

Department of Education Charter School Appeal Commission Meeting

October 27, 2021

Vol 01

PHIPPS REPORTING

Raising the Bar!

CHARTER SCHOOL APPEAL COMMISSION

FLORIDA DEPARTMENT OF EDUCATION

325 W. Gaines Street
Suite 1544
Tallahassee, FL 32399

TRANSCRIPT OF PROCEEDINGS

Wednesday, October 27, 2021

9:30 a.m. - 12:15 p.m.
Volume 1 of 2

Pages 1 - 114

Charter School Appeal Commission Members:

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Ashley Barber
Jay Boggess
Kia Scott

Department Staff:

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Jamie Braun, Legal Counsel
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Adam Emerson, Charter School Director

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23

24 ALSO PRESENT:

25 Stephanie Alexander, Board Member
Jenae Thomas, Board Member
Valtena Brown, Executive Director
David Sunstrom, Board Member

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1 Proceedings began at 9:30 a.m.:

2 CHAIRWOMAN GAY: Welcome everyone. We'll
3 go ahead and get started. It's 9:30. I
4 appreciate everyone being here today and all
5 the effort put into the documents that you
6 provided to us. This is a meeting of the
7 Charter School Appeal Commission. Today is
8 October 27th, 2021. My name is Amanda Gay. I
9 am the Commissioner's designee to chair the
10 Commission. Also here for the Department are
11 Jamie Braun, our counsel; Adam Emerson, our
12 charter schools director; and Karen
13 Hines-Henry, our commission executive
14 assistant.

15 Karen, would you go ahead and call the
16 roll at this time.

17 MS. HINES-HENRY: Rafael Arza?

18 MR. ARZA: Here.

19 MS. HINES-HENRY: Ashley Barber?

20 MS. BARBER: Here.

21 MS. HINES-HENRY: Jay Boggess?

22 MR. BOGGESS: Here.

23 MS. HINES-HENRY: Kia Scott?

24 MS. SCOTT: Here.

25 CHAIRWOMAN GAY: Okay. As you'll see we

1 have a court reporter here as well today.
2 She's recording our meeting. As you may know,
3 she can only hear and record one person at the
4 time. So if you start to talk over one another
5 or speak too quickly, I may ask you to slow
6 down and start again. One of the best and
7 easiest ways to make sure that we don't do that
8 is come to the microphone when it's your turn
9 to speak. The court reporter has requested
10 that you say your name before you begin your
11 presentation so that she can make sure she's
12 recording the correct person.

13 So as required by statute, our panel today
14 is made up of members representing school
15 districts and then two members representing
16 charter schools so that you have a balanced
17 panel. I will only vote if there's a tie on a
18 particular issue. Today's meeting is going to
19 run a little bit differently. We have a few
20 matters to take care before we start the actual
21 appeal.

22 So first I'm going to ask our counsel,
23 Jamie Braun, to present a short refresher of
24 the Commission, it's role, some recent case
25 law, as just a reminder for our members. So

1 Jamie will go ahead and get ready.

2 And I also wanted to tell the members,
3 usually at this point I explain the procedures
4 of how the appeal will work, and we usually
5 jump right in, but on Monday we received a
6 motion to exclude the School Board's reasons
7 for denial, and we received the School Board's
8 response the following day on Tuesday.

9 The relevant rule provides that the chair
10 of the Commission will rule on motions that are
11 submitted prior to the meeting. So after Jamie
12 presents, I'm going to have the parties present
13 5 minutes of argument on their motion, and then
14 I'll rule before we proceed with the appeal.
15 So we'll give it over to Jamie now and then
16 we'll handle that motion next.

17 MS. BRAUN: Thank you, Amanda. My name is
18 Jamie Braun. I am assistant general counsel
19 here at the Department of Education. I spoke
20 to many of you this week or for previous
21 meetings, I think, for Ms. Scott, but we have 3
22 new members for the Commission today, and 1
23 returning member who's relatively new to this
24 role.

25 So before we get started on the merits of

1 today's case, as Amanda indicated I'm going to
2 give a brief tutorial on the Charter School
3 Appeal Commission, your role in reviewing the
4 Own Your Success Academies' application that's
5 before you today, and some recent developments
6 in case law. So I will keep this short, and I
7 hope this is beneficial to everyone.

8 So as we all are aware, when a person or
9 entity wants to open a charter school, they're
10 first required to complete a standardized
11 application that will be evaluated by the local
12 school board that will serve as sponsor for the
13 charter school. The application form and the
14 evaluation instrument that are used to review
15 that application were adopted by the State
16 Board of Education and incorporated into an
17 administrative rule.

18 The evaluation process can also include a
19 capacity interview where the applicant has an
20 opportunity to present their plan and
21 demonstrate their team's capacity to open and
22 maintain a quality school. They can also
23 answer questions about their proposal that can
24 be considered by the sponsor in making their
25 decision, and they often have the opportunity

1 to provide clarifying information or address
2 any issues with their application.

3 So once the evaluation is completed the
4 local school board will vote on the
5 application. And if the vote is to deny, then
6 that Florida law requires that the School Board
7 articulate in writing the reasons that it has
8 to support its denial. Those reasons must be
9 based on good cause, which courts have
10 interpreted to mean a legally sufficient
11 reason. Stated differently, the First District
12 Court of Appeal has said that the school board
13 must have a legal basis, good cause for the
14 denial. This is commonly referred to as the
15 denial letter, as part of your packet that all
16 of you received before today's meeting. Once
17 the denial letter has been issued, the
18 applicant can appear to the Charter School
19 Appeal Commission, which is how we are all are
20 here today.

21 Now, the Commission was established by
22 statute to assist the Commissioner of Education
23 and the State Board of Education with a fair
24 and impartial review of charter school appeals.
25 And the Commissioner and the board will be

1 relying on you and your expertise to review the
2 application, the related materials, the
3 presentations heard today, and to reach a
4 decision, and to explain your reasons for
5 making that decision.

6 Once you have reached a decision, you will
7 provide a written recommendation to the
8 Commissioner and the state board that
9 articulates the reasons that you made the
10 decision that you made today, and then the
11 state board will vote on the appeal. And the
12 state board is required to consider but is not
13 bound by the decision made by the Charter
14 School Appeal Commission.

15 There are a couple important developments
16 in case law that I want everyone to remember
17 for today's meeting. Most of you I don't think
18 were -- actually, none of the members today
19 were around when some of these older procedures
20 were in effect, but we're going to go over them
21 anyway. The first issue is that the Commission
22 is required to provide a factual basis for
23 reaching its decision. A few years ago there
24 was a case out of Palm Beach County that was
25 appealed to the Fourth District Court of

1 Appeal, and while the constitutionality of the
2 charter school appeal process as a whole was
3 upheld, the court took issue with some of the
4 Commission's prior practices that were in use
5 at that time and stated that, quote, at the
6 required meeting the Commission members failed
7 to discuss the issues before them, to ask any
8 questions of the parties, or to engage in any
9 fact finding before their vote.

10 So the requirement, as noted by the Fourth
11 District Court of Appeal, the requirement to
12 provide a fact-based justification or
13 recommendation to the state board is required
14 by statute. Because the Commission in that
15 case did not -- did not do that, the case was
16 sent back down to be reconsidered by the
17 Commission.

18 So to ensure that the Commission engages
19 in adequate fact finding today, the process
20 will be that each side will present their
21 opening statements, we will address each issue
22 individually, and the parties will provide
23 their comments on the issue. The Chair will
24 invite Commission members to ask questions and
25 make comments so it's clear on the record why

1 you make the decision that you make today.
2 Once the discussion is closed on an issue, the
3 Chair will ask for a motion. And if you are
4 making the motion, we will encourage you to
5 provide the reasons that you are making the
6 motion so that all of it is clear on the
7 record, and other Commission members can assist
8 in building that answer. So essentially what
9 we're asking everyone to do today is not just
10 to make a final decision, but to make sure that
11 the record reflects the reasons and factors
12 taken into consideration in reaching that
13 result.

14 The other issue that I want to make sure
15 everyone understands today is concerning the
16 Commission's role. So the Commission is tasked
17 with objectively reviewing the documents in the
18 record, including the denial letter, the
19 application, any transcripts or other documents
20 that were provided as part of the record for
21 this appeal. You are also to evaluate the
22 statements and presentations made here today at
23 this meeting, and then make a fact based
24 justification or recommendation to the
25 Commissioner and the state board as to whether

1 the school board has good cause based on
2 competent substantial evidence to deny the
3 application. So as we said earlier, good cause
4 means a legally sufficient reason.

5 So what does competent substantial
6 evidence mean? There's a couple different
7 definitions, but generally it means evidence
8 that is sufficiently material and relevant such
9 that a reasonable person would accept it as
10 support for the conclusion reached, which in
11 this case is denial of the charter school
12 application.

13 As part of your decision making process
14 today, not only are you tasked with reviewing
15 the documents and the presentations made today,
16 but I want to bring up another case that's
17 important to how the meeting is run today and
18 your decision-making process. Earlier this
19 year the Fourth District Court of Appeal came
20 out with a case in the Florida East Coast
21 Charter Appeal out of Volusia County, which one
22 of the issues on that appeal was whether or not
23 the Commission could consider information
24 outside of the record in making its decision.

25 And the District Court of Appeal affirmed

1 that as provided in statute, quote, in Section
2 1002.33, Subsection 6(b), it states, quote, the
3 Commission may receive copies of the appeal
4 documents forwarded to the State Board of
5 Education, review the documents, gather other
6 applicable information regarding the appeal,
7 and make written recommendations to the
8 Commissioner.

9 They also quoted subsection 6(e)(5), which
10 states, quote, Commission members shall
11 thoroughly review the materials presented to
12 them from appellant and the sponsor, and may
13 request information to clarify the
14 documentation presented to it.

15 So what that means and what the District
16 Court of Appeal decided is that you are not
17 limited only to review of the written materials
18 before you, but you can gather additional
19 information and clarification during today's
20 proceedings and use that in making your
21 decision.

22 So unless there are any other questions,
23 I'm going to turn things back over to the
24 Chair. Thank you all for your time this
25 morning.

1 CHAIRWOMAN GAY: Thank you, Jamie. All
2 right. So I'll go ahead and now start with the
3 school as to the motion to exclude. I'll ask
4 that you limit argument to the motion in
5 response and not delve into the merits, and I
6 am timing on my phone. So if I'm looking down,
7 that's what I'm doing. I'll allot 5 minutes
8 for the school and then 5 minutes as well for
9 the district's response.

10 You can begin whenever you're ready. I'll
11 try to give you a one-minute warning.

12 MR. STERNBERG: Thank you, Madam Chair.
13 Thomas Sternberg on behalf of Own Your Success
14 Academy -- Own Your Success Academies,
15 Incorporated. And like you said, I'll
16 introduce everything in more detail when we get
17 into the merits, but briefly what we filed is a
18 motion to exclude certain reasons for denial
19 primarily found in the evaluation instrument,
20 which is the standard form evaluation
21 instrument promulgated by rule of the State
22 Board of Education, but also the denial letter
23 issued by Hillsborough County School Board.

24 First, to address the timelines issue,
25 that rule, state board, that was already

1 correctly mentioned 60(a)-6.07813(c) does allow
2 the board to or an applicant movant to file a
3 motion at any time before the hearing, and it
4 allows the school board to respond either 5
5 days prior to meeting or the day before,
6 whichever comes first. So it was timely filed.
7 We conferred with the parties, so it was timely
8 filed. And we are here properly before this
9 Commission.

10 Second, what we really want to address
11 with this is that the school board in issuing
12 its reasons for denial, first with the
13 evaluation submitted, which was part of the
14 agenda packet, and then ultimately the denial
15 letter, is that it essentially just
16 regurgitated the standards of the State Board
17 of Education.

18 And, importantly, I think it's good to
19 highlight, because we just received a really
20 great rundown of what competent and substantial
21 evidence is and good cause showing legal
22 justification for denying a school. When you
23 look at, for instance, the first part of the
24 denial letter, all it says is that the
25 application does not comply with Florida

1 Statutes. It cites a section and then says the
2 educational program and design and learning
3 environment the school proposes is not
4 consistent with the requirements in Florida
5 Statutes for charter schools.

6 This is really a due process issue. How
7 can we -- how can the applicant, a school
8 trying to start and serve students throughout a
9 county, understand and know what they're being
10 denied for if they're just regurgitating and
11 saying you didn't meet what the statute says?

12 So without a really specific denial, we're
13 not able to articulate and properly present a
14 defense for what this -- what we believe is an
15 unlawful denial of a really important school
16 that seeks to open in Hillsborough County, and
17 what that really does is, like we said, we get
18 before this Commission and it kind of ties our
19 hands behind our backs.

20 We want to present a robust and succinct
21 appeal for you so the Commission members can
22 really understand the root of each issue, but
23 when we're given these reasons for denial that
24 just says it didn't meet Florida Statutes,
25 please tell us why. Help us understand so not

1 only if we had to go back and rewrite an issue,
2 but we can properly present our arguments
3 before this court. And that's really what the
4 heart of the issue is.

5 Specifically, I can give the specific
6 evaluation numbers, and those are 6, 7, 8, 11,
7 12, 16 and 21. Those are what we're seeking to
8 exclude from the actual standard evaluation
9 instrument which we received by the applicant,
10 and then also primarily, and they're not
11 numbered in the denial letter which also makes
12 it more difficult for us to present which ones
13 we're saying, but it would be the first major
14 bullet, the second major, and the third major.

15 So in hopefully 5 minutes or less that's
16 what we're really trying to show the
17 Commission; that not only can we not present a
18 defense, but we want to present it with the
19 legal standard that is required. And that's
20 all we're asking for is to not rely on those
21 that did not allow us to present justification.
22 However, regardless, and when we get to the
23 merits of the case, I promise you we will
24 accurately rebut each and every item that
25 Hillsborough County has denied this application

1 unlawfully.

2 Thank you, Commissioners, and thank you,
3 Madam Chair.

4 CHAIRWOMAN GAY: Thank you.

5 All right. The district?

6 MR. FARRIOR: Thomas Farrior on behalf of
7 the Hillsborough County School District. I
8 want to start by thanking you-all for being
9 here today, and Ms. Gay for coordinating this.
10 I know it took some time to get everybody on
11 the same page.

12 So in regards to the motion to exclude,
13 the first item I would like bring up is the
14 fact that the motion is untimely and
15 prejudicial to Hillsborough County School
16 District. Own Your Success Academies filed its
17 appeal on July 22nd, 2021, yet they waited
18 until Monday, approximately 48 hours before
19 this hearing, to file this motion to exclude
20 certain evidence.

21 Additionally included in the motion, the
22 specific line items were not addressed that
23 Mr. Sternberg just brought up. I believe he
24 said 6, 7, 11, 18 and 21. These items were not
25 addressed in his motion and, therefore, the

1 Hillsborough County School District did not
2 have time to prepare and go through the
3 specific items.

4 Additionally, given the timeframe set up
5 by the rule regarding Hillsborough County's
6 response, we had less than 24 hours to review
7 the motion, analyze the case law on the motion,
8 conduct our own research regarding the motion,
9 and then prepare a brief. So we are really at
10 a time crunch there, and because of that we
11 believe the motion is untimely and prejudicial
12 and should be denied.

13 Next, going to the motion itself and its
14 lack of any kind of supporting documentation,
15 the motion cites the denial letter failed to
16 contain certain requisite specificity.
17 However, the motion does not attach -- the
18 motion did not attach the denial letter at all
19 for this court to review. The denial letter
20 was part of the original brief filed by Own
21 Your Success Academies, but it was not
22 incorporated in the motion or made a part the
23 motion.

24 Additionally, Own Your Success Academies
25 cites a case for the basis that a fact-based

1 justification is required. However, this case
2 is exactly the case that was discussed by
3 Ms. Braun earlier in regards to actions by the
4 Commission and rulings by the Commission, not
5 in regards to a denial letter by a school
6 district. Accordingly, Own Your Success
7 Academies failed to cite a single case for the
8 proposition that the 17 reasons articulated by
9 the district lacked the specificity required.

10 Then we turn to the letter itself and the
11 specificity in the letter. Indicative of the
12 fact that the letter has specificity, the
13 motion only discusses one -- again, one of the
14 17 reasons listed for the denial are discussed
15 in the motion. Mr. Sternberg mentioned some
16 new ones today. Again, we were not aware of
17 these until he gave his presentation just a few
18 minutes ago. But, again, only 1 of the 17
19 reasons for the denial were addressed in his
20 motion.

21 Further, a cursory review of the denial
22 letter shows that the district cited not only
23 the specific statutory reference giving rise to
24 the denial, but also specific factual reasons.
25 I believe Mr. Sternberg went to the first

1 bullet point on Page 1 of the denial letter.
2 If you look at the second bullet point, it says
3 the proposed daily schedule does not comply
4 with statutory requirements due to
5 instructional minutes being completed outside
6 of the brick and mortar setting. That contains
7 factual details supporting the statutory denial
8 of the application.

9 If we go to the second bullet point, we
10 look at the application does not clearly
11 describe the continuum of services for
12 exceptional students be provided at the school.
13 Once again, factual support for the statutory
14 denial of the application.

15 We go to number 3. The application does
16 not include an enrollment projection of ELL
17 students, nor a staffing aligned to
18 projections. Once again, factual support for
19 the statutory reference specified in the denial
20 letter. Based on the foregoing we recommend
21 that this Commission deny the motion to
22 exclude.

23 RULING ON MOTION TO EXCLUDE

24 CHAIRWOMAN GAY: Okay. Thank you. I
25 thank you both for your motions and for you

1 explanations today. At this time I'm going to
2 deny the applicant's request to -- excuse me --
3 motion to exclude. I spot a few issues that
4 are problematic, and your motion seems to be
5 seeking summary judgment type relief that I as
6 a Chair don't have the authority to provide,
7 but I am confident in the Commission's ability
8 to evaluate the issues before it today. You
9 are, of course, free to make the objections you
10 need to on the record or standing objections
11 whenever the time is appropriate.

12 So we'll go ahead then and proceed with
13 the merits of the appeal as filed, and I'll go
14 ahead and move into the procedure of how the
15 appeal is going to work. When we start we will
16 permit each side 10 minutes to present the
17 overall story of their case. I always start
18 with the school, and then we will move on to
19 the school district. Then we will go through
20 each issue before the Commission. In that
21 process each side will be given 3 minutes to
22 address the specific issue, and you should know
23 the members have read the materials, have
24 prepared comments and questions, and have noted
25 various different things.

1 So after the parties' presentations on the
2 particular issues, you will likely receive
3 questions from the Commission members. After
4 questions the members will work together to
5 draft a motion on each issue, like Jamie said,
6 specifically detailing the because reason for
7 the motion, so that we make sure that we have a
8 good record and good recommendation for the
9 State Board.

10 Another reminder is that the school must
11 prevail on all issues, three main issues here
12 today. The district would need to prevail on
13 at least one issue to establish good cause. So
14 based on the proceedings today we will prepare
15 written recommendations for the state board.
16 Once that is complete, we will schedule a phone
17 call with all parties. You will have received
18 the recommendation beforehand. The phone call
19 is usually about 30 minutes where we make any
20 corrections that are needed, and then the
21 Commission will vote on the recommendation
22 before it's turned over to the state board.

23 So if everyone is ready, we'll go ahead
24 and start with the charter school. You will
25 have 10 minutes to explain your appeal and the

1 position. And, again, as a reminder, please
2 make sure to say your names. I know sometimes
3 you'll have other members come up and speak, so
4 that would be helpful.

5 APPLICANT'S OPENING STATEMENT

6 MR. STERNBERG: Good to see you-all again.
7 Thank you. My name is Thomas Sternberg on
8 behalf of the applicant, Own Your Success
9 Academies. We submitted the application as
10 Hillsborough County Acceleration Academy. And
11 with me I have Stephanie Alexander, and also on
12 behalf of Ed Pozzuoli of Tripp Scott, from the
13 actual applicant and proposed education service
14 provider, we have board member Jenae Thomas,
15 David Sunstrom and Valtena Brown.

16 I want to begin today by helping this
17 Commission understand really the state of
18 disrepair that the Hillsborough County School
19 Board was in starting back in February, all the
20 way to the meeting where this was held,
21 bringing it to June 15th. And the School
22 Board --

23 MR. FARRIOR: Excuse me. If I may, this
24 is completely irrelevant to the application
25 process and the proceeding before us now. The

1 state of Hillsborough County School District
2 has nothing to do with Own Your Success
3 Academies' application or the failures thereof.
4 So I don't know why we're discussing any kind
5 of issue regarding the district, whether it be
6 budgetary or other charter school appeals or
7 denials.

8 MR. STERNBERG: Madam Chair, they'll have
9 10 minutes for rebuttal. This is just an
10 opening statement. If they're going to object
11 to a factual issue, I'm happy to go back and
12 forth on that.

13 MR. FARRIOR: I'm objecting to it as
14 irrelevant. It's highly prejudicial.

15 CHAIRWOMAN GAY: Okay. We're going to go
16 ahead and continue. I appreciate your
17 objection, and you have it for the record, but
18 we'll go ahead and continue, and you can
19 address it in your time.

20 MR. STERNBERG: Thank you, Madam Chair.
21 And why it is relevant, and certainly is
22 prejudicial to the school board is because back
23 in February of 2021 there was a workshop held
24 which talked about really what the School Board
25 needed to do to, in their mind, hedge their

1 losses of a potentially \$250 million based
2 claim that is being lost to charter schools.
3 Now, what they tried to do then, and clearly in
4 a very succinct attempt, brought us to that
5 June 15th, 2021 board meeting.

6 What happened there is the school board
7 voted to deny not only multiple charter
8 applicants, but also terminated and did not
9 renew 4 currently existing charter schools.
10 And this was obviously in response to budgetary
11 failures and hoping that they could recoup some
12 of these funds that they thought they were
13 losing to charter schools, even though of
14 course through public schools.

15 Now, after this June 15th board meeting,
16 the State Board of Education, the Commissioner
17 of Education, thousands of community members
18 and teachers, students, and stakeholders came
19 out, rallied in support, and the school board
20 ended up voting to rescind its Own Your Success
21 Academies' decision to deny and not review
22 those 4 currently existing charter schools.
23 And the reason all this is important is just to
24 help this Commission understand what was
25 happening at this meeting, the reasons for

1 denying these schools, and why Own Your Success
2 Academies is a truly great applicant and
3 potential school, was denied. It was not on
4 the basis of merit. It was on the basis of
5 trying to recoup funds lost that the district's
6 own failures caused.

7 Now I want to go to the actual applicant.
8 This applicant is not a traditional charter
9 public school. The governing philosophy of the
10 applicant is to help students that have really
11 been lost from the traditional public school
12 system, that they matter -- no matter what
13 their past academic performance is, can go on
14 past obstacles, can go on, have success and
15 graduate from high school, enter the workforce,
16 military, college. And what this school is
17 seeking to do is only target those students.
18 These students are typically 18 to 21 years of
19 age. These students have typically dropped
20 out. They're grade overage students. And what
21 they want to do is target the most at-risk
22 population in Hillsborough County.

23 The proposed location is in Tampa Heights,
24 where they will serve the majority black and
25 Hispanic students, and all if not most will

1 be -- most but not all will be eligible for
2 free and reduced price lunch. The applicant
3 will primarily recruit students, like I said,
4 who have dropped out of high school previously,
5 and many of the anticipated students, like I
6 also said, are really over the age of what a
7 traditional high school student would be
8 because of reasons for dropping out. And while
9 the charter school will be new, the approach is
10 not.

11 So Selective Management Company
12 Acceleration Academies was founded based on
13 their nationwide research and on this high
14 school dropout issue. This network has grown
15 with Acceleration Academies' proposed education
16 service provider with actual contracts and
17 working in counties like Miami-Dade, Sarasota,
18 St. Lucie as well. And even the school
19 district superintendent of Hillsborough County,
20 at that June 15th, 2021 board meeting where the
21 school board went off the rails, I'm going to
22 quote them, because I think it's really
23 important for this Commission to understand.

24 Quote, one thing I will say, Acceleration
25 Academies, while they are not a charter school,

1 they really do some good work throughout the
2 state of Florida and throughout the nation,
3 being able to address students that may have
4 dropped out for some other reason. So there
5 may be conversations about what they can do to
6 help us and help the community where we have
7 students that are 21, 22 years of age that have
8 not fulfilled their obligations for a high
9 school diploma, and it may be a potential
10 partnership we look into.

11 Well, we couldn't agree more. We think
12 this is a great partnership, working with the
13 district as a charter public school. And as it
14 relates to the current application, and as we
15 just mentioned before, the school district
16 failed to clearly provide the applicant with
17 the reasons based on good cause to continue the
18 application.

19 And as we'll see from the brief submitted,
20 the corresponding exhibits, as well as many
21 questions you hopefully you may have for our
22 reps here, the applicant has clearly met the
23 standards for approval. And we want to begin
24 serving this severely disadvantaged population
25 in Hillsborough County. This is not a school

1 that is going up against the school district,
2 but working in partnership to help regroup
3 those that the school district has failed.

4 So we ask you Commission members to please
5 side with the parents and children who will be
6 greatly served by this school and vote to
7 recommend approval, or make a motion to find
8 that the school district did not have good
9 cause to deny this applicant.

10 And at this point I don't want to take too
11 much of your time. I do want to turn it over
12 to the board member present from Own Your
13 Success Academies, Inc., a not-for-profit, Ms.
14 Jenae Thomas, and Ms. Valtena Brown, and David
15 Sunstrom of the proposed education service
16 provider.

17 CHAIRWOMAN GAY: And you-all have about 4
18 minutes in your 10 minutes.

19 MS. THOMAS: Good morning. I'll make this
20 very brief. My name is Jenae Thomas, and I am
21 one of the board members of Own Your Success
22 Academies. I just wanted to relate to you all
23 the reasons why I'm here and the reasons why I
24 agreed to work with Own Your Success.

25 So I am an attorney in the Tampa Bay area,

1 and for 8 years almost I was prosecutor. I was
2 also heavily involved in the community. I was
3 on the local board for Big Brothers Big
4 Sisters, and for Heart Gallery of Tampa Bay,
5 which is an adoption agency. I also work very
6 closely with Junior League of Tampa, and was
7 involved in Family Literacy. So I saw from the
8 other side where the school district was,
9 honestly, failing and the issues that we have
10 been having here in Hillsborough County, and
11 what happens due to those failures in the
12 school system from my little sister, Tania, who
13 is having problems in school. She's doing a
14 little better this year, but during COVID, when
15 we weren't able to get laptops, things like
16 that.

17 I've also been to Acceleration Academies
18 and seen it from the other side and seen what
19 they do provide, and I've been able to witness
20 the successes firsthand of how they bridged
21 that gap between what we're seeing in
22 Hillsborough County in the schools and where we
23 are with Acceleration Academies. That's reason
24 I agreed to be on the board for Own Your
25 Success, and that's the reason why I'm here

1 today, so I look forward to speaking with you.

2 MR. STERNBERG: And just for the sake of
3 time, we'll actually conclude opening remarks
4 with that, and the education service provider
5 is happy to answer any questions as we go
6 throughout. So thank you so much, and we look
7 forward to hearing your questions and findings
8 on this matter. Thank you.

9 CHAIRWOMAN GAY: Thank you. Before the
10 school district gets up, I did want to mention
11 that Dr. Graham, our Executive Director of our
12 office, is here as well today. I wanted to
13 make sure to acknowledge him, and so you can go
14 ahead now.

15 SCHOOL DISTRICT'S OPENING STATEMENT

16 MR. FARRIOR: Thomas Farrior on behalf of
17 Hillsborough County School District. If I may,
18 if I'm running a little tight on time, would
19 you mind giving me two-minute warning?

20 CHAIRWOMAN GAY: Okay.

21 MR. FARRIOR: Let me just begin by stating
22 that what Own Your Success proposes, I think
23 everybody can get behind it. It's a great
24 thing for the community. I think they have
25 great support. I think it could make a

1 difference in the community. The issue is not
2 with Own Your Success and the program they
3 provide. The issue is with the application,
4 and the application criteria established by
5 this state, and Own Your Success's failure to
6 comply with those requirements.

7 And, again, as you heard Ms. Brown before,
8 your overview here is not of the Hillsborough
9 County School District, the financial state of
10 the Hillsborough County School District, other
11 charter applications. Your review is limited
12 to the documents in the record, the Own Your
13 Success Academies' application, and whether the
14 school district at the time of reviewing the
15 application had reasonable -- made a reasonable
16 decision regarding the denial based on
17 competent substantial evidence. That is the
18 limit of your focus here today.

19 Another thing I would like to point out,
20 Mr. Sternberg mentioned there were several
21 charter school non-renewals that ended up being
22 overturned. One thing I would point out is
23 that those renewals that were overturned, the
24 Hillsborough County Charter Office recommended
25 to the board that those appeals or those

1 applications be approved. The board made the
2 decision to deny those applications. Own Your
3 Success Academies, based on the failures of its
4 application was recommended by the charter
5 office to be denied, and the board, after
6 seeing the failures, approved that denial.

7 So let me go back and begin to give you a
8 little background. Own Your Success Academies
9 applied for the Hillsborough County charter
10 school on January 28th, 2021. After a
11 comprehensive review of the application and a
12 capacity interview, the Hillsborough County
13 School District Charter Office made the
14 recommendation to the school district to deny
15 the application based on several failures of
16 the Florida Charter School Application
17 Evaluation instrument. Again, this is the
18 instrument that Ms. Braun discussed earlier
19 that was approved by the State Board of
20 Education to make a determination regarding
21 charter schools.

22 Accordingly, on June 15th, following the
23 Charter School Office's recommendation the
24 school board denied the application. Own Your
25 Success, therefore, pursued an appeal, and as

1 set forth in the denial letter, which has
2 already been ruled upon to have specificity
3 required in its response brief, you will see
4 that the board had good cause for denial. If
5 we go through the Florida Charter Application
6 Evaluation instrument, I believe that's the
7 easiest way to highlight the failures of the
8 application process and to bring to light some
9 of the issues that gave concern to the
10 Hillsborough County School District.

11 If we start at parts 3 and 6, Educational
12 Program Design, in the evaluation instrument
13 that is attached to Own Your Success's appeal,
14 I believe it is G, Exhibit G. If in reviewing
15 this evaluation instrument you see the first
16 failure is that the application fails to
17 indicate the hours attributable to FTE
18 coursework. Daily seat time is crucial in
19 determining appropriate FTE calculation, and
20 without that we cannot assure one of the
21 guiding principles of charter schools, which is
22 financial efficiency.

23 The education program design also failed
24 to include a pupil progression plan which sets
25 forth objective criteria for student promotion.

1 This is critical, giving the non-traditional
2 setting proposed by Own Your Success Academies.

3 And then we turn to the failure to provide
4 a comprehensive and compelling plan
5 identification and education of students with
6 special needs. The application only contains
7 boilerplate language regarding multi-tiered
8 systems of support. However, this is only the
9 first step in identifying and educating
10 students with special needs. Adding to the
11 confusion and uncertainty surrounding seat
12 times, the application also fails to indicate
13 how vulnerable students would receive direct
14 services when the application specifies that
15 those vulnerable students could account for up
16 to 60 percent of the school day not with
17 traditional students. And the application also
18 proposes that the students are only on campus
19 12 hours a week.

20 So it's entirely unclear how these
21 students that would need services 60 percent of
22 the time would receive those services if the
23 Own Your Success Academies is only proposing 12
24 hours per week, or deference given to students
25 regarding how they structure their education.

1 Then we turn to Part 7, English Language
2 Learners. The rule requires that the students
3 shall be assessed after responding yes to any
4 of the three questions set forth in the rule,
5 notwithstanding Own Your Success Academies'
6 proposes to automatically prohibit enrollment
7 in the ELL programs if the student only answers
8 yes to using language other than English in the
9 home. That's not what the rule requires, and
10 it's reason for denial in and of itself.

11 Then we turn to the fact that the
12 application failed to include an ESL program
13 plan to mirror the district's plan or its own
14 plan, which are the only two options available
15 for charter schools. They also failed to
16 provide an enrollment projection for ELL
17 students, and in fact the revenue worksheet
18 attached to the application fails to account
19 for any ELL students at all.

20 The application also indicates a failure
21 to understand a process of identification of
22 ELL students due to the fact the application
23 indicates Own Your Success Academies intends to
24 use the W-I-D-A, WIDA, access test as a
25 screening tool, despite the fact the WIDA

1 access test is clearly established as an
2 evaluation instrument, not a screening tool.

3 Then we turn to Part 20, the budget. The
4 budget failed to include certain crucial
5 expenses such as administration fee to the
6 district. It failed to account for audit of
7 its ESP, which is extremely significant and
8 concerning, considering Own Your Success
9 Academies proposes awarding its ESP 95 percent
10 of its funding. It also fails to include a
11 line item for insurance broker, despite the
12 fact the application states that they will
13 retain an insurance broker. Based on these
14 budget oversights, it is entirely unclear if
15 services are being delegated to ESP or they're
16 being taken care of by the charter school, or
17 they're just being wholly overlooked. As such,
18 the application fails to provide a full
19 accounting of the cost of operation as required
20 by statute.

21 Then we turn to Part 21, financial
22 management and oversight. The application
23 failed to include a financial management system
24 for day-to-day oversight by the governing
25 board. Rather, the application proposes

1 providing its ESP with 95 percent of its funds
2 allocated. Given that most allocation ranges
3 in Hillsborough County are between 9 and
4 13 percent, 95 percent is alarming and
5 inconceivable, creating additional confusion
6 and uncertainty due to the fact that despite
7 repeatedly stating in the application that the
8 ESP will receive 95 percent of the funding, the
9 application, and during the capacity interview,
10 it was mentioned that 8 percent of the funding
11 will go to the governing board, and to the
12 sponsor, thereby accounting for 103 percent of
13 its budget, which I'm sure is an error but,
14 again, adds to the confusion and uncertainty
15 surrounding this application.

16 And then we get to Addendum B. If you
17 look at Addendum B in the evaluation criteria,
18 you'll see that it requests certain information
19 regarding the ESP, and not surprisingly the
20 items listed in Addendum B mirror the
21 requirements set forth on this Commission's
22 motion sheet under Issue 3.

23 Now, Own Your Success Academies didn't
24 provide an incorrect Addendum B, it didn't
25 provide an impartial Addendum B, they wholly

1 failed to include an Addendum B in their
2 application. No Addendum B for the Commission
3 to look at and review in making its decision.

4 Based on these uncertainties, the
5 Hillsborough County School District could not
6 gamble with its students regarding their care
7 and education. If they did, it would amount to
8 an admissible presumption. It would require an
9 admissible -- impermissible presumption by the
10 board.

11 Additionally, it is important to note that
12 this state has established a charter school
13 application process and evaluation criteria to
14 ensure that charter schools fulfill the
15 principles and purpose established by the
16 legislature. To find that the school district
17 did not have good cause to deny this
18 application would undermine the charter
19 application process in the state generally, and
20 charter schools throughout the state that spent
21 substantial time, energy and money to ensure
22 that they thoroughly and accurately completed
23 their application.

24 Based on the foregoing we request that
25 this Commission deny Own Your Success's appeal.

1 And, finally, that the Hillsborough County
2 School District is entitled to an award of
3 attorney's fees and costs in defending the
4 same. Thank you.

5 ISSUE 1: EDUCATIONAL PLAN

6 CHAIRWOMAN GAY: All right. Thank you
7 both. That takes us now to our first issue,
8 Issue 1, whether the applicant's educational
9 plan failed to meet any of the following
10 standards, and the standards that we are
11 discussing today are educational program
12 design, exceptional students, and English
13 language learners. Again, each party will have
14 3 minutes to present on this issue, and then
15 the Commission will be able to ask questions or
16 make comments.

17 Whenever you're ready, go ahead.

18 MS. BARBER: I just have a question about
19 procedures. Are they presenting like each
20 individual subcategory here or just on the
21 overall issue?

22 CHAIRWOMAN GAY: That's a great question.
23 So they will be presenting on the entirety of
24 Issue 1, which will address each of the sub
25 issues, and if they're not able to do that in 3

1 minutes, we'll just make sure to ask questions
2 or make comments on each of the identified
3 standards.

4 MS. BARBER: Good. Thank you.

5 MR. STERNBERG: Board Members, Madam
6 Chair, I'm going to speak really briefly and,
7 again allow the actual applicant to give a
8 little more in-depth about what this program is
9 designed to do and the Florida Statute 1003.53,
10 dropout prevention and academic intervention.
11 It's important for this Commission to
12 understand the very first sentence of that
13 rule.

14 "Dropout Prevention and Academic
15 Intervention Programs may differ from
16 traditional educational programs and schools in
17 scheduling, administrative structure,
18 philosophy, curriculum or setting, and shall
19 employ alternative teaching methodologies,
20 curriculum activities and diagnostic and
21 assessment procedures in order to meet the
22 needs, interests, abilities and talents of
23 eligible students."

24 That's what we're operating under here.
25 That's why this educational program design,

1 which was dozens and dozens of pages which
2 specifically highlights Acceleration Academies'
3 past success does in fact meet the standards
4 for review.

5 At this point David Sunstrom from the
6 educational service provider will speak to the
7 specifics.

8 MR. SUNSTROM: Good morning. My name is
9 David Sunstrom. I just wanted to clarify, our
10 design is in practice in Miami-Dade, Sarasota,
11 Escambia, St. Lucie counties, Washington State,
12 Clark County, Nevada, Charleston, South
13 Carolina. It has been tested and has been
14 based on extensive and massive research over a
15 period of years. The academic design is wholly
16 accredited, our curriculum is wholly
17 accredited, and each course is wholly approved
18 by the State of Florida, and it's a consistent
19 personalized learning philosophy through a
20 hybrid of methodologies. Precise and detailed
21 analysis of our design can found on Pages 14
22 through 30 of the application.

23 I'm not sure where some of what was said
24 came from, but at the end of the day this is
25 not something that is new or that is untested.

1 This is a program multiple counties in the
2 state of Florida have embraced. It's what
3 Hillsborough County initially indicated it
4 wanted to partner with us on, and its board
5 rejected that partnership, which ultimately led
6 to a charter, a nonprofit charter board asking
7 for our services.

8 CHAIRWOMAN GAY: You have about 30
9 seconds.

10 MS. BROWN: Good morning, I'm Valtena
11 Brown. I am executive director for Florida
12 Schools. I was previously the deputy
13 superintendent of Dade-County Public Schools
14 for the last 7 years, so I come here as a new
15 member of Acceleration Academies. Hillsborough
16 County made some specific mentions to
17 exceptional students --

18 CHAIRWOMAN GAY: I'm sorry. We're at 3
19 minutes now, but the members will be able to
20 ask questions throughout the time.

21 MS. BROWN: Thank you.

22 MR. FARRIOR: Thomas Farrior on behalf of
23 the Hillsborough County School District. I
24 will do my best to give some information, and
25 then Dr. Chinzia Delange will come up. She's

1 the head of our charter office, Hillsborough
2 County School District.

3 One thing I would like to clarify is there
4 was a discussion of blended students and
5 statutory language. As quoted in our brief,
6 the Full-time Equivalent General Instructions
7 for 2000/2021 states that student reporting of
8 blended learning courses for funding under the
9 EF -- EFP continues to be reported based on
10 seat -- seat time is crucial in determining the
11 appropriate amount of funding the charter
12 school is to receive, yet the application
13 which, again, the focus is on the application.

14 Own Your Success Academies, great program.
15 I believe this is a first attempt at
16 establishing a charter school. They don't have
17 any charter schools in the state that I'm aware
18 of. Great program, but the application
19 failures cannot be overlooked. And one of
20 these application failures was a failure to
21 include the amount of seat time the students
22 will receive.

23 This falls under 1(A) and 1(B) on Issue 1.
24 If we go to Issue 2, or number 2, exceptional
25 students, there's no -- in the application

1 there's no mention of 504 students -- mention
2 of 504 students in support, no mention of
3 gifted services, among other things. We turn
4 to Item 3, English Language Learners. You
5 heard me discuss this when I gave my opening
6 statement. The budget itself, the revenue
7 worksheet fails to account for any English
8 Language Learners at all.

9 Additionally, the rule -- the rule
10 requires that after responding yes to any of
11 the 3 statements set forth in the rule, there
12 is to be a analysis done. However, Own Your
13 Success misinterprets the rule and attempts to
14 rule out a student from ELL programs if they
15 answer yes to only one question. And then we
16 get to -- actually, I think that's it for Issue
17 1.

18 CHAIRWOMAN GAY: You have about 45
19 seconds.

20 MS. DELANGE: Good morning, Chinzia
21 Delange for Hillsborough County Public Schools.
22 I just want to add a little bit to what Thomas
23 Farrior stated. The application states that
24 the students will be in school, seat time 12
25 hours a week. As far as FTE is concerned, they

1 require 900 hours of instructional time for
2 grades 4 through 12. That means 100 days times
3 5 hours per day. The application does state
4 that it will be open 235 days a year.

5 However --

6 CHAIRWOMAN GAY: I'm sorry. We're at the
7 3 minutes.

8 MS. DELANGE: Okay.

9 CHAIRWOMAN GAY: All right. Thank you.
10 Do you have any questions or comments from the
11 Commission members on Issue 1?

12 Again, that includes educational program
13 design, exceptional students and English
14 language learners.

15 MR. BOGGESS: Yes, I'll start. I'm
16 curious as to the Deputy Superintendent for
17 Miami-Dade who was -- not to speak to the ESE
18 portion of this, they ran out of time, but
19 given her past experience in leadership and so
20 on, I would like to hear a little bit more on
21 the ESE portion of that issue.

22 MS. BROWN: Valtena Brown. ESE. So as I
23 went through the identification, currently the
24 program -- I can speak to the program now, as
25 well as the statements that were in the

1 application.

2 The application, if you look on page 42,
3 Section 1(D), identification, there is an
4 explanation about the identification of
5 students for special education in the program,
6 because we are dealing with a population of
7 students that have for some reason either been
8 misdiagnosed, or misplaced in programs, or
9 inappropriate, or other issues. Many of the
10 students that come to the program basically
11 either have an IEP or have been identified. So
12 the majority of our students we are actually
13 following up and reassessing what is happening
14 with our students and identification.

15 We will have students that enter the
16 program that may have no identification at all
17 and, of course, we follow the multi-tiered
18 success -- multi-tiered system of supporting
19 that student, making a determination if that
20 student needs to progress through the system
21 for more intense purposes.

22 Our program is designed for students that
23 will be with their non-ESE students for at
24 least 40 percent of the time. We have run into
25 students that have more severe disabilities

1 and, of course, work with the district to make
2 sure that identification and placement of
3 students are appropriate. All programs are not
4 necessarily appropriate for all students in the
5 spectrum at the time, so that's how we work
6 with ESE students.

7 There is an ESE coach that is assigned to
8 all ESE students, and this is outside of the
9 classroom teacher, that monitors. In
10 traditional school that would have been the
11 lead spec teacher at the school, but this is a
12 24/7 person that provides instruction and
13 guides that student through that process and
14 with the parents.

15 MS. BARBER: I have a follow-up question
16 for you. I believe you just mentioned that
17 many of the students that are coming to your
18 school are going to be already identified as
19 requiring ESE services, but I'm looking at the
20 application, and I think it says 14 to
21 15 percent is what you're expecting. Do you
22 see that on 1.6.8?

23 MS. BROWN: When we're coming into the
24 demographic, we usually follow the demographic
25 of the districts. And if you look at the

1 district, those were capped for 14 to
2 16 percent, is where that comes from. So
3 normally with charter schools you average
4 students, but if you look at traditional
5 programs throughout the state and throughout
6 the country, many of our students come to us
7 with some types of disabilities or students
8 that may have struggles identified or not
9 identified.

10 MS. BARBER: So have you considered how
11 that would change your budget?

12 MS. BROWN: Yes. I know David wants to
13 speak to the budget part of that. I cannot
14 speak to the budget part. But, yes, it will.
15 And many -- we actually staff based on the
16 number the students, the types of students that
17 are in our programs. We will school staff-up,
18 definitely.

19 MS. BARBER: Thank you.

20 CHAIRWOMAN GAY: I do try to give each
21 party a chance to respond to questions, so if
22 the district has a response to Jay's question
23 and then Ashley's follow-up question, you have
24 the opportunity to do so.

25 MR. FARRIOR: Just briefly. That would be

1 great. So turning the Page 42 of the
2 application, the application states that if the
3 student does not make progress in Tier 2, a new
4 Tier 2 plan is created. If after 3 Tier 2
5 plans are not found successful, the student
6 will be moved to Tier 3. Factors that will be
7 analyzed are peer relationships, academic
8 progress in course, course completion pace,
9 attendance and behavior.

10 However, the multi-tier system approach
11 does not include 3 levels of Tier 2 and is
12 focused on a specific academic skill. Again,
13 this is not compliant with the statutory
14 requirements. This is on Own Your Success
15 proposing its own way to handle these
16 situations.

17 Then we turn to the fact that the
18 application does not include the need for an
19 ESE certified classroom teacher. It only
20 states that the special education coach will
21 oversee IEPs and ensure that students are
22 delivered services without specificity who will
23 deliver those services; again, adding to
24 uncertainty that is rampant throughout this
25 application. And, again, your review is

1 limited to whether the Hillsborough County
2 School District had competent substantial
3 evidence based on the information provided by
4 Own Your Success Academies.

5 CHAIRWOMAN GAY: Jamie, could I ask that
6 you clarify that? I think there's been a lot
7 of statements about what the Commission can and
8 can't do.

9 MS. BRAUN: Sure. So the Commission, its
10 role is to determine whether the school board
11 had competent substantial evidence to deny the
12 application, but as the First District Court of
13 Appeal told us -- I'm sorry -- the Fourth
14 District Court of Appeal earlier this year, the
15 Commission is not limited only to what was
16 before the school board at the time they made
17 the decision. The Commission can ask
18 clarifying information and take into account
19 the information and presentations made here
20 today.

21 CHAIRWOMAN GAY: I think that's helpful.

22 MS. BRAUN: So you're not solely limited
23 to that.

24 CHAIRWOMAN GAY: Kia, do you have a
25 question next?

1 MS. SCOTT: I do. I have a question on
2 ESE services. I'm Kia Scott.

3 You mentioned direct services for students
4 and how you did -- I didn't see an explanation
5 how that was going to be done with the students
6 who are not on campus.

7 MS. BROWN: I just -- Valtena Brown. So
8 the 12 hours is not -- that's the minimum
9 number of hours that the students are on
10 campus. In our program we have students that
11 come to school every day for the full length of
12 time. So the minimum requirement is 12 hours.
13 The 900 instructional minutes is what -- so
14 many of the students, and this is currently
15 what's happening, many of the students that
16 require more intensive care are there for
17 longer periods of time, and those services are
18 provided there. They're provided by staff at
19 the site, but we also do contracted services to
20 bring in other partners that can address some
21 of the needs of the students, not only in ESE
22 but some of the ones that are dealing with
23 social and emotional issues as well.

24 MS. SCOTT: So I noticed in the
25 application you mentioned that the students can

1 choose their own schedule. So a student who
2 could need more services, would someone at that
3 point step in and say, hey, you need to be here
4 a certain amount of time? Because I didn't get
5 that in the application.

6 MS. BROWN: And the program is built on
7 credit recovery, as well as acceleration, and
8 our students are actually enrolled in one
9 course per time. So we don't give them 6
10 courses, because we're there to support their
11 success. So they are in 1 course at a time,
12 and those wrap-around services with the support
13 of ESE, ESOL students are wrapped around that
14 particular course that they're taking and the
15 needs that they have at that time.

16 MS. BARBER: I think I have a few
17 follow-up questions about your budget, just
18 because the program that you're discussing
19 right now seems slightly different from what's
20 in the application, and I was just wondering
21 how the budget is affected.

22 CHAIRWOMAN GAY: I'm sorry, just to make
23 sure that our budget questions are still under
24 Issue 1 and not under --

25 MS. BARBER: Yes.

1 CHAIRWOMAN GAY: Okay. Sometimes
2 people --

3 MS. BARBER: One of the questions I'm
4 following up with, again, was discussing the
5 number of ESE students in the proposal, and
6 also the mention of the contracting services.
7 Have you taken a close look at the budget? If
8 you just could explain how that's --

9 MR. SUNSTROM: Well, if you look at the
10 draft, and I don't have the specific phrasing
11 on me, but the draft contract is found at Page
12 382, 403, of the application. And the draft
13 contract contains the specific language that
14 is -- that spells out that the school shall
15 employ all personnel required to meet the needs
16 of students. All statutory requirements must
17 be met as if we were a typical and traditional
18 school. So staffing is a straight forward
19 matter. It's a contractual obligation that is
20 met in every jurisdiction in which we work.

21 In terms of the budget, I'm not a
22 certified public accountant, but I do budgets
23 as projections based on the facts at hand. And
24 those projections will frequently be amended
25 and altered as the facts become clear and more

1 and more granular. So when one looks at a
2 budget, I've never viewed it as being written
3 in stone. It's understood that there will
4 likely be changes as we recognize needs as they
5 arise.

6 CHAIRWOMAN GAY: Do you have additional
7 questions?

8 MS. BARBER: No. I think that's all that
9 I have at the moment.

10 CHAIRWOMAN GAY: Did the district need to
11 respond?

12 MR. FARRIOR: The only -- those items are
13 not reflected in the budget, and we'll get to
14 that when we get to Issue 2, but there are
15 multiple oversights in the budget. And these
16 oversights that were one of the, again, 17
17 reasons for the denial of the application by
18 the Hillsborough County School District.

19 MS. SCOTT: I have a question -- this is
20 Kia Scott -- for the District regarding FTE,
21 because I don't know all the ins and outs.

22 MR. FARRIOR: And I don't know either, but
23 I will have Chinzia help with that.

24 MS. SCOTT: I looked at the workbook with
25 that FTE calculation, and there was a section

1 on 27 and 28 that talks about blended learning.
2 So I have a question about what something meant
3 in here, and it talks about reporting blended
4 classes and the personnel needed to be
5 certified. There's a piece that says class
6 minutes for an online portion of a blended
7 course shall be calculated based on seat time
8 during documented hours dedicated to the
9 course.

10 So what does that mean as far as
11 documented hours dedicated? Because if they're
12 online, is there a way that it tracks to make
13 sure the children are online? Is that
14 considered a documented dedicated time?

15 MS. DELANGE: Sure. And we already have
16 two dropout prevention program charter schools
17 in Hillsborough County with blended learning
18 programs within it, and they meet all the
19 general auditor's requirements. We made sure
20 of that. What they do is they make sure that
21 all students meet the 5 daily hour required
22 seat time. They provide two sessions, and they
23 provide all services during that time. So they
24 meet the 900 instructional time required for
25 FTE, although they are blended learning.

1 So the students come in. There's a
2 certified teacher in the classroom. The
3 students will be working with the blended
4 learning online program during seat time while
5 the certified teacher is actually doing small
6 group one-on-one. So it's a blended learning
7 program with seat time, FTE required seat time
8 in that manner.

9 Does that answer it?

10 MS. SCOTT: So is the issue that they are
11 not in school?

12 MS. DELANGE: Correct. So if you're not
13 in school, and you're not a virtual program,
14 how do we, the sponsor, monitor the seat time
15 that is required to pay for FEFP?

16 MR. FARRIOR: I think that might have been
17 to the question originally how did the blended
18 programs in Hillsborough County document when
19 students are on time when they are taking class
20 virtually.

21 MS. DELANGE: Correct. So we could, you
22 know, we require charter schools to do daily
23 attendance in our district mainframe and
24 student information system. One of the issues
25 that we also found is the agreement between the

1 ESP and the school, saying that the ESP will
2 provide the school daily attendance and not the
3 other way around, so that confused us entirely
4 as well. We just did not find in the
5 application a manner in which the sponsor would
6 monitor the daily attendance for auditing
7 purposes and FTE purpose.

8 MS. SCOTT: And just one last question for
9 the district. These issues in Section 1, were
10 they discussed with the applicant during the
11 capacity interview?

12 MS. DELANGE: Yes.

13 MS. BARBER: I have another question.

14 CHAIRWOMAN GAY: I'll give the school a
15 chance to respond as to seat time.

16 MR. SUNSTROM: Thank you. David Sunstrom
17 again. Essentially any activity that is online
18 is recorded second by second. When a child or
19 a student fails to demonstrate activity within
20 a certain period of minutes, I think it's 3
21 minutes and then 6 minutes, it's canceled.
22 It's basically treated as non-activity. So we
23 are able to calculate and identify with
24 specificity how much time a student is actually
25 engaged in academic content.

1 The issue for us is not seat time. The
2 issue for us is mastery of content, and that's
3 why we go 1 course at a time, because so many
4 times many of the kids that we are dealing with
5 have felt overwhelmed by the full schedule.
6 They've often had social, emotional issues that
7 have interfered with the work, but at the end
8 of the day, this hybrid approach, fact-to-face
9 instruction, group instruction, multiple
10 interactions and online coursework as well is
11 readily measurable by when the student is
12 online or physically present with one of our
13 educators at a site.

14 MR. STERNBERG: And just to add 1 thing
15 that I want to clear up for the Commission, the
16 district was just discussing we don't really
17 know how we can monitor, report and track when
18 students are online. Well, we just heard a
19 recitation of 2 schools that are currently
20 operating these alternative schools in
21 Hillsborough County, that's for 5 hours
22 physical seat time per day per week, and the
23 other time is virtual. And they then went back
24 and said, well, they're not applying as a
25 virtual school. They're not applying as a

1 traditional brick and mortar. That's exactly
2 correct. This is a blended learning program to
3 allow students to address it.

4 The reporting requirement, I think we just
5 went through COVID, where some students were
6 100 percent virtual. They were still fully
7 funded for FTE. There are ways to track and
8 report this, which is clearly shown in a well
9 done track record in these other counties;
10 Escambia, Miami-Dade, St. Lucie, Sarasota,
11 where we have, and the Applicant, the education
12 service provider already has the tools, as does
13 the district, to monitor, report, and for FTE
14 and for seat time requirements, to ensure the
15 Florida Statutes for a blended learning
16 program. Thank you.

17 MS. BARBER: I'm sorry, I just wanted to
18 clarify 1 thing. So you're saying that the
19 current programs that you have in the other
20 counties are the same format; 5 hours --
21 sorry -- 12 hours at home and 12 hours on
22 campus --

23 MR. STERNBERG: Yes.

24 MS. BARBER: -- and they are funded?

25 MR. STERNBERG: I'll let her speak.

1 MS. BROWN: Valtena Brown. The other
2 programs are programs of the district, and we
3 do receive FTE funding through the district, so
4 the same requirements for attendance are the
5 same requirements for the charter schools.

6 MS. BARBER: But the students don't
7 actually attend the school for those 12 hours?
8 They can do those 12 hours --

9 MS. BROWN: No, they're required to do a
10 minimum of the 12 hours.

11 MS. BARBER: The other 12 hours --

12 MS. BROWN: Yes, they can do it on campus,
13 campus or online. Many of our students are on
14 campus, like I said, all day or online.
15 They're still --

16 MS. BARBER: Even if they're not, they are
17 still funded?

18 MS. BROWN: They are funded. There's some
19 criteria around them for what that looks like
20 when they come in. They have to come in, and
21 all our programs also are in the district's
22 information system. So attendance is taken,
23 everything on a daily basis. The school system
24 knows the attendance of those students.

25 CHAIRWOMAN GAY: Jay?

1 MR. BOGGESS: So, Ms. Brown, clarify,
2 though, the success you're touting around
3 Sarasota, Miami-Dade and others, what is the
4 structure of those schools? Are they district
5 operated? Are they private? I hear this is
6 the first charter.

7 MS. BROWN: They're programs of the
8 district, so they were established through our
9 preprocesses of each of the district through
10 alternative education programs as an additional
11 niche for the district to provide services for
12 those students that they may not be able to
13 find, or those services that they feel are a
14 niche that they can refer students to that
15 program in order to be able to access their
16 education.

17 MR. BOGGESS: So through that model and
18 these others, this is a replication of that
19 same type of model where funding is being
20 secured?

21 MS. BROWN: Yes. Absolutely.

22 MS. SCOTT: I just have a question. Why
23 would you go the charter route where other
24 charters have been successful with 4 years of
25 contracted service?

1 MS. BROWN: I'll ask for someone with more
2 experience to speak to that.

3 MR. SUNSTROM: David Sunstrom, and it's a
4 wonderful question. That was the route we
5 intended to take. That was the route we began
6 to negotiate with the superintendent. That was
7 the route that the board voted not to pursue.

8 It -- I don't know the rationale. I can
9 only say that we typically and traditionally
10 work directly with districts as partners.
11 Hillsborough County's board, despite the
12 superintendent's recommendation, chose to not
13 partner. There are thousands of eligible
14 students for free and appropriate public
15 education in Hillsborough County who are
16 languishing in the streets. We felt that it
17 was important that we try to meet those needs,
18 and that was when the board approached us and
19 we began to consider this.

20 We do operate one charter school, it's
21 relatively new, in South Carolina. But the
22 contract that we have attached at pages 382 to
23 403 is virtually identical to not just the
24 South Carolina charter work, but also all of
25 the district partnership work that we do in

1 Florida and nationwide.

2 CHAIRWOMAN GAY: I actually have two
3 questions for the district which might --oh,
4 did you want to respond back?

5 MR. FARRIOR: Just a brief rebuttal.
6 We're here today on the charter school
7 application. This is not a program. No one
8 has said that Hillsborough County would engage
9 Own Your Success Academies in such a program as
10 they have throughout the state. And as I've
11 said previously, we stand behind them in these
12 programs. This is a different animal being a
13 charter school, and the fact that they had to
14 go through the application process, and that's
15 why we are here before you today.

16 CHAIRWOMAN GAY: Okay. My first question
17 for the district is you mentioned in your
18 response, though not really clear in the denial
19 letter, that there's no progression plan, but
20 when I'm looking at Page 33 of the application,
21 it says is that the academy would use the
22 school district's progression plan. So can you
23 can help me to understand the distinction
24 you're making?

25 MR. FARRIOR: I would be happy to.

1 MS. BARBER: So if I could just add to
2 your question as well, because also in the
3 district's review, the evaluation tool, it was
4 listed as a strength in Section 5, that the
5 progression plan was included as the same
6 version in Collier District.

7 CHAIRWOMAN GAY: Thank you. That's all.

8 MS. DELANGE: It was not included, because
9 if you go to the attachment, there's no pupil
10 progression plan. It does state that it will
11 follow the Hillsborough County Pupil
12 Progression Plan. However, it does not,
13 because it offers 1 course at a time to the
14 students, and that's not -- that's in conflict
15 with the student progression plan.

16 CHAIRWOMAN GAY: Did you give the
17 school -- I think what I'm hearing is because
18 they didn't attach yours. Did you give the
19 school the ability to correct that
20 technicality?

21 MS. DELANGE: As a substantive one?

22 CHAIRWOMAN GAY: So there was no option to
23 fix that?

24 MS. DELANGE: No.

25 MS. BARBER: And I would wonder, as a

1 follow-up question, because it was marked as a
2 strength on the evaluation, was that even
3 discussed with the applicant?

4 MS. DELANGE: That I can't recall. It's
5 just, you know, delving into -- we have many
6 reviewers on the committee to review, and when
7 they saw that they were choosing to follow our
8 student progression plan, that was their note.
9 However, looking deeper and deeper into the
10 application, we are not quite sure how that
11 meets the student progression plan when you're
12 only offering 1 course to the student at the
13 time.

14 CHAIRWOMAN GAY: I'd like to give the
15 school the opportunity to respond. I will have
16 another question for the district though.

17 MR. STERNBERG: I am going to give the
18 specifics to the actual applicant, but I think
19 it's important. As you noted, Madam Chair, the
20 statute provides 7 days to make technical,
21 nonsubstantive revisions to a charter
22 application. As you will see throughout here,
23 they cite that we failed to provide Addendum B,
24 which is the education service provider
25 information, or that we failed to attach the

1 district's pupil progression plan, so we didn't
2 attach what the district already has and
3 understands as their own District Pupil
4 Progression Plan.

5 However, we agree that these are
6 nonsubstantive changes and were not provided an
7 opportunity to supplement. And, anyway, the
8 information we find in Addendum B, or you find
9 in the Pupil Progression Plan is found
10 throughout the application anyway, if you look
11 through the hundreds of pages, the management
12 company, what they do is also found there. So
13 I'll give it back to the specifics for Ms.
14 Valtena Brown as to the specific Pupil
15 Progression Plan. I just wanted to clarify
16 that for the record.

17 MS. BROWN: Valtena Brown. I just want to
18 put a little note on that. Following the Pupil
19 Progression Plan also talks, of course,
20 recovery. And when I said that students are
21 following one course at a time, based on their
22 engagement with the course and their support
23 system, students can go to multiple classes
24 within a 9-week or a semester period of time.

25 So most progression plans follow a year

1 progression of the student, but we are doing
2 course recovery. And just because it's 1
3 course at a time doesn't mean the students will
4 not complete multiple courses within the
5 semester period to move forward.

6 CHAIRWOMAN GAY: School District, do you
7 need to add anything else?

8 Okay. I had another question about the
9 English Language Learners portion. Give me
10 just a minute. I have notes everywhere.

11 Okay. So I think one of the things that
12 the district said was that if the application
13 didn't include the ESOL Progression Plan, and
14 what I'm kind of confused on, and hoping you
15 can clarify is, is that what you were saying
16 was deficient? Is that actually required in
17 the application phase, or is that really more
18 in contracting?

19 I'm just not sure that, as it was stated,
20 that that's required at this point, but I'd
21 love some clarity on that.

22 Do you need help with my question?

23 MR. FARRIOR: No, no, I just wanted to
24 make sure we have our facts straight before we
25 answer the question. I believe you are correct

1 in that the Pupil Progression Plan is a part
2 of -- sorry -- for English Language Learners,
3 that particular item is part of the charter
4 application itself. But, again, the
5 application created uncertainty because it did
6 not provide its own plan, and it didn't even
7 replicate the plan of the district, which were
8 the 2 options which, obviously, again adds to
9 the confusion and uncertainty surrounding this
10 application.

11 CHAIRWOMAN GAY: Did the school have
12 anything to add?

13 MR. STERNBERG: Just briefly, on the
14 evaluation -- Thomas Sternberg on behalf of the
15 applicant. If you go to Page 8 of the actual
16 evaluation instrument, there are 5 evaluation
17 criteria points. That's where you can find it.

18 What we're, I think, referring to is the
19 second one, the clear plan for monitoring and
20 evaluating the progress of the ELL students,
21 including exiting students from ELL services
22 and I believe that's provided in the actual
23 application in pretty robust detail. And I
24 believe that's throughout page -- from about 40
25 to 48. So I just wanted to clarify that.

1 Thank you.

2 CHAIRWOMAN GAY: Any other questions?

3 MS. SCOTT: I have one. This is Kia
4 Scott. I have a follow-up question, because in
5 reading the criteria it does say a clear plan
6 for monitoring and a clear plan to reflect the
7 range of programs and services. Are they
8 asking -- is the application asking for a
9 document plan like the district submits to the
10 state, or are they saying explain what you plan
11 to do?

12 So that's where I'm confused, because the
13 application does explain what they're planning
14 to do, but there is no direct plan included.
15 So I don't know.

16 CHAIRWOMAN GAY: Could we have Ashley?

17 MS. BARBER: I was just making a comment
18 that there isn't a request for an attachment in
19 the application, so I'm thinking that maybe
20 just an explanation within the narrative?

21 CHAIRWOMAN GAY: Okay. And I'm going to
22 provide the opportunity for both parties just
23 to address this again, as we have some
24 clarifying information, if the school would
25 take the first go.

1 MR. STERNBERG: Sure. Well, again, I'm
2 have Thomas Sternberg on behalf of the
3 applicant. Again, to reiterate, we can look at
4 what the attachments are required from Addendum
5 A to DD, all of that, so on and so forth. A
6 plan is a specific separate attachment for what
7 the district, I believe, is looking for right
8 now, is not actually legally required under the
9 state rule.

10 What we did and what the applicant did
11 thoroughly in the actual application and the
12 body of the application under ELL or ESOL, I
13 know we are kind of going back and forth on a
14 couple of different ones here, it is you
15 included. It talks about how you evaluate them
16 coming in, about how you train them going
17 forward, how you report back and forth to the
18 district.

19 So all of this information is already
20 given to the actual applicant and education
21 service providers to show how that works in
22 practice; but, no, clearly there is not a
23 separate attachment that's required. However,
24 regardless, the applicant has provided this
25 plan under the evaluation criteria in the

1 actual body of the application.

2 MS. DELANGE: If a plan was not submitted,
3 then the intention is to follow the district,
4 the school district's ELL plan, programmatic
5 plan that we submit to the DOE, but in this
6 case it is in conflict with our ELL plan. So
7 the applicant didn't take the time to kind of
8 look at what Hillsborough County's plan is for
9 ELL students, and did not submit a completely
10 separate plan to let us know how they will
11 follow the ELL rule of programmatic.

12 MR. ARZA: Did you give them the
13 opportunity to add that after?

14 MS. DELANGE: No. These are all
15 substantive. For us these are all substantive
16 issues that are not typographical or
17 nonsubstantive errors as such. So these are
18 things that we are -- we find out during the
19 very deep dive on the review.

20 MS. BARBER: Would you be able to give us
21 some examples of how the charter school's plan
22 as written in the narrative did not follow your
23 plan?

24 MS. DELANGE: Sure. So there's a lack of
25 understanding of statutory requirements.

1 Florida Rule 686.0902, Page 45 of the
2 application states if the first answer only is
3 yes, then the student will not be enrolled in
4 the ESOL program. However, the district's ELL
5 program and planning rules state that if the
6 student is answering yes to the first question,
7 he or she will be placed temporarily, pending
8 eligibility test to determine entry. And
9 there's a lack of understanding of the type of
10 diagnostic testing to use to assess eligibility
11 of ELL students.

12 Page 45 of the application states that the
13 school will use WIDA access to determine LEP
14 levels. WIDA access is not a diagnostic or a
15 screening test. WIDA screener is -- the WIDA
16 access is used to determine continued
17 eligibility services. And then we've got a
18 WIDA model tool that is administered to
19 students without access data.

20 CHAIRWOMAN GAY: If the school could
21 respond?

22 MR. STERNBERG: So all of those specific
23 detailed responses, again, were not provided to
24 us as applicants. So I know we already ruled
25 on that motion. I don't mean to bring that up

1 again, but I would like to reiterate for this
2 group here, however, obviously we disagree with
3 the analysis.

4 When you look at the actual evaluation
5 instrument provided, page 8, it talks about
6 weaknesses where it does not meet the standard.
7 Again, none of that information is in there.
8 So it goes back to that same, well, was it
9 brought up in the capacity interview, and did
10 you allow them to make changes to address this,
11 all those answers, and did you provide a
12 specific reason for denial. All those answers
13 are no.

14 And then at this point, and I hope this is
15 appropriate. I would request an actual ruling
16 from you, Madam Chair, as to whether this plan
17 is required as a separate attachment, because
18 the state rule and statute does not require
19 that. And going back and forth whether this
20 was required and whether this is a good cause
21 for denial, we patently say that is it. It is
22 not supported by statute nor state rule. Thank
23 you.

24 And, again, for any substantive questions,
25 we are happy to bring it back up and talk about

1 the ELL plan.

2 CHAIRWOMAN GAY: If you all will let me
3 take a 5-minute break to consult with counsel,
4 I'm not clear on my authority to provide
5 rulings like this, so let me check. Really,
6 just 5 minutes, and I will update as needed for
7 additional time.

8 (A recess was taken from 10:50 a.m. to
9 11:03 a.m.)

10 CHAIRWOMAN GAY: So we will resume. We
11 left off on an open question, and I don't think
12 it's clear on the Chair's ability to rule, but
13 what I'm going to ask is that our counsel
14 provide her interpretation of the requirements,
15 and the parties have already provided theirs,
16 and the Commission members can make their own
17 determination as to what was required with
18 respect to if an actual plan has to be
19 attached, or it if can just be described within
20 the application. Jamie?

21 MS. BRAUN: So the section of the model
22 application that we're talking about is Section
23 7, English Language Learners. It has 4
24 subparts. And I will note that it says, A,
25 describe how the school will do certain things;

1 B, describe; C, provide plans for monitoring
2 and evaluating the progress and success of ELL
3 students, including students from ELL services,
4 and D, describe the staffing plan.

5 So I think the issues that we're
6 discussing is there's a difference there with
7 describe, describe, describe, and then
8 Subsection C says provide a plan. And the
9 question is does it have to be an actual
10 separate attachment.

11 So my reading of this is that the
12 application -- let me find the exact page
13 here -- in several places specifically asks for
14 an attachment to be provided, such as on Page
15 10 it says, "Provide a sample daily schedule
16 and school annual calendar, including the
17 annual number of days and hours of
18 instructional content as Attachment B."

19 Or, later on, on Page 10, talking about
20 curriculum, if the curriculum is fully
21 developed, summarize curriculum choices by
22 course subject, and the rationale for each.
23 Include as Attachment C a sample course, scope
24 and sequence for each course subject, et
25 cetera.

1 So my interpretation is that where the
2 application specifically is requiring something
3 as an attachment, it specifically says so. And
4 where it states on English Language Learners to
5 provide a plan for something, you can attach
6 something providing a narrative response is
7 also okay.

8 CHAIRWOMAN GAY: Thank you. Do we have
9 additional questions from the Commission
10 members on Issue 1?

11 Again, those standards that we were
12 talking about are Educational Program Design,
13 Exceptional Students, and the English Language
14 Learners.

15 MR. FARRIOR: May I add just one thing in
16 regards to the conversation we're having
17 regarding the application, comprehensive and
18 compelling plan for education?

19 CHAIRWOMAN GAY: Go ahead.

20 MR. FARRIOR: If you look at the denial
21 letter, there's 5 reasons stated. That plan is
22 1 of the 5 reasons. And we can spend as much
23 time as we need to discussing it, and we're of
24 the opinion a plan is required, but even if we
25 move to the others, we haven't addressed the

1 clear plan for identifying, monitoring and
2 evaluating the progress of ELL learning
3 students, and we haven't included an enrollment
4 projection of ELL students, nor staffing plan
5 aligned to the projections included therein.

6 I wanted to make that statement. That's 1
7 of the 5 reasons stated.

8 MS. SCOTT: I have a question for the
9 school, the whole piece about the whole
10 language survey and, you know, discrepancy as
11 to what's required by law and what was stated
12 in the application with the yes and no answers
13 and the actual monitoring and the assessing.

14 MR. SUNSTROM: I'm sorry. I didn't get
15 the question.

16 MS. SCOTT: Well, basically in the
17 application you say if the answer is yes, then
18 this will happen. But based on Rule 4, ELL
19 students or ESOL, it conflicts.

20 MR. SUNSTROM: All I can say is, is that
21 this was not addressed during in a capacity
22 hearing, and secondly, their contract specifies
23 and trumps any inconsistencies. So I think if
24 there was a misstatement there, then yes, it is
25 a technical error. Would it be a binding,

1 would we be committed to engaging in something
2 that is not permissible, no.

3 So I think this has for us a sense of form
4 over substance, and at the end of the day we
5 feel that it was a duty if there was an
6 ambiguity that they wanted to address, that
7 they're in capacity meetings, it should have
8 been brought up. I hope that's sufficient.

9 MR. FARRIOR: May I just add one more
10 thing? The capacity interview is not a
11 statutory requirement. That's something that
12 Hillsborough County does as a courtesy to
13 charter applicants. We take the application we
14 have in front of us, and the school district
15 could review it and determine if there was
16 competent substantial evidence to deny the
17 application. Such an explanation through a
18 capacity hearing, we have no obligation to
19 provide them that.

20 MR. ARZA: Could the district answer why
21 they didn't ask that question?

22 MR. FARRIOR: So I don't know expressly
23 why they didn't, but I would like to clarify
24 one thing. Regarding the whole changes to the
25 application, the district has no obligation to

1 run down and correct every misstatement in the
2 application. The statute itself states that
3 the sponsor shall allow the applicant to make
4 technical or nonsubstantive corrections and
5 clarifications, including but not limited to
6 corrections that are grammatical,
7 typographical, and like errors, and missing
8 signatures. We're not talking about a whole
9 section or a plan for students who may be
10 struggling in school. Those fall under
11 substantive programs, not technical,
12 nonsubstantive changes to a document.

13 MS. DELANGE: So during the capacity
14 interview, which is not required by statute but
15 it's a courtesy, and the question was asked
16 what is the school's plan for monitoring and
17 evaluating the progress and success of ELLs,
18 including exiting students from ESOL services,
19 which they did not address in the description
20 of the plan.

21 Also, there was the question is there
22 rationale for not including ESOL student
23 projections in the application. So the revenue
24 estimate worksheet does not anticipate any such
25 calculation. So those 2 questions were asked.

1 They did not clarify our concerns and, again,
2 the capacity interview is not statutorily
3 required.

4 MS. SCOTT: One last question. I know
5 it's not required, but because on our Florida
6 principles of --

7 MS. DELANGE: Absolutely.

8 MS. SCOTT: Do you record your capacity
9 interviews?

10 MS. DELANGE: Yes, we did.

11 MS. SCOTT: Did you transcribe it, by any
12 chance?

13 MS. DELANGE: No, we didn't.

14 MR. ARZA: For the capacity interviews, so
15 if you guys consider it not to be helpful in
16 evaluating the application, why do you do them?

17 Like what's the basis of having the
18 capacity interviews if you do consider them to
19 not be relevant in the conclusion of your
20 decision?

21 MR. FARRIOR: I don't think anybody said
22 they are not relevant. I think they are
23 helpful for both sides to understand some minor
24 discrepancies, or this issue may be here versus
25 here, but it's not an opportunity to fill in

1 any missing information that's in the
2 statutorily required application.

3 CHAIRWOMAN GAY: Did the school need to
4 address any questions? I always try to ask
5 both sides.

6 MR. STERNBERG: I'll speak very briefly to
7 what the purpose of the capacity interview is.
8 You're right, it's not statutorily required.
9 You know, as noted by the district, as noted in
10 our opening, what this school is trying to
11 accomplish, and this is correct, it's the first
12 go round of charter school application in
13 Florida is to address a severely disadvantaged
14 population. The point of the capacity
15 interview, if a district does want to partner
16 with a charter school, and does want to work as
17 a charter school, a public school education in
18 providing those services, that's what we would
19 hope the capacity interview would be.

20 So obviously there's the statutory
21 requirement of providing nonsubstantive
22 technical requirements, which Mr. Farrior
23 correctly quoted, but the capacity interview
24 does just that. You marked yes for this, but
25 is that really what it is? No. And we have

1 the draft charter contract which -- the
2 education service provider contract -- which
3 shows that progression plan, shows how clearly
4 it's not what's happening, and that would be a
5 technical nonsubstantive change, because the
6 law clearly can trump what a minor revision
7 would be under contract.

8 And, again, I'm happy to discuss anything
9 they may want to add, but that's what I would
10 hope a collaborative partnership with the
11 district and a charter school would be,
12 especially for a program that is not seeking to
13 take away students from traditional public
14 schools or other traditional charter public
15 schools, but rather merely to address
16 populations of 18- to 21-year-old students who
17 are coming in who severely need this type of
18 help.

19 I hope that helps. Thank you.

20 CHAIRWOMAN GAY: I have a question for the
21 school. Can you help me understand the ELL
22 enrollment projection?

23 I did note that there's a staffing plan
24 that says, you know, you'll have sufficient
25 teachers, and I think I saw later on that there

1 was an attachment that noted there would be an
2 ESOL teacher, but can you just speak to that
3 issue as well?

4 MS. BROWN: I think I'm the one to answer
5 that. So the question that you have is around
6 the personnel that would be their staffing or
7 the actual budget around that.

8 CHAIRWOMAN GAY: Well, I'm glad you
9 clarified that. Let me back up. Based on your
10 application and information you have, what is
11 the school's ELL enrollment projection?

12 You're saying that -- I noted in other
13 areas there was reference to ESOL teachers,
14 which would suggest you have a projection. Can
15 you just clarify what that projection is?

16 MS. BROWN: We use the district's staffing
17 application. Every academy is initially
18 staffed with an ESOL certified person to serve
19 as an ESOL coach for students that happen to be
20 coming in that will need those services. So
21 that is an initial -- that is part of the
22 initial staffing, that we will have persons
23 there, because there are academies where we do
24 have ESOL students that we serve. So that's
25 the basis.

1 And then based on the number of students
2 and the need for additional services, that
3 there may be additional coaching, and it's a
4 little different because those wrap-around
5 services that is called an ESOL teacher, but
6 actually it's actually an ESOL coach. And
7 they're responsible for all the wrap-around
8 services and the guidance of those ESOL
9 students, making sure they're in the
10 appropriate placement, and supports for them if
11 they're struggling within their class, in
12 addition to the other ESOL certified teachers
13 that are the academic teachers for that school.
14 So it is as separate person, but I will have
15 someone speak to the staffing.

16 MR. SUNSTROM: This is David Sunstrom
17 again. I think at the end of the day it comes
18 down to which population at each site we are
19 serving, and quite often anomalies will appear,
20 and we are going to have to retain different
21 staffers. For example, in Miami-Dade there's a
22 French-speaking component that we had not
23 calculated in initially, so we had to go that
24 route. It's basically fluid until we actually
25 have the students on-site and have them

1 identified as needing special services. Once
2 that identification occurs, then staffing is
3 modified accordingly.

4 MR. FARRIOR: I'd like to rebut. A fluid
5 environment may be appropriate when you have
6 contracted services and you're providing a
7 program through the district. It's a different
8 thing when we're providing a charter school and
9 you fall under the statutory requirements of a
10 charter school.

11 I would like to reiterate that the revenue
12 estimate worksheet attached to the application
13 fails to account for any ELL students at all.
14 So despite if there's -- there was an issue
15 regarding projected enrollment and using the
16 county enrollments. The estimate -- the
17 revenue estimate worksheet does not account for
18 any ELL students.

19 CHAIRWOMAN GAY: Thank you.

20 MR. SUNSTROM: If I could just respond,
21 again, my understanding of projections and
22 budgets is that they are dependent upon
23 subsequent facts. And because we don't have
24 those facts at the time this application was
25 made, there is -- there may be an ambiguity;

1 but it was, I thought, understood the nature of
2 providing a projected budget.

3 CHAIRWOMAN GAY: Thank you. Do you have
4 any comments or questions on Issue 1, or are we
5 ready to move forward?

6 I'll give the members just a minute to
7 make sure there's nothing left to ask.

8 (A pause in the proceedings.)

9 Okay. So if I could have a member please
10 make a motion on Issue 1, and we can work
11 together to fill in the because part. The
12 terminology is on our motion sheet as a helpful
13 tool.

14 MS. BARBER: Because of the budget issues,
15 are we keeping the budget items separate?

16 CHAIRWOMAN GAY: Yes.

17 MS. BARBER: 100 percent separate, even if
18 it has something to do with staffing or the
19 number of students? Is that an issue for the
20 next one?

21 CHAIRWOMAN GAY: I believe so. I think we
22 have to have it limited to the specific
23 criteria that are listed. So if it's not under
24 that specific criteria, that should be held
25 until the next issue. But it can -- I mean, as

1 part of our because, it can be included in
2 there. I don't know if that answers it well.

3 MR. FARRIOR: If I may just add real
4 quick, staffing is -- the district views
5 staffing as part of providing a program for
6 students and students with needs. So separate
7 from the budget the students would still need
8 to be represented on campus, and they will need
9 to have staffing on campus to care for those
10 students and provide services needed for those
11 students.

12 MR. STERNBERG: Briefly, Thomas Sternberg,
13 on behalf of the applicant. In the budget 1(A)
14 includes budgetary projections that are
15 consistent with and support all key aspects of
16 the application, including the school's
17 mission, educational program, staffing plan at
18 the facility. So we kindly request that any
19 budgetary projections be done during the actual
20 budgetary section, just for the record to be
21 clear and concise for the State Board of
22 Education. Thank you.

23 CHAIRWOMAN GAY: So I think at this point
24 we are just waiting for a motion. And, again,
25 with the because part, if you don't feel

1 comfortable just jumping into that, you can
2 make the initial motion, and we can add the
3 because part together.

4 MS. SCOTT: Before I make a motion, is
5 there an opportunity before each section is
6 done to ask questions that may not specifically
7 fit the section?

8 CHAIRWOMAN GAY: Why don't we go ahead and
9 do that now, because I don't want to say -- I
10 don't know what the question is, so it's hard
11 to know where it's falling.

12 MS. SCOTT: It's just random, but it's a
13 question for the school, and I just note it's
14 an application. You applied for other places.
15 What was the outcome of the applications in
16 other counties?

17 MR. SUNSTROM: I'm sorry?

18 MS. SCOTT: What's the outcome of the
19 applications in the other counties?

20 MR. SUNSTROM: My recollection is they
21 were withdrawn. We decided to focus on
22 Hillsborough. Polk might have been denied, but
23 I have to check to make sure. I believe both
24 Manatee and Polk, the applications went through
25 and were both denied. And it was Pinellas that

1 was withdrawn.

2 CHAIRWOMAN GAY: Is anyone prepared to
3 make a motion?

4 MS. SCOTT: I have a question. I'm sorry.
5 Are you appealing those decisions where they
6 were denied?

7 MR. SUNSTROM: No, we are not.

8 MS. SCOTT: Okay. Thank you.

9 CHAIRWOMAN GAY: Would it be helpful in
10 preparing to make a motion to just have a
11 couple of minutes to think and consider, and
12 then we'll come back -- well, it's 11:20. Give
13 me just one moment please.

14 (A pause in the proceedings.)

15 CHAIRWOMAN GAY: Would the parties have
16 any objection to pausing for 40 minutes? We
17 need to take a personal break, so we'll come
18 back at 12:00. The members -- if the parties
19 agree, the members would need to make sure not
20 to speak to anyone on any of the issues, and we
21 can reconvene at 12:00.

22 MR. ARZA: I mean, for me, we were talking
23 about the educational plan. It might be easier
24 to make a decision now.

25 CHAIRWOMAN GAY: I'm prepared to, but we

1 do need to take a personal break within the
2 next 10 minutes. So if we're going to make a
3 motion, we need to go ahead.

4 MR. ARZA: All right. So I'll go ahead
5 and start. I move that the Commission find
6 that the school board --

7 THE STENOGRAPHER: I'm sorry, but I cannot
8 hear you.

9 MR. ARZA: I move that the Commission find
10 that the school board did not have competent
11 substantial evidence to support its denial of
12 the application based on the applicant's
13 failure to meet the standards for the
14 educational plan. And my reasoning is, first,
15 the educational program design. They seem to
16 respond to the seat time requirements. They
17 have a method for monitoring whether the
18 students are actually engaging in instructional
19 activity, I understood that. And then also
20 because of the fact that even though there are
21 12 hours a week that they were required --
22 they're open 235 days per year. That was
23 mentioned by the school district. And then for
24 other things --

25 CHAIRWOMAN GAY: And others can jump in

1 and add reasons if you are in support of that
2 motion.

3 MR. ARZA: And another reason I feel that
4 they kind of expressed that they have a proven
5 track record of what they do works, and that --
6 I think that that matters in practice,
7 sometimes more than theorizing. So that's
8 another reason I have.

9 MS. BARBER: Should the motion be for all
10 of Section 1, including those 3 subsections?

11 CHAIRWOMAN GAY: So we do -- this is kind
12 of always the tricky part. We do have to
13 address each of the standards, but as of this
14 point, this is just the first motion. There
15 hasn't been a second yet. So if you have
16 things to add onto this particular motion on
17 the other standards, now is the time to do it.
18 And once that happens, then I will see if
19 there's a second for the motion before voting
20 on it.

21 If there's nothing to add, then do I have
22 a second for Mr. Arza's motion?

23 All right. Hearing none, then the motion
24 fails, so I would need a different motion.

25 If there are additional questions that

1 need to be asked or comments made at this time,
2 now is the time.

3 MR. BOGGESS: Questions to the Committee,
4 or questions to the district or Own Your
5 Success?

6 CHAIRWOMAN GAY: I think we could do
7 either.

8 MS. BARBER: There's a lingering question
9 in my head, and it's to the district around the
10 brick and mortar seat time and the use of
11 Edmentum that they're proposing. Is that there
12 as per the findings? The Edmentum was a
13 strength as part of the virtual model. Is it
14 that Edmentum doesn't calculate correctly for
15 FTE in the seat time, or is it that it's being
16 used otherwise?

17 MR. FARRIOR: I'll let Dr. Delange follow
18 in a second, but it was my understanding that
19 that that system of monitoring student time in
20 class was never mentioned prior to this hearing
21 here today. The district was not aware of
22 that. I don't -- was that mentioned in the
23 application?

24 MS. DELANGE: Edmentum? Yes.

25 MR. FARRIOR: I apologize then. I was

1 incorrect.

2 MR. BOGGESS: It's listed as a strength as
3 part of a reference on Pages 22 through 26, and
4 I'm trying to see the connection between what
5 that is as an online learning program that
6 provides instruction support to the potential
7 of the calculation of FTE.

8 MS. DELANGE: Exactly. So it's not a
9 virtual. It's not considered a virtual
10 program. In virtual we pay FTE based on
11 completion of the courses. This is a blended,
12 and the students are online, and the main --
13 the student information system is not tracking
14 this data on a daily basis. There's no way for
15 us and, yes, it's open 235 days a year, but
16 with 2.4 hours required minimum for each
17 student, that comes to 564 hours, and that's
18 not even close to the 900 hours required by
19 FTE.

20 MS. BARBER: Where did you see those
21 numbers, the 2.4 required minimum?

22 MS. DELANGE: I just calculated it. It's
23 12 hours a week.

24 MS. SCOTT: I have a follow-up question to
25 that. In other districts seat time and

1 scheduling time is loaded into a student
2 information system.

3 MS. DELANGE: Correct.

4 MS. SCOTT: Was that the intent for this
5 particular applicant? Because I know it was
6 mentioned that theirs tracks, but does that
7 talk to your system and how would it get into
8 your system?

9 MS. DELANGE: That's one of the confusions
10 is that we don't have a tracking system, an
11 accurate tracking system of daily attendance,
12 particularly when the ESP is providing daily
13 attendance to a school and not vice versa. So
14 we want the school to track according to
15 statutory requirements so we can provide
16 accurate FTE and FEOP reporting.

17 MS. BROWN: I would just like to say the
18 12 hours that was calculated, that's the
19 minimum. That is not the hours required for
20 the program for the week. That is on-site as a
21 minimum requirement. Student schedules are
22 loaded into the student information system, and
23 they will have a schedule that will talk to the
24 district and student information, and the
25 attendance is taken.

1 And as stated, as indicated before, in
2 Edmentum it actually tracks when a student is
3 online, and also, if a student goes on for a
4 minute, it's not recorded, because kids sign on
5 and they do things. It has to be progress
6 within the course to make sure that they're
7 accounted for, for attendance. So it is a
8 safety guard for that system.

9 MS. BARBER: Can you clarify too? So you
10 said it's 12 hours minimum on campus. Can you
11 clarify what activities are being completed on
12 campus? Are those computer activities?

13 And can you also clarify is there a
14 minimum total number of hours per week?

15 MS. BROWN: We are asking 25 hours or more
16 in the week's time. The 12 hours is part of
17 their schedule. When they enroll in the
18 program, we actually provide a schedule for
19 them. They will come Monday through Friday.
20 It could be morning. We do have extended hours
21 in the program so they can stay later if it's
22 not the traditional time. To make it easy for
23 the students we have Saturdays and Sundays.

24 When they're there, they are instructed --
25 they're in the Edmentum class, but if they need

1 one-on-one, if they need support, the teachers
2 are on campus. The teachers are not at home.
3 They are on campus providing those wrap-around
4 services, counseling services, whatever is
5 needed for that student. So they are in their
6 course when they're on campus.

7 MS. BARBER: Do the students determine
8 when they need one-on-one or support?

9 MS. BROWN: No. Part of the program is on
10 a weekly basis. We do data monitoring student
11 by student. Their progress, what's going on,
12 their courses, the teachers are monitoring them
13 as well as tests. If they are failing tests,
14 going back and doing the teaching with each of
15 the students in small groups and individual.
16 That's the services that are provided.

17 So there is monitoring of progress. It's
18 not monitoring if the child showed up and sat
19 in the seat and did no work. Because even when
20 they're on campus, they're in the course
21 online, and we can monitor the progress that
22 they're making. They don't have their heads
23 down in a book, not making progress. So we are
24 able to see what they're doing at what rate
25 they're doing it.

1 MS. SCOTT: I have one question. So I
2 understand it's different programs that track
3 time on task. How does that get into the
4 district mainframe, what student information?

5 MS. BROWN: When we sit with the district,
6 and we're doing contract, and we're looking at
7 their system, all of our staff is trained in
8 their system. So our schedules are going to be
9 loading to the system. As part of that we will
10 have discussions with them how often are we --
11 is the daily attendance. In other districts
12 it's daily. They're uploading their attendance
13 daily from our system to theirs. They talk to
14 each other in the systems that are created.

15 MR. SUNSTROM: Again, I don't want to be
16 beating a dead horse, but currently we're
17 serving 2,239 students. We have 1,400
18 graduates, all of whom have graduated from
19 district high schools. Their diplomas don't
20 say Acceleration Academies. They say the
21 district. There's no association with an
22 alternative route here, and we recognize there
23 are psychological dynamics that justify that.

24 But at end of the day their time is
25 measured every time they are -- whenever they

1 are active in our work. And the face time at
2 the sites we have found is crucial, and all our
3 research points to do this. We can't reach
4 these populations solely online. This is all
5 about relationship building, and part of the
6 component of this work is building those
7 relationships. They have the teacher's cell
8 number. There's constant communication. When
9 a kid begins to not show up, after 48 hours
10 there are calls made and then home visits made.

11 So this is not a matter of measuring how
12 long a child sits in a seat. It's about
13 whether the child is engaged and actually
14 mastering content.

15 MR. FARRIOR: If I may just briefly, the
16 issue regarding the different systems, that is
17 not a contracting issue. That is a fundamental
18 issue between the school district and the
19 charter school. I would like to also mention
20 the Edmentum system is not the system used by
21 the Hillsborough County School District. That
22 is a system we're unfamiliar with, unfamiliar
23 with the processes that it works.

24 And Commissioner Boggess, I'd like to
25 clarify my earlier statement. I was referring

1 to the 3 minutes of inactivity statement where
2 the program would cut off after a certain
3 amount of time. Again, that's not the system
4 utilized by Hillsborough County School
5 District. And prior to today we were
6 unfamiliar with that aspect of the program.

7 MS. DELANGE: I would like to add as well,
8 for FTE purposes the secondary students,
9 particularly in high school, have to be
10 tracked. Their daily attendance has to be done
11 period by period. So, again, I'm not sure how
12 that would fit with this program.

13 MR. SUNSTROM: David Sunstrom. If I could
14 respond. Number 1, the draft contract, as it
15 is with all of our other contracts, specifies
16 the communications between the district and the
17 school on attendance issues and student
18 academic issues. It is tracked. Edmentum was
19 approved by the Department of Education for the
20 State of Florida, and it is used in multiple
21 jurisdictions.

22 At the end of the day it just -- these
23 students are being tracked. There is a -- I
24 personally believe it is disingenuous to say,
25 well, it doesn't communicate with our district.

1 Edmentum and our contract is designed to make
2 sure that that happens. And that does require
3 cooperation, but it does happen. It happens in
4 all of the other school districts in Florida in
5 which we work.

6 CHAIRWOMAN GAY: Jay, did you have a
7 follow-up question?

8 MR. BOGGESS: Yes. So we are distilling
9 this question down to the very foundational
10 level, because the struggle or tension point is
11 that Edmentum is a virtual instruction program
12 that is bona fide, approved, and provides FTE
13 as calculated as an asynchronous program that
14 you -- that's how you get the FTE, right?

15 What I hear being stated is that they
16 believe that it is. What I hear from the
17 district's side is that no, it's not. What I
18 don't know, and I'm not a -- I don't have
19 expertise in this, that to me without that
20 piece of this it either does or does not have a
21 strong educational model and a program that is
22 sustainable and fundable. So that's what -- I
23 mean, I keep hearing us coming back at this
24 question, but without that answer I'm having a
25 very difficult time.

1 MS. SCOTT: I have a question for the
2 attorneys. I think -- this is the way I'm
3 looking at it. There's a problem. I think
4 there's a difference between what a charter
5 requirement is and what a contract, the site
6 requirement is. Is there a difference in
7 funding that way? Is there a difference in
8 tracking? Because I know that's two different
9 animals.

10 CHAIRWOMAN GAY: Before you get started,
11 we are going to answer these comments and
12 questions, and then we have to take a break for
13 at least 25 to 30 minutes.

14 MR. FARRIOR: Can you please repeat that?
15 I apologize.

16 CHAIRWOMAN GAY: I'm sorry to interrupt.

17 MS. SCOTT: No problem. I'm seeing a
18 difference. You know, we are talking about
19 what the contract says from Acceleration
20 Academies, that contract, but that's a
21 third-party contract, you know, for the
22 district. So based on what charter requires,
23 are charter requirements different from
24 contracted site requirements?

25 MS. BARBER: In terms of FTE?

1 MS. SCOTT: Yes.

2 MS. DELANGE: Yes. To my knowledge, yes.
3 We used to have Catapult as a very similar
4 program, and they did not even talk to our
5 mainframe system. So the charter office
6 definitely did not track daily attendance on
7 those students. It was just a very separate
8 contract between the district and Catapult. So
9 a program is very different than a charter
10 school, a charter school, at least in terms of
11 tracking FTE and daily attendance for FTE
12 purposes.

13 MR. FARRIOR: I believe Dr. Delange
14 mentioned earlier the attendance in this case
15 would be coming from ESP, not from the school
16 itself. So the daily attendance would be
17 provided from ESP to the school, and the school
18 provides it to the district.

19 MR. STERNBERG: So, you know, we talked
20 about that it's tracked period by period.
21 That's how FTE funding is for traditional
22 public charter schools. That is correct. It
23 is a blended learning model that is a separate
24 and distinct FTE seat time characteristic that
25 would track. And when you have a separate --

1 you mean like Edmentum which, again, while it
2 might provide classes, and it might report a
3 reporting tool, it is the school itself. And
4 Acceleration Academies is the service provider
5 which provides the actual instruction.

6 This is a reporting tool. It is, like Mr.
7 Farrior said, it reports to the actual school,
8 and the school reports into the actual
9 mainframe system of the district. So whether
10 Edmentum does or doesn't, and whether there was
11 another program that did or didn't work, it's
12 merely conjecture.

13 Number 1, they said they don't know
14 Edmentum. That's fine. We understand that.
15 We're happy to make sure that it does. If it
16 doesn't, that's the school's responsibility to
17 report it. The school will report. So harping
18 on whether Edmentum will report in a way that
19 the school district's mainframe does not
20 calculate seat time is absolutely irrelevant,
21 because it's ultimately on the school to report
22 that seat time classification as well. Thank
23 you.

24 MS. BARBER: I have a very quick question.
25 I don't want to lose the momentum that we have

1 here. It's for the school district.

2 So we've heard that this program works at
3 other school districts. So they have the same
4 model of 12 hours at home or off campus and 12
5 hours on campus, so it's essentially the same.

6 Is there something in Hillsborough that
7 makes it different, or is there something that
8 you see that is different in Hillsborough
9 compared to those other districts that it's
10 possible for funding for those districts but it
11 would not be possible in Hillsborough County?

12 MR. GIBSON: Jeff Gibson, here on behalf
13 of the district. There's a difference between
14 FTE reporting for virtual programs and blended
15 programs. All the contracted services that
16 have been discussed are virtual programs, and
17 the FTE is paid very differently than it is
18 here. In this blended program the FTE, it has
19 to be calculated.

20 And Dr. Delange has a point. We as a
21 district have an obligation to the Auditor
22 General to ensure reporting is correct,
23 accurate and complete. The application that
24 was submitted to the district, we cannot do
25 that. We cannot make it sure that our

1 reporting, that our reporting -- that the
2 reporting being done is complete and accurate,
3 and that was really the issue. And I
4 understand the discussion about the case law
5 that's been discussed, that information can be
6 brought out at this meeting, but the
7 application cannot be completely fixed at this
8 meeting.

9 Information has been brought out about the
10 3 minute -- every 3 minutes. That's
11 information we are learning today. The
12 application, that application in Section 1 or
13 Issue 1 can't be completely fixed by the
14 information that's provided that we have no way
15 to rebut and we have no way to test. We have
16 no way to have our IT people speak to their IT
17 people. That's not something that can
18 completely fix that issue. We would
19 respectfully submit that that would need to
20 be -- have the application be done again, where
21 that information could be fleshed out.

22 MS. BARBER: So let me ask a follow-up to
23 that question then. If that had been included,
24 if that information about Edmentum's
25 programming, you were aware of how it operated

1 was included in the application, would that
2 change your decision?

3 MR. GIBSON: Potentially. Dr. Delange
4 would have certainly have made sure that we get
5 IT people as part of the review team in place,
6 if we needed to have that. But the information
7 for two lawyers and a doctor here to talk about
8 the technical capabilities of their system, we
9 just don't have the ability to do that, and
10 it's completely prejudicial and unfair for that
11 to then be fixed; again, for this application.

12 MR. STERNBERG: Respectfully, no, they are
13 not reported as part of a virtual model --
14 totally virtual model. That's just not how
15 it's reported. It is made as part of a blended
16 model in Miami-Dade, Sarasota, St. Lucie and
17 Escambia. So I just wanted to clarify for the
18 record that it's absolutely not a totally
19 virtual program, and that it is a blended
20 learning program.

21 Secondly, Edmentum is -- it is -- in the
22 application, we also had a capacity interview,
23 and if we're now talking that, oh, we didn't
24 really have the ability to have IT people
25 there, or we didn't understand whether it would

1 or wouldn't work with the system, is not really
2 for us.

3 You asked the right question. Well, if it
4 was included and you could discuss it, would it
5 change, and they said potentially it would.
6 Then you, as a Commissioner, are allowed per
7 the Fourth District Court of Appeal to
8 understand and go, one, with already providing
9 the application, which it is; but, two,
10 supplemental information just helps a better
11 understanding.

12 We are not asking you to change the
13 application. That's not why we're here. We're
14 here to provide that additional clarification
15 which would approve this application or show
16 that the district did not have good cause to
17 deny it. So for that I'm happy to have them
18 speak to this, but I wanted to clarify that
19 specific question. I wanted to clarify those
20 points, because it's just not true the report
21 is for a virtual model.

22 MS. BARBER: So the FTE funding, is that
23 something that we would need to discuss with
24 somebody else, like from the state level who
25 could determine this?

1 Because right now we are hearing the
2 district saying one thing, then the school is
3 saying another. Who's the authority on it?
4 It's not really up to either of them --

5 MS. SCOTT: You know, just to follow up on
6 what you just said, it's not even so much the
7 program, whether it talks to the system or not.
8 It's about the attendance that goes in. But if
9 the ESP is taking attendance and not the
10 teachers, how does that get into the
11 mainframe -- I don't understand -- period by
12 period?

13 MR. SUNSTROM: I can try and answer that.
14 Again, the Edmentum technology reports their
15 progress, the amount of time they're spending
16 in each course. All of our kids have either
17 badges, but now most of them use their cell
18 phones. When they enter the school they check
19 in, it records when they get there, and then we
20 have our educators there interacting with them.
21 Our program is, again, not a -- it is a hybrid.
22 It is not a virtual course.

23 With this population a virtual program has
24 been proven insufficient because of the high
25 needs of the kids. They do need to have that

1 relationship with staff. So it is a blended --
2 and, incidentally, as I said earlier, it's not
3 just Edmentum that has been accredited. Our
4 program that combines in a hybrid manner both
5 face-to-face and group instruction with online
6 instruction has been accredited, and it's been
7 used nationwide.

8 So, again, it is a pretty straight forward
9 process of combining face-to-face, group
10 instruction, with online instruction and
11 measuring that both in terms of attendance and,
12 more importantly, in terms of mastery of
13 content. Thank you.

14 MR. STERNBERG: And just briefly, for this
15 Commission I don't want to get caught in the
16 semantics and the red herring issue of this
17 argument of oh, well, it's captured by
18 Edmentum, and it goes to the education service
19 provider, the service provider provides it to
20 the school, the school provides it to the
21 district. We don't know in working in the
22 charter schools that's not -- that's a much
23 more seamless process, and we're trying to
24 break it down step by step and show how this
25 can fail in every little bit and how the

1 service provider, they don't have the legal
2 duty to it.

3 Well, they do in contract with the charter
4 school, and the charter school is ultimately
5 responsible for providing the FTE calculations.
6 And there's multiple reporting periods
7 throughout the year where this is done, where
8 it can be fixed and, well, the school board
9 does have auditing requirements, and so does
10 the applicant. There are strict auditing
11 requirements that happen yearly. And to say
12 that only the school district would be
13 responsible for this is disingenuous, because
14 it falls just as much on the school as it does
15 at the state and district level.

16 CHAIRWOMAN GAY: Thank you. At this point
17 I'm going to go ahead and say we need to take a
18 30-minute break. I know that's not very long,
19 but we also haven't finished this issue, and we
20 have two more to go potentially. So there is a
21 cafe downstairs that has snacks, some different
22 kinds of sandwiches and things, and there's a
23 few places around here as well that are within
24 walking distance. So we will reconvene at
25 12:15.

1 All right. Thank you all. Members,
2 please make sure not to communicate with
3 anybody about the proceedings. Thank you.

4 (A lunch recess was taken from 11:45 a.m.
5 to 12:15 p.m., and proceedings were continued
6 in Volume 2 of 2.)

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MEETING CERTIFICATE

STATE OF FLORIDA
COUNTY OF LEON

I, Mary Bouchard, RPR, certify that I was authorized to and did stenographically transcribe Volume 1 of the Charter School Appeal Commission Hearing, and that the transcript is a true and complete record of my stenographic notes.

Dated this 18th day of November, 2021.



Mary Bouchard, RPR

<hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$250 26:1</p> <hr/> <p style="text-align: center;">-</p> <hr/> <p>--oh 65:3</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 6:22 20:18 21:1 41:5,8, 24 45:23 46:17 47:11 54:11,24 59:9 60:3,14 61:18 66:13 67:12 69:2 78:10,22 79:6 88:4,10 93:10 101:14 105:13 107:12,13</p> <p>1(A) 45:23 89:13</p> <p>1(b)on 45:23</p> <p>1(D) 48:3</p> <p>1,400 99:17</p> <p>1.6.8 49:22</p> <p>10 22:16 23:25 25:9 30:18 77:15,19 92:2</p>	<p>100 47:2 61:6 88:17</p> <p>1002.33 13:2</p> <p>1003.53 42:9</p> <p>103 39:12</p> <p>10:50 76:8</p> <p>11 17:6 18:24</p> <p>11:03 76:9</p> <p>11:20 91:12</p> <p>12 17:7 36:19,23 46:24 47:2 53:8,12 61:21 62:7,8,10,11 92:21 95:23 96:18 97:10, 16 106:4</p> <p>12:00 91:18,21</p> <p>13 39:4</p> <p>14 43:21 49:20 50:1</p> <p>15 49:21</p> <p>15th 24:21 26:5,15 28:20 34:22</p> <p>16</p>	<p>17:7 50:2</p> <p>17 20:8,14,18 56:16</p> <p>18 18:24 27:18</p> <p>18- 84:16</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 45:24 51:3,4, 11 56:14 60:19 70:8 81:25</p> <p>2,239 99:17</p> <p>2.4 95:16,21</p> <p>20 38:3</p> <p>2000/2021 45:7</p> <p>2021 4:8 18:17 25:23 26:5 28:20 34:10</p> <p>21 17:7 18:24 27:18 29:7 38:21</p> <p>21-year-old 84:16</p> <p>22 29:7 95:3</p> <p>22nd 18:17</p>	<p>235 47:4 92:22 95:15</p> <p>24 19:6</p> <p>24/7 49:12</p> <p>25 97:15 103:13</p> <p>26 95:3</p> <p>27 57:1</p> <p>27th 4:8</p> <p>28 57:1</p> <p>28th 34:10</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 6:21 21:15 22:21 35:11 39:22 41:14, 25 44:18 46:4,11 47:7 51:4,6,11 59:20 93:10 101:1 107:10</p> <p>30 23:19 43:22 44:8 103:13</p> <p>33 65:20</p> <p>382 55:12 64:22</p>
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