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CHARTER SCHOOL APPEAL COMMISSION HEARING  
FLORIDA DEPARTMENT OF EDUCATION

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DATE: Friday, August 25, 2017

TIME: Commenced at 9:30 a.m.  
Concluded at 11:15 a.m.

LOCATION: 325 West Gaines Street  
Room 1703/07  
Tallahassee, Florida

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

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COMMISSION MEMBERS APPEARING:

LOIS TEPPER, CHAIR

JENNA HODGENS

SONIA ESPOSITO

OSVALDO GARCIA

CYNTHIA AVERSA

\* \* \* \* \*

CERTIFICATE OF REPORTER

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P R O C E E D I N G S

CHAIR TEPPER: We're going to go ahead and get started, it's nine-thirty. This is the Charter School Appeal Commission. Today is August 25th, 2017. My name is Lois Tepper, I'm the Commissioner's designee as Chair of the Commission.

Also here for the department is Dave Jordan, who is counsel for the Commission. This is his late meeting, Dave's retiring. Jamie Braun is going to be taking his place, so she's sitting in today. The Charter School Director, Adam Emerson, is at the back of the room.

Adam, let everybody know who you are.

MR. EMERSON: I'm Adam Emerson. I've talked to most of you before. I'm the Charter School Director.

CHAIR TEPPER: And Adam Miller.

Jackie, could you take the roll.

MS. HITCHCOCK: I can. Jenna Hodgens.

MS. HODGENS: Here.

MS. HITCHCOCK: Cynthia Aversa.

MS. AVERSA: Here.

MS. HITCHCOCK: Osvaldo Garcia.

MR. GARCIA: Here.

1 MS. HITCHCOCK: And Sonia Esposito.

2 MS. ESPOSITO: Here.

3 CHAIR TEPPER: Thank you.

4 Before we hear the case that we have for  
5 today -- and we just have one -- I'm going to have  
6 Dave Jordan do a short tutorial on our new motion  
7 sheet and how this appeal is going to go. It's a  
8 little different than our usual format, and  
9 hopefully this is how we'll conduct these going  
10 forward.

11 MR. JORDAN: Good morning. This is last  
12 meeting and also the first one which I have  
13 anything to say.

14 Last year the Commission considered an appeal  
15 that involved whether a charter school was  
16 innovative enough. I don't know if anybody was  
17 there and recalls that. The Commission  
18 recommended that the school -- that the charter  
19 school application be approved. The State Board  
20 accepted your recommendation and approved it. It  
21 was appealed to the District Court of Appeal,  
22 which reversed.

23 They reversed on the basis that we, at the  
24 Commission, did not do a good enough job at our  
25 hearing. So that case will eventually come back

1 to you. It's been appealed to the Supreme Court  
2 on an entirely different issue. But the issue on  
3 how we should conduct our meetings is settled and  
4 we need to do it differently than we have in the  
5 past.

6 The District Court relied upon a couple of  
7 phrases from the Charter School Appeal Statute.  
8 For example, that the Commission, this Commission,  
9 must review the documents, gather other applicable  
10 information, make a recommendation and state  
11 whether the appeal should be upheld or denied and  
12 include reasons for the recommendation being  
13 offered. The Commission Members shall review the  
14 materials and a fact-based justification for the  
15 recommendation must be included. So that's from  
16 the statute.

17 In the opinion that the Court issued, they  
18 said things like "following a cursory hearing the  
19 Commission unanimously reversed the School's  
20 Board's denial. The Commission did not make any  
21 factual determinations in its recommendation;  
22 therefore, the State Board erred by failing to  
23 include fact-based justification in its  
24 recommendation pursuant to the statute. Moreover  
25 at the required meeting, the Commission Members

1 failed to discuss the issue, ask any questions of  
2 the parties or engage in any fact finding before  
3 their vote." Therefore, it was reversed and  
4 eventually it will come back to you.

5 So today we want to encourage you to ask a  
6 lot of questions of the parties as they make their  
7 presentations. And when you make a motion to  
8 approve or deny for one reason or another, please  
9 explain to the other Members of the Commission why  
10 you think it should be done that way. Perhaps the  
11 Chair or I, or one of the members of the staff,  
12 will stand up and ask questions from you to gather  
13 more information about why you want to make a  
14 particular decision.

15 After this meeting and after you vote, the  
16 Chair and I and your staff will gather together  
17 and over the next week or so draft a written  
18 recommendation that would include the facts as we  
19 understand them from your discussion today. And  
20 we will hold a telephone conference after that for  
21 you to -- after having read our proposed  
22 recommendation, to vote to approve it or vote to  
23 make some changes to it and then approve it before  
24 it goes to the Commission so that the State Board  
25 will actually have their fact-based recommendation

1 to consider at their meeting.

2 So are there any questions about what I just  
3 said?

4 (No response.)

5 MR. JORDAN: So it's a little bit different.  
6 Try and interact a little bit more with the  
7 Members here. Thank you.

8 CHAIR TEPPER: Okay. So for today's appeal,  
9 each side will have ten minutes. I'll start with  
10 the school and then go to the District. We don't  
11 usually interrupt that ten minutes, but I'm  
12 encouraging the Members today that if somebody  
13 says something in their opening that strikes  
14 something, feel free to interrupt and ask  
15 questions and then I'll add time at the end.

16 After each of those ten-minute presentations,  
17 I'm going to go through the only issue we have,  
18 each individual piece, and ask Commission Members  
19 if they have questions on that section so that by  
20 the time we get to the motion, it should be clear  
21 where we're going, why we're making the motion.  
22 And it may take us a couple of tries to get the  
23 motion right today, but we'll get better with this  
24 as we go along.

25 If you could say your name the first time you

1 go to the microphone for the court reporter, it  
2 will help. If you're speaking, please go to the  
3 microphone, don't just talk from the table.

4 MS. HITCHCOCK: We don't have a microphone,  
5 it broke.

6 CHAIR TEPPER: Go to the podium and speak  
7 loudly, how's that?

8 Please don't talk over each other. She can  
9 only type one thing at a time. If you do, I'll  
10 stop you and we'll repeat so that we have a good  
11 record, because the State Board Members read this  
12 record.

13 MS. HODGENS: I have a question.

14 CHAIR TEPPER: Yes, ma'am.

15 MS. HODGENS: Do we have a sheet for today?  
16 I don't have a sheet.

17 MS. ESPOSITO: It was under the agenda.

18 MS. HODGENS: Oh, I didn't have the agenda.

19 CHAIR TEPPER: Here is one.

20 MS. HODGENS: Oh, thank you.

21 CHAIR TEPPER: And you'll see on the back of  
22 the motion sheet it says, "I move" so and so and  
23 so because. And that's the new part. That's  
24 where we're going to ask you to tell specific  
25 reason for the basis of your motion, okay?

1 MS. ESPOSITO: Okay.

2 CHAIR TEPPER: Melissa, ten minutes.

3 MS. GROSS-ARNOLD: Thank you, Chair Tepper,  
4 Members of the Appeal Commission. I'm Melissa  
5 Gross-Arnold from The Arnold Law Firm and I'm here  
6 today on behalf of Parrish Charter Academy.

7 Along with me, some of you may know, Deb  
8 Metheny-Hays, formerly with the School District of  
9 Sarasota. She is a Board Member of Parrish  
10 Charter Academy. And, you know, she spent a long  
11 time at the School District, over 25 years, her  
12 last five years as their head of charter schools.

13 Also with me is Dr. Aline Sarria. She has  
14 her Doctorate in curriculum instruction and in  
15 teacher curriculum instruction. She is now a  
16 consultant. She is an educational consultant to  
17 this charter school. She reviews curriculum, she  
18 develops curriculum. She also has a long  
19 background with the Miami-Dade School District,  
20 opening schools, as a principal, and then also  
21 spent some time in higher education.

22 This is an appeal and so it is important for  
23 us to talk about the standard on the appeal.

24 There are two parts to it. This Commission must  
25 make these findings about whether or not the

1 District had competent and substantial evidence of  
2 a statutory good cause reason for the denial. And  
3 those denial reasons are the ones in their denial  
4 notice. Nowhere else, just in the denial notice.

5 Statutory good cause. Well, you have a  
6 roadmap of that, and that's in the application and  
7 in the evaluation instrument. Both of those  
8 documents have been adopted by rule and they are  
9 the state's interpretation of the statutory  
10 requirements for charter school applicants.

11 Competent and substantial evidence, that's  
12 been defined by law as well, not in our statutes  
13 but in case law. And competent and substantial  
14 evidence is material and specific enough that  
15 reasonable minds would rely on that information to  
16 support the matter asserted. That means that  
17 competent and substantial evidence is not  
18 speculative, it is not conclusory, it's a  
19 fact-based chain of reasoning and logic.

20 Now, because you need to make findings, I'm  
21 going to take some time this morning to go over  
22 the specific sections we're dealing with today,  
23 and it's very narrow. As Ms. Tepper mentioned,  
24 you're only dealing with the education plan  
25 portion of this application. And not only that,

1 but only six of the nine subsections of the  
2 education plan have been mentioned in the denial  
3 notice. Only two of those six were found not to  
4 meet the standard, and four of those were  
5 partially meets the standard.

6 This charter application is -- this design is  
7 Experiential Learning. That's the design, it's  
8 not the curriculum. And that will be a theme you  
9 will hear throughout. The design is Experiential  
10 Learning, learning by doing, fundamental practice  
11 in the education world.

12 This was the seventh application that this  
13 team put together over four application cycles.  
14 That includes two draft applications that were  
15 provided to the School District. Ms. Metheny,  
16 having had this background with the District, with  
17 a District, and reviewer of charter applications,  
18 wanted to talk to the District to find out --  
19 clearly we're not communicating with all of these  
20 applications. She tried to meet with the District  
21 before this application cycle and was denied.  
22 There's no requirement for the District to meet  
23 with applicants, but this Commission and many  
24 others across the state recognize that that is a  
25 best practice to prevent, hopefully, unnecessary

1 appeals.

2 So going through the different sections, the  
3 six sections that are outlined in your motion  
4 sheet. For target population and student body,  
5 the District says that this applicant failed to  
6 explain the differentiated instruction for the  
7 targeted population. So you will hear this theme  
8 throughout. That is not the standard for the  
9 subsection for targeted population and student  
10 body.

11 The application does have explanations of  
12 differentiated instruction so there is evidence in  
13 the record for them to have relied upon. But in  
14 their section, they're relying on a statement in  
15 the interview, and it was not competent and  
16 substantial evidence or good cause because that  
17 wasn't the standard.

18 Educational program design, this was found  
19 not to meet the standard. Their primary reason  
20 for it not to meet the standard was that  
21 Experiential Learning doesn't align with the  
22 Florida Standards. But, again, that's not the  
23 standard, and educational design is not what  
24 aligns with the Florida Standards. A curriculum  
25 is what aligns with the Florida Standards.

1           They also made numerous assumptions about not  
2           having enough time, the school wouldn't have  
3           enough time to put together professional  
4           development for the teachers to be prepared for  
5           that first day of school. But, again, that's not  
6           the standard for curriculum.

7           There is a whole section on professional  
8           development in the organizational plan part of the  
9           application. That part of the application was not  
10          in the denial notice. So information and  
11          conclusions about the deficiency of professional  
12          development is not good cause for the educational  
13          plan part of the application.

14          So on to curriculum. The District's main  
15          argument under curriculum is that it is deficient  
16          because the K2 ELA curriculum was not available at  
17          the time of the application. But, again, wrong  
18          standard. If you look in the application form,  
19          you will see that the curriculum does not need to  
20          be available at the time of the application. This  
21          applicant knew that, it explained the ELA  
22          curriculum it was going to use. K2 was not  
23          available at that time, but a framework was  
24          available, and it included the framework. In the  
25          application it showed it will be available. The

1 District speculated it wouldn't be available in  
2 time.

3 Well, as of now, it's already available. So  
4 the District's speculation was not competent and  
5 substantial evidence. They didn't have any basis  
6 for that. And it wasn't a good cause statutory  
7 reason because the curriculum didn't even need to  
8 be available at the time of the application.

9 The District also criticized the curriculum  
10 because they said the K8 ELA curriculum was not  
11 aligned to the Florida Standards. Well, that is  
12 true, it is not, it's aligned to the Common Core.  
13 But what's the competent and substantial evidence  
14 in the record?

15 Dr. Sarria, Educational Consultant, this is  
16 what she does for a living. And at the interview  
17 and in the application, you have evidence that she  
18 was the one who would align the ELA curriculum  
19 from the Common Core to the Florida Standards  
20 before school starts, so no good cause statute  
21 basis there.

22 As to student performance, the District's  
23 main argument here is that the school was relying  
24 on a test bank for assessments that would not be  
25 available anymore. This test bank was put

1 together by the DOE and was being discontinued.  
2 However, again, that's not the standard. There's  
3 a whole table in the application that talks about  
4 the different assessments this school would use to  
5 determine the progress of students. Just because  
6 one resource is gone doesn't make -- it's not  
7 competent and substantial evidence to find this  
8 section partially meets the standard.

9 As to English Language Learners, the main  
10 argument the District makes is that they had  
11 concerns over the amount of ESOL staffing for the  
12 school. However, again, wrong standard. The  
13 organizational plan of the application is where  
14 there's a whole section on staffing. This  
15 application has a staffing plan, and all of that  
16 information is in the application. It was not  
17 part of the denial notice. So the standard for  
18 ELL was not the standard the District applied,  
19 they applied a different standard and one that  
20 they had already found met the standard.

21 School culture and discipline, this is the  
22 last one that I'll talk to you about today. This  
23 portion of the application was found to partially  
24 meet the standard because of a response I made in  
25 the interview to a general question about

1 students -- ESE students and the student conduct  
2 code. I answered the question. There was no  
3 follow-up question. On that basis, they concluded  
4 this team did not understand how ESE students  
5 interacted with the student conduct code.

6 I respectfully conclude here that is not  
7 competent and substantial evidence. Even if they  
8 discounted my expertise with board certification  
9 in education law, we have three former principals  
10 on the team, we have a former charter school  
11 department head on the team, so that basis was not  
12 competent and substantial evidence. It is not the  
13 type of evidence that reasonable minds would rely  
14 upon to support that conclusion.

15 I've gone through the six areas, I've shown  
16 you the reasons the District said this application  
17 was deficient. Each one is either not competent  
18 and substantial evidence or not statutory good  
19 cause. And for that reason, we respectfully  
20 request that you grant this appeal.

21 CHAIR TEPPER: Thank you.

22 Mr. Teitelbaum.

23 MR. TEITELBAUM: Good morning. My name is  
24 Mitchell Teitelbaum, and I'm the General Counsel  
25 for the School Board of Manatee County. To my

1 left is the Deputy Superintendent of Instruction,  
2 Cynthia Saunders, and part of our charter school  
3 team, the director, Dr. Frank Pistella and Dr.  
4 Valerie Hyer.

5 I want to begin with a question. Has Parrish  
6 Charter Academy developed a thorough and  
7 comprehensive charter school application that  
8 complies with the Florida Statute? And I'm going  
9 to tell you under the seminal case, the answer is  
10 no.

11 Let me tell you a little bit about Manatee  
12 County. We have 40 traditional schools, we have  
13 12 charter schools, and in the past four years we  
14 have opened two charter schools. And just this  
15 past Tuesday, we approved one. And district-wise  
16 in the state of Florida, we probably have one of  
17 the highest percentages of charter schools.

18 Let's talk about the application. In an  
19 analysis of the application with the results of  
20 the capacity interview that follows the rubric  
21 shows significant and substandard deficiencies in  
22 the application. The application did not meet the  
23 state standards.

24 And I'm not going to disagree that six prior  
25 applications were submitted. And they were all

1 voluntarily withdrawn. And the District had  
2 provided comprehensive and written feedback on  
3 those applications and informed Parrish Charter  
4 Academy of the areas that needed updating. And in  
5 the current application, we're seeing repeated  
6 issues as with the prior applications.

7 They failed to identify and address the  
8 appropriate standards and concerns that are set  
9 forth in statute. And I'm going to quote now from  
10 the capacity interview from Ms. Hays,  
11 Metheny-Hays, Board Member. "As you know, we were  
12 here in the fall and we had an application that we  
13 really thought we followed Florida Standards and  
14 we were very comfortable with that. You gave us  
15 feedback and allowed us to realize that we were  
16 not as clear in some areas." And she goes on.  
17 "And that really helped us go back and address  
18 every single concern, every question that you had  
19 about our application." She got it half right.  
20 They didn't follow Florida Standards back then,  
21 they're not following it now.

22 For the statutory standard, to become a  
23 charter school in the state of Florida, I'm going  
24 to say to you Parrish Charter Academy did not  
25 demonstrate the command of the application

1 requirements, did not establish the capacity to  
2 open and operate a quality charter school, did not  
3 submit an application which meets and complies  
4 with the stringent requirements set forth in  
5 statute. I'm talking about Florida Statute  
6 Section 1002.33(6)(a) and (7)(a). And that the  
7 denial of the application of Parrish Charter  
8 Academy was legally sufficient, supported by  
9 competent and substantial evidence and that there  
10 was good cause to justify the denial as set forth  
11 in the Osceola case.

12 Now, let's talk about those findings that  
13 warranted the denial. And we're going to refer to  
14 the application, the charter school evaluation  
15 instrument, which is known as the rubric. The  
16 curriculum plan was incomplete through K through  
17 2. It was not part of the application, as it  
18 wasn't in the past applications. It was a  
19 repeated issue. And there was no methodology of  
20 how it would be developed. There was no  
21 indication of a focus on reading, and there's  
22 problems with the ELA instruction in Tier 2. And  
23 I'm speaking about K through second grade,  
24 students reading below grade level. And there was  
25 no -- it was lack of differentiated strategies and

1 separate curriculum as well. And most importantly  
2 in this area, there was no curriculum supporting  
3 remediation, as required by statute.

4 The education plan was insufficient. They  
5 failed to provide the objectives and goals for  
6 student learning. And the development of the  
7 curriculum was also inconsistent. At one point in  
8 the application, Forza is developing it. At  
9 another point, the teachers are developing it one  
10 month before they start. At another point, the  
11 principal and select teams would be developing the  
12 curriculum. This reminds me of who's on first  
13 because they're all saying somebody else is doing  
14 it. And the teachers, if they are doing it, it's  
15 not allowing enough time. It's like building an  
16 airplane mid-flight. The teachers are somehow  
17 supposed to start a month before and somehow do  
18 the curriculum maps and know where they're going  
19 at the end of the year.

20 Let's go on to their learning model.  
21 Experiential Learning Model was chose by the  
22 applicant, and that curriculum does not align to  
23 the Florida Standards. The applicant admits that  
24 it's not aware of any public school in the state  
25 of Florida that's implementing that curriculum of

1           Experiential Learning as an educational delivery  
2           model. And the applicant stated 152 schools in  
3           the United States use that model.

4           Well, based on statistics in the year 2000,  
5           there's over 100,000 schools. Now, I'm a lawyer  
6           and I'm not good at math, but that's less than 1  
7           percent, and that's .15 of 1 percent. And, yes, I  
8           had to use decimals to get my point across. They  
9           failed to provide a detailed curriculum plan and  
10          how they're going to attain the Florida Standards.

11          And their application uses Wilson  
12          Foundations. And I said their application --  
13          that's Exhibit 2 -- uses Wilson Foundations which  
14          is correlated to the Common Core Standards. And  
15          the applicant admits that Experiential Learning is  
16          Common Core aligned. And reference is made to the  
17          Common Core and not the Florida Standards. The  
18          statute says to attain to Florida Standards. That  
19          is a requirement. It's black and white. In one  
20          contrast, they have Experiential Learning with  
21          alignment to the Florida Standards.

22          Let me give you another quote. And this  
23          comes in Exhibit 4, page 49. "Well, just not one  
24          area because everything else is aligned to the  
25          Florida Standards. But I've looked and" -- my

1 favorite part of their quote -- "there's not a lot  
2 of differences. There's not a lot of differences  
3 between Common Core and the Florida Standards."

4 Members of this Commission, I beg to differ  
5 and I think so will you. The state of Florida  
6 does not follow the Common Core, we follow the  
7 Florida Standards and it is a more stringent  
8 standard.

9 Now, in terms of the test bank, let me talk  
10 about the Florida Interim Assessment Item Bank and  
11 implementation. It expired in June of 2017. The  
12 Department of Education issued a memo in January  
13 saying it's going to expire, they decommissioning  
14 it and it would no longer be available. And even  
15 assuming it was available still, it didn't cover  
16 all content areas. For there's no plan of how  
17 Parrish Charter Academy will get the benchmark  
18 assessments or the end-of-year assessments.

19 Now, this is one of my favorite cases to  
20 quote, which is Orange Avenue Charter School vs.  
21 St. Lucie. Well, that case affirmed a denial of  
22 the continuation of a charter school, not an  
23 application, but the continuation. It means they  
24 shut them down because the charter school failed  
25 to undertake the assessments to which it agreed to

1 in its charter.

2 Another significant matter is they failed to  
3 explain the promotion criteria. They did not  
4 articulate an understanding of the grade levels  
5 that require student retention. I'm talking about  
6 the third grade. And for middle school, which is  
7 more significant, the credit recovery was not  
8 addressed. They used the wrong standard there.  
9 It's a number of years in middle school, or look  
10 at extensive remediation the following year.  
11 That's just not statute. It violates Statute  
12 1003.4156.

13 In regards to ESOL, the target population,  
14 they anticipate 14 percent but only one ESOL  
15 endorsed teacher per grade level. Woefully  
16 insufficient. And they don't discuss how they  
17 really mainstream their students. There's lack of  
18 a concrete plan offered for sheltered instruction,  
19 and they are confused between the SIOP model and  
20 sheltered instruction.

21 In regards to what Ms. Gross-Arnold stated,  
22 we have produced competent and substantial  
23 evidence based upon the record, including the  
24 denial letter, for a good cause statutory basis  
25 for the denial of the Parrish Charter School

1 Academy application.

2 And the academy's case, which was relied upon  
3 by Ms. Arnold, is misplaced. That's an omission  
4 from a sentence from an application, not rewriting  
5 the entire application, which they want you to do  
6 today. And the legislature stated before a final  
7 application they can make nonsubstantial  
8 corrections. If anything, they have to rewrite  
9 their application in order for this to pass.

10 And in conclusion, it is the applicant's  
11 responsibility to demonstrate the capacity to open  
12 and operate a quality charter school. The School  
13 Board of Manatee County has produced competent and  
14 substantial evidence and good cause to justify  
15 denial. For Parrish Charter Academy, their  
16 application fails to meet a clear and coherent  
17 education plan, incomplete curriculum with no  
18 methodology to obtain it, reliance on a curriculum  
19 plan that's not aligned to the Florida Standards,  
20 that's the Common Core, reliance on an expiring  
21 text bank. The applicant clearly does not  
22 demonstrate a thorough understanding of key issues  
23 and accurate information or thorough preparation  
24 as required in the evaluation instrument, the  
25 rubric.

1           In the Avatop (phonetic) case, it upheld the  
2           denial of an application, and that case stated  
3           that that agency's interpretation, that would be  
4           Manatee County, of a statute that is charged with  
5           enforcing its 1002.33 is entitled to great  
6           deference and will be approved on appeal unless it  
7           is clearly erroneous. That is the standard.

8           And to answer my question posed to the  
9           Commission, Parrish Charter Academy does not  
10          possess the capacity to open and operate a quality  
11          charter school as required by statute. The  
12          application does not meet the requirements of  
13          Florida Statute, the Department of Education  
14          criteria, and for those reasons set forth in  
15          support of the record, it is respectfully  
16          requested that this Commission should affirm the  
17          denial of the application of Parrish Charter  
18          Academy.

19                 Thank you.

20                 CHAIR TEPPER: Thank you.

21                 Okay. So we're going to go through each of  
22          the six sections of the educational plan and see  
23          if Commission Members have any questions. I  
24          should have said at the beginning that while the  
25          denial letter has two issues, we only have one

1           today upon agreement of the parties. We're only  
2           doing the educational plan because they've agreed  
3           to take the other issue off the table.

4           So for Commission Members, the first part of  
5           the issue, target population and student body, any  
6           questions? And if you'll let me know if it's for  
7           the school or for the District.

8           Go ahead, Jenna.

9           MS. HODGENS: No.

10          CHAIR TEPPER: Any questions?

11          (No response.)

12          CHAIR TEPPER: Okay. Let's go to the second  
13          part, the educational program design. Questions  
14          on that section?

15          (No response.)

16          CHAIR TEPPER: The curriculum?

17          MS. ESPOSITO: I have a question.

18          CHAIR TEPPER: Go ahead, Sonia.

19          MS. ESPOSITO: I have a question, and this is  
20          for both, so I would like to hear from both of  
21          them.

22          CHAIR TEPPER: Okay.

23          MS. ESPOSITO: Because they said that they  
24          have submitted this application six times. First  
25          of all, I want to know if the six times the

1 District gave you the same feedback in regards to  
2 the Florida Standards? And then if that was the  
3 case regarding the feedback, was anything changed  
4 in the application in regards to that? Was there  
5 anything new?

6 So I would like to hear from both parties,  
7 whoever would like to go first.

8 CHAIR TEPPER: The school.

9 MS. GROSS-ARNOLD: So the curriculum that  
10 we're specifically speaking about tying to the  
11 Florida Standards is the EL Learning Curriculum.  
12 It's just for ELA. So this is not all of the  
13 curriculum chosen for the school, it's just the EL  
14 Learning.

15 It's the first time this curriculum will be  
16 used in the state of Florida and so when it's used  
17 at this school, at that point it would be aligned  
18 to the Florida Standards by an education  
19 consultant. That's what -- so it doesn't come in  
20 a box aligned to the Florida Standards, it's  
21 aligned to Common Core.

22 And so your specific question was did the  
23 District say this before, and I believe this  
24 curriculum was introduced into the application  
25 once or twice prior.

1 MS. ESPOSITO: Okay.

2 MS. GROSS-ARNOLD: So it wasn't all seven  
3 times. But that's been an ongoing, I think back  
4 and forth between the school applicant here and  
5 the District because the application doesn't  
6 require the curriculum to be in place at the time  
7 of the application and so it's not required to be  
8 tied to Florida Standards at the time.

9 Many applicants don't have a curriculum at  
10 all at the time of the application. So the  
11 applicant has always maintained that that tying of  
12 the Common Core part of the curriculum to the  
13 Florida Standards would happen just before the  
14 school opened and be done by an educational  
15 consultant with experience doing that.

16 MS. ESPOSITO: Okay. But you said that you  
17 had introduced it a couple of times before, so you  
18 knew that that was something that you had to do?

19 MS. HODGENS: Yeah, I was going to say --  
20 (Multiple speakers, inaudible.)

21 MS. HODGENS: Yeah, I want to hear not a  
22 couple of times. We want to know exactly how many  
23 times the application was submitted with this  
24 curriculum, please.

25 (Multiple speakers, inaudible.)

1 CHAIR TEPPER: For the court reporter, just  
2 one person at a time.

3 Go ahead.

4 MS. METHENY-HAYS: Deb Metheny-Hays. The  
5 application that was submitted one time prior to  
6 this application included a new focus, a new  
7 educational design of Experiential Learning and a  
8 new curriculum. And the design was changed in  
9 response to a Manatee County criticism that the  
10 previous educational design of STEM or STEAM was  
11 not creative and so this was an attempt to look  
12 for something a little bit more creative. And it  
13 fits everything that we believe in and so it was  
14 presented one other time, and that was last year.

15 MS. AVERSA: May I ask the educational  
16 consultant, is this someone who is on staff  
17 full-time?

18 MS. METHENY-HAYS: No. The educational  
19 consultant is a contracted person.

20 MS. AVERSA: May I refer to the budget in  
21 regard to this particular position?

22 MS. GROSS-ARNOLD: No, ma'am. The budget is  
23 not part of the denial notice.

24 MS. AVERSA: Okay.

25 MS. GROSS-ARNOLD: So that denial was

1           withdrawn.

2           MS. AVERSA: The educational consultant would  
3           be brought on how often then in terms of assisting  
4           the school in aligning this curriculum to the  
5           Florida Standards?

6           MS. METHENY-HAYS: Again, the part that needs  
7           to be aligned is very small in comparison to the  
8           entire curriculum. So the mechanism for engaging  
9           a consultant would be to engage those skills at  
10          the time you would need it, so that would be  
11          before the school opens and then helping the  
12          school matriculate further with that curriculum.

13          CHAIR TEPPER: Do you have a consultant in  
14          mind?

15          MS. METHENY-HAYS: Yes.

16          CHAIR TEPPER: Oh, you do. Okay.

17          DR. SARRIA: I can explain the plan that we  
18          have.

19          CHAIR TEPPER: That would be great.

20          MS. AVERSA: I would appreciate that.

21          DR. SARRIA: Good morning. Aline Sarria.

22          So this, has Ms. Metheny said, the ELA  
23          curriculum is aligned to the Common Core currently  
24          and it is used in other schools across the  
25          country. So I have done alignment to the Florida

1 Standards several times, including for the state  
2 of Florida, with the Hispanic contributions  
3 curriculum that was adopted by --

4 MR. TEITELBAUM: May I interrupt for one  
5 moment, please, ma'am? I know we are on an  
6 appeal, but we are still stuck by a record on  
7 appeal. And if any of this testimony now goes  
8 beyond this record, it's not giving us an  
9 opportunity to oppose it.

10 CHAIR TEPPER: You're going to get a chance  
11 to respond to every single question.

12 MR. TEITELBAUM: Oh, no, understood. It's an  
13 evidentiary issue is what I'm saying to you, that  
14 they are not -- if they're going beyond their  
15 appeal and the record is --

16 CHAIR TEPPER: The statute says that we can  
17 ask questions and get more information.

18 Dave.

19 MR. JORDAN: I was about to say, not only  
20 review documents but also gather other applicable  
21 information regarding the appeal.

22 CHAIR TEPPER: That's why we're here.

23 MR. TEITELBAUM: Thank you.

24 DR. SARRIA: So the plan is for myself to  
25 align that ELA curriculum to the Florida

1 Standards. Then in the record in the application,  
2 when the principal gets hired, she or he will hire  
3 a staff and a team and there will be plenty of  
4 time, and there is actually scheduled time in the  
5 summertime to bring department heads and grade  
6 level chairs onboard and take all of the  
7 curriculum, including this ELA curriculum that's  
8 already been aligned to the Florida Standards at  
9 that point and do a comprehensive scope and  
10 sequence. All of the other curriculum listed in  
11 the application comes with alignment to the  
12 Florida Standards and their own scope and  
13 sequence.

14 And as explained in the capacity interview,  
15 I've opened up two high schools in Miami-Dade  
16 County, and you do bring your staff onboard ahead  
17 of time. You take those scope and sequences and  
18 you make a comprehensive scope and sequence per  
19 grade level to follow for every nine weeks aligned  
20 to the Florida Standards with that Experiential  
21 theme. So you have a map and you have a plan.  
22 And it's an ongoing, nonstatic curriculum.

23 The other part of the plan that we were very  
24 lucky to do is that we have common planning for  
25 every teacher at the same time. So you have five

1 days a week to look at that, do this continuous  
2 improvement and say are we doing things right and  
3 so forth. So in the record, there is a plan for  
4 that.

5 CHAIR TEPPER: Thank you. I'm going to let  
6 the District respond at this point.

7 MR. TEITELBAUM: Okay. There's going to be  
8 two of us responding. I'm going to start because,  
9 first of all, listen to the question. Has this  
10 feedback been given in the past? And that's where  
11 I bring you to my quote -- and I'm going to repeat  
12 the quote to you -- and this was done in the  
13 capacity interview of Ms. Metheny-Hays. "As you  
14 know, we were here in the fall and we had an  
15 application. As we now know, it's based upon  
16 Experiential Learning. And we really thought we  
17 followed the Florida Standards and we were very  
18 comfortable with that. You gave us feedback that  
19 allowed us to realize that we were not as clear in  
20 some areas." So the answer is, yes, in the past  
21 application, yes.

22 And I want it to be expanded on now by  
23 Dr. Hyer.

24 DR. HYER: Good morning. I'm Dr. Hyer, and I  
25 would just like to give you a little bit of my

1 background. My Doctorate is in organizational  
2 leadership with an emphasis in education  
3 leadership. My dissertation is in the area of  
4 assessment literacy for teachers. And throughout  
5 my entire career in education, I have served on  
6 two different colleges, at State College of  
7 Florida as a professor in one domain and also at  
8 Argosy University in the College of Education for  
9 parents, teachers and school counselors. So I  
10 just want to go on the record for saying what my  
11 background is.

12 With regard to the curriculum plan, I do want  
13 to take issue to a few things. First of all, the  
14 capacity interview is our opportunity to ask for  
15 clarification on things that we saw in the  
16 application that didn't make sense or that caused  
17 us to question it. And as you know, a capacity  
18 interview can't go on forever so we typically  
19 limit it to about 20 questions, which means that  
20 oftentimes we are going to ask a question about  
21 something and pursue that area.

22 With regard to this particular situation, we  
23 did have concerns over the K2 curriculum over  
24 seven applications not being prepared. We also  
25 have had this application -- as you know, every

1 application we look at as a new application and  
2 judge it for its own merits. But this particular  
3 application, when it was resubmitted -- well, when  
4 it was submitted last year, or this past year,  
5 they chose Experiential Learning as their  
6 curriculum, as their delivery model, which meant  
7 that we needed to look at everything completely.  
8 This wasn't a rewrite of an old application. We  
9 have to judge this completely on its own merits.

10 There is a lack of a different curriculum for  
11 students who are in need of remediation and who  
12 are below grade level. The capacity interview,  
13 which is Exhibit 4, reveals that they plan -- and  
14 this question was asked in the capacity  
15 interview -- they intend to use foundations not  
16 only as a Tier 1 but also for Tier 2. This goes  
17 against what we have explicitly in statute, which  
18 says that there must be a different curriculum for  
19 those struggling.

20 In addition to that, our concerns as a  
21 committee were that this particular curriculum,  
22 which is learning by doing, did not have the  
23 rigger to meet the Florida Standards. And, again,  
24 as we look at the rubric in the evaluation  
25 instrument, we need to see not only a clear and

1 coherent plan to establish a curriculum if it's  
2 not yet ready, which there was no plan, but we  
3 also need to see that students will be able to  
4 meet a year's worth of learning with the said  
5 curriculum.

6 This curriculum, it was articulated to us in  
7 the capacity interview, that only 152 schools in  
8 the United States currently use it, none in the  
9 state of Florida. As far as we're concerned,  
10 there was absolutely no clear articulation that  
11 this particular curriculum would allow students to  
12 gain a year's worth of knowledge over a year and  
13 would not necessarily meet the Florida Standards.

14 The application itself is like who's on  
15 first, what's on second. If you read it  
16 carefully, in one place it says Forza will develop  
17 the curriculum. In another place it says the  
18 principal will develop the curriculum. Then it  
19 says that the PLC teams will develop it. And then  
20 later it says that the teachers will develop it.  
21 You begin to scratch your head and ask what's  
22 going on here, who's on first, and is this  
23 actually going to get developed.

24 We also know that if the curriculum is not  
25 aligned to Florida Standards, the evaluation

1 instrument and statute clearly state that the  
2 curriculum that is taught must be aligned to  
3 Florida Standards. Today for the very first time  
4 in the hearing I heard that Aline Sarria will be  
5 helping to align the ELA curriculum. This was not  
6 a part of the capacity interview, nor was it part  
7 of the application. We have to go by what we read  
8 in the application. The capacity interview is for  
9 clarification. In addition to all of this --

10 CHAIR TEPPER: I think we're ready to go on  
11 to --

12 DR. HYER: I want to just go back for --

13 CHAIR TEPPER: Excuse me. I think we're  
14 ready to go on to another question by a Commission  
15 Member, okay?

16 DR. HYER: Okay.

17 CHAIR TEPPER: Can you wrap it up?

18 DR. HYER: I just want to say as far as we're  
19 concerned, with regard to the curriculum, we saw a  
20 lack of emphasis on reading instruction as a  
21 primary focus. We saw the curriculum as lacking  
22 meeting the rigor of Florida Standards. We saw  
23 that these curriculum maps were going to be  
24 developed from a variety of sources, and we didn't  
25 know which one it was going to land on. There was

1 lack of information, a lack of alignment, a lack  
2 of clarity, a lack of understanding how  
3 multitiered system of supports and interventions  
4 utilizing a separate curriculum would help  
5 students in need of remediation. We could not  
6 come up with a coherent answer from this group.  
7 There was a lack of evidence provided despite the  
8 fact that four questions in the capacity interview  
9 were dealing with curriculum.

10 Let me just say this isn't a shoot from the  
11 hip and hope for the best framework to open a  
12 school. We need a clear and coherent plan and we  
13 need to be assured that our students, our Manatee  
14 County students, will receive the very best  
15 instruction aligned to Florida Standards taught by  
16 competent teachers who are ready day one with a  
17 curriculum aligned to Florida Standards.

18 CHAIR TEPPER: Thank you.

19 Other questions on curriculum?

20 MS. AVERSA: May I ask Dr. Sarria a question?

21 CHAIR TEPPER: Certainly.

22 MS. AVERSA: Dr. Sarria, can you tell me what  
23 is your experience and familiarity with this  
24 curriculum? Since the K2 has just been released,  
25 what is your background and experience with this

1 particular curriculum?

2 DR. SARRIA: The K2 ELA curriculum?

3 MS. AVERSA: Yes.

4 DR. SARRIA: Basically I have never used it  
5 myself because I've worked my whole career in the  
6 state of Florida. I have visited a school that  
7 uses it in the state of Idaho. When we decided to  
8 use -- I have to kind of backtrack a little bit.

9 When I get asked to write the curriculum  
10 pieces as my consulting business, we look at the  
11 population of the school and we see what would be  
12 the best type of way to get the students from that  
13 population to master the Florida Standards. And  
14 we found that a hands-on approach -- because a lot  
15 of the students in this area, in Parrish, are  
16 minorities and they don't have background  
17 knowledge or hands-on experience because they're  
18 not exposed to them. So that's why when I was  
19 contacted by the management company to come up  
20 with a more innovative theme, that is STEAM or  
21 STEM, which I was not part of it, and there was no  
22 K2 curriculum -- I don't even know what they had  
23 in that part, I was not part of that application  
24 process. So when I was asked to do that, we came  
25 up with Experiential Learning thinking that it was

1 going to be innovative, it was going to be  
2 challenging, it was going to be different for  
3 Florida, and it would be something kind of great  
4 for the school to have something unique. So my  
5 experience is not with that EL curriculum.

6 So, again, Experiential Learning is the  
7 design, it's not the curriculum. The EL is based  
8 on Experiential Learning and it's the ELA  
9 curriculum. So when the District says that  
10 Experiential Learning is not aligned to the  
11 Florida Standards, I hope I was clear about that.  
12 The curriculum, the materials that are going to be  
13 in front of the students are all aligned except  
14 for that one piece, the EL curriculum.

15 So to answer your question, I don't have any  
16 personal experience implementing the EL curriculum  
17 in the ELA.

18 MS. AVERSA: Thank you.

19 CHAIR TEPPER: Okay. Other questions?

20 MR. GARCIA: Yes.

21 CHAIR TEPPER: Osvaldo.

22 MR. GARCIA: I just wanted to ask, who would  
23 be the expert within your team on the Experiential  
24 Learning?

25 DR. SARRIA: Who would be the --

1 CHAIR TEPPER: Within the school, who is the  
2 expert?

3 MR. GARCIA: Within the school, who's the  
4 expert?

5 DR. SARRIA: Well, we have -- besides myself  
6 being hired, when the principal gets hired they  
7 will be sent to a conference that is happening in  
8 October of this year that EL has for that  
9 particular curriculum. They have an online  
10 training for it, so it's up to the principal and  
11 the Board to decide who is going to be the main  
12 person. But I would assume as a leader of the  
13 school, the principal would be the main person  
14 that's going to have to learn all about this  
15 before the school opens. So there is a whole --  
16 and that's in the record, in the application,  
17 about, you know, all the training and so forth  
18 that's going to happen.

19 MS. ESPOSITO: Just for clarification.

20 CHAIR TEPPER: Go ahead, Sonia.

21 MS. ESPOSITO: So you're saying that -- and I  
22 understand it's not the curriculum, it's the  
23 model.

24 DR. SARRIA: Right.

25 MS. ESPOSITO: So at this point, the model,

1 the only experience is one visit to a school. I  
2 understand the curriculum is separate. But then  
3 you're planning from October to next August to  
4 train everybody on this design to be able to  
5 implement next August?

6 DR. SARRIA: Well, I can't speak for that.  
7 I'm sure maybe a Board Member could speak to it.  
8 But I'm assuming if the principal -- if they could  
9 find leadership that has training in this already,  
10 that would be great. Having opened two schools,  
11 like I mentioned earlier, Miami-Dade County public  
12 schools, one had a visual and performing arts  
13 program and the principal that was hired had no  
14 visual and performing arts experience, but you can  
15 find -- there's all kinds of research and  
16 expertise for that, and then maybe the lead  
17 teacher, obviously, or something like that. So  
18 I'm assuming that the school will have a plan  
19 besides the principal to hire staff that maybe  
20 will have that training already.

21 CHAIR TEPPER: Ms. Gross-Arnold, go ahead,  
22 and then Osvaldo.

23 MS. GROSS-ARNOLD: I just want to make sure  
24 that I understand the questions. But the standard  
25 in the application does not anticipate that there

1 be a curriculum actually in place at the time of  
2 the application, so this application, by talking  
3 about a specific curriculum, is going beyond what  
4 you would absolutely be required to have.

5 Administrators and teachers come in with a  
6 skill set. They don't have to have used a  
7 curriculum before they can put it in place in the  
8 school. I guess that's where this team is coming  
9 from. They are an experienced -- they have  
10 experience and background. And as we have in the  
11 record pointed out, the curriculum that's been  
12 selected was selected because the idea was it  
13 would work best for this particular population of  
14 students in Parrish. They have demonstrated in  
15 the application how they would roll it out.

16 And the professional development and the  
17 staffing piece, those are other aspects of the  
18 application that are not part of the denial  
19 notice. The budget piece, the paying for it,  
20 that's also another part, it's not in the denial  
21 notice. So we need to -- for purposes of this  
22 hearing, we're focusing on the education plan and  
23 what are the standards for the education plan.

24 CHAIR TEPPER: Osvaldo.

25 MR. GARCIA: This would be for the District.

1 I guess we're having difficulties with semantics,  
2 methodology versus curriculum. So the District  
3 has issues with the methodology or the curriculum?

4 DR. HYER: Really both.

5 CHAIR TEPPER: Excuse me, if you could go up  
6 so we can all hear you. And I'm going to ask you  
7 this time not to read again an opening statement,  
8 just answer the question.

9 DR. HYER: We have not been able to get clear  
10 answers, essentially, from this team in terms of  
11 what's what. Experiential Learning, we  
12 understand, is their framework. Expeditionary  
13 Learning is another term they use which has got to  
14 do with the things that they do and the places  
15 they go to help with this curriculum. But to me,  
16 from what I read in the application, from what I  
17 understood from the capacity interview, it really  
18 wasn't clear in terms of this curriculum, any  
19 materials, there was no clear and coherent plan  
20 presented for taking what it is that they want to  
21 do with Experiential Learning and translating that  
22 into students making -- attaining the Florida  
23 Standards and making a year's worth of growth.

24 We did not see the rigor or the relevance to  
25 the Florida Standards in this, and we really,

1 quite frankly, with things not being developed,  
2 curriculum maps and such, prior to the opening of  
3 the school, are just being developed really on the  
4 fly, as Mitch said in his statement, kind of like  
5 building the airplane as you're flying it, we just  
6 felt like this is just not a viable situation for  
7 students where we want them to come in day one and  
8 be ready to go on a curriculum aligned to the  
9 Florida Standards, something that we know is in  
10 place and that we have faith in. And they have  
11 not been able to demonstrate capacity within the  
12 capacity interview nor clarity in the application  
13 regarding that.

14 CHAIR TEPPER: Does that answer your  
15 question? Try again?

16 DR. HYER: Do you want to rephrase that?

17 MR. GARCIA: No, it's sufficient.

18 CHAIR TEPPER: So I have a question for the  
19 school. Do you have a plan in place that this  
20 school will be aligned, your curriculum, to the  
21 Florida Standards?

22 MS. GROSS-ARNOLD: Yes.

23 CHAIR TEPPER: Yes?

24 MS. GROSS-ARNOLD: And the only part that is  
25 not aligned currently to the Florida Standards is

1 the ELA curriculum. So the comment earlier about  
2 the -- the comment about there's not that much  
3 difference between Common Core and Florida  
4 Standards, that comment was taken out of context.  
5 When you're looking at the ELA Standards, there's  
6 a crosswalk that the DOE itself prepared that  
7 shows the differences between Common Core and  
8 Florida Standards. For ELA there aren't as many  
9 differences there. That was the comment that was  
10 made earlier by Dr. Sarria.

11 CHAIR TEPPER: Okay.

12 DR. SARRIA: Can I just reference --

13 CHAIR TEPPER: I think we're going to go on  
14 to --

15 MS. HODGENS: I would like -- if you don't  
16 mind.

17 CHAIR TEPPER: Go ahead.

18 MS. HODGENS: Can you please reference  
19 something within the application or the capacity  
20 interview?

21 DR. SARRIA: I do have it here.

22 MS. HODGENS: Because I think we're hearing a  
23 lot of things, but I feel like we need that, too.

24 DR. SARRIA: Right. So several places, but  
25 the one place that is most comprehensive is page

1 14 -- or page nine of the charter application,  
2 page 14 of the appeal document, third paragraph  
3 down, Exhibit 2.

4 So the third paragraph, "As soon as the  
5 principal has hired the key personal and they have  
6 participated in the professional development, he  
7 or she will create a professional learning  
8 community. Curriculum teams to review what has  
9 been slated for the PCA curriculum comprise of all  
10 core subjects and specials in every grade level.  
11 The PLC curriculum teams may include but are not  
12 limited to the assistant principal, grade level  
13 and department heads, and classroom teachers. The  
14 teams will use the planning weeks before the  
15 school opens to create curriculum maps with a  
16 scope and sequence for each core subject that is  
17 aligned with the Florida Standards, Experiential  
18 Learning, and the curricular choices described  
19 below. The team will also meet during the first  
20 weeks of school to complete and revise the maps.  
21 When fully developed, all of the curriculums, the  
22 units will center around building knowledge from  
23 reflecting on experiences and will implement all  
24 effective instructional strategies described in  
25 section four of this application."

1 CHAIR TEPPER: Thank you.

2 UNIDENTIFIED VOICE: May I make a comment?

3 CHAIR TEPPER: No.

4 So are there other questions on the  
5 curriculum or shall we go on to student  
6 performance and assessment?

7 (No response.)

8 CHAIR TEPPER: Okay. Student performance,  
9 assessment and evaluation, are there questions?

10 MS. HODGENS: I guess I do have a question.

11 CHAIR TEPPER: Go ahead.

12 MS. ESPOSITO: I don't have -- I guess I do  
13 have a question for the District. Can you show us  
14 in the application what you would expect different  
15 than what is in here other the item bank? I get  
16 the item bank issue. Can you, using what is in  
17 the application, tell us what you would have liked  
18 to see different than that for assessment?

19 DR. HYER: Well, in the application they  
20 reference the item bank as being the source for  
21 all of their benchmark assessments.

22 MS. HODGENS: Do you have a page number where  
23 you're seeing that?

24 DR. HYER: It's in Exhibit 3, pages 11, 12  
25 and 13, and Exhibit 4, pages 25 and 26. So I'm

1 not referencing the application. If I get into  
2 the record, I can find it in the application. But  
3 they state that this is going to be --

4 MS. HODGENS: Can you find it in -- can we do  
5 it in the application, please, rather than the  
6 other documents?

7 DR. HYER: Yeah.

8 MS. HODGENS: I would appreciate that. Even  
9 if it takes a minute, I'd rather -- and I'm  
10 looking, too.

11 DR. HYER: Sure.

12 MS. GROSS-ARNOLD: We have it if you all want  
13 to look -- I don't know if you -- if you have our  
14 appeal, it's on page 53.

15 MR. TEITELBAUM: We have your appeal.

16 MS. GROSS-ARNOLD: Exhibit 2.

17 MS. HODGENS: Okay. Thank you, Ms. Arnold.

18 CHAIR TEPPER: So there it says, "The primary  
19 interim instrument assessments" and so on. What  
20 would you expect to see, I think is the question?

21 DR. HYER: We would expect to see a system on  
22 benchmark assessments aligned to Florida  
23 Standards, the curriculum that's being taught, to  
24 make sure that they can assume that the students  
25 are on track for achieving the Florida Standards.

1 By relying solely on the ITBT -- or IBTP -- and it  
2 being extinct, essentially they're not providing a  
3 means by which they can adequately measure whether  
4 or not students are making adequate progress to  
5 meeting the standards.

6 Item E in the education -- I mean, student  
7 performance and assessment and evaluation says  
8 that there needs to be evidence of a range of  
9 valid and reliable assessments that will be used  
10 to measure student performance. And, of course,  
11 this is student performance against the Florida  
12 Standards.

13 So by relying solely on an extinct item bank  
14 which isn't nearly adequate enough to provide  
15 benchmark assessments for them and demonstrate  
16 adequate acquisition of Florida Standards, we feel  
17 that this basically shows that they are not  
18 meeting that criteria. We feel we have seen a  
19 lack of -- then they have also gone on and said  
20 that teachers will make up their own test and  
21 principals will pull from the item bank and create  
22 these assessments, which doesn't exist.

23 Basically they are not meeting the point in  
24 the rubric which states that they will have that  
25 evidence of valid and reliable assessments that

1 will be used to measure student performance. We  
2 do not see a plan in place to determine whether or  
3 not students are making adequate progress, and  
4 they have not been able to communicate that to us  
5 adequately, either in this application or in the  
6 capacity interview.

7 MS. HODGENS: Can the school speak to that?

8 CHAIR TEPPER: School.

9 MS. GROSS-ARNOLD: I would like to make a  
10 couple of points and then I would like Dr. Sarria  
11 to explain specifically about the assessment.  
12 First of all, the memo about the item test bank  
13 being discontinued came out a week before the  
14 application was submitted so this is not  
15 information that the applicant knew when they  
16 submitted their application. This is something  
17 the District put in their response to the appeal.  
18 So I don't think that they would object to that  
19 being already part of the record before you, but  
20 that was the timing of when it learned statewide  
21 that the test bank would no longer be available.

22 In the applicant interview -- and you'll see  
23 we have a transcript of that also as part of our  
24 appeal -- this issue was brought up, and  
25 Dr. Sarria at that time said that the school would

1 do just what anyone else would do when something  
2 they relied upon in their application is no longer  
3 available, and she can talk to that.

4 The other point I would like to make is that  
5 the standard is a range of valid and reliable  
6 assessments. And if you look on Exhibit 2, page  
7 51, you will see that there is a whole list of  
8 assessments there.

9 MS. HODGENS: What page did you just say?

10 MS. GROSS-ARNOLD: It's page 51 in Exhibit 2.  
11 And Dr. Sarria can talk specifically as to  
12 benchmarking. But the standard is that range of  
13 assessments, and there they are. It's not like  
14 the only assessment referenced by this applicant,  
15 it was the one that was discontinued.

16 Dr. Sarria can talk about the school's plan  
17 as explained in the interview.

18 MS. HODGENS: And, Dr. Sarria, if you're  
19 going to do that, can you tell us a page number of  
20 the transcript so that we can see it as you're  
21 speaking?

22 MS. GROSS-ARNOLD: I'll look up the  
23 transcript for her.

24 MS. HODGENS: Okay. That's fine. Thank you.

25 DR. SARRIA: I have the application pages.

1 So you found that on page 51. And, yes, on page  
2 53 it does talk about the item bank, but in the  
3 capacity interview we do explain that when we --  
4 we found out at the capacity interview that that  
5 item bank was no longer available so, as  
6 Ms. Gross-Arnold said, that we would find another  
7 item bank.

8 But there's also a plan. And part of the  
9 statute says, evidence of a range of valid,  
10 reliable assessments, we have that. And we also  
11 had evidence of a comprehensive and effective plan  
12 to use student achievement data, which was  
13 something else that the District said we did not  
14 have. And that is on page 40 -- well, it's  
15 throughout the section performance, but it's on  
16 page 48, Exhibit 2. And we have PLC, called a PLC  
17 collaborative problem solving team.

18 As part of the support system of the school,  
19 the PLC collaborative problem solving team will  
20 meet biweekly to analyze the data and make  
21 data-driven decisions that will support the  
22 students. Students identified as not meeting  
23 grade level expectations as per diagnostic data  
24 and standardized test results will receive  
25 intervention outside of the core subject blocks

1 through Tier 3 instruction. And grades 3 to 5  
2 intervention will also take place during the  
3 transformation and literacy class. And we also  
4 have a voluntary tutoring which is in the  
5 transcript of the capacity interview. And the  
6 materials identified for this Tier 3 are research  
7 based and detailed in section four.

8 That's just one part where we talk about our  
9 collaborative problem-solving team, which will be  
10 looking at data from the minute the school begins,  
11 obviously, to identify students that are in need  
12 of intervention.

13 CHAIR TEPPER: Did you find where in the  
14 interview they said that?

15 MS. HODGENS: I didn't find it. I read it in  
16 here, but I cannot find it today.

17 CHAIR TEPPER: In the meantime, other  
18 questions regarding assessment?

19 MS. AVERSA: Does the District have a set of  
20 benchmarks that they utilize for those students  
21 that are --

22 MR. TEITELBAUM: We do.

23 UNIDENTIFIED VOICE: Benchmark testing.

24 CHAIR TEPPER: Excuse me, you have to speak  
25 one at a time so the court reporter can record it.

1 DR. HYER: My name is Dr. Valerie Hyer. We  
2 do have a system of benchmark assessments that  
3 have been developed, and there are a number of  
4 items in that bank. It's actually really multiple  
5 banks put together that our District uses to  
6 determine how students are doing over the course  
7 of the school year. Benchmarks are three times  
8 per year in various subjects.

9 However, when they were questioned in the  
10 capacity interview -- and I want to go back to the  
11 record, which is Exhibit 2, page 53, letter G --  
12 the application states the primary interim  
13 assessments for PCA will be developed based on the  
14 Florida Interim Assessment Bank and Test Platform.

15 This particular one, not only being extinct,  
16 but it is not even utilized by most Districts and  
17 it is not adequate to provide interim assessments  
18 and being the primary place that you're going to  
19 get your assessments from. It says, "The tools  
20 provide best source of test items aligned with  
21 Florida Standards." There are some test items in  
22 there. But District by District throughout the  
23 state, they are not exclusively using the item  
24 bank, the IBTP for that purpose. Districts pull  
25 from a number of item banks to develop benchmark

1 or interim assessments, so this is not adequate.

2 They were questioned during the capacity  
3 interview by Ms. Riley Hawkins. She asked what  
4 was the plan.

5 CHAIR TEPPER: What page is that on?

6 DR. HYER: I'm sorry?

7 CHAIR TEPPER: What page are you reading  
8 from?

9 DR. HYER: We are reading from the capacity  
10 interview, it will be Exhibit 4. And I will find  
11 it. I'm showing 19 at the top of page.

12 MS. HODGENS: It's in assessments.

13 MS. AVERSA: While you're looking for that,  
14 does the District share or allow their 12 charter  
15 schools to use the benchmarks that you have in  
16 place?

17 DR. HYER: They may participate in it, but  
18 they have to basically pay for the School City,  
19 which is the data management system that those  
20 results reside in.

21 CHAIR TEPPER: So tell me again what piece of  
22 the capacity interview you were talking about, a  
23 conversation between which two people?

24 DR. HYER: It's page 19 in Exhibit 4 at the  
25 bottom. Wait a minute. That's not the page.

1 CHAIR TEPPER: That doesn't seem to be about  
2 assessments.

3 MS. HODGENS: I'm seeing page 26.

4 DR. HYER: It's page 25.

5 MS. HODGENS: Okay.

6 DR. HYER: And the question was what is your  
7 plan for the use of the interim assessment data  
8 bank? And they said that the bank is where we  
9 will pull questions for benchmarking to create our  
10 benchmark questions, or benchmark testing. We  
11 were asked about the implementation of that. And  
12 Dr. Sarria's response was "I'm trying to  
13 understand what you mean. We will pull questions  
14 and create a test. The budget has designed a  
15 curriculum coordinator that will probably work in  
16 hand with the principal and eventually the  
17 assistant principal to create the benchmark  
18 testing."

19 Dr. Riley Hawkins goes on to say, "And you'll  
20 be using that for all subjects, all of the  
21 benchmarking?" And Dr. Sarria said, "No. And  
22 also for end-of-course."

23 Well, those of us that know anything about  
24 end-of-course, I don't know that that's  
25 necessarily appropriate. But, anyway, where do we

1           have that exactly, all the assessments? We also  
2           have a schedule in the back, I can't recall the  
3           places we have it, but it's in our baseline or  
4           midyear. We will be using different testing  
5           depending on if it's the ESE and ELL. And  
6           Dr. Riley Hawkins said, "And using the item bank  
7           test platform for all of that?" And Ms. Sarria  
8           said, "I don't want to say yes until I'm sure, I'm  
9           sorry." That was the exchange in the interview.

10           CHAIR TEPPER: Does that answer it?

11           MS. GROSS-ARNOLD: I was looking for the page  
12           number.

13           CHAIR TEPPER: Just a second.

14           MS. GROSS-ARNOLD: I'm sorry.

15           CHAIR TEPPER: Does that answer it?

16           MS. HODGENS: It shows me in writing, yes.

17           CHAIR TEPPER: Did you have a response?

18           DR. SARRIA: Well, my response was just that  
19           the capacity interview goes on. I was caught  
20           offhand by the question because we had just found  
21           out that that test bank wasn't available yet and I  
22           was trying to look for an appendix that had a list  
23           of assessments that we were going to use for  
24           benchmarking, and we did find it on page 43. And,  
25           also, there was a whole testing calendar in the

1 back, so that was what I was referring to. When  
2 you go on on that page, on page 26, it will say  
3 that we found it and so forth.

4 CHAIR TEPPER: Okay. So does the school have  
5 a plan to replace the item bank that is not in  
6 existence?

7 DR. SARRIA: Yes, we do.

8 CHAIR TEPPER: Okay. Other questions on  
9 assessment?

10 (No response.)

11 CHAIR TEPPER: Okay. Let's go on then to  
12 English Language Learners. Are there questions by  
13 Commissioners?

14 (No response.)

15 CHAIR TEPPER: What about school culture and  
16 discipline?

17 Osvaldo, did you have one on ELL?

18 MR. GARCIA: No.

19 CHAIR TEPPER: Okay. School culture and  
20 discipline?

21 (No response.)

22 CHAIR TEPPER: Okay. Then we're going to get  
23 to the hard part.

24 MS. HODGENS: Well, can we go back, because  
25 this is different?

1 CHAIR TEPPER: Yes.

2 MS. HODGENS: So I have some questions that I  
3 feel were missed. And it probably was because I'm  
4 trying to get used to the new process, so if you  
5 don't mind.

6 CHAIR TEPPER: Go ahead.

7 MS. HODGENS: So one of the questions I have  
8 is I wanted someone from the school, the  
9 applicant, to talk to me about the time frame.  
10 And I think we talked about it a little, but let  
11 me ask it again, if you don't mind. The time  
12 frame to create curriculum maps and lesson plans,  
13 what's the projected time frame for that?

14 And I think that there were some different  
15 things said, so I think it was a little confusing,  
16 so I just want to get it straight. And I would  
17 like you to use the application as much as  
18 possible, but I would like to understand the  
19 timeline.

20 DR. SARRIA: The educational program design,  
21 section three, which is Exhibit 2, page 13.

22 MS. HODGENS: Okay, I'm with you.

23 DR. SARRIA: So it talks -- I think it's the  
24 fourth paragraph down, "Before PCA opens its doors  
25 to students, the faculty and staff will

1 participate in an array of professional  
2 development opportunities to ensure complete  
3 understanding of all precepts and best practices  
4 of Experiential Learning, as well as reviewing  
5 others' educational topics. These PD  
6 opportunities will be offered three days during  
7 the month of July, four days before school opens  
8 for students in August and throughout the school  
9 year through professional learning communities."  
10 So there lists all of the PD.

11 And then the following page, on page 14, I  
12 already read the part about the -- the third  
13 paragraph, that the principal will be -- as the  
14 leader of the school, will hire the personnel and  
15 create this professional learning community and  
16 they will be part of the ongoing experience with  
17 that.

18 And then go to the next page, page 15. So  
19 you asked also about besides the scope and  
20 sequence. Well, teachers develop their lesson  
21 plans during the school year because you can't  
22 really do a lesson plan till the end of the year.  
23 So that part I gave an example of what it would  
24 look like in the middle of the page there, on  
25 Exhibit 2, page 15.

1           "Through the integration of Experiential  
2 Learning, everyday learning at PCA will be active,  
3 nontraditional and open. Experiential Learning  
4 can be viewed as key aligning factors for the  
5 Florida Standards." And below is an example of --

6           MS. HITCHCOCK: Can you please slow down.

7           DR. SARRIA: Oh, I'm sorry.

8           MS. HITCHCOCK: She can't keep up with you.

9           DR. SARRIA: Okay. Below is an example of  
10 how PCA will incorporate the Florida Standards  
11 through Experiential Learning. So grade level,  
12 PLCs made up of teachers from different  
13 disciplines that teach the same grade level will  
14 meet before the school begins in August and either  
15 daily, weekly or bimonthly, depending on need, to  
16 collaborate in preparing units and daily lessons.  
17 Using the scope and sequence -- and that was  
18 created at the beginning of the year, and I'm  
19 putting that in just to show you that we had it  
20 together -- teachers will discuss the following:  
21 What do they want students to learn? The  
22 outcomes? How the students will learn the  
23 activity? And how students learning will master  
24 the assessments? Once this is determined, the  
25 unit or lesson will be embellished by integrating

1 interesting, open-ended driving questions that  
2 align to the Florida Standards. And these driving  
3 questions are the key of Experiential Learning.

4 MS. HODGENS: I'm with you. I got you now.

5 DR. SARRIA: Okay. So you got the rest?

6 MS. HODGENS: Yes.

7 DR. SARRIA: So I don't have to read it all  
8 for you.

9 Now, we do explain it more thoroughly also  
10 in -- I think it's in section four.

11 CHAIR TEPPER: Okay.

12 MS. GROSS-ARNOLD: Ms. Hodgens, if you want  
13 all the references in the application that talk  
14 about that PLC process and that process, on page  
15 nine of our appeal --

16 MS. HODGENS: Of the appeal?

17 MS. GROSS-ARNOLD: -- we have a string cite  
18 of all of the citations.

19 MS. HODGENS: Okay. Thank you.

20 CHAIR TEPPER: I'm going to give the District  
21 a moment.

22 MR. TEITELBAUM: I would like to respond  
23 with -- because you asked for specific evidence.  
24 And I'm going to go to my brief because it's  
25 summarized for me.

1           The application that's Exhibit 2 at page 20  
2 reveals -- and I quote -- "The framework will be  
3 developed during the before-school training and  
4 specificity added throughout the school year," end  
5 quote. And that the development of curriculum  
6 will be developed by Forza. That's on Exhibit 2,  
7 page 80 and Exhibit 2 at 88. And another part of  
8 the application states that the teachers will be  
9 responsible for adding curriculum. That's the  
10 application again, two, page 14 and 15, two, page  
11 19. And then they go on to the principal, the PLC  
12 teams, and I'm quoting.

13           MS. HITCHCOCK: Slow down, please.

14           MR. TEITELBAUM: Sorry.

15           It goes on to the principals and the PLC  
16 teams. It says, "The PLC curriculum teams  
17 identified by the principal will create a scope  
18 and sequence of community-based topics and  
19 activities and identify resources for each of the  
20 courses described above." That's on two, page 47.

21           Understanding now I've read three areas of  
22 this application that are inconsistent and now  
23 I've heard again another source today telling us  
24 that somebody else is now doing it. This is  
25 problematic. The application requires direction

1 to the District. We have to evaluate it on its  
2 merits, and on the merits we have nothing. The  
3 only consistency is the inconsistency. Thank you.

4 CHAIR TEPPER: Other questions, Jenna?

5 MS. HODGENS: Give me a second, if you don't  
6 mind.

7 CHAIR TEPPER: Anybody else have questions  
8 while she goes over her list?

9 MS. ESPOSITO: Not really a question, it's  
10 more a comment for the school. I'm still  
11 struggling with the timeline that I understand  
12 about the school because, as you mentioned  
13 before -- and I understand the curriculum and I  
14 understand that the application doesn't require  
15 you to do that, you can develop that as you go --  
16 but I'm struggling with a new school that is not  
17 only going to develop the curriculum, which is  
18 fine, you can develop that as you go, but also  
19 learning about this new model design that you have  
20 very limited experience and how you are going to  
21 get the staff to get to know this model to be able  
22 to be implemented, to be dealt with and then  
23 knowing that -- and I understand that this is --  
24 we're looking for innovation, we're looking for  
25 different ways. I know you mentioned STEAM, you

1 mentioned STEM, there are other resources out  
2 there. But I'll still struggling how this school  
3 will fit into a very tight timeline getting its  
4 routines not only on the model design but also  
5 working with developing a curriculum. I'm still  
6 struggling with that.

7 DR. SARRIA: Can you give me a minute?

8 MS. ESPOSITO: Absolutely.

9 DR. SARRIA: I have a place that describes  
10 exactly that.

11 I think you had two parts to your question.  
12 So you're talking about the timeline for  
13 developing the curriculum and then you're also  
14 talking about the timeline for training everyone.  
15 Those are answered a little bit differently.

16 There is no really development of the  
17 curriculum, there's just the alignment of that one  
18 piece, okay? So the curriculum is all developed.  
19 It's all been listed, all aligned to the Florida  
20 Standards.

21 The part that we do at the beginning of the  
22 school, and when we opened -- I opened Coral Reef  
23 Senior High in Miami, we had three days before  
24 school opened for six academy models. And then  
25 when I opened Michael Krop Senior High, we had ten

1 days before school started.

2 And it was sufficient time to bring in people  
3 that will be hired as facilitators to give an  
4 overview of the theme to be able to get teachers  
5 to start meeting each other and so forth and  
6 working as a collaborative team. And teachers  
7 come with a certain set of skills and they  
8 understand how to teach already and how to present  
9 materials and so forth, so that's already a given  
10 in terms of producing that part. So it's almost  
11 kind of an organization piece that might be  
12 missing, but there is plenty of time for that.

13 Overview of a curriculum, teachers don't --  
14 let's say I'm giving an example of a new book has  
15 been adopted by the state, a new textbook.  
16 Teachers are free in the summer, they come in and  
17 all of the sudden they have a new basil there, you  
18 know, that they have to use. The District  
19 provides training for them. So there's many  
20 examples of that.

21 MS. ESPOSITO: I don't mean to interrupt, but  
22 I understand the curriculum and the challenges and  
23 how we can do a timeline to do that. I'm still  
24 struggling with you have a new educational design  
25 model.

1 DR. SARRIA: Right.

2 MS. ESPOSITO: And who is going to be  
3 training, who is going to be the expert in that  
4 model and then train those teachers in that model?  
5 Then later on -- and I understand the curriculum  
6 section, but they have to infuse that curriculum  
7 within that model.

8 DR. SARRIA: And we have that. So on page 33  
9 and 34 of Exhibit 2, it explains really what  
10 Experiential Learning is and the instructional  
11 strategies that form it. So basically you will  
12 see there a list of what is Experiential Learning.  
13 And we're going to be using other strategies like  
14 project-based learning, small group instruction,  
15 reading and writing across the curriculum, and  
16 differentiating instruction. That's just a few of  
17 the list. Those are very common elements of a  
18 learning environment that teachers are used to and  
19 not unique.

20 So the Experiential piece that the teachers  
21 will be doing ahead of time is choosing what is  
22 the experience they want to bring to the students.  
23 And then the methodology they'll use is listed on  
24 those pages. So it's new and it's unique because  
25 we're going back to doing more hands-on things,

1 maybe the way we are all taught. But it's not --  
2 it's something that -- the elements under  
3 Experiential Learning are very common to teachers,  
4 so we don't see a problem. We see actually a  
5 benefit to it because it's a theme that works so  
6 well as it shows statistically across the country  
7 for this type of population.

8 CHAIR TEPPER: Okay.

9 MR. TEITELBAUM: May I respond?

10 MR. GARCIA: I recall you mentioned a  
11 conference.

12 DR. SARRIA: Excuse me?

13 MR. GARCIA: You mentioned a conference  
14 before.

15 DR. SARRIA: Yes.

16 MR. GARCIA: And when would that take place?

17 DR. SARRIA: The conference is just for the  
18 ELA curriculum, EL education, and it's in October  
19 every year, so it would be this October. And it's  
20 in Chicago, I think at the end of October, the  
21 27th, 28th, 29th.

22 CHAIR TEPPER: I'm going to give the District  
23 an opportunity.

24 MR. TEITELBAUM: You mentioned a timing  
25 issue, am I correct?

1 MS. ESPOSITO: Uh-huh.

2 MR. TEITELBAUM: That was a concern of yours.  
3 So we had to go back to the model itself. It's  
4 not a matter of I opened up a school three days in  
5 advance or one day in advance. Experiential  
6 Learning is not in the state of Florida. It's not  
7 a learning model, it's never very been used, so  
8 it's brand new, never been used.

9 In addition, statistically, as I told you, of  
10 100,000 public schools in the United States,  
11 that's in the 2000 Census, that would be less than  
12 1 and a half of 1 percent. And now I changed it  
13 from decimals, actually, to fractions. And your  
14 concern is now addressed. For that very reason,  
15 the District has that same concern as set forth in  
16 the brief.

17 CHAIR TEPPER: Jenna, do you have further  
18 questions?

19 MS. HODGENS: I have to have a comment to  
20 that because it's just -- I've been on this  
21 Commission for a long time and I've been doing  
22 charter schools for a long time, and I've never  
23 had -- this is like a reverse argument. We always  
24 argue that things have to be innovative, and we're  
25 arguing because this is different we shouldn't do

1 it, which that's mind boggling to me, so I had to  
2 say that because it just came out. So I  
3 apologize, that's not a question. But that is  
4 just -- that's ironic to me for all of the years  
5 I've been here.

6 UNIDENTIFIED VOICE: Can I comment?

7 MS. HODGENS: I mean, we look for -- one of  
8 the things we hear at this Commission, and I hear  
9 in my own School District on a regular basis is,  
10 you know, you have to do something different, why  
11 aren't you doing something different, why are you  
12 looking like my District school?

13 I mean, I understand there's 152 schools, but  
14 I kind of -- to me this is exciting, if it works.  
15 I guess the "if it works" is the part that you're  
16 concerned about. But for me, I have to say that  
17 for someone to change from STEAM and STEM because  
18 you didn't like that model, to move into a  
19 Experiential model and then be told it's not good  
20 enough because it's 152 schools out of 100,000 in  
21 the country is mind boggling to me. So I had to  
22 say that. Maybe it has nothing to do with this  
23 appeal, but I had to put that out there, so I  
24 apologize.

25 CHAIR TEPPER: That's fine. I'm going to

1 give each side a chance to respond to that.

2 Go ahead.

3 MR. TEITELBAUM: By statute -- and I'm  
4 quoting 1002.33 -- it says that the curriculum has  
5 to be innovative. But it shouldn't be a  
6 curriculum that we have to guess and speculate  
7 whether it's going to work. It's not a matter of  
8 not being innovative, it has to be something that  
9 will achieve the statutory requirements under  
10 1002.33(6)(a) and (7)(a). And I'm not going to  
11 read the statute to you because I know the  
12 statute -- there's four parts in (6)(a) -- focus  
13 on reading. And I appreciate what you're saying,  
14 but we just can't pick any curriculum out of our  
15 hat and say, by the way, rubber stamp this now.

16 And when I mentioned to you issues with the  
17 Common Core and there's issues of remediation  
18 that's not in place, it's a one side fits all  
19 here. And one size doesn't fit all, and it's  
20 problematic. And you should have problems with  
21 it.

22 We compliment them for what they want do, but  
23 they still -- to get to -- as we say in a baseball  
24 analogy, because we said who's on first, which has  
25 been a theme here -- you still need a first base

1 to go to second, to go to third and go to home.  
2 And in that baseball analogy, first base is an  
3 education plan, second base is curriculum, third  
4 base is your test and your assessments and fourth  
5 grade is the graduation requirements. And you  
6 don't have it here.

7 This application is woefully deficient. It  
8 doesn't comply with the Florida Standards and it  
9 doesn't comply with the Florida Statute. And we  
10 have shown good cause based upon this denial.  
11 We're not asking for you Members of this good  
12 Commission to speculate, but within the brief  
13 itself citing, not our words, not the capacity  
14 interview, but the application itself, citing the  
15 rubric, and it's there. Thank you.

16 CHAIR TEPPER: Ms. Gross-Arnold.

17 MS. GROSS-ARNOLD: If we say that you can't  
18 name a curriculum in your charter application  
19 because it's tied to Common Core and it will never  
20 be tied to the Florida Standards, we will never  
21 have anything new in this state. Experiential  
22 Learning is a design and it's a model that this  
23 state has used for years and still uses. We're  
24 talking about one curriculum out of multiple that  
25 are in this application.

1           The District wants you to believe that these  
2 folks shot from the hip. I can tell you Deb  
3 Metheny does not shoot from the hip. That's not  
4 what this applicant team did. They came up with  
5 an innovative design, they talked about how they  
6 could implement it.

7           And the statute requires tying it to Florida  
8 Standards. The application says it will be tied  
9 to Florida Standards. So there's no competent and  
10 substantial evidence there that it won't, and  
11 there's no good cause statutory basis for the  
12 denial.

13           CHAIR TEPPER: Okay. So are we ready to make  
14 a motion?

15           UNIDENTIFIED VOICE: Can I make a comment?  
16 Is it possible?

17           CHAIR TEPPER: No, I think we're good. Thank  
18 you.

19           So we need to make a motion. You'll see it  
20 there on the motion sheet. You'll choose whether  
21 the School Board did or did not have competent  
22 substantial evidence, then tell us why. And we'll  
23 probably have to discuss this. We may have to  
24 amend the motion.

25           Oswaldo, do you want to take a stab at it?

1 MR. GARCIA: I'm struggling with this.

2 CHAIR TEPPER: Okay. Well, let's all do it  
3 together.

4 Dave, do you want to go up so we can work  
5 together on this? I think the first one is going  
6 to be a struggle, but we're going to do it.

7 Does anybody else want to take a stab at it?  
8 Jenna?

9 MS. HODGENS: I knew you were going to say my  
10 name. I think it's the to try to wrap up the  
11 reason.

12 CHAIR TEPPER: It is. I think we're going to  
13 have to do that as a Commission.

14 MS. HODGENS: Well, then I would say that --  
15 and I'm going to try to couch it appropriately,  
16 and then, again, we can talk through it if we need  
17 to.

18 I move that the Commission find that the  
19 School Board did not have competent substantial  
20 evidence to support its denial of the application  
21 based on the applicant's failure to meet the  
22 standards for the education plan because the  
23 educational design is innovative, the curriculum  
24 plan is mostly developed and has some development  
25 left to do and it has been -- what's the word --

1           it's there now, the K2 plan is there, the part  
2           that needs to be addressed and needs to be  
3           aligned.

4           Do I have to bring in everything or just what  
5           we talked about? Do I need to bring in the ELL?  
6           Do I need to bring in the --

7           MS. AVERSA: I can add to the ELL.

8           CHAIR TEPPER: If you would like to add to  
9           it. Is that okay, Dave, that we do it as a group?

10          MR. JORDAN: Yes, as much as you care to add,  
11          please.

12          CHAIR TEPPER: Okay.

13          MS. AVERSA: I second that. And in regard to  
14          ELL, I feel that this particular curriculum that  
15          is being implemented lends itself to the  
16          population that they are identifying as English  
17          Language Learners.

18          CHAIR TEPPER: Okay. Others?

19          MR. GARCIA: I believe there is an  
20          appropriate plan also for assessments.

21          CHAIR TEPPER: Okay.

22          MR. JORDAN: I didn't hear that last one.  
23          What was that?

24          MR. GARCIA: I believe there's a proper plan  
25          for assessments.

1 MR. JORDAN: Okay.

2 CHAIR TEPPER: Okay. What I have for the  
3 motion so far is that the educational design is  
4 innovative, the curriculum plan is  
5 substantially -- I put "addressed." Is there a  
6 better word?

7 MS. HODGENS: No, that's a good word for now.

8 CHAIR TEPPER: Okay. The curriculum lends  
9 itself to the education of English Language  
10 Learners, and there is an appropriate --

11 MS. HODGENS: Assessment plan.

12 CHAIR TEPPER: -- assessment plan.

13 Other suggestions? What do you think, Dave?

14 MR. JORDAN: I think that's pretty good.

15 MS. HODGENS: We didn't mention student body  
16 and we didn't mention the school culture and  
17 discipline. Do we need to do that?

18 MS. AVERSA: I would say that the actual  
19 application identifies sufficient examples of  
20 student performance and assessment or alternate  
21 student performance and assessment models to be  
22 utilized with this particular curriculum.

23 CHAIR TEPPER: Okay. So the motion that I  
24 have now is -- Ms. Gross-Arnold.

25 MS. GROSS-ARNOLD: To the point of the

1 element of school and culture discipline, there  
2 isn't a finding related to that. I don't know for  
3 you, if you --

4 CHAIR TEPPER: Dave, do you think we need a  
5 sentence on each one to be clear?

6 MR. JORDAN: Let's go ahead and do that.

7 MS. HODGENS: And targeted population, too.

8 CHAIR TEPPER: What about targeted  
9 population? Jenna, you made the motion.

10 MS. HODGENS: Well, the targeted population,  
11 that the application meets the requirements that  
12 are required for that subsection. The issue  
13 talked about differentiation, which is in a --

14 CHAIR TEPPER: So the application meets the  
15 requirements?

16 MS. HODGENS: Of the targeted population and  
17 student body section of the model application.

18 CHAIR TEPPER: Okay. And that leaves --

19 MS. ESPOSITO: School culture and discipline.

20 CHAIR TEPPER: School culture.

21 MS. HODGENS: Do you want to take a stab at  
22 that, Sonia?

23 MS. ESPOSITO: We can say the school has a  
24 plan for school culture consistent with their  
25 school mission.

1 MS. AVERSA: It's code of conduct, is it not?

2 MS. ESPOSITO: Yeah. I was just trying to  
3 sum it all up instead of going through it.

4 MR. JORDAN: If you wish to reference  
5 arguments that are made in one appeal document or  
6 the other as being convincing, you could say that.  
7 For example, if the explanation that the school  
8 made for school culture was something that you  
9 found convincing, you could say that.

10 You have the appeal document that they agreed  
11 to at the beginning. You also have the School  
12 District's reply. If you found a convincing  
13 argument with one or the other, you could  
14 reference that. You could use that to help draft  
15 the proposed recommendation.

16 MS. HODGENS: So what if we said that  
17 utilizing the submitted application along with  
18 transcripts from capacity interviews and School  
19 Board meetings and listening to --

20 MS. ESPOSITO: The arguments presented.

21 MS. HODGENS: -- information presented at the  
22 Appeals Commission meeting.

23 CHAIR TEPPER: Okay. As a lead in?

24 MS. HODGENS: Is that what you're saying?

25 MR. JORDAN: Yes.

1 MS. HODGENS: I think it does take everything  
2 into account. I mean, definitely if you read this  
3 information ahead of time. But what is presented  
4 here does -- you do use that in your decision  
5 making.

6 CHAIR TEPPER: Okay. I'm going to ask our  
7 court reporter to read back just that piece that  
8 we're going to use for our opening of the motion  
9 that Jenna just said, taking into account.

10 (Whereupon, the requested portion was read  
11 back.)

12 CHAIR TEPPER: We're going to open it with  
13 the application, the documents presented by the  
14 District and the charter school and the evidence  
15 presented at the Appeal Commission meeting -- or  
16 maybe we put based on all those things -- the  
17 Commission finds that the educational design is  
18 innovative, the curriculum plan is substantially  
19 addressed, the curriculum lends itself to the  
20 education of English Language Learners, there is  
21 an appropriate assessment plan, the application  
22 identifies adequate, alternate assessment models,  
23 the application meets the requirements of the  
24 target population and student body section of the  
25 application, and the school has an adequate plan

1 for discipline.

2 Can everybody live with that?

3 (Affirmative response.)

4 CHAIR TEPPER: Okay. So that's the motion.

5 And the motion is, based on all those things I  
6 just said, the School Board did not have competent  
7 and substantial evidence to support its denial of  
8 the application.

9 Jackie.

10 So that's the motion. I need a second.

11 MR. JORDAN: I believe Cynthia seconded it.

12 CHAIR TEPPER: Cynthia gave us a second.

13 MS. HITCHCOCK: Okay. So it's --

14 CHAIR TEPPER: Jenna and Cynthia. Call the  
15 roll.

16 MS. HITCHCOCK: Okay. I just got to get this  
17 on here.

18 Jenna Hodgens.

19 MS. HODGENS: Yes.

20 MS. HITCHCOCK: Cynthia Aversa.

21 MS. AVERSA: Yes.

22 MS. HITCHCOCK: Sonia Esposito.

23 MS. ESPOSITO: Yes.

24 MS. HITCHCOCK: Osvaldo Garcia.

25 MR. GARCIA: Yes.

1 CHAIR TEPPER: So we do not need to do the  
2 second part. As the charter school prevailed on  
3 the issue that we discussed today, your motion  
4 should be to grant the appeal of the charter  
5 school.

6 Jenna.

7 MS. HODGENS: I move the Commission recommend  
8 that the State Board of Education grant the  
9 appeal.

10 MR. GARCIA: Second.

11 CHAIR TEPPER: Osvaldo second.

12 Jackie.

13 MS. HITCHCOCK: Jenna.

14 MS. HODGENS: Yes.

15 MS. HITCHCOCK: Osvaldo.

16 MR. GARCIA: Yes.

17 MS. HITCHCOCK: Cynthia.

18 MS. AVERSA: Yes.

19 MS. HITCHCOCK: And Sonia.

20 MS. ESPOSITO: Yes.

21 CHAIR TEPPER: Okay.

22 MR. JORDAN: So we will be preparing a  
23 written recommendation which will include many of  
24 the facts that were discussed here today in  
25 response to your questions, as well as facts that

1 are in the appeal documents. They will be  
2 presented to you beforehand, then we'll have a  
3 conference call for you to accept that draft  
4 recommendation or to propose changes before  
5 accepting that.

6 CHAIR TEPPER: And the attorneys will be  
7 included in that phone call.

8 MR. JORDAN: Yes.

9 CHAIR TEPPER: This appeal, after we do all  
10 of our paperwork, will be presented at the State  
11 Board meeting on September 13th. That meeting is  
12 here in Tallahassee. You'll each have a few  
13 minutes to address the State Board. And they may  
14 or may not have questions for you. Sometimes they  
15 do, sometimes they do not.

16 Jackie will be in touch with you before the  
17 State Board meeting and give you where you have to  
18 be and what time and where you are on the agenda  
19 and things like that.

20 Is there anything further before we adjourn?

21 (No response.)

22 CHAIR TEPPER: Okay. We're adjourned. Thank  
23 you, everyone. I appreciate it.

24 (Whereupon, proceedings were concluded at  
25 11:15 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, numbered 3 through 83, 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 30th day of August, 2017.



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