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STATE OF FLORIDA
DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEAL COMMISSION HEARING
SVG LEADERSHIP ACADEMIES, INC., ON BEHALF OF THE
LEADERSHIP ACADEMY FOR ACADEMIC AND PERSONAL
ACHIEVEMENT & LEADERSHIP ACADEMY FOR ACADEMIC AND
PERSONAL ACHIEVEMENT - NORTH VS.
SCHOOL BOARD OF BROWARD COUNTY

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

DATE: MONDAY, DECEMBER 15, 2014

COMMENCED: 10:30 A.M.

TRANSCRIBED BY:

MICHELLE SUBIA
REGISTER PROFESSIONAL REPORTER

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 MEMBERS PRESENT:

2 LOIS TEPPER, CHAIR

3 CHRISTOPHER BERNIER

4 REBECCA DINDA

5 SONIA ESPOSITO

6 OSVALDO GARCIA

7 JENNA HODGENS

8 RICHARD MORENO

9

10 OTHER PARTICIPANTS:

11 JACQUELINE HITCHCOCK

12 DAVID L. JORDAN

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19 CERTIFICATE OF REPORTER

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P R O C E E D I N G S

CHAIR TEPPER: So we are ready for the appeal of SVG Leadership Academy, Inc. versus the School Board of Broward County. On this appeal, there are two motions. One is a motion to bifurcate the district's failure to act. That motion was filed by the charter school. It was opposed by the School District.

I have already ruled on that motion and I denied the motion to split it apart, which is what the charter school asked, and have just the fact that the denial letter was not done within 60 days put before the State Board.

Our rule clearly says that on procedural matters before this panel meets, the Chair can decide them. I have denied that motion. However, I have added it as a due process issue first on your motion sheet, and that's how we'll address that.

For the second motion, the charter school has filed a motion to submit additional materials. I'm going to give each side three minutes to tell me why the materials should or should not be admitted. These are not materials you've obviously seen, so that will present another

1 issue. After I hear from both sides, I will rule
2 on this motion and then we'll decide how to
3 proceed.

4 The charter school goes first. You have
5 three minutes. Identify yourself when you go to
6 the microphone, please.

7 MR. NORWOOD: Good morning. My name is
8 Christopher Norwood on behalf of SVG Leadership
9 Academies. I'll introduce our team as we get into
10 the substantive matters.

11 We offer this motion to supplement Exhibit E
12 of our appeal because we provide -- if you look
13 at -- I'm sorry, Madam Chair -- if you look at
14 Exhibit E, it was a letter that we were requesting
15 a new letter regarding the denial letter.

16 Substantive issues relating to the failure to act,
17 you know, which is relevant to this, is that we
18 received a letter that stated a wrong date for
19 when the School Board actually met to determine
20 the outcome of the applications.

21 When we received that letter, because we knew
22 they didn't act within 60 days, we felt we needed
23 to know more about that, so we submitted some
24 records requests. And the substance of those
25 records requests is what we would like to insert.

1 We have as an Exhibit E a request for
2 documents. We simply asked for those documents at
3 that point in time in preparation of the appeal,
4 as you know. Those documents can come at any
5 moment in time. We're asking to insert them.

6 The other issues that the School Board brings
7 up as far as timeliness of the motion, the rule
8 doesn't give a time as it relates to when a motion
9 can actually come before you. The requests were
10 done prior to the appeal. We think they are very
11 relevant.

12 We're not offering any new arguments relating
13 to it. We had a placeholder in our exhibits. We
14 simply received the public records requests, they
15 are not our words, they are the district's words
16 on issues, and we just want to provide them our
17 exhibit list.

18 With that being said, that's our motion. I
19 hope you will agree with us that it is not
20 prejudicial, it's merely their words to us that we
21 asked prior to the appeal. Thank you very much.

22 CHAIR TEPPER: Mr. Vignola.

23 MR. NORWOOD: Oh, I'm sorry. Again, just --
24 how much time do I have left?

25 CHAIR TEPPER: None. So I'll go to

1 Mr. Vignola now.

2 MR. NORWOOD: Okay.

3 MR. VIGNOLA: Good morning. I'm Bob Vignola
4 from the School Board of Broward County, Florida.
5 The School Board is opposed to this motion. The
6 appellant had opportunity to assemble and file its
7 brief, which it did. And the rules call for it to
8 be done in a specific time and to provide ten
9 copies so that the proper number can be
10 distributed to this Committee for your
11 consideration.

12 Here we are, a motion is filed Friday. After
13 they filed their brief, we've had no opportunity
14 to respond and now they're putting in supplemental
15 information at a time when rather than thinking
16 about what arguments this generated that we need
17 to respond to, we're thinking what do we pack to
18 bring to Tallahassee. I believe that the request
19 is untimely, it's beyond the appeal filing
20 deadline. It is prejudicial to the district.

21 As far as when did the School Board act, that
22 matter is not in dispute. The Board action was on
23 October 7th, the specific date is in the brief.
24 So there's really no need to bring in this
25 information. We ask that the motion be denied.

1 CHAIR TEPPER: Okay. I have read the rule,
2 and it allows me to rule on procedural matters. I
3 consider this to be one of those. And I'm going
4 to deny the motion to admit the subsequent
5 materials. So that would take us to the motion
6 sheet and Issue 1.

7 Because you raised a question of the fact
8 that the appeal -- or your denial letter came more
9 than 60 days after you submitted your application,
10 we're going to do due process first. And the
11 issue is whether the charter school's due process
12 rights were violated by the School Board. You
13 have three minutes.

14 MR. VIGNOLA: Chair, are we bypassing the ten
15 minutes per side?

16 CHAIR TEPPER: We're going to take care of
17 due process first and then after we do that, we'll
18 do the ten minutes.

19 MR. NORWOOD: Good morning again. My name is
20 Christopher Norwood on behalf of SVS Leadership
21 Academies.

22 The question of due process is something
23 that's fundamental to everything that the
24 government and School District does. The State
25 Board of Education must find a violation of due

1 process if, one, it determines that the School
2 Board failed to act on this application by the
3 statutory required time. The Charter School Board
4 -- the School Board is required by a majority vote
5 to approve or deny an application no later than 60
6 calendar days after the application is received.
7 Two, if it determines that there is no record that
8 the parties mutually agreed in writing to
9 temporarily postpone the vote or deny the
10 application. Three, if it determines that the
11 appeal was properly filed by the charter school as
12 statute provides and if the sponsor failed to act
13 on the application, the applicant can appeal to
14 the State Board of Education.

15 There are three things that are important
16 here with the issue of due process. One, did the
17 School Board act within the 60 calendar days as
18 required by Florida Statute? It did not, it
19 admits to that. Two, did it receive from the SVG
20 Leadership Academies a mutually agreed upon
21 written statement to extend that deadline? It
22 absolutely did not. The School Board of Broward
23 County admits that. Thirdly, did we provide an
24 appeal to that failure to act within 30 days of
25 that failure to act? We absolutely did. And,

1 therefore, the School Board of Broward County has
2 not complied with the 60-day rule and is in
3 violation of our due process rights.

4 In order to buy the respondent's argument,
5 one has to assume that the School Board can extend
6 the deadline on its own, it can create whatever
7 deadline it wants to create, it does not need a
8 mutually written agreement to do so. That's the
9 argument of the other side.

10 We totally disagree. They violated our right
11 to have a process that is fair. If we are eight
12 minutes late in applying to an application, you
13 know, we are denied a right. So, therefore, these
14 rules are rules for a reason, and I believe that
15 you have no decision but to determine that our due
16 process rights were violated.

17 CHAIR TEPPER: Thank you. Mr. Vignola.

18 MR. VIGNOLA: The School Board in this case
19 was operating -- I'll give you a little time frame
20 here. The School Board was operating under a
21 four-day workweek at the time of the application
22 submittal. So instead of the application being
23 submitted on the first, it was submitted the
24 next -- which was a Friday -- it was submitted the
25 next following business day, which was August 4th.

1 As a result, the 60th day in this case would have
2 been Friday, October 3rd.

3 On September 30th, the 57th day, SVG was
4 notified by email of the recommended denial of its
5 application and that the Board would act upon that
6 on the October 7th regular School Board meeting.
7 The following day, there was an exchange of emails
8 with SVG regarding that email. And they inquired
9 how to open -- how to access an attachment to the
10 October 7th agenda. That attachment set forth all
11 of the grounds for denial we're here on today.

12 And that same day, October 1st, the 58th day,
13 SVG was provided a link to that information. So
14 58 days after the application was submitted, SVG
15 was not only aware of the recommended denial of
16 all of the grounds. The Board formally acted just
17 two business days later on the denial.

18 SVG had the opportunity to file their brief
19 and did so, fully briefed all of the issues set
20 forth as grounds for denial. We think the two
21 business day delay was minimal in nature and
22 harmless and the Commission should uphold our
23 denial. Thank you.

24 CHAIR TEPPER: Thank you.

25 Okay. For Commission Members, some of you

1 have done a due process issue before and some have
2 not. You'll make two votes. First you'll
3 determine whether the School Board did violate the
4 due process rights of the charter school, and then
5 you must decide if they did, was that harmless
6 error; in other words, would things have turned
7 out just the same if they had been two days sooner
8 so, therefore, it's harmless error. So keep that
9 in mind as you vote.

10 Would someone like to make the motion and
11 choose did or did not?

12 Jenna.

13 MS. HODGENS: Well, I wanted just to get --
14 can you talk a little more about due process? I
15 mean, I'm sorry, but it's been a while since I've
16 voted on that.

17 CHAIR TEPPER: It has been.

18 MS. HODGENS: So I just want you to talk a
19 little more before you call on me to make the
20 motion and I make the wrong one.

21 So I understand the harmless part, I
22 understand that part, but talk a little bit more
23 about due process.

24 CHAIR TEPPER: If you believe that the School
25 Board did not follow the procedures set out in the

1 statute such that the charter school had their due
2 process rights violated, all the things they have
3 to do and all the things the district has to do as
4 we go through the appeal process.

5 MS. HODGENS: Okay. I move that the
6 Commission find that the School Board did violate
7 the charter school's due process rights.

8 CHAIR TEPPER: You've heard the motion, that
9 the School Board did violate the due process
10 rights of the charter school.

11 Is there a second?

12 MS. DINDA: I second that.

13 CHAIR TEPPER: Rebecca.

14 Okay. So if you vote yes, you are voting for
15 the charter school. If you vote no, you are
16 voting for the district.

17 Jackie.

18 MS. HITCHCOCK: Jenna.

19 MS. HODGENS: Yes.

20 MS. HITCHCOCK: Rebecca.

21 MS. DINDA: Yes.

22 MS. HITCHCOCK: Chris.

23 DR. BERNIER: Yes.

24 MS. HITCHCOCK: Sonia.

25 MS. ESPOSITO: Yes.

1 MS. HITCHCOCK: Osvaldo.

2 MR. GARCIA: Yes.

3 MS. HITCHCOCK: Richard.

4 MR. MORENO: Yes.

5 CHAIR TEPPER: So you have found that they
6 did violate the charter school's due process
7 rights. Now you must choose whether or not that
8 was harmless error, that it would have come out
9 just the same way.

10 Jenna.

11 MS. HODGENS: Okay. So, now, just because
12 harmless error -- so was harmless error means it
13 would have come out differently, it was not
14 harmless error? Give me the two sides.

15 CHAIR TEPPER: If you think nothing would
16 have changed by the fact that they ruled two days
17 past the 60-day deadline, you would vote that the
18 denial of due process was harmless error.

19 MS. HODGENS: Okay. I see two negatives.

20 MR. NORWOOD: Madam --

21 CHAIR TEPPER: You can speak in just a
22 minute.

23 Go ahead.

24 MS. HODGENS: I move that the Commission find
25 that the School Board's denial of due process was

1 harmless error.

2 CHAIR TEPPER: Is there a second?

3 MS. ESPOSITO: Second.

4 CHAIR TEPPER: Sonia.

5 So the motion is that the denial of the due
6 process rights was harmless error. If you vote
7 yes, you are voting for the School District. If
8 you vote no, you are voting for the charter
9 school.

10 MS. HITCHCOCK: Jenna.

11 MS. HODGENS: Yes.

12 MS. HITCHCOCK: Sonia.

13 MS. ESPOSITO: Yes.

14 MS. HITCHCOCK: Chris.

15 DR. BERNIER: Yes.

16 MS. HITCHCOCK: Rebecca.

17 MS. DINDA: Yes.

18 MS. HITCHCOCK: Osvaldo.

19 MR. GARCIA: Yes.

20 MS. HITCHCOCK: Richard.

21 MR. MORENO: Yes.

22 CHAIR TEPPER: Okay. So we will not have due
23 process as a reason for denial when you see this
24 on the State Board agenda.

25 Chris.

1 MR. NORWOOD: I'm a little taken aback
2 because I was hoping that the issue of harmless
3 error would have been able to have -- I would have
4 been able to speak regarding that. And the reason
5 being because I think there's something very
6 important to be said when a School Board
7 intentionally -- knowingly violates the law.
8 Harmless error is variably different than invited
9 error. They invited the error by their actions.

10 CHAIR TEPPER: Okay.

11 MR. NORWOOD: There's no harmless error.

12 CHAIR TEPPER: That's why you had three
13 minutes before we voted. Now we're going to go to
14 the substance of your appeal, and you have ten
15 minutes --

16 MR. NORWOOD: Yes, ma'am.

17 CHAIR TEPPER: -- to tell us your story about
18 this appeal, okay.

19 MR. NORWOOD: Thank you very much. My name
20 again -- good morning. My name is Christopher
21 Norwood representing Students Vying for Greatness,
22 better known as SVG Leadership Academies, Inc., a
23 not-for-profit group of members from the south
24 Florida community representing government, law
25 enforcement, education and faith based

1 communities.

2 To the Chair and Members of the Charter
3 Schools Appeals Commission, we thank you for this
4 opportunity to present this appeal and commend you
5 for your work and diligence and for taking time
6 out of your busy schedules just before the holiday
7 season.

8 This is an appeal for the School Board's
9 failure to act in the denial of the charter school
10 application. The charter school application is
11 Exhibit A. The School Board's denial letter and
12 supporting package are attached as Exhibit B. The
13 school's comparative -- clarifying statement is
14 Exhibit C.

15 And I really want to encourage the Members of
16 the Commission, if they haven't done so already,
17 to really look at the clarifying statement because
18 we lined up side by side the so-called
19 deficiencies with our response to them.

20 And then Exhibit D is the School Board's
21 agenda package for the October 7th Board meeting
22 and then the charter school's written request for
23 a corrected denial letter with corrected date of
24 Board meeting, and the School Board of Broward
25 County's response reflected in Exhibit A.

1 The charter school's denial would request for
2 extension -- I'm sorry, scratch that. Broward
3 County Public Schools, the nation's fifth largest,
4 represents a population of diverse students with
5 enormous potential for learning and lifelong
6 success.

7 MS. HITCHCOCK: Christopher, can you slow
8 down, she can't keep up with you reading that
9 fast.

10 MR. NORWOOD: Okay.

11 MS. HITCHCOCK: Thank you.

12 MR. NORWOOD: I'm sorry.

13 MS. HITCHCOCK: That's okay.

14 MR. NORWOOD: However, despite the best
15 efforts of the School District, there continues to
16 be countless students that sit on the margins of
17 the educational system and without strategic,
18 innovative and local systems of support failed to
19 realize academic success. These students too
20 often drop out of school and head down a path to
21 prison, poverty and early death.

22 On the heels of documented lows, of
23 underperformance from schools in Broward's urban
24 core, specifically in reading and math proficiency
25 rates, the district has also experienced incidents

1 of school and community violence. SVG spent over
2 a year preparing a response for Educational Choice
3 in these underserved, underperforming communities
4 which were explicitly stated in the application.

5 In each of the targeted areas, schools do not
6 have reading proficiency rates above 40 percent.
7 In one high school that is graded as an A, the
8 reading proficiency rate for ninth grade students,
9 based on 2014 FCAT data, is 27 percent. Only 27
10 out of 100 students in that school can read at
11 grade level.

12 As a result of the above and nonexistence of
13 a model serving the sixth through ninth grade
14 configuration, SVG decided to pursue a charter
15 school serving this unique population in these
16 targeted areas. To do so, the Board retained an
17 experienced team of consultants that has
18 successfully done this work in Broward County and
19 throughout the country. Each has been involved in
20 the preparation of a charter school application
21 that were approved in Dade and Broward, as well as
22 other counties over the past several years.

23 Dr. Steve Gallon, who is here today, a
24 lifelong educator and native and resident of the
25 community, earned his Doctorial Degree in

1 Educational Leadership in 1998 from Florida
2 International University and started his career as
3 an English teacher of at-risk students in
4 Miami-Dade public schools. He later served as an
5 elementary and high school principal in Miami's
6 Liberty City for ten years before becoming
7 Miami-Dade County's Head of Alternative Education.
8 He will later leave Miami-Dade to become a
9 superintendent of schools. As an educational
10 consultant, he has served as a Professor of
11 Educational Leadership for over a decade.

12 Ms. Kelly, who is also here, is also a
13 lifelong educator, started her career as a math
14 teacher, becoming a Math and Curriculum Specialist
15 at schools and School District at district levels.
16 She would later serve as District Director for
17 School Accountability and Data Analysis.
18 Ms. Kelly holds a Bachelor's and Master's Degree
19 in Mathematics.

20 The budget and finance consultant is a CPA
21 and works with over eight charter schools in the
22 area of financial management and accounting and,
23 unfortunately, had a death in her family and is
24 unable to be here today.

25 I share this information to recognize the

1 Board's diligence in retaining a team of
2 professionals with proven track records in
3 education.

4 The not-for-profit Board submitted a timely
5 charter application on August 1, 2014. The
6 mission of the Leadership Academy for Academic and
7 Personal Achievement is to promote and nurture
8 positive, personal and academic change in at-risk
9 and underperforming students, providing
10 alternative educational experiences that serve up
11 to 364 students in grades six through nine. It
12 will adopt, embrace and implement an educational
13 program grounded in an unwavering commitment and
14 fundamental belief that with focused and dedicated
15 professional practices, a positively confirming
16 educational environment strategically focused on
17 improving student learning and literacy and one
18 that promotes and maintains clearly delineated
19 expectations for learning and behavior.

20 By law, the State Board of Education must
21 find, and in fact did not -- did find that there
22 was a due process violation. The State Board of
23 Education must find that the instant charter
24 application should have been approved by the
25 School Board if it determined that there is no

1 competent substantial evidence to support the
2 basis of the school's denial as set forth in the
3 denial notice or, two, the bases for the denial
4 set out in the denial letter do not prove that the
5 application violated a mandatory charter school
6 requirement and therefore legally sufficient for
7 denial. Denial of a charter school based on
8 conjecture or opinion does not constitute good
9 cause.

10 I would like to point out here, right now,
11 that the Director of Charter Schools for Broward
12 County actually recommended this application for
13 approval. Where an applicant meets all of the
14 statutory requirements and the sponsor presents no
15 empirical evidence to support its position, the
16 sponsor fails to demonstrate that it had good
17 cause to deny the application.

18 In fact, 13 of 18 sections met the standard,
19 four partially met the standard and, more
20 importantly, the values for 13 out of 19 sections
21 reviewed recommended that the application as a
22 whole be approved, including Jody Perry, the
23 Director of Charter Schools of Broward County, see
24 Exhibit B.

25 It is respectfully submitted that reversal of

1 the instant charter denials be warranted in this
2 appeal. And for your convenience, we've compiled
3 a side-by-side comparative/declarative statement
4 for every issue within the denial letter as
5 Exhibit C.

6 Despite denying the application that complied
7 with the evaluation criteria, the district's
8 clearly adopted and implemented practices and
9 applied criteria not only misaligns the state
10 timelines and evaluated criteria, but may have
11 skirted their own Board policy and law. Their
12 handling of the charter school application review
13 process is based on a screening of applicants and
14 their consultants, some of which are essentially
15 grant writers, have been identified as
16 prescreening applicants from the district in their
17 own words, quote, wants to work with these schools
18 and needs background information for purpose to
19 determine their recommendation for approval or
20 denial. This is in the public records request
21 that we wanted to present earlier.

22 Even under the advisement of their own law
23 enforcement staff, the district still demonstrated
24 sheer disregard for the letter of the law. Their
25 own district police said that prescreening

1 applicants was illegal.

2 Examples include other instances such as
3 this, failing to act on approval or denial of
4 applications within the timeline prescribed by
5 law. Two, evaluators offered to change their
6 evaluation, if needed, to deny the application.
7 Three, Committee Members casting votes on
8 applications two hours prior to the end of the
9 prescribed process outlined in the Board Policy.
10 Four, questionable sharing of SVG's evaluation
11 documents between Dade and Broward School District
12 in which similar applications were submitted.

13 Yes, ma'am.

14 CHAIR TEPPER: You have one minute left.

15 MR. NORWOOD: Thank you.

16 This, again, was -- are in these public
17 records requests where SVG's evaluation documents
18 were shared between two districts prior to it
19 going to the Board of its respective School
20 Boards. Standard district policy and procedure
21 provides no reasonable basis or explanation for
22 the sharing of this information within hours of
23 completion and almost a month before each
24 individual Board voted to approve or deny. Five,
25 there was a misrepresentation of factual

1 information contained in the application, applying
2 a disingenuous double standard for compliance and
3 asserted that they failed to comply with the law
4 by only seven days when we all know that if an
5 application is seven minutes late, it will not be
6 reviewed by most districts in the state of
7 Florida. With that being said, we believe that
8 might doesn't always mean right.

9 The district, based on statute, failed to act
10 as required by law, and did not, based on
11 evaluated criteria outlined in statute in the
12 model application, have good cause to deny these
13 applications.

14 And, again, we encourage you to really
15 critique the comparative analysis that we provide
16 because we outline line by line every deficiency,
17 so-called deficiency with a response that we
18 believe shows that they did not have good cause
19 for this denial. Thank you very much.

20 CHAIR TEPPER: Mr. Vignola.

21 MR. VIGNOLA: I'm going to start off by
22 objecting to a number of things we just heard.
23 Mr. Norwood has proceeded with his opening
24 statement, which I suspect was prepared before the
25 actions taken by this Committee this morning, that

1 included a number of statements regarding content
2 within the materials that he sought to include
3 through motion which was denied this morning.

4 Another thing I would like to take note of
5 before I get into my remarks, he had mentioned
6 that the School Board's Charter School Director
7 Jody Perry had recommended the application for
8 approval. Actually, what we do is what many
9 districts do, we have a number of district
10 employees with expertise in various areas within
11 the application critique the areas within their
12 specialty and indicate whether they see a problem
13 with it.

14 And in Ms. Perry's case, she was looking at
15 the application with regard to governance. And
16 that is not an area in which we recommended a
17 denial of this application. We had other areas,
18 however, touching upon educational plan,
19 organizational plan and business plan that we did
20 identify in our letter indicating denial, and
21 those are grounds that have been briefed.

22 I would like to now introduce Leslie Brown.
23 Leslie is the School Board's Chief Portfolio
24 Services Officer and a former charter school
25 principal, and she will address the good cause.

1 MS. BROWN: Good morning. Thank you for
2 having us here. First of all, I'm going to go
3 right from the motion sheet and stay focused
4 (inaudible.) As a district administrator for --

5 MS. HITCHCOCK: Excuse me, can you please
6 speak up?

7 MS. BROWN: I'm sorry. I'll start over. I
8 apologize.

9 THE COURT REPORTER: Thank you.

10 MS. BROWN: As a district administrator for a
11 large School District in the state of Florida, we
12 have one of the largest numbers of charter schools
13 across the state. I am also a former charter
14 school principal, had some great experiences out
15 there with the charter school world.

16 But even through this application, we have
17 seen significant gaps in what should be expected
18 in the charter school application, especially for
19 a school whose targeted population is with these
20 students.

21 Point number one in the motion sheet is that
22 the educational program needs to be clear and
23 coherent. The application's educational program
24 design was not clear and coherent. The
25 application contradicts itself by consistently

1 referring to different meeting plans,
2 instructional charts, pacing guides and does not
3 clearly and accurately identify instructional
4 programs, curriculum materials or state compliance
5 documents that are required for this work.

6 The application also states the school will
7 not use district state assessments or EOCs as the
8 central component of the educational plan like
9 other schools, yet assessments are the only
10 specific documents that the applicant refers to
11 and refers to for unclear language regarding
12 intervention programs.

13 It's missing the materials, instructional
14 resources. There are ambiguous materials and
15 resources that they have designed that will help
16 the school develop their own curriculum plan.
17 Stating that the school will do its own plan
18 rather than implementing a resource trace
19 instructional program with fidelity through the
20 use of effective research based materials does not
21 meet the state standards.

22 While the application references a huge
23 variety of strategies and approaches, the
24 application does not clearly explain the
25 educational program design in coherent detail.

1 The research for the seven best and preferred
2 practices which they refer to, there is no
3 research provided. There is no evidence that
4 these best practices are scientifically based
5 strategies.

6 Moreover, the application failed to provide
7 coherent evidence of a detailed curriculum plan
8 that illustrates how the services will be provided
9 to attain the Sunshine State Common Core
10 Standards. The sponsor can actually not determine
11 how the educational program design will align to
12 these standards or how the school's reading plan
13 will enable students to attain them or for student
14 performance of the school's targeted population.

15 The second piece is the educational program
16 is effectively based on research based educational
17 practices. This application does not clearly
18 identify effective research based educational
19 program design. The application states that E2020
20 will be used as the intervention program to
21 strengthen literacy informative fields and will be
22 used for foundational skills and development
23 courses. But E2020 is not an approved reading
24 intervention program in the state of Florida.

25 In addition, the application uses references

1 like similar or selection will be modified when
2 discussing the school's curriculum. However, no
3 definitive state-approved research based reading
4 intervention programs are included in the
5 application at all. The application should
6 clearly identify the instructional program and
7 curriculum materials to be used for reading
8 instruction, especially in intervention.

9 The application consistently makes statements
10 that are broad and do not clearly state that the
11 school will implement with fidelity the district's
12 K through 12 comprehensive research based reading
13 plan. The application states that the CRRP will
14 be utilized and be inclusive of but does not
15 clearly describe educational design or the
16 implementation plan and leaves the door open to
17 make modifications that may be not be research
18 based.

19 In addition, charter schools are not
20 authorized to use the district-created curriculum
21 materials, the pacing guides, the scope or
22 sequences and the maps. I know as a charter
23 school principal, we actually worked with our
24 management company and developed those and did not
25 allow a charter principal to be left out on its

1 own. This applicant states that all of these
2 things will be included in the school's
3 curriculum.

4 The application goes on to state that the
5 school-approved reading plan was based on
6 successful implementation of the district
7 comprehensive research reading program used by the
8 sponsor. This statement implies that the reading
9 curriculum, again, may not necessarily follow the
10 plan but may possibly resemble the plan in some
11 areas.

12 We have seen this before where there are
13 charter groups that actually put that in their
14 application and then it's very, very difficult to
15 find it actually going on in the schools. So the
16 application uses also a variety of names to label
17 their reading plan that may or may not be
18 implemented with fidelity.

19 They noted the state comprehensive research
20 based reading plan, the district's approved
21 reading plan, the district's comprehensive
22 research reading plan, Just Read Florida
23 Initiative, Just Read Florida, K through 12
24 comprehensive research based reading plan, and the
25 district-approved K through 12 reading plan.

1 There was no clear indication as to which reading
2 plan will be implemented at the school.

3 The next piece is that the educational
4 program is supposed to align and meet the school's
5 mission and the needs of the students, targeted
6 student population.

7 They are very, very clear in their mission,
8 it is to promote positive, personal and academic
9 change in at-risk and underperforming students.
10 But the application does not align the educational
11 program to the needs of the targeted, at-risk
12 student population. These are traditionally
13 fragile students, most importantly in the area of
14 reading.

15 Again, the application continues to
16 contradict itself by consistently referring to
17 different reading plans which do not focus
18 specifically on remediation in reading with
19 instructional materials and diagnostic materials
20 defined. The application, again, refers to
21 instructional charts, pacing guides and other
22 documents but really does not describe the plans
23 at all.

24 The educational program is also supposed to
25 meet the needs of the targeted student population.

1 There is no detailed plan that clearly describes
2 the reading curriculum and differentiating
3 strategies for students reading at, above or below
4 grade level. It lacks compelling evidence on how
5 students with deficits in decoding -- it uses the
6 language, but it absolutely does not give evidence
7 on how decoding deficiencies will be served and
8 how much time will be devoted to intensive reading
9 instruction, how curricular materials will be
10 used, when they will be used and which students at
11 each grade level would actually participate in an
12 intensive reading course.

13 The term "at-risk" is used consistently
14 throughout the application, but there is no clear
15 curricular support instruction materials that are
16 provided. Specific course listings from a course
17 code directory or a district course code
18 directory, as you all know, do not make a
19 curriculum.

20 The curriculum plan itself is supposed to
21 have a clear and coherent framework for teaching
22 and learning. We do not see a clear and coherent
23 framework for teaching and learning. The
24 application's stated purpose, again, is to nurture
25 positive, personal and academic change in at-risk

1 and underperforming students. However, the
2 application again refers to several, several
3 different reading plans.

4 And if a school -- they really have a hard
5 time, the readers and the team that reviewed it
6 had a hard time connecting all of these barriers,
7 different resources, into a coherent, manageable
8 way that the school was indeed going to use all of
9 them with at-risk students.

10 The reading instructional materials are not
11 divulged at all. The curriculum plan language
12 spent a significant amount of time on using
13 assessments to monitor the progress, yet neglects
14 to share what will be done with the data, how it
15 will be used to determine what instructional
16 materials or programs will be initiated based on
17 the findings or what will even be actually taught
18 in the intervention reading classrooms.

19 Stating that the school will develop its own
20 curriculum rather than implementing research based
21 with fidelity programs actually does not meet the
22 state standard. The application, again, refers in
23 the curriculum area to a variety of strategies,
24 but it does not clearly explain the curriculum
25 plan.

1 CHAIR TEPPER: Your time is up.

2 MS. BROWN: Oh, gosh.

3 CHAIR TEPPER: We'll have questions for you.

4 MS. BROWN: Well, we got answers to any kind
5 of questions you might have. Thank you for your
6 time.

7 CHAIR TEPPER: Okay. So that takes us to
8 Issue 1, which is whether the applicant's
9 educational plan failed to meet any of the
10 following standards. Educational program design,
11 curriculum plan and English language learners.

12 Mr. Norwood, three minutes on this section.

13 MR. NORWOOD: Dr. Gallon will be addressing
14 this issue.

15 DR. GALLON: Good morning to Members of the
16 Committee.

17 The response for the three minutes is aligned
18 exactly to the motion sheet. So with respect to
19 Issue Number 1 regarding clarity and coherent, on
20 page 3, in further accordance with 102.33, the
21 school indicated that it will meet high standards
22 of student achievement through the implementation
23 of the strategies addressed throughout this
24 application and it summarized it as follows.

25 Number 1, providing a highly rigorous

1 curriculum infused with effective, proven teaching
2 strategies that incorporate the Florida Standards
3 and Next Generation Sunshine State Standards,
4 where applicable, is research based strategies
5 that encourages student success for every student.
6 Number 2, setting clear and measurable
7 expectations for student learning and success.
8 Number 3, developing, implementing and monitoring
9 procedures and processes to promote and ensure
10 continuous growth. Number 4, promoting and
11 encouraging active involvement and participation
12 of school stakeholders in a manner that support
13 students in school-wide success.

14 As it relates to presenting evidence that the
15 approach will lead to improve student performance
16 for the school's targeted population, on page 11
17 the application sets the foundation for a clear
18 and coherent description of its educational
19 program design as one whose foundation is based on
20 instruction in reading, core content areas,
21 professional development for teachers and use of
22 RTI and MTSS.

23 Page 25, it further provides for a
24 description in detail of its educational program
25 design as it describes the commitment to the whole

1 child and intended adoption and use of innovation
2 program elements. These elements that are based
3 on research which you can find on page 27 and 28
4 and throughout the document are strategies that
5 are proven successful for at-risk students,
6 focusing on improving reading skills, focusing on
7 improving behavior, use of success teams, life
8 skills provision, career readiness and
9 postsecondary planning, and continuous
10 improvement, as well as mentoring and extended
11 day. These are supported by research based
12 articles throughout the document, but specifically
13 you can point to page 27 and 28. Enables students
14 to attain the standards to receive a year's worth
15 of learning for each year enrolled.

16 On page 38 through 86, the application
17 detailed an education curriculum plan to support
18 students' attainment of the State Standards
19 provided for in the application and throughout. A
20 clear description of the level of services the
21 school will provide to students with disabilities.

22 On page 104, the application provided a clear
23 description of level of services the school will
24 provide to students with disabilities beginning on
25 that page. The school indicated that it will

1 serve students with disabilities whose needs can
2 be met in a regular classroom, at least 80 percent
3 of the instruction will be with nondisabled peers,
4 and a table regarding those level of services and
5 the provisions pertaining thereto.

6 CHAIR TEPPER: District.

7 DR. GALLON: Time's up?

8 CHAIR TEPPER: Yes.

9 MS. HODGENS: Can he give a page number of
10 what he was just referring to?

11 CHAIR TEPPER: Yes. The page number?

12 DR. GALLON: Which one?

13 MS. HODGENS: What you were just -- where you
14 just stopped at the ESE that you said there was a
15 chart on page, and then you stopped.

16 DR. GALLON: On page 101.

17 MS. HODGENS: Thank you.

18 DR. GALLON: 104 the chart is there, but it
19 starts on 101.

20 MS. HODGENS: Okay. Thank you.

21 MS. BROWN: This to exceptional student
22 education and ESOL and ELL student education. Due
23 to the ambiguity throughout the ESE section and
24 due to the number of times Miami-Dade County
25 Public Schools has been referenced -- mentioned

1 throughout the application and response from the
2 applicant to the denial, we cannot determine the
3 commitment that this particular team has for
4 collaborating with the School Board in meeting the
5 needs of an ESE student.

6 So the applicant is supposed to have an
7 understanding and commitment, collaborating with
8 the sponsor. But as we all know, the state
9 requires a separate plan through the META Consent
10 Decree for every district to have their own plan.
11 And then here with the ESE students, we see that
12 same thing again in the ELL section and the ESE
13 section where there are pieces that appear to be
14 lifted from other applications and posted in
15 because they don't match what we do in Broward
16 County.

17 So the other piece is that because of that,
18 the realistic projections for students with
19 disability, that a staffing plan that aligns with
20 those projections cannot be completed. We cannot
21 check to see because the application doesn't put
22 forth an accurate staffing plan because the
23 projections that they used were actually from
24 Miami-Dade County and don't reflect the
25 demographics of Broward County Public Schools.

1 In addition, the applicant's response to
2 Broward County's evaluation, the application
3 stated that they felt that they did not
4 interchange ELL and ESE interchangeably and said
5 that it was a typo, but we don't agree. We
6 actually see where there was language on page 104,
7 as one example, that the goal of the ESE program
8 will be to ensure that all students entering the
9 school with varying levels of limited English
10 proficiency will receive comparable and
11 comprehensible instruction, going on to discuss
12 how these students will develop communication
13 skills. And this is the focus of the ESOL
14 program, obviously not the ESE program. So we
15 were seeing that quite a bit through the
16 application.

17 With English language learners, again, that
18 language is lifted from another School District.
19 It is referencing assessments that we don't use in
20 Broward County. And so we are supposed to be
21 working collaboratively to make sure, but it
22 appears that the applicant is not aware of the
23 understanding that in the state of Florida, we all
24 have different plans, it's a part of the META
25 Consent Decree so that every single district

1 serves their ELL students in a specific way and we
2 have to follow our plan.

3 So one of the last things that you may also
4 see in there is that they are trying to hold
5 disparate pieces of information, trying to create
6 a collective plan. We also saw some challenges in
7 the section on management where there actually is
8 no emergency plan for the students at the school.
9 And as a former charter school principal, that is
10 huge.

11 CHAIR TEPPER: Your time is up.

12 MS. BROWN: Oh, we're just doing the first
13 one?

14 CHAIR TEPPER: Yes.

15 MS. BROWN: Thank you.

16 CHAIR TEPPER: Questions on the educational
17 plan?

18 Chris.

19 DR. BERNIER: I would like to know a little
20 bit more from the school, from the applicant, I
21 would like to know a little bit more about the
22 implementation of E2020 and specifically how you
23 plan to use it and where or if it does in fact the
24 reading instruction of your students.

25 DR. GALLON: Yes.

1 CHAIR TEPPER: Can you go to the microphone.

2 DR. GALLON: Sorry.

3 CHAIR TEPPER: Thank you.

4 DR. GALLON: On page 13, the district makes a
5 reference to E2020 being cited as an intervention
6 for reading. That is incorrect. The statement in
7 fact does not state that. The statement only
8 references E2020 as an example of programs that
9 would be used or considered for student
10 acceleration for those students that may be
11 behind. And that is the intent of utilization of
12 that program as an example.

13 It does not state explicitly that it will be
14 E2020, it's stated that programs for student
15 acceleration such as E2020, which there is
16 familiarity with, it has been state adopted, will
17 be considered.

18 DR. BERNIER: So just to clarify, you're
19 using E2020 as an acceleration program, the E2020
20 company that is now Edgenuity?

21 DR. GALLON: Yes.

22 DR. BERNIER: Using them for acceleration?

23 DR. GALLON: Exactly. On page 13 it actually
24 states that it will be considered for acceleration
25 for those students that are behind. And it does

1 not indicate that it is to be utilized for reading
2 intervention as it's stated.

3 DR. BERNIER: All right. So let me come
4 back, because I was holding you to your comment
5 and you just -- I think you just cleared it up for
6 me.

7 DR. GALLON: Yes.

8 DR. BERNIER: When I hear acceleration, I
9 think rigor, I think AP, I think -- you're not
10 talking about that, you're talking about credit
11 recovery, not acceleration?

12 DR. GALLON: Yes.

13 DR. BERNIER: Okay. Thank you.

14 CHAIR TEPPER: Rebecca.

15 MS. DINDA: My question will go a little bit
16 deeper on that same topic. In Florida we have to
17 have a multi-tier system for reading intervention
18 and we do have to use research based programs when
19 our kids get to level 3, tier 3. So can you talk
20 about what the school will be providing, because
21 we didn't see examples.

22 MS. ESPOSITO: Madam Chair, can I ask for
23 them to point that out.

24 CHAIR TEPPER: Can you tell us what page on
25 the application you're referring to?

1 DR. GALLON: Specifically the reading plan
2 and program for at, above and below grade level in
3 reading, includes specialized instruction for
4 students below grade level. The application
5 addresses the strategies and approaches for
6 specialized instruction starting on pages 5
7 through 7, 11 through 12, 34 through 47 -- I'm
8 sorry if I'm going too fast -- 60 through 67, 71
9 and 72 and 107 through 121.

10 Do you want me to say the pages again?

11 CHAIR TEPPER: Do you need the pages again?

12 DR. GALLON: It's throughout the document.

13 MS. DINDA: If you could speak to the
14 research based programs, that would be helpful.

15 DR. GALLON: Starting on page 34 at the
16 bottom, it has proceeded with strategies, it moves
17 through page 37. And then you get into the
18 curriculum plan. I'm going to the exact page, I'm
19 sorry. Starting with page 65, Item C where it
20 describes the reading curriculum in detail, the
21 specific strategies that are subsequent thereto.
22 It moves throughout talking about implementation
23 for underperforming readers, PMPs, and that stops
24 for reading specifically in that section on page
25 75.

1 CHAIR TEPPER: Rebecca, did that help?

2 MS. DINDA: Yeah. I think the confusion is
3 that there's strategies. But for the state of
4 Florida, we actually have to have those research
5 based programs, so I think that still isn't clear
6 in the application.

7 DR. GALLON: Let me get there.

8 CHAIR TEPPER: Jenna, did you have a
9 question?

10 MS. HODGENS: My question is the same. I see
11 the strategies that are being talked about in
12 those sections, but I don't see the research based
13 for the educational program that's going to
14 support these at-risk students. So if you could
15 show us exactly where that research is instead of
16 saying so many pages, just tell us where and then
17 show us on that page where the research based
18 educational program is.

19 DR. GALLON: On page 43, for grades six
20 through eight.

21 MS. HODGENS: Are you referring to the chart
22 at the bottom of 43 and the top of 44?

23 DR. GALLON: Yes. The textbooks and
24 intervention programs that would be identified as
25 a secondary district core approved program for

1 adoption, yes.

2 MS. HODGENS: Okay. And we just heard
3 earlier that Jamestown Reading Navigator is no
4 more.

5 DR. GALLON: Yes, we have that same situation
6 in terms of updating it based on their transition.

7 CHAIR TEPPER: And what are you substituting?

8 DR. GALLON: I'm sorry?

9 CHAIR TEPPER: What are you using instead of
10 that?

11 DR. GALLON: We're going to use Edge.

12 CHAIR TEPPER: Thank you.

13 MS. HODGENS: I'm still missing the research
14 based here. I'm seeing reading programs in this
15 section but not the research based of the
16 educational program.

17 CHAIR TEPPER: Would the district like to
18 respond on this issue?

19 MS. BROWN: Yes. We believe that
20 (inaudible) --

21 THE COURT REPORTER: Can she speak up,
22 please.

23 MS. HODGENS: -- that we had as a district
24 going through everything in an appropriate manner.
25 We also saw on the same pages, on 12 and 13, even

1 though it is under the core content area where
2 E2020 is listed on page 12, it also uses language
3 that will be used for foundational skills
4 development courses, courses to build and
5 remediate those skills. And the courses include
6 scaffolding and literacy support that are
7 accessible to students reading below grade level.
8 And there was just no other programs identified
9 for a reading intervention program.

10 CHAIR TEPPER: Any other questions on
11 educational plan?

12 (No response.)

13 CHAIR TEPPER: Then would someone like to
14 make a motion and choose did or did not in the
15 middle of the second page.

16 MS. ESPOSITO: I'll make the motion.

17 CHAIR TEPPER: Okay.

18 MS. ESPOSITO: I move that Commission find
19 that the School Board did have competent and
20 substantial evidence to support a denial of this
21 application based on the applicant's failure to
22 meet the standard for the educational plan.

23 CHAIR TEPPER: You've heard the motion that
24 the School Board did have competent substantial
25 evidence for its denial on this issue.

1 Is there a second?

2 MR. GARCIA: Second.

3 CHAIR TEPPER: Osvaldo.

4 So the motion is the Commission find that the
5 School Board did have competent substantial
6 evidence to support its denial of the application
7 based on the applicant's failure to meet the
8 standards of the educational plan. If you vote
9 yes, you are voting for the School District. If
10 you vote no, you are voting for the charter
11 school.

12 Jackie.

13 MS. HITCHCOCK: Sonia.

14 MS. ESPOSITO: Yes.

15 MS. HITCHCOCK: Osvaldo.

16 MR. GARCIA: Yes.

17 MS. HITCHCOCK: Chris.

18 DR. BERNIER: Yes.

19 MS. HITCHCOCK: Rebecca.

20 MS. DINDA: Yes.

21 MS. HITCHCOCK: Jenna.

22 MS. HODGENS: Yes.

23 MS. HITCHCOCK: Richard.

24 MR. MORENO: Yes.

25 CHAIR TEPPER: So you have found that the

1 School Board did have competent substantial
2 evidence to support its finding. You must now
3 decide whether that was or was not good cause for
4 denial.

5 Sonia, would you make the motion.

6 MS. ESPOSITO: I move that the applicant's
7 failure to meet the standards for the educational
8 plan was statutory good cause for denial.

9 CHAIR TEPPER: You heard the motion that it
10 is statutory good cause for denial. Is there a
11 second?

12 MR. GARCIA: I'll second.

13 CHAIR TEPPER: Osvaldo.

14 So the motion is that the applicant's failure
15 to meet the standards for the educational plan was
16 statutory good cause for denial. If you vote yes,
17 you are voting for the district. If you vote no,
18 you are voting for the charter school.

19 Jackie.

20 MS. HITCHCOCK: Sonia.

21 MS. ESPOSITO: Yes.

22 MS. HITCHCOCK: Osvaldo.

23 MR. GARCIA: Yes.

24 MS. HITCHCOCK: Richard.

25 MR. MORENO: Yes.

1 MS. HITCHCOCK: Jenna.

2 MS. HODGENS: Yes.

3 MS. HITCHCOCK: Rebecca.

4 MS. DINDA: Yes.

5 MS. HITCHCOCK: Chris.

6 DR. BERNIER: Yes.

7 CHAIR TEPPER: So the district prevails on
8 Issue 1. That will take us to Issue 2, which is
9 whether the organizational plan failed to meet any
10 of the following standards. And the only one
11 there is management.

12 So, Mr. Norwood, three minutes on the
13 management of the charter school.

14 MR. NORWOOD: Dr. Gallon is going to address
15 that.

16 CHAIR TEPPER: Okay. Thank you.

17 DR. GALLON: The district cited a concern
18 regarding management structure that includes clear
19 delineation of the roles and responsibilities for
20 administering the day-to-day activities of the
21 school. On page 136, 144, the management
22 structure, that included a clear delineation of
23 the roles and responsibilities was provided for in
24 the application, in the chart on those pages.

25 Starting with 134 -- 133, I'm sorry -- the

1 Board's relationship with the school leader and
2 staff, it gives a description there. And on 136,
3 it talks about the oversight of the charter school
4 operations. On page 136, it gets into the
5 oversight of the school with respect to
6 management.

7 CHAIR TEPPER: Are you okay? Do you need to
8 take a break?

9 MR. NORWOOD: Yes.

10 CHAIR TEPPER: Let's take a five-minute
11 break.

12 (Whereupon, a recess was taken.)

13 CHAIR TEPPER: We are concluding for today.
14 We will reschedule this hearing. Thank you.

15 (Whereupon, proceedings were concluded at
16 11:26 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 50, 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 28th day of January, 2015.



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