8 are statistics around formative assessments, how
9 the students are acquiring knowledge and language
10 skills, describing how the teachers who serve ELL
11 students will receive the ESOL endorsement and
12 will be participating in required training.

13 And then certainly when we looked at the four
14 schools that are around the identified location,
15 they all have between 29 and 44 ELL students in
16 the identified grades, which indicates that the
17 ELL population could be substantive on campus and
18 would require that access to educational
19 opportunity under the consent decree.

20 CHAIRMAN GAY: Anything else?

21 MS. PAASCH: Shannon Paasch.

22 Yes, absolutely. I apologize. This is my
23 first charter school application that I've ever
24 worked on, and so shame on me thinking just these
25 are the policies and procedures that we all follow

1 and we all know that.

2 So the experience that I have in the county
3 that I'm currently working in, we have an ESOL
4 CRT, who is also a compliance resource teacher
5 that is also assigned to us from the county. So
6 beginning of the school year before the students
7 come, we're constantly in contact with her as soon
8 as those Home Language Surveys come in. I send
9 them to her. She's at our campus reviewing them.
10 She is the one that is reaching out to parents,
11 asking some of those questions.

12 From the experience that I have currently,
13 you know, I have administered the WIDA Assessment
14 to my ELL students. I track my teachers' lesson
15 plans, making sure those accommodations are
16 there. Also, that the strategies are being used,
17 the communication is going home however it needs,
18 if we need translators, things like that.

19 I completely understand that every county is
20 very different. And I'm definitely learning that
21 as I'm dipping my toe currently into a different
22 county.

23 And so I know that as soon as our school is
24 approved and is up and running, I'm moving to
25 Tallahassee. I'm here January 1. And the first

1 thing I'm doing is reaching out to the county,
2 meeting with everyone at the county that I need
3 to. What are the policies and procedures? What
4 are the expectations for Leon County? What do you
5 provide? What am I going to need to make sure
6 that I'm bringing in that you don't provide that I
7 might be used to being provided to me?

8 So it really is just kind of figuring out
9 exactly those policies and procedures that I need
10 to make sure that I'm following through with Leon
11 County.

12 MS. SCOTT: I have a question for the
13 district. Some of the information that was
14 provided regarding what you all were looking for
15 regarding ELL, in your actual denial letter, you
16 only had a few reasons, and none of those were the
17 reasons for placing them in the denial letter.

18 So, for instance, it talks about fails to
19 present a clear understanding, and it talks about
20 an application described process for Student
21 Registration Form. We've clarified that, I
22 believe. And then it also mentioned about the
23 requirements of the consent decree.

24 And I think in her response -- in the
25 application's response, it picked away at what is

1 required for ELL instruction. It may not have
2 been, you know, listed under the consent decree.
3 It says, we need to do this. But I believe, just
4 in my opinion, some of those aspects were
5 identified in the application.

6 Then, also, I'm just looking at the
7 evaluation criteria for that section, and some of
8 the items that you mention, which we can't deny
9 the importance of it, but I don't know if those
10 pieces fit right now as far as the application
11 goes because that's not part of the evaluation
12 criteria.

13 So what I'm basically saying is that if the
14 school opened and they did what they were supposed
15 to do, those questions could come are you doing
16 this, are you doing this, are you doing this?

17 But based upon what the application asks, I
18 think some of those points that you mentioned go
19 outside the realm of what the application is
20 asking for.

21 MS. GREGORY: Gillian Gregory.

22 So I think what I hear you saying is that the
23 model charter school application asks for
24 information and the evaluation instrument defines
25 acceptable answers, those that meet the standard

1 are perhaps -- for the purpose of the application
2 are perhaps not as aligned to the consent decree
3 as we have an obligation to provide?

4 MS. SCOTT: Uh-huh.

5 MS. GREGORY: And I certainly understand -- I
6 understand that I have the definitions of
7 partially meets the standard and meets the
8 standard and does not meet the standard.

9 Again, I refer back to there seems to be a
10 lack of meaningful detail and a demonstration of
11 an unsubstantial understanding of the issues
12 within the consent decree.

13 MS. SCOTT: And then even with the tool,
14 these same bullets are the same bullets in the
15 application. So, you know, we just kind of define
16 the reference points in the evaluation tool, but
17 those are the same exact points in the
18 application.

19 MS. RAFALSKI: A question -- I think it's
20 similar to some of the other questions. In the
21 evaluation instrument, there were the concerns
22 that were brought up, the designation for
23 partially meets was moved to meets.

24 MS. GREGORY: I can't speak to that. I can't
25 speak to any movement. I can only --

1 MS. RAFALSKI: It's listed as meets the
2 standard. So some of the concerns, like the ITT,
3 the parent committee, I read in here that there
4 was, perhaps, some lack of understanding, which
5 would, I would think, be noted in the evaluation.

6 MS. GREGORY: And I think that's the
7 partially meets language.

8 MS. RAFALSKI: But it's marked meets the
9 standard from the committee.

10 MS. GREGORY: And, again, I think the
11 totality of the committee is that there are
12 members who are not subject-matter experts in each
13 of the pieces and parts. And so, you know, when
14 you look at ELL, there's a certain amount of
15 expertise one has to have in that area.

16 And so I think that this is great feedback
17 for us as we move forward because, you know, I
18 think the question is, you know, if we have 11
19 committee members and only three of them have
20 expertise in ESOL and ELL, then you have other
21 members on the committee who are not experts in
22 this area, that may affect how they're reviewing
23 the document. So I appreciate that feedback.

24 CHAIRMAN GAY: Any additional comments from
25 the members? Otherwise, we can move on to the

1 last sub-issue in Issue 1, which is school culture
2 and discipline.

3 (No response.)

4 CHAIRMAN GAY: Any comments on this
5 sub-issue?

6 MR. GARCIA: Within their application
7 delineates specific roles of each of the school
8 employees that are administrators, the teachers
9 and staff, the governing board. It's pretty clear
10 and evident in their application.

11 CHAIRMAN GAY: Anything additional or are we
12 ready to make a motion on Issue 1 based on the
13 foregoing discussion?

14 MS. SCOTT: I just wanted to point out that
15 the original decision was does not meet for this
16 section, but it was changed -- moved up to
17 partially meet.

18 CHAIRMAN GAY: If you all are ready, can I
19 have a motion? The motion sheet lays out an
20 example format.

21 MR. GARCIA: I'll go ahead.

22 I move that the Commission find that the
23 school board did not have competent substantial
24 evidence to support its denial of the application
25 based on the applicant's failure to meet the

1 standards for the educational plan. And we have
2 established already the reasons for that.

3 CHAIRMAN GAY: Can I have a second?

4 MR. MORENO: I'll second.

5 CHAIRMAN GAY: Seconded by Richard Moreno.

6 Karen, can you call the roll?

7 MS. HINES-HENRY: Osvaldo Garcia.

8 MR. GARCIA: Yes.

9 MS. HINES-HENRY: Richard Moreno?

10 MR. MORENO: We.

11 MS. HINES-HENRY: Shana Rafalski.

12 MS. RAFALSKI: Yes.

13 MS. HINES-HENRY: Kia Scott.

14 MS. SCOTT: Yes.

15 CHAIRMAN GAY: All right. The motion
16 determines that the school board did not have
17 substantial competent evidence on Issue 1, so we
18 will not need to answer the second question down
19 at the bottom, so we will move on to Issue 2, the
20 organizational plan.

21 It's been a while since we've done this. Is
22 everyone okay to keep going?

23 (Affirmative response.)

24 CHAIRMAN GAY: So Issue 2, we'll start with
25 the school, three minutes to present.

1 MR. LEVESQUE: George Levesque.

2 Once again, I think I've probably beat the
3 governance issue to death. I'll wait for the
4 questions to come up.

5 But I did want to say very quickly that I
6 think what you see in a lot of the evaluation that
7 occurred with the review committee was they were
8 looking at a charter school and trying to impose
9 the school district policies, like due process for
10 teachers and the employment rights and the
11 employment benefits that go with being a public
12 school teacher on a charter school where those do
13 not clearly apply.

14 Certainly there are some aspects of the law
15 that apply. And I think our application sets
16 forth clearly that we will abide by those. But
17 there are other circumstances where that doesn't
18 seem to be the case.

19 To the extent that what we were hoping to do
20 is provide a nice working environment for
21 employees where our children can learn, I think
22 that's what we're going to do.

23 And I'll ask Shannon to speak about that.

24 MS. PAASCH: Shannon Paasch.

25 Traditionally charter schools, yes, they do

1 pay their teachers less, you know. That was
2 100 percent a sacrifice I made when I left the
3 public school system in Pasco County and I went to
4 the charter school that I'm currently working for.
5 It had everything to do with the culture of that
6 school, the family feel, the fact that I knew
7 every student's name, K to five. I knew every
8 single parents' car. I knew every single parents'
9 face. You were a true family. You knew everybody
10 in that school. And that's one of my most
11 favorite things about working at a charter school.

12 I like to think I'm pretty fun to work with
13 and to work for, you know. I definitely -- my
14 staff, I know them. I know the issues that
15 they're going through right now. And I'm, you
16 know, bringing them into my office. Let's have
17 those personal conversations. Put school aside
18 right now. What is going on with you? What do
19 you need from me? So and so just lost their
20 family. And just -- you know, just how to baby
21 them. Getting to be friends with the people that
22 you work with and really building those
23 relationships.

24 You know, I ran into a group of kids at a
25 baseball game a few weeks ago. They're all in

1 college, and I taught them. And just getting to
2 see them was like really exciting.

3 So I think that sometimes teachers will make
4 sacrifices in order to have the autonomy back, in
5 order to be the teacher that they've always dreamt
6 of being, to be part of something that's really
7 special, and just a really good family feel where
8 you feel like it is your second home. And so as
9 far as the culture for the school, I have every
10 intention of building that and keeping that going.

11 CHAIRMAN GAY: Thank you.

12 And from the school district.

13 SUPERINTENDENT HANNA: Rocky Hanna,
14 Superintendent of Leon County Schools.

15 As I've looked through this instrument and
16 following -- I don't want to waste your time.
17 It's already 11:30. It looks like the only one we
18 took exception with was student recruitment and
19 enrollment.

20 And a couple of concerns in that effort. One
21 was the transportation issue, that it would be
22 hard to have students from a broad range of
23 backgrounds, socioeconomically disadvantaged
24 students and others attending school if there were
25 no transportation options for those students.

1 There were others who mentioned -- I'm moving
2 back into ESE -- there was only half in the ESE
3 unit staff in the school where if we held to that
4 15 percent and they had 300 students, it would be
5 45 students and one part-time or half-time teacher
6 to support those students. So that was the only
7 issue that we took -- major issue in the
8 subsection of organizational plan.

9 And I will say this, too, to my team. This
10 is the second time we've done this in five years.
11 I mean, this isn't something that we do. And
12 we're learning a lot from you all as a process
13 moving forward. This will certainly be a learning
14 experience. It's a great professional development
15 opportunity for us moving forward that we need to
16 ensure that our processes are in place and
17 buttoned up really tight when it comes to these
18 issues.

19 But having a 90-day window and timeline
20 dealing with the Pandemic and all these other
21 things that were going on -- and I'm not making
22 excuses. At the end of the day, that's my
23 responsibility. It's our responsibility to ensure
24 that we're not wasting your time or their time.

25 But in this area of organizational plan, I

1 think it was just the concern of recruiting and
2 retaining students based on limited transportation
3 options and those types of things.

4 CHAIRMAN GAY: May I ask a clarifying
5 question?

6 SUPERINTENDENT HANNA: Yes.

7 CHAIRMAN GAY: By stating that, are you
8 wanting to remove the other items from the motion
9 sheet and just rely on No. 5, student recruitment
10 and enrollment?

11 SUPERINTENDENT HANNA: You can. Honestly, I
12 don't know the process of the procedure. If you
13 want us to remove those, we can.

14 I'm just trying not to waste your time going
15 through what you said partially meets if you said
16 meets. If you want to go ahead and just move to
17 that one item instead of us spending the next hour
18 and a half on organizational plan and just hit the
19 ones that we took exception to -- and you already
20 know that you're not going to look at anything
21 outside the denial letter that we sent. Although
22 we now have raised maybe other concerns, that time
23 has come and passed. And you were just looking at
24 what was in the letter itself. And I can
25 certainly appreciate that. That's, again, part of

1 the learning process for us.

2 So I guess the answer to your question, yeah,
3 you can just rule on that one item.

4 I think their plan also -- and our notes
5 really didn't specifically identify their
6 marketing structure on how they would recruit
7 students that would be representative of the
8 diversity we have in our public schools.

9 We're a majority-minority district. And
10 there was really not a clear explanation of they
11 would be representative of our district as a
12 whole, which is always a concern for us when we
13 open a new school, to ensure that demographics at
14 each of our schools represent Leon County as a
15 whole.

16 CHAIRMAN GAY: And I want to make sure -- and
17 if you all need a moment to talk -- the motion
18 sheet is based on your letter of denial, so I was
19 just clarifying.

20 SUPERINTENDENT HANNA: Yeah, I'm trying --
21 (Multiple speakers, inaudible.)

22 CHAIRMAN GAY: We can go through them all. I
23 just wanted to clarify.

24 SUPERINTENDENT HANNA: Right. But in the
25 letter of denial, you're going to go back to where

1 you've been before, partially meets, meets, and I
2 don't want you to exhaust yourself on talking
3 about all of the individual issues just for the
4 sake of doing it.

5 At the end of the day, again, you know, what
6 you have before you, it is what it is, that we
7 moved -- and in our process and speaking to our
8 point, so what we did was we had the experts
9 speak, or the first person that were responsible
10 in the district for overseeing the area was in
11 the -- everybody voted. So the food service guy
12 voted on the ESE issues, and the transportation
13 person voted on the other.

14 And that's -- we need to look at our process.
15 That doesn't make any sense. But, again, this is
16 the second time in five years that we've gone
17 through this.

18 And, you know, there will be some good
19 takeaway from us as to how to move forward. But
20 we had people who were voting as meeting and moved
21 up from partially meets to meets because people
22 were weighing in that really shouldn't have been,
23 if that makes any sense.

24 MR. SPILLIAS: Could we have three minutes
25 just to --

1 CHAIRMAN GAY: That was based on my question
2 so I actually stopped it when I asked a question.

3 MR. SPILLIAS: No.

4 SUPERINTENDENT HANNA: No. He was saying
5 could we have --

6 MR. SPILLIAS: I was asking if we could have
7 three minutes to just --

8 CHAIRMAN GAY: Oh, absolutely.

9 MR. SPILLIAS: -- confirm?

10 CHAIRMAN GAY: Yes.

11 SUPERINTENDENT HANNA: Thank you.

12 CHAIRMAN GAY: It's 11:35. Will 11:40 be
13 okay, five minutes?

14 MR. SPILLIAS: Perfect.

15 (Whereupon, a recess was taken.)

16 CHAIRMAN GAY: You can go ahead whenever
17 you're ready.

18 MR. SPILLIAS: Will Spillias.

19 Madam Chair, based on what we just heard
20 about five minutes ago and your suggestion, we
21 would go with that suggestion in terms of we'll
22 defer to our written response on all of the issues
23 under No. 2 except for 2-5, five which would be
24 student recruitment and enrollment. So that I
25 think we can kind of expand upon a little bit,

1 expound upon.

2 CHAIRMAN GAY: Give me one moment, please.

3 (Whereupon, the record is paused.)

4 CHAIRMAN GAY: So I just wanted to confirm
5 with Counsel with respect to Sub-Issues 1, 2, 3,
6 4, the district is deferring to their written
7 response, but the Commission still has to discuss
8 and make factual determinations based on each of
9 the sub-issues. We can still ask questions, but
10 you can defer to your response. But the
11 Commission still has to consider those.

12 MR. GARCIA: My understanding is unless they
13 withdraw those items from the sheet, and they
14 would -- the school would have to agree with it,
15 which it I don't know why they wouldn't.

16 Is that what you're saying?

17 MR. SPILLIAS: No. I don't think we're
18 withdrawing our response, no. But I guess in the
19 interest of time and just our belief that one item
20 in particular on that Item No. 5 is very
21 significant that I guess in the interest of your
22 time and kind of consolidating and focusing
23 everyone's attention on maybe what we feel is the
24 most important item there, we're just going to
25 defer to and refer to our written response on the

1 other sub-items on Section 2 and then move on to
2 Section 3.

3 CHAIRMAN GAY: Okay. So we can go ahead and
4 begin with questions of the Commission members.
5 It might be simpler to kind of jump this and we
6 can go sub-issue by sub-issue instead of doing a
7 general discussion and then narrowing it down.

8 So we can start on No. 1, governance, if you
9 have any questions. Otherwise, we can go ahead
10 and have comments.

11 MR. MORENO: I think what they have in the
12 application, the corporate structure, I'm fine
13 with it.

14 MR. GARCIA: It meets the statutory
15 requirements?

16 MR. MORENO: It meets the statutory
17 requirements.

18 CHAIRMAN GAY: Any additional comments on
19 governance?

20 (No response.)

21 CHAIRMAN GAY: Okay. Moving on to Sub-Issue
22 No. 2, management and staffing, any questions or
23 comments from the members?

24 MS. RAFALSKI: I have a question for the
25 school.

1 As far as a viable and adequate staffing
2 plan, how does the school intend to comply with
3 FTE and certification requirements of staff?

4 MS. PAASCH: Absolutely our teachers will be
5 certified. And then, you know, making sure that
6 they have their ESOL endorsement, their reading
7 endorsement.

8 I would think that by the school opening,
9 pretty much everyone -- I mean, everyone is pretty
10 much working towards that or graduating with those
11 items but making sure that they are working
12 towards that.

13 And then having those conversations with the
14 district and the county as far as, you know, like
15 the professional development, is there a
16 partnership that they do offer and extend to
17 charter schools to also get that endorsement, and
18 if not, then helping those teachers to find those
19 alternate ways to make sure that they can get that
20 endorsement.

21 MS. RAFALSKI: Can you show us what the
22 backup plan is if you are unable to find certified
23 teachers or ESOL endorsed teachers or reading
24 endorsed teachers?

25 MS. PAASCH: Right. I mean, to be honest,

1 personally I haven't run into that issue. I
2 think, you know, looking at who -- okay. I'll
3 build from experience.

4 We have a long-term sub who is phenomenal,
5 and she has stepped in on multiple occasions and
6 been there for those classrooms. Those
7 discussions were had with her. She said, you
8 know, I think I do actually really like this. We
9 provided her resources and support. She went to
10 take her test to get her temporary certificate.
11 She passed, right.

12 So I think that being able to kind of look at
13 some of those alternate avenues and how we can
14 really support and build that capacity within
15 those individuals.

16 MS. RAFALSKI: Can I ask a follow-up?

17 CHAIRMAN GAY: Absolutely.

18 MS. RAFALSKI: It goes into the -- what's the
19 plan for recruiting teachers?

20 MS. PAASCH: Luckily, right, being in
21 Tallahassee, we have Flagler, we've got FSU, so,
22 you know, really kind of reaching out to the
23 universities that we have here and the colleges
24 and creating those relationships right off the
25 bat. You know, inviting to get -- get interns in,

1 show them just what Red Hills is all about. But I
2 think really kind of partnering with our resources
3 that we have here in Tallahassee is going to be
4 huge.

5 MS. RAFALSKI: Can I ask the district a
6 question?

7 CHAIRMAN GAY: Yes.

8 MS. RAFALSKI: Do you currently have teaching
9 vacancies in Leon County Schools?

10 SUPERINTENDENT HANNA: Rocky Hanna.

11 Yes, many, unfortunately. Over the years
12 past, we would have hiring fairs at the civic
13 center and we would open up the elephant doors,
14 and hundreds of young, eager applicants would come
15 rushing through those doors looking for positions.
16 Those days have come and gone.

17 We have a number of vacancies the third week
18 of school that we are still trying to fill,
19 especially in critical areas of exceptional
20 student education, in other areas, STEM areas, you
21 know, math, science. It's just a real challenge.

22 And I appreciate what she said about Florida
23 State and Florida A&M and Flagler. But they just
24 aren't entering those programs. And a lot of
25 those universities are doing away with educational

1 programs altogether. So it is a real concern for
2 all of us.

3 MS. RAFALSKI: I have another question for
4 the school.

5 CHAIRMAN GAY: Go ahead.

6 MS. RAFALSKI: How will the school ensure
7 their high academic expectation in classrooms,
8 because I know in the application you've listed
9 Spanish and STEM courses, and so I'm just curious
10 to know about staffing those and having really
11 high expectations?

12 MS. PAASCH: Yes. I think all schools have
13 really high expectations for our kiddos and our
14 teachers. And so I think it's really important
15 that I as the Principal, I have a presence. I'm
16 not in my office with my door closed.

17 You know, my goal is if someone calls me,
18 like, oh, sorry, she's in a classroom, she'll have
19 to call you back. You know, that's where I want
20 to be. That's where I want to live is in those
21 classrooms observing, co-teaching, modeling, you
22 know, in every single PLC with my teams and
23 brainstorming and making sure that I am supporting
24 them and that they do feel empowered and making
25 sure that I'm providing that meaningful feedback

1 to them.

2 For our second language, you know, we'll have
3 to be looking for someone who has that
4 certification, you know, who can really kind of
5 take that area and run with it and really be a
6 lead.

7 I don't speak Spanish, so I'm excited to kind
8 of get back into that. I mean, I took it two
9 years in high school, don't really remember much.
10 So I'm really excited that I will get to be a
11 learner as well and get to learn right alongside
12 the kids and show them that I'm learning too, you
13 know, as the school leader.

14 But a lot of it is empowering in that buy-in,
15 you know, from the teachers and really making them
16 feel heard, feel valued, feel like they have a
17 voice with the school and that their opinions
18 matter, because they do.

19 CHAIRMAN GAY: Any additional questions from
20 the members, or comments?

21 (No response.)

22 CHAIRMAN GAY: All right. We can move on
23 then to Sub-Issue No. 3, human resources and
24 employment.

25 Any questions or comments on this third

1 issue?

2 MR. GARCIA: We have comments on the notes.

3 CHAIRMAN GAY: Anything additional?

4 (No response.)

5 CHAIRMAN GAY: We can move on to No. 4,
6 professional development.

7 MS. RAFALSKI: I would say that professional
8 development is not an area on the application that
9 requires a designation of meets or not meets.

10 CHAIRMAN GAY: All right. Anything
11 additional?

12 (No response.)

13 CHAIRMAN GAY: All right. On Sub-Issue 5,
14 student recruitment and enrollment?

15 MR. GARCIA: I would like to hear from the
16 school about what their plan is to attract
17 students.

18 MR. LEVESQUE: There was a plan that was kind
19 of roughly outlined in the application. It was
20 expanded upon a little bit more.

21 But since we applied in February, we had our
22 interview in March, there's been other activities
23 that are going on. And I'll ask Ms. Joanos to
24 come up and speak to that.

25 MS. JOANOS: Laura Joanos, Board President

1 for Red Hills Academy. I am a 38 year teacher,
2 retired, so I'm really excited to be able to
3 participate in this program.

4 We are very excited about Red Hills Academy.
5 And we are already working with a local marketing
6 company to start our marketing in October, once we
7 are approved. And are we also working with a
8 local transportation company. He's already sent
9 us some information on routes and pick-ups. And
10 we're going to be targeting specific areas that
11 are showing growth right now in Leon County.

12 So we have these steps in place, and we are
13 ready to get going. So those are two areas that
14 we feel very confident in and have those plans in
15 place to continue.

16 MS. RAFALSKI: Can you provide some
17 additional specificity about what the local
18 marketing company is going to do to ensure that
19 you have a --

20 (Multiple speakers, inaudible.)

21 MS. JOANOS: We are going to be developing a
22 website, and they are going to be using a lot of
23 the social media platforms to reach out to parents
24 and students in specific areas and with a specific
25 area code. So they'll be keying in on that to

1 meet those different requirements.

2 CHAIRMAN GAY: Any additional questions?

3 (No response.)

4 CHAIRMAN GAY: Any comments?

5 MR. MORENO: I just want to -- I think one of
6 the concerns from the district was the
7 transportation, but I think that falls into our
8 next category.

9 MR. GARCIA: Yes.

10 MR. MORENO: Do we just maybe look at what
11 their plan is on this stage, because one of the
12 issues that the district has in their rebuttal is
13 that they're asking for -- that the transportation
14 is not sufficient to hit their enrollment target.
15 So do we put it in this bucket or the other
16 bucket?

17 MS. RAFALSKI: One of the other concerns that
18 was brought up on enrollment is the open borders
19 so that you can take students from other
20 districts. I know you said specific zip codes,
21 but perhaps an expansion of that based on the
22 comments here.

23 CHAIRMAN GAY: I think that we -- if desired,
24 we can have questions or comments on
25 transportation and its impact. But the specific

1 issues under this is whether there's a recruitment
2 plan that will enable the school to attract its
3 targeted population and a plan and process that
4 will likely result in the school meeting its
5 enrollment projections.

6 Do we have any further comments?

7 MR. MORENO: I think to A, the application
8 does outline a plan, I think, that's attainable.
9 Then it falls into B, do we believe the plan?

10 CHAIRMAN GAY: Unless the members need
11 another minute, can we have a motion on the second
12 issue, which is the organizational plan?

13 MR. MORENO: I'll make the motion with the
14 caveat that we're going to address some of the
15 other stuff going forward on the transportation.

16 MR. GARCIA: But it's separate.

17 MR. MORENO: It's a separate thing, that's
18 why I'm saying on the motion now.

19 MR. GARCIA: We have to vote independently
20 for this one.

21 MR. MORENO: Correct.

22 I move that the Commission find that the
23 school board did not have competent substantial
24 evidence to support denial of the application
25 based on the applicant's failure to meet the

1 standards for the organizational plan.

2 CHAIRMAN GAY: Based on the foregoing
3 discussions?

4 MR. MORENO: Right.

5 CHAIRMAN GAY: Can I have a second?

6 MS. SCOTT: Second.

7 CHAIRMAN GAY: Thank you, Kia.

8 Karen, would you please call the roll?

9 MS. HINES-HENRY: Richard?

10 MR. MORENO: Yes.

11 MS. HINES-HENRY: Kia?

12 MS. SCOTT: Yes.

13 MS. HINES-HENRY: Osvaldo?

14 MR. GARCIA: Yes.

15 MS. HINES-HENRY: Shana?

16 MS. RAFALSKI: No.

17 CHAIRMAN GAY: Okay. So the motion carries.

18 We do not have to take the next question on
19 the motion sheet because it carries.

20 All right. And then that brings us to the
21 third and final issue, which is the business plan
22 and whether the applicant's business plan failed
23 to meet any of the following standards, including
24 facilities, transportation service, food service,
25 school safety and security, budget, and a startup

1 plan.

2 So we will permit the school to start with a
3 three-minute presentation followed by the school
4 board.

5 MR. LEVESQUE: Briefly I would like to speak
6 very quickly to the safety and security plan.
7 What the application lays out is the security
8 protocols that will be in force at the school.

9 What they also recognize is that there's
10 going to need to be more in terms of arranging a
11 school resource officer and the training that
12 would be provided by that school resource officer.
13 Those are things that would be probably more in
14 the category of we have a plan to get a plan, and
15 we recognize that.

16 But keeping in mind that we're pulling all of
17 the materials together 18 months in advance. We
18 certainly recognize those needs and are planning
19 for that.

20 With that, I know a lot of the other issues
21 are sort of wrapped up in a lot of the financial
22 aspects.

23 And with that, I'll ask Mr. Spence to come up
24 and speak to those issues.

25 MR. SPENCE: Keith Spence, Red Hills

1 accountant and budget piece.

2 Yes, just as a quick general overview.

3 Obviously a school starting at 216, going to 348,
4 this budget would not look as one would look at a
5 larger school.

6 A lot of discussion went into the amounts
7 that the school can pay for certain services, your
8 teacher salary amounts, your -- what we discussed
9 as far as health insurance benefits, which a lot
10 of attention has been given on salary lately. So
11 obviously that would be something of a high topic.

12 But the main thing I want to point out is at
13 100 percent all the way to 75 percent enrollment,
14 two budgets were -- balanced budgets were
15 produced. Each have a 3 percent contingency.

16 It was designed around a small school, and we
17 feel like with the right -- I know Shannon has
18 mentioned some of the uniqueness that she's
19 inherited as being a charter school -- a
20 Principal. A charter school does have to make
21 some exceptions and some changes as far as the
22 flow that the regular finances would look at a
23 district level. Thank you.

24 CHAIRMAN GAY: Go ahead when you're ready.

25 SUPERINTENDENT HANNA: We got to hurry. I

1 got to jump in, jump back.

2 CHAIRMAN GAY: I haven't started your time
3 yet.

4 SUPERINTENDENT HANNA: Rocky Hanna, Leon
5 County Schools.

6 First to the facilities. The facility that
7 has been identified is one building out of two
8 that used to be a former charter school, Imagine
9 Charter School that went bankrupt, went out of
10 business. And we had a mess trying to liquidate
11 all of those resources and assets.

12 And from what I understand, also, that
13 property and the Evening Rose property has been in
14 financial distress so there may be some issues
15 with the property in general. They've also
16 scheduled to pay, I believe, \$435,000, about
17 \$35,000 a month in rental fees. So I have a
18 concern with the property in not having a backup
19 plan.

20 I've already mentioned the issues of
21 transportation. It sounds like now they are going
22 to bring in some transportation. But there was
23 nothing in the transportation in their budget.

24 MS. BANKS: Kim Banks. I'm the Chief
25 Financial Officer.

1 I was going to go speak to the food service
2 program. The food service program as laid out in
3 the application we do not believe would actually
4 be approved by the Department of Agriculture to be
5 able to be a national school lunch provider. The
6 program is actually operating in the negative all
7 four years of the plan, which would require them
8 to do a paid lunch equity.

9 Right now all elementary school students
10 district-wide are provided free breakfast and
11 lunch. The rate that they are proposing, \$1.75
12 for breakfast, \$3.50 for lunch, you're talking
13 about a 350 percent increase. And then if they
14 have to end those paid lunch equities, it would be
15 even a larger change.

16 Basically I don't believe that they're
17 meeting the provision to be able to provide for
18 free and reduced lunch.

19 MR. HUNKIAR: Good afternoon. My name is
20 John Hunkiar. I'm Chief of Safety and Security
21 for Leon County Schools.

22 In reviewing Red Hills' application, the
23 evaluation criteria is very clear related to a
24 plan for addressing active assailant situations,
25 also for providing training for active assailant

1 situations, and information related to behavioral
2 threat assessment.

3 Each of these items are of tremendous
4 importance due to the Marjory Stoneman Douglas
5 Act. The application doesn't reference that. It
6 does reference a safe school officer, but it
7 doesn't provide additional details for how that
8 would be handled in backfill.

9 There's also some information related to the
10 safe school officer, that he or she would be
11 monitoring internet usage by the students, which I
12 feel is not the intent of having a safe school
13 officer on campus.

14 They're got some conversations in the
15 interview section related to SESIR. The
16 individuals from Red Hills really didn't have any
17 familiarity with SESIR whatsoever, representing
18 that that would be something that the safe school
19 officer would handle. But clearly the area of
20 threat assessment and threat assessment training
21 and no behavioral threat assessment is absent in
22 the application. Thank you.

23 CHAIRMAN GAY: You have a few seconds left.

24 MS. BANKS: Kim Banks.

25 Again, we understand that it is a small

1 school, but comparing it to our charters who are
2 also small, the salaries provide --

3 CHAIRMAN GAY: Sorry to have to cut you off.
4 We can ask questions as well.

5 All right. If we can start with the first
6 sub-issue under Issue 3, which is facilities. Do
7 we have any questions?

8 MS. RAFALSKI: Does the facility that is
9 being proposed meet safety and security standards?
10 And if not, what's the plan for bringing it up to
11 those standards?

12 MR. LEVESQUE: A few days before the board
13 met, there were representatives of the school
14 district that showed up unannounced at the current
15 location and toured the facility. And if I
16 remember correctly, there was a power outlet that
17 was --

18 MS. JOANOS: And a light switch.

19 MR. LEVESQUE: And a light switch that was
20 not properly -- there wasn't a proper cover on it.
21 Those were the only two -- they toured the entire
22 facility, and those were the only two deficiencies
23 that they identified at that time.

24 As the Superintendent mentioned, the facility
25 had supported a school in the past. There's a

1 school there now. I've not heard of any problems
2 with the building itself or the facility as being
3 the reasons why the prior organization or the
4 current organization might be struggling. And I
5 don't have any direct knowledge of that either.

6 CHAIRMAN GAY: Does the school district need
7 an opportunity to respond?

8 MR. HUNKIAR: I believe the impromptu tour
9 was from our maintenance and our construction.

10 To your question, ma'am -- again, John
11 Hunkiar from Safety and Security -- it was not
12 reviewed from a safety standpoint. I know that
13 public school districts -- and I know charter
14 schools are public schools -- but in terms of
15 S-reg, which is safety regulations for educational
16 facilities, goes into many, many areas, as well as
17 annual assessments of all of our facilities.

18 But just to be clear on the record, as it
19 relates to any review of this facility from a
20 safety and security standpoint, such as perimeter
21 fencing, alarm systems, cameras, access control,
22 visitor access systems, et cetera, locked doors,
23 all of those things were not reviewed from a
24 safety and security standpoint.

25 MS. RAFALSKI: You would be now the person

1 that is in charge of that?

2 MR. HUNKIAR: Yes, ma'am, I would be.

3 CHAIRMAN GAY: Anything additional?

4 MR. MORENO: Just a clarification on the
5 building because if it is the old Imagine
6 building -- this is for the school -- what's
7 the -- because they had about 700 students when
8 they were at their max capacity.

9 Are you going to be sharing that or are you
10 going to have that building just to yourselves?

11 MS. JOANOS: It's two separate buildings, and
12 there's is a private school in the middle
13 school/high school building. We'll be in the
14 elementary building.

15 MR. MORENO: Okay. Because that was my
16 concern was if the budget took into account if
17 you're in a building with only so many students.

18 MS. JOANOS: This one is specifically for
19 elementary.

20 MR. MORENO: So that 300 is the capacity of
21 the building?

22 MS. JOANOS: Uh-huh.

23 MR. MORENO: Okay.

24 MS. SCOTT: I just have a question for the
25 district regarding the facility.

1 The bullet point that you specified in the
2 letter says that the application fails to provide
3 a layout of the school as required, and it's not a
4 requirement of the application. I don't know what
5 you consider to be a layout, because if we're
6 talking about physical layout, that's not a
7 requirement of the application.

8 SUPERINTENDENT HANNA: Yeah, I'm not sure of
9 that specific issue. I just know in our
10 conversations with the consultant that came in, he
11 was adamant in his prior working with charter
12 school applications that there had to be a backup
13 plan.

14 And I understand what you're saying about
15 bird in the hand and having this facility. But in
16 case this facility went into foreclosure or there
17 was a financial issue with the facility, that
18 there was a backup plan. I'm just speaking to
19 what was referenced to me.

20 As far as a layout of the school and
21 classrooms and media center and those spaces, I'm
22 not aware of that requirement, so maybe that was
23 an error on our part.

24 MS. SCOTT: Thank you.

25 CHAIRMAN GAY: Any additional questions or

1 comments from the members?

2 MS. SCOTT: I have a question for the school.
3 For whatever reason, if something does happen with
4 the facility, what are you going to do?

5 MR. LEVESQUE: In the application we have
6 identified several other facilities that we looked
7 at in the area. Those obviously would be backups.

8 The facility that we've selected, we've
9 entered into a lease agreement that will start
10 once we get the charter, so we do have that lease.
11 We've got rights under that lease.

12 If for some reason that falls through, we are
13 familiar with what is available out there and we
14 will look to those other options to figure out
15 what fits best. But right now, as I've mentioned,
16 we've got the lease, we've got our property. The
17 landlord wants to work with us on it. So we feel
18 highly confident that we're going to be where we
19 are.

20 But if something should happen, as we laid
21 out in the application, there are some backup
22 options that are out there that we would explore
23 if need be.

24 MS. SCOTT: Is defer one option?

25 MR. LEVESQUE: Yes.

1 MS. SCOTT: Thank you.

2 CHAIRMAN GAY: All right. If there's nothing
3 else, we can move on to Sub-Issue 2, which is the
4 transportation service issue that we've heard a
5 little bit on so far.

6 Any questions or comments?

7 MR. MORENO: Maybe just to hear from the
8 school.

9 In the application, they don't budget
10 anything for transportation. And they say if it's
11 needed, they will provide the application. I'm
12 just trying to see from a budgetary point of view
13 that would be -- how would that work to be able to
14 fund that?

15 MR. LEVESQUE: They'll let me know if I get
16 it wrong.

17 My understanding is that the vast majority of
18 students would probably rely on parents for
19 transportation. They would -- as we said in our
20 application, we would do whatever we needed to do
21 to meet the transportation needs of the students.

22 Currently we are talking to a transportation
23 company, should that need arise, so that we've got
24 that on standby. But obviously we would be
25 working with the students to create those

1 carpools, to create those innovative solutions, to
2 be creative in the ways that charter schools are
3 designed to be creative to bring those together.

4 And the fact that we're having a smaller,
5 more intimate educational experience with the
6 charter school, we feel confident that we would be
7 able to meet those needs as they arise.

8 MS. RAFALSKI: To follow up on the question.
9 So I hear you saying that you'll be creative in
10 the solutions. I think part of the question that
11 was asked was about how it would be funded.

12 MR. LEVESQUE: Currently there is no
13 transportation in the budget. We do have some
14 built-in flexibility with the budget, so that
15 as -- for example, if we don't meet, you know,
16 100 percent enrollment or 90 percent enrollment,
17 we've got other options. And to the extent that
18 we've got that budget flexibility on that.

19 I would ask Mr. Spence to talk a little bit
20 about the budget flexibility.

21 MR. SPILLIAS: Yes. Originally, as
22 Mr. Levesque pointed out, the school was hoping to
23 have their transportation as a -- designed without
24 transportation, so transportation was not in the
25 budget.

1 If that does come to be where the school
2 cannot seem to get the enrollment like they
3 need -- we tried to design a conservative budget
4 in the charter school world. There is a 3 percent
5 contingency every year, even in the startup year,
6 in the startup budget that we could rely on.
7 Obviously that would be a change that the board
8 would have to take back and address. Thank you.
9 Keith Spence.

10 CHAIRMAN GAY: Go ahead, school.

11 MS. BANKS: Kim Banks.

12 I just wanted to -- we just wanted to say
13 that I don't necessarily believe that there is the
14 flexibility in the budget. There are certain
15 things, when we get to the budget, that we feel
16 that are underbudgeted, going back to the
17 staffing.

18 And even looking at our other charter schools
19 here in town that are also smaller schools and
20 what they pay for their salaries and for their
21 benefits. It's not budgeted.

22 And, also, where I mentioned that the food
23 service plan is running in the negative. It's all
24 falling into that. They would have to -- in order
25 to be a national school lunch provider, the school

1 would have to bail out the lunch program first.
2 It would have to be a net zero.

3 So that would also come out of the reserve
4 that they have. I just don't think that the
5 budget is necessarily realistic or that they have
6 the flexibility to come back after the fact and
7 add something as large as transportation.

8 MS. RAFALSKI: What's the current capacity of
9 the district to provide contracted services for
10 transportation or do you also have a bus driver
11 shortage?

12 MS. BANKS: We have a bus driver shortage. I
13 can also let the Superintendent speak to that.
14 But we have had ongoing ads for bus drivers as
15 well as bus assistants for the last several years.

16 And I think, honestly, in Leon County, it's
17 just going to get worse. We have a large Amazon
18 facility that's being built here that is going to
19 be recruiting a lot of our CDL drivers, so I think
20 the problem is just growing.

21 But, yes, we have several vacancies in our
22 transportation department already where we have
23 actually been looking at other ideas as far as
24 trying to see if there are options for us to even
25 contract to be able to make sure that we can get

1 our buses, you know, to and from our schools on
2 time.

3 SUPERINTENDENT HANNA: Rocky Hanna.

4 To Ms. Banks' point, we even have our
5 Director of Transportation driving buses. I mean,
6 that's how bad the situation is. And it's not
7 just here. It's across the nation. It's a huge
8 responsibility with very little compensation.

9 And then you have a growing competition with
10 trying to compete with our local transportation
11 systems in the city and in the county, as well as
12 now bringing Amazon into the community. So it's a
13 major concern for us.

14 And we don't -- you know, we don't have an
15 option. And not only do we pick up -- every
16 school has its own individual routes, but all of
17 our students with exceptionalities, if it's called
18 for on their IEP, we go door to door, and so we
19 have a huge responsibility. And I would expect
20 that same responsibility would fall then on a
21 public charter school.

22 MS. SCOTT: Superintendent Hanna, do your
23 other charters have transportation? Do they offer
24 it?

25 SUPERINTENDENT HANNA: I think it varies from

1 school to school, honestly, what they do here in
2 transportation.

3 MS. RAFALSKI: What about your homeless
4 population in Leon County?

5 DR. RODGERS: Kathleen Rodgers, Assistant
6 Superintendent, Office of Prevention,
7 Intervention, Equity & Support Services.

8 For our homeless population, we provide
9 transportation. Due to McKinney-Vento, of course
10 they are going to their school of origin, so we
11 provide that transportation for our homeless
12 students and also for our foster care students as
13 well.

14 CHAIRMAN GAY: Any additional questions?

15 MR. GARCIA: Superintendent, if you could
16 please clarify for me, do you currently hold a
17 contract with a charter school where you provide
18 transportation for a charter school?

19 SUPERINTENDENT HANNA: No, sir, we do not.
20 We can barely transport our own.

21 MR. GARCIA: Are you aware of what kind of
22 services they are using to provide transportation?

23 SUPERINTENDENT HANNA: Again, I think it
24 varies from school to school. There are one,
25 maybe two outside companies. I think Tomahawk

1 Transportation Services, and there was School
2 District Services, maybe two outside companies.

3 And our situation had gotten so dire that we
4 were maybe looking to potentially contract with
5 them to take some of our schools because we just
6 have a huge driver shortage.

7 We made it through the beginning of this
8 year, but it's a challenge each morning,
9 especially as people call in or if people are in
10 quarantine or if people tested positive for COVID
11 and they're out for two weeks at a time. It's a
12 significant challenge, hopefully a challenge
13 that -- anyway. Thank you.

14 CHAIRMAN GAY: Anything else? Any comments?

15 MR. SYFRETT: Shane Syfrett, Director of
16 Professional Learning and Curriculum Services.

17 I just wanted to say that our biggest issue,
18 when we talked with them and when we spoke with
19 them about having a transportation plan, is that
20 it creates an equity issue for students and
21 parents that may not be able to afford to drive
22 their student to school. So that was our biggest
23 thing.

24 CHAIRMAN GAY: I just wanted to check in on
25 everybody. It is 12:16. I'm inclined to push

1 through. We have a few sub-issues left.

2 Does anyone object?

3 SUPERINTENDENT HANNA: I vote push through.

4 CHAIRMAN GAY: Okay. I just wanted to feel
5 the temperature.

6 So let's move to the third sub-issue of food
7 service. We've also heard a little bit about
8 this, but if the members have any additional
9 questions or comments.

10 MR. GARCIA: I do have a question for the
11 district. It's pretty much the same as with the
12 transportation question.

13 Do you currently have a contract where you
14 provide services to the charter school in this
15 district?

16 MS. BANKS: We currently do not provide to
17 our charter schools. Our charter schools have
18 gone and become their own national school lunch
19 providers. They've filled out the application and
20 became certified on their own.

21 We have the capacity -- we do then to Pace
22 here in town. So we have the capacity where we
23 could if we were approached and that's what
24 they -- and that's what the school was interested
25 in, we could definitely work with them.

1 That is something that could be done outside
2 of the plan that they have put forward, because I
3 do think, again, as we referenced before, it is an
4 equity issue when you're talking about such a
5 large increase in costs where we've ensured that
6 every elementary student in the district does not
7 have to worry about, you know, the cost for
8 breakfast or lunch, that's not on the family.
9 Just make sure to take that off the plate so that
10 when they're in school, they can concentrate on
11 learning and not have to worry about that.

12 And so to come in and have the cost already
13 that they're proposing of \$1.75 and \$3.50, but
14 then the fact that the program would be operating
15 in the negative, because when you go to Ag and you
16 apply to be a national school lunch provider, the
17 program cost and revenues all have to be
18 maintained separately.

19 And at the end of the year, they have to
20 balance to at least zero. It has to be a positive
21 or a zero. If not, then you run into a paid lunch
22 equity situation where basically the federal
23 revenues are subsidizing too much of your program,
24 and you have to raise the cost of those meals even
25 further.

1 So if you're talking about then further
2 increasing those costs where these students are
3 going to be coming from schools where they paid
4 nothing to begin with, but then drastically
5 increasing them even further just to be able to
6 become a national school lunch provider, it's an
7 issue.

8 CHAIRMAN GAY: For the school, do you need to
9 respond to that?

10 MR. LEVESQUE: Yes. If I could ask
11 Mr. Spence to provide a brief response.

12 MR. SPENCE: Yes. Keith Spence.

13 Once again, yes, our lunch rate is \$3.50,
14 which compared to a district is high. The oldest
15 charter school in the state of Florida, which is
16 about 150 miles from here, charges \$3.

17 The volume, again -- and I hate to keep
18 saying this -- but the volume of the children for
19 350 kids doesn't warrant the economy of scales to
20 drive the price down. Yes, the food service
21 program will run in the deficit. There will be
22 general revenue funding that has to offset that.

23 I believe the reimbursement rate is \$3.51.
24 We're charging \$3.50. So by the time you add in
25 any additional staff to oversee the -- part-time

1 staff to oversee the serving, you're in a deficit.
2 So all of those points were addressed.

3 I think another point that was addressed is
4 our participation rate was not reasonable.
5 Obviously taking the '19/20 statistics for USDA
6 free and reduced lunch students in this county was
7 58 percent, which we chose 70 percent for our
8 participation rates.

9 Is that the number it's going to be when we
10 open? Absolutely not. I think we can all agree
11 on that. But is 70 percent a pivot point?
12 Absolutely. It could be 75. It could be 65. All
13 we know is probably 58 or 60 is a beginning point.

14 And, you know, to choose your students who
15 actually bring their lunch, it's kind of hard to
16 pick. I feel like in a small environment like
17 this, the 70 percent was a pivot point that we
18 could work from to at least achieve a doable food
19 budget.

20 And there, again, let me say, we were not
21 expecting the food service budget to be a balanced
22 part of the budget. We were expecting it to be
23 self-funded -- or assisted funding from general
24 revenue. Thank you.

25 MS. BANKS: I just wanted to go back to the

1 evaluation criteria, which says that they
2 specifically need to make provisions for students
3 that qualify for free and reduced lunches. And to
4 do that, that is working through the Department of
5 Agriculture being a national school lunch
6 provider, or working through the district.

7 So they're stating that they knew that the
8 program was operating in the negative, that it
9 would invoke the paid lunch equity and it would
10 drive costs up even higher on the students that
11 are paying. But none of that is actually
12 referenced in the application.

13 The other thing I wanted to mention is about
14 the participation rates. The reason that we
15 thought 70 percent was high -- and, again, I have
16 girls in our school so I get a lot of free
17 feedback that I don't necessarily want about our
18 meals.

19 I looked statewide also. The statewide
20 participation rate for lunch a about 50 percent.
21 I want to say it's 59 percent. And then
22 nationwide it's 56 percent.

23 So nowhere are we seeing those drastically
24 high numbers. And that's just a trend that we've
25 been seeing nationwide is, you know, people aren't

1 wanting to eat the school lunch anymore. That's
2 been the trend for -- it's been going down. So it
3 is a struggle to try to, you know, keep the
4 participation up and keep kids interested in
5 eating. So that is one of the issues that we saw.

6 Their revenues are based on 70 percent. So,
7 again, the revenues are already drastically high,
8 you know, based on the 70 percent, and they're
9 still operating in the negative. If they don't
10 reach that 70 percent, it's going to be even
11 further in the negative, causing more of a
12 bailout. So I don't know that the food service
13 program that they've put forward is meeting that
14 expectation.

15 CHAIRMAN GAY: Is there any additional
16 questions?

17 In an effort to help the time, we're going to
18 stick to questions from the members. And we'll
19 make sure that each side gets an opportunity to
20 answer, but then we'll move on.

21 Any additional questions from the members?

22 I see Osvaldo and Kia.

23 MS. SCOTT: I just wanted to note the
24 evaluation tool said that that section met the
25 standard.

1 CHAIRMAN GAY: Okay. Noting that.

2 Any additional questions?

3 MR. GARCIA: I had kind of a comment and
4 question.

5 Based on the area where you anticipate
6 placing the school -- I'm thinking of the poverty
7 level in that area -- do you anticipate that the
8 school will be a Title I school?

9 MR. LEVESQUE: We don't know, but we don't
10 think so based upon where it's located or where
11 that location is.

12 MR. GARCIA: Okay. And then for the
13 district, would you consider at some point
14 contracting with them to provide lunches, because
15 I know that those are things that you do after a
16 contract is done, or the approval, then you can
17 negotiate providing food services?

18 Because speaking by my experience, the
19 district where I operate a school, we do have an
20 agreement with the district, and we pay just for
21 the transportation. Of course, my school is also
22 a Title I school at almost 90 percent. So what we
23 pay is minimum compared to what other schools
24 would pay.

25 SUPERINTENDENT HANNA: Right. Rocky Hanna.

1 We can certainly look at that as an option.
2 But we have the same issue with food service
3 employees as we do with our bus drivers and
4 everyone else. It's just hard to find people to
5 work. It is a significant challenge for us each
6 and every day.

7 But, yeah, I mean, all things are on the
8 table. If they want to reach out to use to
9 potentially contract and if we have the capacity
10 to do so, we can look at that.

11 MR. GARCIA: Okay. Orange County has a
12 central kitchen, and from that central kitchen,
13 they provide services to the schools.

14 SUPERINTENDENT HANNA: Ms. Banks mentioned
15 Pace. You all probably don't know what Pace is.
16 Pace Center for Girls is a small school with about
17 70 young women in it, middle school and high
18 school age that we do just that. We contract with
19 them out of our central kitchen.

20 CHAIRMAN GAY: Anything additional or can we
21 move on?

22 SUPERINTENDENT HANNA: If I can just -- one
23 more comment to your meets. That goes back to our
24 process. It speaks directly to our process and
25 the inefficiency of our process.

1 And then after the process over is when I
2 went and dug into the details of the budget, the
3 details of food service, the details of
4 transportation, which then led me to the
5 recommendation.

6 But to your point, this was a learning
7 experience for us as well.

8 MR. GARCIA: Thank you.

9 MS. SCOTT: Superintendent Hanna, I just have
10 a little plug for you just in case. After
11 everything is all said and done and, you know,
12 once things calm down, part of Florida Association
13 of Charter School Authorizers, we welcome every
14 district. That's what we do. We work with each
15 other to, you know, hone in on processes. I mean,
16 that's just an option in the future.

17 SUPERINTENDENT HANNA: I think we'll be
18 taking you up on that.

19 CHAIRMAN GAY: All right. So the fourth
20 sub-issue is school safety and security.

21 Any particular questions?

22 MS. RAFALSKI: We have safety and security
23 and budget. Do we think those two are going to be
24 long?

25 CHAIRMAN GAY: We have safety and security

1 and budget and startup plan. Let's do it.

2 Did you have a question, Shana?

3 MS. RAFALSKI: For the school.

4 Who will be the members of your threat
5 assessment team?

6 MS. PAASCH: Shannon Paasch.

7 So the members of our threat assessment team
8 will be admin, a teacher, our school psychologist,
9 my guidance counselor, and then our guardian. And
10 invited, hopefully will attend, our assigned
11 sheriff or police officer that's assigned to our
12 school.

13 MS. RAFALSKI: So in your budget, you have
14 staff for a school psychologist and a guidance
15 counselor?

16 MS. PAASCH: For our guidance counselor,
17 school psychologist -- and, again, I'm completely
18 learning. You know, I've only worked in two
19 counties. But the school psychologist, we work
20 with the district to provide the school
21 psychologist to our school.

22 MS. RAFALSKI: So your guidance counselor is
23 somebody that is in your staff as well?

24 MR. HUNKIAR: John Hunkiar.

25 Just for clarity, the application mentions --

1 there's no reference to a guardian. There's a
2 reference to a safe school officer, and there's
3 also a budget item related to the safe school
4 officer. I believe it's \$45,000. But the makeup
5 is correct. That is the appropriate makeup,
6 administration, mental health professional or
7 counselor. It does not have to be a licensed
8 mental health professional. And a law
9 enforcement.

10 So depending on -- I don't -- the threat
11 assessment team is not referenced in the
12 application at all. So I guess this would be one
13 of those items that would be outside that we're
14 taking new information on. But as part of the
15 application, there's no reference to a threat
16 assessment team.

17 MS. PAASCH: If I may. I apologize if I used
18 guardian versus officer. In my county, we have
19 school safety guardians. I know at the time of
20 the application, I think Leon County was using the
21 school officers. And correct me if I'm wrong, now
22 looking at guardian as being --

23 (Multiple speakers, inaudible.)

24 MR. HUNKIAR: There are three that --

25 MS. PAASCH: I apologize with the words. I

1 just don't want -- I don't know.

2 MR. HUNKIAR: Can I make one quick comment,
3 just for everybody that might be in the room?
4 There are three options with the statute. You can
5 have a school resource officer or a deputy. You
6 can have a safe school officer, which is actually
7 a law enforcement officer. Or a county, along
8 with a sheriff, can enter into a guardian program
9 if approved by the board.

10 However, for the purposes of this question
11 related to threat assessment teams, a guardian by
12 him or herself does not meet the requirement of
13 the law for threat assessment team. So it would
14 have to be a law enforcement officer.

15 CHAIRMAN GAY: Any additional questions or
16 comments?

17 MS. SHIELDS: Can I say something?

18 CHAIRMAN GAY: Sure.

19 MS. SHIELDS: There was reference to a school
20 psychologist. And it was clarified that they do
21 not have a budget for a school phycologist, that
22 it's a district-provided position. And the
23 purpose of that position is for the purpose of
24 child fine. It would not be sitting on a threat
25 assessment team. It's to offer the provision of

1 child fine services for students and determining
2 if the student has a disability.

3 MR. SPENCE: If I just may add, we do have
4 contracted services under child psychologist in
5 all the years. We have a contracted services
6 amount, but not a position.

7 MS. RAFALSKI: For clarification, was that
8 the guidance counselor that was just mentioned or
9 is that somebody different?

10 MR. SPENCE: I'm sorry, I was forgetting to
11 say my name. Keith Spence.

12 That is separate than a guidance counselor.

13 MS. RAFALSKI: Thank you.

14 CHAIRMAN GAY: All right. We're going to
15 move along.

16 Do we have any additional questions or
17 comments?

18 MS. BANKS: Can I clarify?

19 CHAIRMAN GAY: Yes. And then we will move
20 along.

21 MS. BANKS: I just wanted to go back to the
22 question on the guidance counselor. The guidance
23 counselor in the staffing plan is only a part-time
24 position in all the years.

25 CHAIRMAN GAY: Okay. Thank you.

1 Our next issue is budget. We've heard a
2 little bit on this. Do we have additional
3 questions or comments from the members?

4 (No response.)

5 CHAIRMAN GAY: Nothing additional, just based
6 on the information before?

7 MR. GARCIA: Yes.

8 CHAIRMAN GAY: Okay. We can then move up to
9 the startup plan. Any questions or comments from
10 the members?

11 MR. MORENO: No issues on the startup plan.

12 CHAIRMAN GAY: For the purpose of the record,
13 Richard, could you give me some detail why you
14 have no issue with the startup plan?

15 MR. MORENO: The application had a detailed
16 plan with a timeline, and I believe they even had
17 a chart with what's required each month.

18 CHAIRMAN GAY: Thank you. Anything else?

19 MR. GARCIA: In spite of the procedural
20 issues, we still have to consider the evaluation
21 tool, and the evaluation tool says that they met
22 the standard.

23 CHAIRMAN GAY: Okay. Do I have a motion from
24 any of the members on the third issue of the
25 business plan based on the discussion and

1 questions presented before?

2 MR. GARCIA: I move that the Commission find
3 that the school board did not have competent
4 substantial evidence to support its denial of the
5 application based on the applicant's failure to
6 meet the standards for the business plan for the
7 reasons already discussed.

8 CHAIRMAN GAY: Do I have a second?

9 MR. MORENO: I'll second.

10 CHAIRMAN GAY: Okay. Richard seconded.
11 Karen, could you call the roll, please.

12 MS. HINES-HENRY: Osvaldo Garcia?

13 MR. GARCIA: Yes.

14 MS. HINES-HENRY: Richard Moreno?

15 MR. MORENO: Yes.

16 MS. HINES-HENRY: Shana Rafalski?

17 MS. RAFALSKI: No.

18 MS. HINES-HENRY: Kia Scott?

19 MS. SCOTT: No.

20 MR. GARCIA: It's all yours.

21 CHAIRMAN GAY: I am going to vote yes, that
22 the school board did not have competent
23 substantial evidence.

24 All right. So then we can move on to the
25 final motion. Can I have a member make the final

1 motion.

2 MR. MORENO: I move the Commission recommend
3 that the State Board of Education grant the
4 appeal.

5 CHAIRMAN GAY: Second?

6 MR. GARCIA: Second.

7 CHAIRMAN GAY: Karen, will you please call
8 the roll.

9 MS. HINES-HENRY: Richard Moreno?

10 MR. MORENO: Yes.

11 MS. HINES-HENRY: Osvaldo Garcia?

12 MR. GARCIA: Yes.

13 MS. HINES-HENRY: Shana Rafalski?

14 MS. RAFALSKI: No.

15 MS. HINES-HENRY: Kia Scott?

16 MS. SCOTT: Yes.

17 MR. GARCIA: Because they prevailed on all of
18 them, I think that we all have to vote yes on
19 this. That's a procedural issue.

20 CHAIRMAN GAY: Right.

21 MR. GARCIA: I didn't think that we could
22 vote no even though we called for a vote.

23 CHAIRMAN GAY: And, Jamie, if you could
24 clarify. All of the three prior issues prevailed,
25 so I believe that Osvaldo is correct, that we have

1 to grant based --

2 MR. GARCIA: We have to grant. Thank you.

3 CHAIRMAN GAY: -- based on the prevailing
4 three motions.

5 MS. BRAUN: Right. That's correct.

6 CHAIRMAN GAY: Okay.

7 MS. RAFALSKI: So that is removed?

8 MR. GARCIA: We have to revote.

9 MS. RAFALSKI: Okay.

10 CHAIRMAN GAY: Can we call the roll on that
11 one again?

12 MS. HINES-HENRY: Richard Moreno?

13 MR. MORENO: Yes.

14 MS. HINES-HENRY: Osvaldo Garcia?

15 MR. GARCIA: Yes.

16 MS. HINES-HENRY: Shana Rafalski?

17 MS. RAFALSKI: Yes.

18 MS. HINES-HENRY: Kia Scott?

19 MS. SCOTT: Yes.

20 CHAIRMAN GAY: Okay. Thank you very much
21 everyone for your time and patience for getting
22 through all of this.

23 As I mentioned before, we will be working on
24 a recommendation based from the information
25 presented today. It will be in writing. It will

1 be -- a telephone conference will be scheduled so
2 that all parties have the opportunity to review,
3 and the Commission members as well. And then the
4 written recommendation will go before the State
5 Board on October 20th in Orlando. We will make
6 sure to provide the notice of that meeting to you
7 as well. Thank you, again.

8 (Whereupon, proceedings were concluded at
9 12:42 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 1 through 158, 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 13th day of September, 2021.



MICHELLE SUBIA, CCR, RPR
NOTARY PUBLIC
COMMISSION #GG224273
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