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STATE OF FLORIDA  
DEPARTMENT OF EDUCATION  
CHARTER SCHOOL APPEAL COMMISSION HEARING  
THE LEADERSHIP ACADEMY FOR ACADEMIC ACHIEVEMENT  
VS.  
SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

---

LOCATION: 325 W. GAINES STREET  
CONFERENCE ROOM 1721  
TALLAHASSEE, FLORIDA

DATE: FRIDAY, JANUARY 30, 2015  
COMMENCED: 9:00 A.M.

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MEMBERS PRESENT :

LOIS TEPPER, CHAIR

CHRISTOPHER BERNIER

CATHY BRUBAKER

SONIA ESPOSITO

OSVALDO GARCIA

JENNA HODGENS

RICHARD MORENO

OTHER PARTICIPANTS :

JACQUELINE HITCHCOCK

DAVID L. JORDAN

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P R O C E E D I N G S

CHAIR TEPPER: Today is January 30th, 2015.  
This is a meeting of the Charter School Appeal  
Commission. My name is Lois Tepper, I'm the  
Commissioner's designee and Chair of the meeting.

Jackie, would you call the roll.

MS. HITCHCOCK: Christopher Bernier.

DR. BERNIER: Here.

MS. HITCHCOCK: Cathy Brubaker.

MS. BRUBAKER: Here.

MS. HITCHCOCK: Sonia Esposito.

MS. ESPOSITO: Here.

MS. HITCHCOCK: Osvaldo Garcia.

MR. GARCIA: Here.

MS. HITCHCOCK: Jenna Hodgens.

MS. HODGENS: Here.

MS. HITCHCOCK: Richard Moreno.

MR. MORENO: Here.

MS. HITCHCOCK: Please note for the record  
that Tiffanie Pauline and Rebecca Dinda are not  
present.

CHAIR TEPPER: Thank you.

We have two appeals on the calendar for  
today's meeting. The first appeal is the  
continuation to conclusion of SVG Leadership

1 Academies versus the Broward County School Board.  
2 SVG Academy is represented in person in the room  
3 and Broward County School Board is on the  
4 telephone.

5 When we met on December 15th, we completed  
6 the due process issue and Issue 1. The Commission  
7 found that there was harmless error on the due  
8 process issue and the School District prevailed on  
9 Issue 1 regarding the applicant's educational  
10 plan.

11 Because we have changed the members of our  
12 panel from the December meeting, rather than three  
13 minutes to open each issue, I'll allow each side  
14 five minutes to address the issue before we take  
15 questions.

16 I should mention that our panel is still  
17 balanced. While there's a different member, there  
18 are still three district representatives and three  
19 charter school representatives, as required by  
20 statute.

21 Are there any questions before we begin?

22 MR. VIGNOLA: None from Broward.

23 CHAIR TEPPER: Mr. Norwood, any questions?

24 MR. NORWOOD: No questions.

25 CHAIR TEPPER: Then Issue 2 is whether the

1 organizational plan failed to meet any of the  
2 following standards. And the only one is  
3 management.

4 So, Mr. Norwood, for the school, you have  
5 five minutes on the issue of the management  
6 portion of your application.

7 MR. NORWOOD: Thank you very much. Thank you  
8 for your display of humanity on December 15th on  
9 behalf of the Governing Board of SVG Leadership  
10 Academy. We truly thank you for the  
11 accommodations made then and now.

12 I also want to thank Bob, who's on the phone,  
13 and Broward Schools. We know that the district  
14 has spent resources to be present here in  
15 Tallahassee and to allow for administrative due  
16 process for charter school applicants.

17 So with that being said, we want to have on  
18 the record that Dr. Gallon's medical issues that  
19 brought this meeting to a halt in December through  
20 his presentation on Issue 2 began during his  
21 presentation on Issue 1, the educational plan,  
22 which this Board voted against SVG and for Broward  
23 Schools.

24 With that being said, please let me introduce  
25 myself. My name is Christopher Norwood. I'm here

1 on behalf of SVG Leadership Academies Charter  
2 School application, which was timely submitted.  
3 I'm joined here again by the esteemed Dr. Steve  
4 Gallon, who is a consultant for the Governing  
5 Board.

6 The package that you have has many  
7 exhibits -- and we went over this before -- but  
8 the one that I wanted you to pay particular  
9 attention is Tab B of the application. And Tab B  
10 was the evaluations done by Broward Public  
11 Schools. And we requested the individual  
12 evaluations of their Technical Review Committee,  
13 which is similar to yours.

14 If you look on page 18 of that document, you  
15 will see that -- pardon me -- on page 22 of the  
16 transcript, I mention that the charter school  
17 director actually approved this application, and  
18 Bob stated on a different page of the transcript  
19 that she only reviewed the governing section. If  
20 you look at that section, you will see on page 13  
21 of Tab B, there's a section entitled "Overall  
22 Assessment" that states "Would you recommend  
23 approval of this application for a public school?"  
24 Jody's name is there, it's checked box for  
25 approved. And if you turn to the next page, you

1 will see the one that doctor -- I mean,  
2 Mr. Vignola was referring to regarding governance,  
3 she also states that it meets standards. So we  
4 are here today to establish that on the  
5 organizational plan, there was a clear and concise  
6 statement and we met standards. We are also here  
7 to talk about the business plan, which we will do  
8 later.

9 I want to, again, draw your attention to the  
10 district evaluation instruments. Almost every one  
11 of the state sections you are reviewing met  
12 standards except for one. In the organizational  
13 plan, if you turn to Tab B back on page 13, you  
14 will see this.

15 On page 136 and 144 of the actual  
16 application, the management structure is clearly  
17 delineated, as well as the responsibilities of the  
18 application is in a chart on page 134 and 140.  
19 Page 145, the plan for improvement and selection  
20 of the school leader is well described. Page 147  
21 has the staffing plan. Page 149 has the -- states  
22 how we will recruit the qualified staff. It's all  
23 right there.

24 Again, if we look at the evaluation  
25 instruments of all of the individual members of

1 the Technical Review Committee in Broward County,  
2 you will find that they all met standard except  
3 for one, which was partially met. And another one  
4 that we will talk about later, I'll just discuss  
5 that later.

6 So this was approved by the Technical Review  
7 Committee. The elected School Board voted against  
8 it. And I think there's a distinction to be made  
9 with that. If there are any questions  
10 specifically about the management plan, please  
11 direct those -- I'll be glad to answer those,  
12 along with Dr. Steve Gallon. Thank you.

13 CHAIR TEPPER: Mr. Vignola, you have five  
14 minutes on the organizational plan issue.

15 MR. VIGNOLA: Thank you very much. Bob  
16 Vignola, Deputy General Counsel for the School  
17 Board of Broward County, Florida. As was the case  
18 with the first half of this hearing, Leslie Brown,  
19 the School District's Chief Portfolio Services  
20 Officer is with me. Also with me today is Jody  
21 Perry, and Ms. Perry is the district's Director of  
22 Charter Schools Management and Support. I'm going  
23 to turn to Ms. Brown to address with you Issue 2.

24 MS. BROWN: Good morning. Under Issue 2 in  
25 the management section, the district reviewers

1           could not approve the application because the  
2           proposed charter applicants did not meet the  
3           following management requirements: A viable and  
4           adequate staffing plan aligned with projected  
5           school enrollment. This was also noted and  
6           identified as well on Issue 1.

7                       As it applies to management, the actual  
8           challenge is that there was no research based  
9           projections for ESE, SWD or gifted. We believe it  
10          was not conducted and it was not applicable to  
11          Broward County Public Schools. The application is  
12          clearly based on Miami-Dade County Office of  
13          Assessment, Research and Data Analysis.

14                      The applicant estimated an SWD student  
15          population average of only 10 percent. Even if  
16          the applicant had researched appropriately for  
17          Broward County, they would have seen Broward  
18          County ESE percentage was 12.5 without charter  
19          schools from 2011 to 2014 and with charter schools  
20          was 11.8 percent. Even looking further out in  
21          2012 to 2015, ESE was 12.6 percent without  
22          charters and with charters it was 7.3 percent. So  
23          that 10 percent SWD student population average may  
24          have been pulled from any district's data other  
25          than Broward County. As it appears, none of the

1           Broward District's SWD data, which by the way is  
2           provided online in a very open and transparent  
3           manner, was considered as a part of the  
4           methodology for this application for projected  
5           population to be served in the county in which  
6           this group was applying to. At-risk schools  
7           actually in Broward County reflect a much higher  
8           than average ESE population with an average of  
9           19.8 percent ESE students at their site. This  
10          information is also on our district's website and  
11          can be easily accessed for any charter management  
12          or charter applicant to conduct due diligence for  
13          the requirements in the model charter school  
14          application for Florida for actually those  
15          required data-driven projections.

16                 The basic difference from the applicant's use  
17                 of the 10 percent versus even the possibly low  
18                 district rate in Broward County, if they had done  
19                 that research, of 11.8 percent shows up in an  
20                 additional 500 students that would have been  
21                 eligible to attend this school. There's actually  
22                 no staffing plan representing those numbers.

23                 State Rule 6A-6.03411(1)(kk)1, FAC, defines  
24                 students with disabilities as provided instruction  
25                 conducted in the classroom, in the home, in the

1 hospitals and institutions, and in other settings  
2 as well as instruction in physical education,  
3 which an important budgeting and staffing  
4 consideration, particularly because of the higher  
5 average percent population realized in at-risk  
6 charter schools.

7 The application doesn't satisfy this state  
8 rule if the staffing model is based on state  
9 required research regarding the specific student  
10 population to be served. This application does  
11 not put forth an accurate staffing plan aligned  
12 with student projections to meet the ESE, SWD and  
13 gifted in Broward County.

14 Student projections in this application  
15 appeared to be a cut and paste and research based  
16 from Miami-Dade County Public Schools and do not  
17 reflect the demographics of Broward County.

18 Therefore, the district's expert in budgeting and  
19 ESE could not determine it a viable and adequate  
20 staffing plan, as required by the Florida Model  
21 Charter Application Form, with the projected  
22 student enrollment in Broward County. Thank you  
23 so much for this opportunity.

24 CHAIR TEPPER: Thank you.

25 So that takes us to questions by Commission

1 Members. Are there any questions on Issue 2?

2 (No response.)

3 CHAIR TEPPER: If not, would someone like to  
4 make the motion on Issue 2 and choose did or did  
5 not?

6 Chris.

7 DR. BERNIER: I move that the Commission find  
8 that the School Board did not have competent  
9 substantial evidence to support its denial of the  
10 application based upon the applicant's failure to  
11 meet the standards of the organizational plan.

12 CHAIR TEPPER: You've heard the motion, that  
13 the Commission find the School Board did not have  
14 competent substantial evidence to deny the  
15 application on this issue.

16 Is there a second?

17 MR. GARCIA: I second.

18 CHAIR TEPPER: Osvaldo.

19 So the motion is that the Commission find  
20 that the School Board did not have competent  
21 substantial evidence on this issue. If you vote  
22 yes, you are voting for the charter school. If  
23 you vote no, you are voting for the School  
24 District.

25 Jackie.

1 MS. HITCHCOCK: Hold on just a second. I got  
2 to replace Cathy.

3 Okay. Chris.

4 DR. BERNIER: Yes.

5 MS. HITCHCOCK: Osvaldo.

6 MR. GARCIA: Yes.

7 MS. HITCHCOCK: Cathy.

8 MS. BRUBAKER: Yes.

9 MS. HITCHCOCK: Sonia.

10 MS. ESPOSITO: Yes.

11 MS. HITCHCOCK: Jenna.

12 MS. HODGENS: Yes.

13 MS. HITCHCOCK: Richard.

14 MR. MORENO: Yes.

15 CHAIR TEPPER: So by your vote, you have  
16 found that the School Board did not have competent  
17 substantial evidence on this issue so we do not  
18 have to do the second part.

19 That will take us to Issue 3. Issue 3 is  
20 whether the applicant's business plan failed to  
21 meet any of the following standards: Financial  
22 management and oversight and the action plan.

23 Mr. Norwood, you have five minutes on  
24 Issue 3.

25 MR. NORWOOD: Thank you very much.

1            Issue 3 is the business plan and financial  
2            management and oversight. Again, we would draw  
3            your attention to Tab B, page 21 of Tab B.  
4            They're not numbered. But if you look at the  
5            various evaluations, you will see Number 17.  
6            Number 17 deals with budget. And that evaluator  
7            says that it partially met standard.

8            The next evaluation deals with financial  
9            management oversight. The next one deals with the  
10           action plan. And that reviewer actually said it  
11           met standard and it did not meet standard, which  
12           is somewhat bizarre. But then, again, Ms. Perry  
13           reviewed the exact same section, which is the last  
14           tab on page (inaudible) in Section B of our  
15           appeal. Ms. Perry again says that it met  
16           standard. So, again, the technical reviewers of  
17           Broward County agrees with us that the standard  
18           was actually either met or partially met.

19           The business accounting evaluator noted  
20           strengths in the adoption of the use of the  
21           accounting procedures. However, the evaluator  
22           that signed, held the title of safety manager and  
23           addressed none of the items on the issue sheet.

24           With respect to the items noted for this  
25           issue I've identified, identified on page 169 of

1 the application, SVG provided clear delineation on  
2 how its finances will be managed and assurances  
3 that the Governing Board retains ultimate control  
4 over the school finances. It explicitly states,  
5 in fact, that the ultimate -- quote, the ultimate  
6 responsibility for physical control of the  
7 organization rests with the Board of Directors who  
8 shall provide effective financial oversight and  
9 make financial decisions that further the school's  
10 mission, program and goals. And it will approve  
11 the annual budget and require regular and timely  
12 financial reporting to the Board.

13 Page 170, the school provides a clear system  
14 of internal control to safely finances --  
15 safeguard finances. The internal control  
16 structure included a clear, described-in-detail  
17 elements that included but were not limited to  
18 controlled environment, accounting system, control  
19 procedures and accounting cycle. The system  
20 described processes that included but were not  
21 limited to accounting method, software and records  
22 to manage transactions, segregation of duties in  
23 which no one person controls all of the aspects of  
24 a transaction.

25 Although the district raised questions

1 regarding the insurer's rating and liability  
2 coverage in this section of the evaluation, page  
3 175 and 176 clearly state that the school will  
4 comply with requirements specified by the  
5 district, that it will have an AM best rating of A  
6 or better and will have liability coverage of  
7 1 million each occurrence and 3 million aggregate.

8 With respect to the action plan, the  
9 evaluator for the district indicated that it met  
10 the standard and that the application should be  
11 approved.

12 Page 182 and 183 of the application, pursuant  
13 to the requirements of Statute 1002.37(a)(16)  
14 provided a thoughtful and realistic implementation  
15 plan covering major operational items to ensure  
16 that the school will be ready to serve its  
17 students of the first day of school. On page 182  
18 and 183 of the application, the school provided a  
19 timeline from August of 2014, at which time the  
20 application was submitted, through 2015, at which  
21 time the new school will begin.

22 The major operational items that were  
23 addressed during this period, included but were  
24 not limited to, contract for sponsor, contract for  
25 vendors, hiring a staff principal, recruitment of

1 marketing, facilities acquisition, lease execution  
2 and permit, and if needed -- permit if needed,  
3 hiring teachers, materials, supply ordering,  
4 website, all of the things that are required.

5 Despite the district's assertion of the area  
6 failing to meet the elements of 1002.37(a)(16),  
7 the elements cited by the district as failing to  
8 meet the standards are not reflected in the  
9 statute. They noted medical, hazard, weather,  
10 fire, none of which are required in the statute.

11 Again, the technical reviewers, per our  
12 public records request of individual evaluators,  
13 support our application. It's the elected School  
14 Board who voted this application down. And we  
15 believe that we have cause for -- to deny this --  
16 I'm sorry -- to approve this application based  
17 upon that, on that section -- I'm sorry -- that  
18 issue. Thank you.

19 CHAIR TEPPER: Thank you.

20 Mr. Vignola, five minutes on Issue 3.

21 MR. VIGNOLA: Thank you. And, again, I want  
22 to thank the Commission for allowing us to  
23 participate by telephone for this remainder of the  
24 hearing.

25 Ms. Brown will address Issue 3 and the

1 application's business plan.

2 MS. BROWN: Thank you. In our work, we found  
3 that there were two standards that the expert  
4 review team was unable to approve in the section  
5 of the application, and those were actually noted  
6 in all of the documents that we have sent. The  
7 two are the safeguard of finances and the other  
8 one is unanticipated events.

9 On the safeguarding of finances, we actually  
10 found some challenges, again with the insurance  
11 plan, financial and risk management area. That  
12 team's tier in the districts found that the  
13 applicants did not have the requisite knowledge,  
14 understanding or conduct the appropriate research  
15 to determine adequate insurance coverage for  
16 general liability, professional liability and  
17 property. We found that the lack of this  
18 understanding presented a significant risk to our  
19 risk management experts.

20 Although the applicant indicated that the  
21 charter schools would comply with all of the  
22 regulations specified by the district or State  
23 Statute regarding insurance and liability  
24 coverage, it failed in the application to indicate  
25 any understanding of these requirements.

1           While the applicant provided a laundry list  
2           of insurance topics with highly generalized dollar  
3           amounts, the actual application for commercial  
4           general liability with a per limit and aggregate  
5           limit failed to specify the products and completed  
6           operations policy aggregate limits of \$1 million  
7           required by the Broward County Public School  
8           District. Additionally, the general aggregate  
9           must apply per location, per school.

10           A significant missing portion of the required  
11           insurance is that this general aggregate must also  
12           cover as an additional insured the School Board of  
13           Broward County, its members, officers, employees  
14           and agents. All insurance policies must be  
15           primary of all of the other valid and collectable  
16           coverage maintained, which also was absent from  
17           the description of the insurance coverage from  
18           this particular applicant.

19           The professional liability and commercial  
20           property insurance figure on the application also  
21           did not reflect appropriate research or knowledge  
22           in that the maximum deductible amount that should  
23           have been identified in the application included  
24           professional liability policy should have had a  
25           deductible no greater than 25,000 and a commercial

1 property insurance, wind and hail, because we do  
2 live in south Florida, deductible of no greater  
3 than 5 percent of the property value.

4 When the risk experts identified this in the  
5 charging letter, the application still -- the  
6 applicant still kind of didn't understand what we  
7 were discussing. The applicant appeared to think  
8 that the risk management team identified  
9 deficiencies with the management and protection of  
10 students' financial records in their response.  
11 This is not the case and it was not stated in what  
12 we sent, although that is what the application and  
13 the actual applicant appeared to respond to.

14 The evaluation summary sheets completed by  
15 the experts in the risk management department did  
16 not identify this student financial records issue  
17 as an area of concern for deficiency. Due to the  
18 apparent lack of understanding of the insurance  
19 specifications for education, the risk management  
20 team could not find that there was a clear  
21 description of strong internal control to be  
22 sufficient to safeguard assets, students or the  
23 school finances. Thanks so much for listening.

24 CHAIR TEPPER: Thank you.

25 So that brings us to questions by Commission

1 Members on Issue 3. Any questions on Issue 3?

2 MS. HODGENS: One question.

3 CHAIR TEPPER: Jenna.

4 MS. HODGENS: I have a question for the  
5 School District. Your insurance policies, is that  
6 delineated in your contract? Is that discussed  
7 during that time frame once an applicant is  
8 approved?

9 MS. BROWN: Yes, it is.

10 MS. HODGENS: And in that contract, do you  
11 have specific amounts that need to be -- that are  
12 required of the charter school to purchase in  
13 order to be in compliance?

14 MS. BROWN: Yes. And all that's publicly  
15 noticed already.

16 MS. HODGENS: Okay. Thank you.

17 MS. BROWN: Uh-huh.

18 CHAIR TEPPER: Other questions?

19 (No response.)

20 CHAIR TEPPER: Okay. Would someone like to  
21 make the motion then on Issue 3 and choose did or  
22 did not?

23 Jenna.

24 MS. HODGENS: I can do that. I move that the  
25 Commission find that the School Board did not have

1 competent substantial evidence to support its  
2 denial of the application based on the applicant's  
3 failure to meet the standards of the business  
4 plan.

5 CHAIR TEPPER: You've heard the motion that  
6 the Commission find that the School Board did not  
7 have competent substantial evidence to support its  
8 denial on this issue.

9 Is there a second?

10 MS. ESPOSITO: I second.

11 CHAIR TEPPER: Sonia.

12 So the motion is that the Commission find the  
13 School Board did not have competent substantial  
14 evidence to support its denial of the application  
15 on this issue. If you vote yes, you are voting  
16 for the charter school. If you vote no, you are  
17 voting for the School District.

18 Jackie.

19 MS. HITCHCOCK: Jenna.

20 MS. HODGENS: Yes.

21 MS. HITCHCOCK: Sonia.

22 MS. ESPOSITO: Yes.

23 MS. HITCHCOCK: Chris.

24 DR. BERNIER: Yes.

25 MS. HITCHCOCK: Cathy.

1 MS. BRUBAKER: Yes.

2 MS. HITCHCOCK: Osvaldo.

3 MR. GARCIA: Yes.

4 MS. HITCHCOCK: Richard.

5 MR. MORENO: Yes.

6 CHAIR TEPPER: So you have found that the  
7 School Board did not have competent substantial  
8 evidence to support its denial on this issue. We  
9 do not have to do the next section. That will  
10 take us to the final motion.

11 The district prevailed on Issue 1, the  
12 charter school prevailed on Issue 2 and 3.  
13 Because the district prevailed on Issue 1, they  
14 have shown that they had competent substantial  
15 evidence to support their denial of this  
16 application, so your motion for your  
17 recommendation to the State Board of Education  
18 should be to deny the application.

19 Would someone like to make that motion?

20 MS. HODGENS: I will.

21 CHAIR TEPPER: Jenna.

22 MS. HODGENS: I move the Commission recommend  
23 that the State Board of Education deny the appeal.

24 CHAIR TEPPER: Is there a second?

25 MR. MORENO: I'll second.

1 CHAIR TEPPER: Richard.

2 Jackie.

3 MS. HITCHCOCK: Jenna.

4 MS. HODGENS: Yes.

5 MS. HITCHCOCK: Richard.

6 MR. MORENO: Yes.

7 MS. HITCHCOCK: Chris.

8 DR. BERNIER: Yes.

9 MS. HITCHCOCK: Cathy.

10 MS. BRUBAKER: Yes.

11 MS. HITCHCOCK: Sonia.

12 MS. ESPOSITO: Yes.

13 MS. HITCHCOCK: Osvaldo.

14 MR. GARCIA: Yes.

15 CHAIR TEPPER: So the district has prevailed.

16 Our recommendation to the State Board of Education

17 will be to deny the application. Each side will

18 be given about five minutes before the State

19 Board. They may or may not ask you questions.

20 That Board meeting will be February 25th at

21 2:15 in the afternoon at the Capitol here in

22 Tallahassee. Jackie will send each side a letter

23 with all the details. And you'll be able to see

24 the agenda seven days in advance of the meeting,

25 which will give you some idea of where you fall in

1           that meeting.

2           Mr. Vignola, any questions before we conclude  
3           this appeal?

4           MR. VIGNOLA: No questions from Broward.  
5           Again, thank you for the courtesy you've given.

6           CHAIR TEPPER: Absolutely.

7           Mr. Norwood, any questions before we end?

8           MR. NORWOOD: I need to talk to Bob because I  
9           think me and Bob have another issue scheduled for  
10          February 25th in a totally different venue.

11          CHAIR TEPPER: Okay.

12          MR. NORWOOD: But, no, I have no questions.

13          CHAIR TEPPER: Okay.

14          MR. NORWOOD: Thank you.

15          CHAIR TEPPER: Okay. So this appeal is  
16          concluded. We'll take a five-minute break and  
17          we'll start the second appeal. Thank you,  
18          Mr. Vignola.

19          MR. VIGNOLA: Thank you.

20          (Whereupon, proceedings were concluded at  
21          9:30 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

I, MICHELLE SUBIA, Registered Professional Reporter, certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages are a true and correct record of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 10th day of February, 2015.

*Michelle Subia*

MICHELLE SUBIA, RPR  
NOTARY PUBLIC  
COMMISSION #FF127508  
EXPIRES JUNE 7, 2018



THE LEADERSHIP ACADEMY FOR ACADEMIC ACHIEVEMENT

v.

SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

**Due Process**

- Whether the Charter School's due process rights were violated by the School Board.

I move that the Commission find that the School Board **did** or **did not** [pick one] violate the Charter School's due process rights.

MOTION:

SECONDED:

VOTE:

YES \_\_\_\_\_

NO \_\_\_\_\_

If the Commission finds that the School Board **did** violate the Charter School's due process rights, the Commission must determine whether such action was harmless error.

I move that the Commission find that the School Board's denial of due process **was** or **was not** harmless error.

MOTION:

SECONDED:

VOTE:

YES \_\_\_\_\_

NO \_\_\_\_\_

**Issue One**

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

- Educational Program Design:
  - Is clear and coherent;
  - Is based on effective, research-based educational practices, teaching methods and high standards for student learning;
  - Aligns with the school's mission and responds to the needs of the school's target population; and
  - Presents evidence that the proposed approach will lead to improved student performance for the school's target population.

Statutory Reference(s): s. 1002.33(7)(a)2., Florida Statutes

- Curriculum Plan:
  - Provides a clear and coherent framework for teaching and learning;
  - Is research-based;
  - Is consistent with the school's mission, educational philosophy and instructional approach;
  - Will enable students to attain Sunshine State-Common Core Standards and receive a year's worth of learning for each year enrolled; and
  - Will be appropriate for all students at all levels.

Statutory Reference(s): s. 1002.33(6)(a)2.; s. 1002.33(6)(a)4.; s. 1002.33(7)(a)2.; s.1002.33(7)(a)4., Florida Statutes

- Exceptional Students:

- Clear description of the levels of service the school will provide to students with disabilities.
- A clear description of how the school will ensure that students with disabilities (SWD) will have an equal opportunity of being selected for enrollment.
- An understanding and commitment to collaborating with the sponsor to ensure that placement decisions for students with disabilities will be made based on each student's unique needs.
- An appropriate plan for evaluating the school's effectiveness in serving exceptional students, including gifted.
- A realistic enrollment projection (SWD) and a staffing plan that aligns with the projection.

Statutory Reference(s): s. 1002.33(16)(a)3., Florida Statutes

- English Language Learners:
  - Demonstrated understanding of state and federal requirements regarding the education of English language learner students.
  - Sound plans for educating English language learner students that reflect the full range of programs and services required to provide all students with a high quality education.
  - Demonstrated capacity to meet the school's obligations under state and federal law regarding the education of English language learner students.

Statutory Reference(s): s. 1002.33(10), Florida Statutes

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Educational Plan.

Motion:

Seconded:

Vote

Yes \_\_\_\_\_

No \_\_\_\_\_

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Applicant's failure to meet the standards for the Educational Plan, **was** or **was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote

Yes \_\_\_\_\_

No \_\_\_\_\_

### Issue Two

**B.** Whether the Organizational Plan failed to meet any of the following standards:

- Management:
  - A management structure that includes clear delineation of the roles and responsibilities for administering the day-to-day activities of the school.
  - A sound plan for the recruitment and selection of the school leader.
  - A viable and adequate staffing plan aligned with the projected student enrollment.
  - A sound plan for recruiting and retaining qualified and capable staff.

Statutory Reference(s): s. 1002.33(7)(a)9.; s. 1002.33(7)(a)14., Florida Statutes

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Organizational Plan.

Motion:

Seconded:

Vote

Yes \_\_\_\_\_

No \_\_\_\_\_

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Applicant's failure to meet the standards for the Organizational Plan, **was or was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote

Yes \_\_\_\_\_

No \_\_\_\_\_

### Issue Three

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

- Financial Management and Oversight:
  - A clear description of how the school's finances will be managed. The description must include assurances that the governing board retains ultimate control over the school's finances.
  - A clear description of strong internal controls. The system of internal controls must be sufficient to safeguard finances.

Statutory Reference(s): s. 1002.33(6)(a)5.; s. 1002.33(7)(a)9.; s. 1002.33(7)(a)11., Florida Statutes

- Action Plan:
  - Provides a thoughtful and realistic implementation plan that covers major operational items and provides flexibility for addressing unanticipated events.

Statutory Reference(s): s. 1002.33(7)(a)16., Florida Statutes

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Business Plan.

Motion:

Seconded:

Vote

Yes \_\_\_\_\_

No \_\_\_\_\_

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Applicant's failure to meet the standards for the Business Plan, **was or was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote

Yes \_\_\_\_\_

No \_\_\_\_\_

**FINAL MOTION:**

I move the Commission recommend that the State Board of Education **grant or deny** [pick one] the appeal.

Motion:

Seconded:

Vote

Yes \_\_\_\_\_

No \_\_\_\_\_