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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.

TRANSCRIBED BY:
MICHELLE SUBIA
REGISTER PROFESSIONAL REPORTER

PREMIER REPORTING
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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 _____