COMMISSION MEMBERS APPEARING:

AMANDA GAY, CHAIR
KIA SWEENEY SCOTT
SHANA RAFAISKI
OSVALDO GARCIA
RICHARD MORENO
CHAIRMAN GAY: Good morning everyone. We can begin. It's 9:00.

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

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

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

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

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

MS. HINES-HENRY: Osvaldo Garcia?
MR. GARCIA: Here.

MS. HINES-HENRY: Richard Moreno?
MR. MORENO: Here.

MS. HINES-HENRY: Shana Rafalski?

MS. RAFALSKI: Here.

MS. HINES-HENRY: Kia Scott?

MS. SCOTT: Here.

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

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

Before we get into the actual appeal at hand here, I did want to ask our Counsel, Jamie Braun, to give a quick refresher of the Commission and its role and some recent case law that has come out, just so we're all on the same page. It's been a while since we've had an appeal.
MS. BRAUN: Again, Jamie Braun, from the department. I'm serving as Counsel for the Commission today. I'm going to give a brief refresher for our returning members and a tutorial for our new members about the Charter School Appeal Commission and your role in reviewing Red Hills' application that's before you today.

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

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

The evaluation process can also include what's called a capacity interview -- and I'm sure you all saw one was done in this case -- where the applicant can present their plan, demonstrate their capacity to open and maintain their school.
They can answer questions and clarify information as needed by the reviewing team. Those responses can also be considered by the sponsor or the school district in making their decision.

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

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

And the Commission was established by statute to assist the Commissioner of Education and the
State Board of Education with a fair and impartial review of charter school appeals. The Commissioner and State Board will rely on you and your expertise to review the application and the related materials to reach a decision at the meeting here today and to explain the basis for that decision.

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

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

The State Board's role in this process is to determine whether the local school board -- whether the local school board's determination to, in this case, deny the charter school application was supported by competent substantial evidence that meets the good cause standard that we discussed earlier. The State Board is required to consider but is not bound by the recommendation made by the Charter School Appeal Commission.
So now I'm going to talk a little more in detail about the role of the Commission and your review today.

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

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

So there are two additional points I want to
make sure everybody understands concerning your review today. First, this may be new even to our returning members. Earlier this year in, I think, either January or February of 2021, the District Court of Appeal issued a new opinion in the Florida East Coast Charter School case. It came out of Volusia County. Returning members may remember that case.

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

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

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

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

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

And specifically the Court stated, quote, at the required meeting, the Commission members failed to discuss the issues before them, to ask any questions of the parties, or to engage in any
fact finding before their vote, end quote.

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

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

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

If you are the one making the motion, we would encourage you to also provide your reasons for making that motion while you're making it.
Other Commission members can also assist with that to ensure that we have all reasons and justifications clear in the record.

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

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

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

That being said, if something substantive has changed in the law since then, you are welcome to ask the school how they would address that new
requirement today. But their response should not
be used as a reason to deny the application, as it
was not a requirement at that time when the
application was originally submitted and evaluated
by the local school board.

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

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

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

   CHAIRMAN GAY: All right. Thank you, Jamie.

   Now I'll go into the procedure of how today's
appeal process is going to work. We previously
transmitted motion sheets to the parties for
comment. And having received no comments, we can
proceed on the ones that we transmitted earlier, unless the parties have otherwise agreed to remove any issues.

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

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

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

After questions and comments, the members will work together to draft a motion on the
particular issue, specifically detailing, as Jamie mentioned, the reasons why the motion is being made and the basis upon which that's made. And then a vote will be taken on each particular issue. Again, that pattern will follow for every issue following the first one.

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

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

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

And, again, when you come to the microphone,
please make sure to introduce yourself.

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

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

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

The organizers want to create a school that will give parents the opportunity to choose a
small, family-oriented school that provides a nurturing learning environment for the children. There is no program that is like this in Tallahassee.

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

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

It's our understanding that Dr. Jeff McCullers was the charter school liaison for Leon County for -- I'm sorry, Lee County -- for 20 years and is affiliated with the Florida Association of Sponsors and Charter School Authorizers.
For that meeting, the school board compiled a list of questions for the capacity interview. Although they compiled this massive list of questions, they didn't provide any of the questions in writing to Red Hills in advance. After a grueling three and a half hour capacity interview, the review committee held a healthy discussion, and a majority of that committee recommended approving Red Hills' application.

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

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

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

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

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

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

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

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

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

The last area was transportation. Dr. McCullers felt the application was
insufficient because they were relying primarily on parental involvement for transportation. He recognized that the statutes give some leeway there but still found that to be insufficient. Those were the three fatal flaws from Dr. McCullers.

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

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

It was clear from that meeting that the recommendation had only been in the school board's hands for less than -- or a little over 24 hours.
And, in fact, some of the members had just found out the day before that there was actually a charter school application.

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

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

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

Good cause contemplates a legally sufficient reason. Unsupported assumptions, conjecture and speculation are insufficient to establish good cause. It's not enough to say that we don't think
you met the requirements, you're going -- or we don't think you're going to hit your target, you have to present evidence that demonstrate that to be true.

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

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

How much time do I have?

CHAIRMAN GAY: You have about 40 seconds.

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

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

CHAIRMAN GAY: Thank you, Mr. Levesque.
All right. And the school board now has ten minutes to present.

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

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

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

Mr. Levesque stated something to the effect of the school district did not present any evidence. We would submit that the evidence is the application itself and that the flaws and omissions within the application show a common theme throughout the application that many of these standards have not been met. Some of them have been partially met. Some of them have been
met, the standards that are set forth in the Florida Administrative Code state statutes, the model charter school application.

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

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

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

Regarding the budget, there's requirements within the application that budgetary projections that are consistent with and support all the key aspects of the application, including the school's mission, educational program, staffing, and
facility, a realistic assessment of projected sources of revenue and expenses that ensure that financial viability of the school and a sound plan to adjust the budget should revenues not materialize as planned.

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

The staffing plan in the application, it does not include technology support administration, does not include building maintenance, does not include nurse clinic staff. These are all areas that are necessary to run a school. And we just feel that the evidence shows within the application itself inflated revenues for both food service, FEFP funds, and they're inaccurately inflating the ending fund balance as well as depicting a distorted picture of whether the plan expenditures are actually feasible.
Food service plans show unrealistic participation rates, inflated revenues. If you look at the meal participation rates within the application, they are much higher than what the participation rates are in Leon County as a whole and within the charter school community of Leon County.

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

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

CHAIRMAN GAY: Can you slow down just a little.

MR. SPILLIAS: Okay.

CHAIRMAN GAY: Sorry.

MR. SPILLIAS: I know. I only have ten
Would you be able to tell me like if I have two minutes left?

CHAIRMAN GAY: I can do that.

MR. SPILLIAS: I really appreciate that.

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

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

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

Red Hills stated that they are not planning
for students who take ACCESS. It's not a resource we have at this time. We don't do self-contained. This does not indicate a commitment to serve all students is our position.

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

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

The applicant then articulates that staff will be encouraged to use pictures with English words when labeling items in the classroom to promote an understanding of English language vocabulary for ELL students. This clearly fails to demonstrate the legal obligations related to the provisions outlined in the charter school model application and the applications evaluation
instrument regarding educational services to
students and families, including initial placement
testing, creation and implementation of an ELL
parent committee as required, procedures for
reporting FTE, a comprehensive and compelling
range of services to provide a high quality
education, assessments that monitor and evaluate
the progress of ELL students, and also describing
how all teachers serving ELL students will hold
ESOL endorsement or will complete the required
training and a realistic projection of enrollment.

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

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

CHAIRMAN GAY: You have about two minutes.

MR. SPILLIAS: I got two minutes?

CHAIRMAN GAY: Yes.

MR. SPILLIAS: So we can get into the details
more on that. But school culture and discipline is another one. They don't specifically address a plan for school culture and discipline. The statements are very vague. They're very short. They're very brief. There is no plan.

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

And then I just want to close with, and probably most importantly, safety and security. In Florida Statutes, safe schools requires assessments on active assailant, also threat assessment. These are clearly established evaluation criteria.

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

And this failure and this omission to have a plan on or any -- speak in any way to active assailant and threat assessment we believe is on its own clearly substantial competent evidence to
uphold the school district's denial of the application. Thank you.

CHAIRMAN GAY: Thank you.

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

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

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

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

MS. PAASCH: Good morning. My name is Shannon Paasch.
So in regards to Issue 1, the education plan, I'll say my passion is kids. My passion is education. And I might not articulate myself the best in an application that I've never filled out before. But that's where my heart is. And I will do everything in my power to make sure that those babies are educated. And especially when it comes to, you know, our ESE kiddos and our ESOL kiddos.

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

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

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

Parent involvement, yes, absolutely.
Whenever we have our ESOL committee meetings, the school psychologist is there. The parents are there. Their teacher is there. I as the Assistant Principal am there. And we discuss their progress in school, their grades, their WIDA scores and really what accommodations are helping them and what do they need.

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

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

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

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

CHAIRMAN GAY: Thank you.
And for the school board, three minutes.

MS. GREGORY: My name is Gillian Gregory. I'm the Assistant Superintendent in Leon County Schools Academic Services and Teaching and Learning.

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

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

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

This same section specifically and unambiguously requires the sponsor to deny an
application if the school does not possess --
propose a reading curriculum that is consistent
with effective teaching strategies that are
grounded and scientifically-based reading
research.

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

MS. SHIELD: Cathy Shields.

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

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

And, additionally, not having an
understanding of the ACCESS standards. And the
statement about ACCESS standards are in a self-contained classroom, that is not always true. And, again, that does not indicate a full understanding of providing a continuum of services for students with disabilities.

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

CHAIRMAN GAY: Thank you.

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

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

Specific to the type of research-based practices that were described either in the application or during the interview specific to programs or research-based methodologies, pedagogical, can you address that?
MS. PAASCH: Shannon Paasch.

In regards to the curriculum or our --

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

MS. PAASCH: Sure.

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

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

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

We are currently looking at using Istation to
assist with the Tier 2 within the classroom, to
also help with those different lessons that are
provided through Istation, and then the progress monitoring.

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

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

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

CHAIRMAN GAY: Would the school district like to --

MS. GREGORY: Again, Gillian Gregory,
Assistant Superintendent.

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

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

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

So, again, on that research question, I would argue that the provision of research from a
publisher who you are going to purchase instructional materials from is not an external evaluation determining the worth of a program. And the district felt compelled to identify that as the reason it's in the application.

CHAIRMAN GAY: Additional questions from the members?

MR. GARCIA: For the district.

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

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

Were the conditions the same as Jeff McCullers?

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

I put a lot of faith in Mr. McCullers', or Dr. McCullers' recommendation to deny this
application. My team, they don't do this for a living. They don't review charter school applications. This was something outside of their normal scope of work of running a school district.

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

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

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

MR. GARCIA: Okay. The committee made their recommendation to go ahead and proceed with the
approval with three conditions.

Can you speak specifically to the three conditions?

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

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

What were the three conditions?

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

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

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

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

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

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

MR. GARCIA: I have no other questions.

MS. SCOTT: I have a question for the district.
At what point were the recommendations provided to the school board, the conditions, because it did mention, again, that the application was going to be approved with conditions, but we never saw what the conditions were?

MR. GARCIA: Yes.

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

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

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

It is true that during the agenda review,
Dr. McCullers did bring up three major points, but he also brought up other points as well, as did the entire Charter School Evaluation Committee.

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

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

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

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

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

MR. GARCIA: Facilities.
MR. LEVESQUE: The facilities. Thank you.

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

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

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

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

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

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

MS. SCOTT: Correct.

SUPERINTENDENT HANNA: So after consulting with my team and my people about the unique issues
to each subject -- or each area of the
application, I made that determination to
recommend denial.

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

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

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

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

MS. SCOTT: When did the recommendation
change?

SUPERINTENDENT HANNA: Between when that was
submitted to me from her committee until I
presented to the school board.
MR. GARCIA: And how long was that period?

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

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

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

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

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

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

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

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

SUPERINTENDENT HANNA: That's when -- right. We went through the workshop on the application on the 27th because we were up against a deadline.
And that was the only school board meeting before the deadline of whatever of -- of April the 30th.

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

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

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

CHAIRMAN GAY: Would the school like to respond?

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

On the Friday afternoon before the Tuesday of the school board meeting that they would -- that was their scheduled board meeting, she was informed by Dr. Mitchell that -- and if I get this wrong, Ms. Joanos, let me know. She was informed that it would likely be on the agenda, but it's
not there yet.

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

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

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

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

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

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

Did that happen?

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

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

MS. PAASCH: Shannon Paasch.

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

We asked what those conditions were, and we were told we don't really know yet. We need to discuss, you know, with the team and with the Superintendent, but you will be notified. We were never given what the actual conditions were.
I know that, you know, we were provided the areas of concern that the district had, but there was never a communication that said your conditions for approval are A, B, C, D. It was just, well, here is all of our concerns. So that's how it was presented to us.

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

MS. PAASCH: Yes.

MS. SCOTT: Okay.

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

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

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

MS. RAFALSKI: Thank you.

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

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

At what point were you informed that the application was going to be presented before the board for denial?
MS. PAASCH: It was about an hour before, because we were checking online. We were checking the agenda. I don't live in Tallahassee currently and so I knew that the board meeting was happening. I drove up for it keeping my fingers crossed that we would be on the agenda.

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

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

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

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

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

CHAIRMAN GAY: Do we have any additional questions on the educational plan specific to exceptional students or ELL? Any questions on
that, Commission members?

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

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

    What is your purpose for having that capacity interview?

    DR. GAYLE: Michelle Gayle.

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

    As the Superintendent said, content area experts were a part of the committee for the capacity interview. They had an opportunity to review the application that was provided on
February 1st by Red Hills.

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

CHAIRMAN GAY: Absolutely.

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

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

MS. SCOTT: Because it wasn't here.

MR. GARCIA: Is it included in there?

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

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

CHAIRMAN GAY: Let me ask for --

MS. SCOTT: We saw the one where they had
notes. But other than that, it wasn't the official. It had statutory references and things of that nature.

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

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

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

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

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

DR. GAYLE: Yes.

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

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

CHAIRMAN GAY: I'm asking you the question. I don't know.

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

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

MS. SCOTT: Is it online?

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

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

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

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

MR. GARCIA: The final evaluation instrument.

DR. GAYLE: Okay. I think we have the latest copy of that.
MR. LEVESQUE: I think that as I understand it, the only instrument that I've seen after a public records request is Exhibit 7 in our appeal materials.

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

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

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

MR. LEVESQUE: That's my understanding.

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

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

MR. GARCIA: We don't have that.

MR. MORENO: Which attachment was it?

CHAIRMAN GAY: It is attachment seven.

I'm going to say let's go ahead and take that ten-minute break -- it will be to 10:20 -- so that
the Commission members have the opportunity to look at those documents again. And we can start again at 10:20.

(Whereupon, a recess was taken.)

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

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

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

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

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

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

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

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

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

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

MR. LEVESQUE: Please. I think the
principles of due process -- I don't disagree with the idea that it requires notice in a hearing. Yes, they noticed a meeting of the school board.

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

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

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

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

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

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

CHAIRMAN GAY: Go ahead.

MR. SPILLIAS: Thank you.

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

So, yeah, we submit that you should be looking at the application itself and the facts surrounding the substantive aspects and the
substantive merits of the application. We don't think you can rule against the school district's position here based on any type of procedural due process. That's all I'm saying.

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

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

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

CHAIRMAN GAY: I got a note just to remind speakers to introduce themselves again before speaking.
Jamie, did you have anything to add to Counsel?

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

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

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

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

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

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

MS. RAFALSKI: I do.

CHAIRMAN GAY: Go ahead, Shana.
This is for the district.

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

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

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

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

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

Included in our Committee review, we have staff to look at the calendar. And when they reviewed that calendar, they provided -- we received feedback that the proposed daily schedule did not meet the requirements that we have, and so
that is where the concerns lie.

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

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

Dr. Gayle, the calendaring question.

DR. GAYLE: What is it?

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

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

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

CHAIRMAN GAY: Would the school like to provide clarification on the 40 minute and -- I'm
MS. PAASCH: Shannon Paasch.

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

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

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

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

MS. RAFALSKI: Okay. Thank you.

CHAIRMAN GAY: Additional questions?

Oh, I'm sorry, it looks like the district has
something to add.

Ms. Gregory: Gillian Gregory, Assistant Superintendent.

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

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

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

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

Ms. Scott: Was that a question during the interview process?

Ms. Gregory: I'm sorry, I don't remember. It was back in March.

Dr. Gayle: Michelle Gayle, Leon County Schools.
I can't recall with confidence. I'm not saying yes or no. It was months ago. I do apologize.

CHAIRMAN GAY: Any additional questions from the members?

(No response.)

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

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

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

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

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

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

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

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

CHAIRMAN GAY: Okay. Are there any additional questions?

(No response.)

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

And if you wind up finding another question
you have, now is a good time.

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

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

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

MR. GARCIA: Okay.

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

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

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

Is that correct, Jamie?

MS. BRAUN: Yes.

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

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

So in looking at this based on the evaluation and the recommendations from the experts that you had, I lean towards saying that the school district did not have competent substantial evidence to deny because they said that they met the standard.
CHAIRMAN GAY: For the -- just for clarification.

MR. GARCIA: For the educational plan.

CHAIRMAN GAY: Educational plan.

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

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

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

MR. GARCIA: Right.

MR. MORENO: So with that, I second.

MS. RAFALSKI: For further clarification, while I feel like there wasn't the specificity of the pedagogical strategies, the curriculum that was chosen is accepted, you know, approved by the
state, so as far as that choice.

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

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

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

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

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

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

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

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

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

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

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

Is that right?

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

MR. GARCIA: Okay.

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

So we are now on the Sub-Issue No. 2 for
MR. GARCIA: I believe there was evidence that the school would provide emphasis in reading, complying with the state required 90 minutes of reading instruction. And they also provide 30 minutes of intervention. So that's supporting evidence for me; therefore, it complies.

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

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

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

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

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

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

MS. RAFALSKI: So is it 30 or --

MS. PAASCH: It's 30.
CHAIRMAN GAY: I'm sorry, what did you say?

MS. PAASCH: It's 30.

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

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

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

MR. GARCIA: Yeah, to meet.

MR. MORENO: After discussion with the school.

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

(No response.)

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

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

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

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

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

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

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

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

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

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

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

    MS. PAASCH: Yes.

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

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

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

    What I'm hearing is optimally and fully that it is an IEP team decision. What concerns me is what I'm hearing is these students would be entering this school with an IEP that was already met on by a committee that looked at provision of services that the student needs and upon enrollment they may convene another IEP meeting to adjust the IEP based on the possibility -- the
possible services that they are committing to. And that would be the 80/20.

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

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

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

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

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

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

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

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

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

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

MR. GARCIA: Of course.

MS. SHIELDS: -- for students that have significantly different needs, we do that within our district. Again, that's an IEP team decision. And I always counsel our schools that are charters for our -- in district proper schools, that we exhaust all resources before making those decisions for looking at a more limited educational experience.

So, again, looking at how we take all of our
resources of ESE instruction of support services like assistive technology, all those things are taken into consideration before an IEP team would look for a more restrictive placement.

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

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

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

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

MS. PAASCH: No.

MR. GARCIA: For lack of better words.

MS. PAASCH: Shannon Paasch.

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

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

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

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

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

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

MS. SHIELDS: The percentage is 15 percent.

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

MS. SHIELDS: Projections, yes.

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

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

Is that what you're asking?

MS. RAFALSKI: I didn't find the conditions.
Do you know what the conditions were?

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

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

MS. RAFALSKI: Thank you.

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

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

CHAIRMAN GAY: I first would like to hear
from Counsel on this issue, and then I'll give
Jamie the opportunity.

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

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

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

And in this instance, when the school board
issued its notice and attached whatever documents
that they attached -- in this case, nothing -- the
sum total of their denial was that's what you look
at for the basis for their denial. And I think
it's limited to that.
CHAIRMAN GAY: The district.

MR. SPILLIAS: Will Spillias.

Could you repeat the exact question again?

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

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

MR. SPILLIAS: Okay. Thank you.

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

I mean, the thrust of our reasoning and all is in our response. That's correct. But the purpose of this meeting is for you all to ask
questions and to try to garner some more details, perhaps, where all the responses are fleshed out, so to speak.

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

CHAIRMAN GAY: Jamie.

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

CHAIRMAN GAY: Does that answer?

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

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

Is there anything in your student enrollment
application that asks about an IEP or is that only
once they're enrolled that you ask the question?

MS. PAASCH: Shannon Paasch.

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

CHAIRMAN GAY: Thank you.

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

MS. PAASCH: Yes.

MS. SCOTT: Okay.

MS. PAASCH: Yes, we will.

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

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

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

MS. PAASCH: Correct.

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

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

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

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

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

MR. GARCIA: Well, she asked a question in regards to the percentage of ESE students. It's
something that could be provided on the exceptional student section, that it matches what the school district has as an average of ESE students. So that also shows evidence that they're not trying to keep ESE students out of their campus.

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

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

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

CHAIRMAN GAY: Anything additional?

(No response.)

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

MR. GARCIA: The evaluation instrument states
that they meet the standard.

CHAIRMAN GAY: Right.

Richard, do you have something?

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

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

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

CHAIRMAN GAY: Whenever you're ready.

MS. PAASCH: Sorry.

CHAIRMAN GAY: Take your time.

MS. PAASCH: I'm Shannon Paasch. I was just getting some clarification just to make sure that I understand. So just making sure that with our English language learner students that we are also providing information home that
parent will understand, correct? I'm sorry.

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

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

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

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

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

Exclusives of that application included concrete examples of initial placement testing, training for the IPT, or whatever the initial placement testing they choose, the ELL parent
committee as required, procedures for reporting FTE for ELL students, a comprehensive and compelling range of services for those students to receive a high quality educational opportunity, assessment that monitor and evaluate the progress of those individual ELL students.

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

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

CHAIRMAN GAY: Anything else?

MS. PAASCH: Shannon Paasch.

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

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

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

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

And so I know that as soon as our school is approved and is up and running, I'm moving to Tallahassee. I'm here January 1. And the first
thing I'm doing is reaching out to the county, meeting with everyone at the county that I need to. What are the policies and procedures? What are the expectations for Leon County? What do you provide? What am I going to need to make sure that I'm bringing in that you don't provide that I might be used to being provided to me?

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

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

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

And I think in her response -- in the application's response, it picked away at what is
required for ELL instruction. It may not have been, you know, listed under the consent decree. It says, we need to do this. But I believe, just in my opinion, some of those aspects were identified in the application.

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

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

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

MS. GREGORY: Gillian Gregory.

So I think what I hear you saying is that the model charter school application asks for information and the evaluation instrument defines acceptable answers, those that meet the standard
are perhaps -- for the purpose of the application
are perhaps not as aligned to the consent decree
as we have an obligation to provide?

MS. SCOTT: Uh-huh.

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

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

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

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

MS. GREGORY: I can't speak to that. I can't speak to any movement. I can only --
MS. RAFALSKI: It's listed as meets the standard. So some of the concerns, like the ITT, the parent committee, I read in here that there was, perhaps, some lack of understanding, which would, I would think, be noted in the evaluation.

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

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

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

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

CHAIRMAN GAY: Any additional comments from the members? Otherwise, we can move on to the
last sub-issue in Issue 1, which is school culture and discipline.

(No response.)

CHAIRMAN GAY: Any comments on this sub-issue?

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

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

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

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

MR. GARCIA: I'll go ahead.

I move that the Commission find that the school board did not have competent substantial evidence to support its denial of the application based on the applicant's failure to meet the
standards for the educational plan. And we have established already the reasons for that.

CHAIRMAN GAY: Can I have a second?

MR. MORENO: I'll second.

CHAIRMAN GAY: Seconded by Richard Moreno.

Karen, can you call the roll?

MS. HINES-HENRY: Osvaldo Garcia.

MR. GARCIA: Yes.

MS. HINES-HENRY: Richard Moreno?

MR. MORENO: We.

MS. HINES-HENRY: Shana Rafalski.

MS. RAFALSKI: Yes.

MS. HINES-HENRY: Kia Scott.

MS. SCOTT: Yes.

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

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

(Affirmative response.)

CHAIRMAN GAY: So Issue 2, we'll start with the school, three minutes to present.
MR. LEVESQUE: George Levesque.

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

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

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

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

And I'll ask Shannon to speak about that.

MS. PAASCH: Shannon Paasch.

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

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

You know, I ran into a group of kids at a baseball game a few weeks ago. They're all in
college, and I taught them. And just getting to see them was like really exciting.

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

CHAIRMAN GAY: Thank you.

And from the school district.

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

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

And a couple of concerns in that effort. One was the transportation issue, that it would be hard to have students from a broad range of backgrounds, socioeconomically disadvantaged students and others attending school if there were no transportation options for those students.
There were others who mentioned -- I'm moving back into ESE -- there was only half in the ESE unit staff in the school where if we held to that 15 percent and they had 300 students, it would be 45 students and one part-time or half-time teacher to support those students. So that was the only issue that we took -- major issue in the subsection of organizational plan.

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

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

But in this area of organizational plan, I
think it was just the concern of recruiting and retaining students based on limited transportation options and those types of things.

CHAIRMAN GAY: May I ask a clarifying question?

SUPERINTENDENT HANNA: Yes.

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

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

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

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

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

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

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

SUPERINTENDENT HANNA: Yeah, I'm trying --

(Multiple speakers, inaudible.)

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

SUPERINTENDENT HANNA: Right. But in the letter of denial, you're going to go back to where
you've been before, partially meets, meets, and I don't want you to exhaust yourself on talking about all of the individual issues just for the sake of doing it.

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

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

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

MR. SPILLIAS: Could we have three minutes just to --
CHAIRMAN GAY: That was based on my question so I actually stopped it when I asked a question.

MR. SPILLIAS: No.

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

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

CHAIRMAN GAY: Oh, absolutely.

MR. SPILLIAS: -- confirm?

CHAIRMAN GAY: Yes.

SUPERINTENDENT HANNA: Thank you.

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

MR. SPILLIAS: Perfect.

(Whereupon, a recess was taken.)

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

MR. SPILLIAS: Will Spillias.

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

CHAIRMAN GAY: Give me one moment, please.

(Whereupon, the record is paused.)

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

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

Is that what you're saying?

MR. SPILLIAS: No. I don't think we're withdrawing our response, no. But I guess in the interest of time and just our belief that one item in particular on that Item No. 5 is very significant that I guess in the interest of your time and kind of consolidating and focusing everyone's attention on maybe what we feel is the most important item there, we're just going to defer to and refer to our written response on the
other sub-items on Section 2 and then move on to Section 3.

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

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

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

MR. GARCIA: It meets the statutory requirements?

MR. MORENO: It meets the statutory requirements.

CHAIRMAN GAY: Any additional comments on governance?

(No response.)

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

MS. RAFALSKI: I have a question for the school.
As far as a viable and adequate staffing plan, how does the school intend to comply with FTE and certification requirements of staff?

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

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

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

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

MS. PAASCH: Right. I mean, to be honest,
personally I haven't run into that issue. I think, you know, looking at who -- okay. I'll build from experience.

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

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

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

CHAIRMAN GAY: Absolutely.

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

MS. PAASCH: Luckily, right, being in Tallahassee, we have Flagler, we've got FSU, so, you know, really kind of reaching out to the universities that we have here and the colleges and creating those relationships right off the bat. You know, inviting to get -- get interns in,
show them just what Red Hills is all about. But I think really kind of partnering with our resources that we have here in Tallahassee is going to be huge.

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

CHAIRMAN GAY: Yes.

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

SUPERINTENDENT HANNA: Rocky Hanna.

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

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

And I appreciate what she said about Florida State and Florida A&M and Flagler. But they just aren't entering those programs. And a lot of those universities are doing away with educational
programs altogether. So it is a real concern for all of us.

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

CHAIRMAN GAY: Go ahead.

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

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

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

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

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

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

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

(No response.)

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

Any questions or comments on this third
issue?

MR. GARCIA: We have comments on the notes.

CHAIRMAN GAY: Anything additional?

(No response.)

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

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

CHAIRMAN GAY: All right. Anything additional?

(No response.)

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

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

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

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

MS. JOANOS: Laura Joanos, Board President
for Red Hills Academy. I am a 38 year teacher, retired, so I'm really excited to be able to participate in this program.

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

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

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

(Multiple speakers, inaudible.)

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

CHAIRMAN GAY: Any additional questions?

(No response.)

CHAIRMAN GAY: Any comments?

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

MR. GARCIA: Yes.

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

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

CHAIRMAN GAY: I think that we -- if desired, we can have questions or comments on transportation and its impact. But the specific
issues under this is whether there's a recruitment plan that will enable the school to attract its targeted population and a plan and process that will likely result in the school meeting its enrollment projections.

Do we have any further comments?

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

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

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

MR. GARCIA: But it's separate.

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

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

MR. MORENO: Correct.

I move that the Commission find that the school board did not have competent substantial evidence to support denial of the application based on the applicant's failure to meet the
standards for the organizational plan.

CHAIRMEN GAY: Based on the foregoing discussions?

MR. MORENO: Right.

CHAIRMEN GAY: Can I have a second?

MS. SCOTT: Second.

CHAIRMEN GAY: Thank you, Kia.

Karen, would you please call the roll?

MS. HINES-HENRY: Richard?

MR. MORENO: Yes.

MS. HINES-HENRY: Kia?

MS. SCOTT: Yes.

MS. HINES-HENRY: Osvaldo?

MR. GARCIA: Yes.

MS. HINES-HENRY: Shana?

MS. RAFALSKI: No.

CHAIRMEN GAY: Okay. So the motion carries.

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

All right. And then that brings us to the third and final issue, which is the business plan and whether the applicant's business plan failed to meet any of the following standards, including facilities, transportation service, food service, school safety and security, budget, and a startup
So we will permit the school to start with a three-minute presentation followed by the school board.

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

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

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

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

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

MR. SPENCE: Keith Spence, Red Hills
accountant and budget piece.

Yes, just as a quick general overview. Obviously a school starting at 216, going to 348, this budget would not look as one would look at a larger school.

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

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

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

CHAIRMAN GAY: Go ahead when you're ready.

SUPERINTENDENT HANNA: We got to hurry. I
got to jump in, jump back.

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

SUPERINTENDENT HANNA: Rocky Hanna, Leon County Schools.

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

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

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

MS. BANKS: Kim Banks. I'm the Chief Financial Officer.
I was going to go speak to the food service program. The food service program as laid out in the application we do not believe would actually be approved by the Department of Agriculture to be able to be a national school lunch provider. The program is actually operating in the negative all four years of the plan, which would require them to do a paid lunch equity.

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

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

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

In reviewing Red Hills' application, the evaluation criteria is very clear related to a plan for addressing active assailant situations, also for providing training for active assailant
situations, and information related to behavioral threat assessment.

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

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

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

CHAIRMAN GAY: You have a few seconds left.

MS. BANKS: Kim Banks.

Again, we understand that it is a small
school, but comparing it to our charters who are also small, the salaries provide --

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

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

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

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

MS. JOANOS: And a light switch.

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

As the Superintendent mentioned, the facility had supported a school in the past. There's a
school there now. I've not heard of any problems with the building itself or the facility as being the reasons why the prior organization or the current organization might be struggling. And I don't have any direct knowledge of that either.

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

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

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

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

MS. RAFALSKI: You would be now the person
that is in charge of that?

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

CHAIRMAN GAY: Anything additional?

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

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

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

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

MS. JOANOS: This one is specifically for elementary.

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

MS. JOANOS: Uh-huh.

MR. MORENO: Okay.

MS. SCOTT: I just have a question for the district regarding the facility.
The bullet point that you specified in the letter says that the application fails to provide a layout of the school as required, and it's not a requirement of the application. I don't know what you consider to be a layout, because if we're talking about physical layout, that's not a requirement of the application.

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

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

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

MS. SCOTT: Thank you.

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

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

MR. LEVESQUE: In the application we have identified several other facilities that we looked at in the area. Those obviously would be backups. The facility that we've selected, we've entered into a lease agreement that will start once we get the charter, so we do have that lease. We've got rights under that lease.

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

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

MS. SCOTT: Is defer one option?

MR. LEVESQUE: Yes.
MS. SCOTT: Thank you.

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

Any questions or comments?

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

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

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

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

Currently we are talking to a transportation company, should that need arise, so that we've got that on standby. But obviously we would be working with the students to create those
carpools, to create those innovative solutions, to be creative in the ways that charter schools are designed to be creative to bring those together.

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

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

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

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

MR. SPILLIAS: Yes. Originally, as Mr. Levesque pointed out, the school was hoping to have their transportation as a -- designed without transportation, so transportation was not in the budget.
If that does come to be where the school cannot seem to get the enrollment like they need -- we tried to design a conservative budget in the charter school world. There is a 3 percent contingency every year, even in the startup year, in the startup budget that we could rely on. Obviously that would be a change that the board would have to take back and address. Thank you.

Keith Spence.

CHAIRMAN GAY: Go ahead, school.

MS. BANKS: Kim Banks.

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

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

And, also, where I mentioned that the food service plan is running in the negative. It's all falling into that. They would have to -- in order to be a national school lunch provider, the school
would have to bail out the lunch program first. It would have to be a net zero.

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

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

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

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

But, yes, we have several vacancies in our transportation department already where we have actually been looking at other ideas as far as trying to see if there are options for us to even contract to be able to make sure that we can get
our buses, you know, to and from our schools on time.

SUPERINTENDENT HANNA: Rocky Hanna.

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

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

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

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

SUPERINTENDENT HANNA: I think it varies from
school to school, honestly, what they do here in transportation.

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

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

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

CHAIRMAN GAY: Any additional questions?

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

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

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

SUPERINTENDENT HANNA: Again, I think it varies from school to school. There are one, maybe two outside companies. I think Tomahawk
Transportation Services, and there was School District Services, maybe two outside companies.

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

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

CHAIRMAN GAY: Anything else? Any comments?

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

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

CHAIRMAN GAY: I just wanted to check in on everybody. It is 12:16. I'm inclined to push
through. We have a few sub-issues left.

Does anyone object?

SUPERINTENDENT HANNA: I vote push through.

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

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

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

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

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

We have the capacity -- we do then to Pace here in town. So we have the capacity where we could if we were approached and that's what they -- and that's what the school was interested in, we could definitely work with them.
That is something that could be done outside of the plan that they have put forward, because I do think, again, as we referenced before, it is an equity issue when you're talking about such a large increase in costs where we've ensured that every elementary student in the district does not have to worry about, you know, the cost for breakfast or lunch, that's not on the family. Just make sure to take that off the plate so that when they're in school, they can concentrate on learning and not have to worry about that.

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

And at the end of the year, they have to balance to at least zero. It has to be a positive or a zero. If not, then you run into a paid lunch equity situation where basically the federal revenues are subsidizing too much of your program, and you have to raise the cost of those meals even further.
So if you're talking about then further increasing those costs where these students are going to be coming from schools where they paid nothing to begin with, but then drastically increasing them even further just to be able to become a national school lunch provider, it's an issue.

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

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

MR. SPENCE: Yes. Keith Spence.

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

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

I believe the reimbursement rate is $3.51. We're charging $3.50. So by the time you add in any additional staff to oversee the -- part-time
staff to oversee the serving, you're in a deficit. So all of those points were addressed.

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

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

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

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

MS. BANKS: I just wanted to go back to the
evaluation criteria, which says that they specifically need to make provisions for students that qualify for free and reduced lunches. And to do that, that is working through the Department of Agriculture being a national school lunch provider, or working through the district.

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

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

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

So nowhere are we seeing those drastically high numbers. And that's just a trend that we've been seeing nationwide is, you know, people aren't
wanting to eat the school lunch anymore. That's been the trend for -- it's been going down. So it is a struggle to try to, you know, keep the participation up and keep kids interested in eating. So that is one of the issues that we saw.

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

CHAIRMAN GAY: Is there any additional questions?

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

Any additional questions from the members?

I see Osvaldo and Kia.

MS. SCOTT: I just wanted to note the evaluation tool said that that section met the standard.
CHAIRMAN GAY: Okay. Noting that.

Any additional questions?

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

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

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

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

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

SUPERINTENDENT HANNA: Right. Rocky Hanna.
We can certainly look at that as an option. But we have the same issue with food service employees as we do with our bus drivers and everyone else. It's just hard to find people to work. It is a significant challenge for us each and every day.

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

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

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

CHAIRMAN GAY: Anything additional or can we move on?

SUPERINTENDENT HANNA: If I can just -- one more comment to your meets. That goes back to our process. It speaks directly to our process and the inefficiency of our process.
And then after the process over is when I went and dug into the details of the budget, the details of food service, the details of transportation, which then led me to the recommendation.

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

MR. GARCIA: Thank you.

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

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

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

Any particular questions?

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

CHAIRMAN GAY: We have safety and security
and budget and startup plan. Let's do it.

Did you have a question, Shana?

MS. RAFALSKI: For the school.

Who will be the members of your threat assessment team?

MS. PAASCH: Shannon Paasch.

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

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

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

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

MR. HUNKIAR: John Hunkiar.

Just for clarity, the application mentions --
there's no reference to a guardian. There's a reference to a safe school officer, and there's also a budget item related to the safe school officer. I believe it's $45,000. But the makeup is correct. That is the appropriate makeup, administration, mental health professional or counselor. It does not have to be a licensed mental health professional. And a law enforcement.

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

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

(Multiple speakers, inaudible.)

MR. HUNKIAR: There are three that --

MS. PAASCH: I apologize with the words. I
just don't want -- I don't know.

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

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

CHAIRMAN GAY: Any additional questions or comments?

MS. SHIELDS: Can I say something?

CHAIRMAN GAY: Sure.

MS. SHIELDS: There was reference to a school psychologist. And it was clarified that they do not have a budget for a school psychologist, that it's a district-provided position. And the purpose of that position is for the purpose of child fine. It would not be sitting on a threat assessment team. It's to offer the provision of
child fine services for students and determining if the student has a disability.

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

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

MR. SPENCE: I'm sorry, I was forgetting to say my name. Keith Spence.

That is separate than a guidance counselor.

MS. RAFALSKI: Thank you.

CHAIRMAN GAY: All right. We're going to move along.

Do we have any additional questions or comments?

MS. BANKS: Can I clarify?

CHAIRMAN GAY: Yes. And then we will move along.

MS. BANKS: I just wanted to go back to the question on the guidance counselor. The guidance counselor in the staffing plan is only a part-time position in all the years.

CHAIRMAN GAY: Okay. Thank you.
Our next issue is budget. We've heard a little bit on this. Do we have additional questions or comments from the members?

(No response.)

CHAIRMAN GAY: Nothing additional, just based on the information before?

MR. GARCIA: Yes.

CHAIRMAN GAY: Okay. We can then move up to the startup plan. Any questions or comments from the members?

MR. MORENO: No issues on the startup plan.

CHAIRMAN GAY: For the purpose of the record, Richard, could you give me some detail why you have no issue with the startup plan?

MR. MORENO: The application had a detailed plan with a timeline, and I believe they even had a chart with what's required each month.

CHAIRMAN GAY: Thank you. Anything else?

MR. GARCIA: In spite of the procedural issues, we still have to consider the evaluation tool, and the evaluation tool says that they met the standard.

CHAIRMAN GAY: Okay. Do I have a motion from any of the members on the third issue of the business plan based on the discussion and
questions presented before?

MR. GARCIA: I move that the Commission find that the school board did not have competent substantial evidence to support its denial of the application based on the applicant's failure to meet the standards for the business plan for the reasons already discussed.

CHAIRMAN GAY: Do I have a second?

MR. MORENO: I'll second.

CHAIRMAN GAY: Okay. Richard seconded.

Karen, could you call the roll, please.

MS. HINES-HENRY: Osvaldo Garcia?

MR. GARCIA: Yes.

MS. HINES-HENRY: Richard Moreno?

MR. MORENO: Yes.

MS. HINES-HENRY: Shana Rafalski?

MS. RAFALSKI: No.

MS. HINES-HENRY: Kia Scott?

MS. SCOTT: No.

MR. GARCIA: It's all yours.

CHAIRMAN GAY: I am going to vote yes, that the school board did not have competent substantial evidence.

All right. So then we can move on to the final motion. Can I have a member make the final
motion.

MR. MORENO: I move the Commission recommend that the State Board of Education grant the appeal.

CHAIRMAN GAY: Second?

MR. GARCIA: Second.

CHAIRMAN GAY: Karen, will you please call the roll.

MS. HINES-HENRY: Richard Moreno?

MR. MORENO: Yes.

MS. HINES-HENRY: Osvaldo Garcia?

MR. GARCIA: Yes.

MS. HINES-HENRY: Shana Rafalski?

MS. RAFALSKI: No.

MS. HINES-HENRY: Kia Scott?

MS. SCOTT: Yes.

MR. GARCIA: Because they prevailed on all of them, I think that we all have to vote yes on this. That's a procedural issue.

CHAIRMAN GAY: Right.

MR. GARCIA: I didn't think that we could vote no even though we called for a vote.

CHAIRMAN GAY: And, Jamie, if you could clarify. All of the three prior issues prevailed, so I believe that Osvaldo is correct, that we have
to grant based --

MR. GARCIA: We have to grant. Thank you.

CHAIRMAN GAY: -- based on the prevailing three motions.

MS. BRAUN: Right. That's correct.

CHAIRMAN GAY: Okay.

MS. RAFALSKI: So that is removed?

MR. GARCIA: We have to revote.

MS. RAFALSKI: Okay.

CHAIRMAN GAY: Can we call the roll on that one again?

MS. HINES-HENRY: Richard Moreno?

MR. MORENO: Yes.

MS. HINES-HENRY: Osvaldo Garcia?

MR. GARCIA: Yes.

MS. HINES-HENRY: Shana Rafalski?

MS. RAFALSKI: Yes.

MS. HINES-HENRY: Kia Scott?

MS. SCOTT: Yes.

CHAIRMAN GAY: Okay. Thank you very much everyone for your time and patience for getting through all of this.

As I mentioned before, we will be working on a recommendation based from the information presented today. It will be in writing. It will
be -- a telephone conference will be scheduled so that all parties have the opportunity to review, and the Commission members as well. And then the written recommendation will go before the State Board on October 20th in Orlando. We will make sure to provide the notice of that meeting to you as well. Thank you, again.

(Whereupon, proceedings were concluded at 12:42 p.m.)
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
EXPIRES JUNE 7, 2022